

## PLANNING COMMITTEE

THURSDAY 30 JANUARY 2014 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 12 December 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 January 2014**

<u>Ref No.</u>	<u>Application/Report</u>
<b>3/21/13/110</b> Outline Application	Green Hollow, Bratton Lane, Minehead Proposed detached dwelling and garage
<b>3/21/13/121</b> Listed Building Consent	Land side section of Harbour Wall, The Quay, Minehead, To permanently mount a series of seven interpretative heritage plaques on the land side portion of the harbour wall in front of the yacht station.
<b>3/37/13/035</b> Full Planning Permission	Land at Doniford Road, Watchet, Somerset Erection of 73 dwellings (including 25 affordable homes), creation of an access from Doniford Road, provision of open space, landscaping, parking and associated works.

T/3/119	Oakfield, Northfield Road, Minehead Confirmation of Tree Preservation Order on one Oak Tree.
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6. **Exmoor National Park Matters**

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

8. **Appeals Decided**

<b>Appellant</b> Mr and Mrs A Richards	<b>Proposal and Site</b> Coppers (Former Police House), Dunster Consent to Remove a Sweet Chestnut Tree Protected by a Tree Preservation Order	<b>Decision</b> Upheld 14 January 2014
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**RISK SCORING MATRIX**

Report writers score risks in reports uses the scoring matrix below

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

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

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

<b>Application No:</b>	3/21/13/110
<b>Parish</b>	Minehead
<b>Application Type</b>	Outline Planning Permission
<b>Case Officer:</b>	Michael Hicks
<b>Grid Ref</b>	Easting: 295264    Northing: 146447
<b>Applicant</b>	Mr & Mrs C Ciarleglio
<b>Proposal</b>	Proposed detached dwelling and garage (Outline application)
<b>Location</b>	Green Hollow, Bratton Lane, Minehead, TA24 8SG
<b>Reason for referral to Committee</b>	Previous applications for similar development have been determined by 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:**

Green Hollow, Bratton Lane, Minehead, TA24 8SG

### **Description of development:**

Proposed detached dwelling and garage (Outline application)

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

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

Recommend approval.

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

Standing advice applies. However, it should be noted that the current application is similar in terms of highway impact to the previous scheme under reference 3/21/13/056. The following comments under that scheme are therefore relevant to the proposal:

Whilst the site lies in a location where it is likely that occupiers of the proposed dwelling will be largely (if not wholly) dependant on their private motor vehicles for accessing the site, (due to the distances from the nearest shops, schools, services, facilities, public transport etc.), it is noted that the site does lie within the Development Boundary Limit for Minehead, and as such there is no objection in principle from the Highway Authority to the proposal.

In terms of detail, the issues identified with the last submission seem to have been addressed with this proposal, and as such visibility splays, parking and the provision of a waiting bay have all now been shown. The disposal of surface water within the site must also be managed so as to prevent its discharge onto the highway, (although this issues could be dealt with by conditions).

I therefore raise no objection to this proposal, but request suitable conditions are attached to any consent.

There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access, extending to a point 33m to the west of the access at the nearside carriageway edge; and to the carriageway edge at the extremity of the site frontage to the east. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

The waiting bay and parking shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained at all times.

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

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

I have looked on-line at the application documentation and cannot find any ecological survey submitted with this application. However, I note that there was a proposal considered in June 2013 to build on the same plot of land (3/21/13/056). An ecological appraisal of the site was submitted in connection with this previous application and I commented on this appraisal and gave my views regarding the likely ecological impacts and mitigation in an e-mail to Kenneth Taylor dated 13 June 2013.

Given that the situation on the application site is unlikely to have changed significantly since June, then I believe that both the ecological appraisal and the comments I made are still valid and I have copied my comments below. Please note that the main issues that were raised by the previous application concerned mitigation details which, in the context of the current application for outline planning permission, I assume could be dealt with at reserved matters stage provided there was some requirement imposed via condition for an ecological mitigation and enhancement scheme. Such a scheme would need to address how any loss of hedgerow was to be compensated as well as provisions for amphibians and reptiles. I would have no objection to the application being approved provided that a condition of the type I am recommending is attached.

Previous comments under application 3/21/13/056:

#### 1. Designated Sites

The Appraisal Report correctly states that the application site itself has no nature conservation designation. The site is between 250 m and 300 m from the Exmoor Heaths Special Area of Conservation (SAC) which is a European Site designated for several Annex 1 habitats including various types of heath and semi-natural broadleaved woodland. It is difficult to imagine how the proposed development might have any significant effect on the SAC, therefore, I do not believe it is necessary for the planning authority to conduct an appropriate assessment under the Habitats Regulations 2010. The SAC in this area is contiguous with the Exmoor Coastal Heaths SSSI which is designated at the national level for the range of habitats that are qualifying features of the SAC and also for other aspects of local ecology such as Nightjars which, according to the SSSI Citation, nest on the wooded fringes of North Hill. Despite the relative proximity of the SSSI, however, it is hard to believe the development which is proposed could have a significant impact on the SSSI. Although there are other non-statutorily designated sites (i.e. County Wildlife Sites) in the vicinity of the development, these are all sufficiently distant that impacts on them are unlikely. So far as

designated sites are concerned I agree with the Report's basic finding that there is little likelihood of any significant harm being caused to sites with existing nature conservation designations.

## 2. Habitats

The application site mainly comprises of a mature garden with lawns, shrubberies and ornamental trees. The report evaluates the garden habitat as being of low ecological value requiring no mitigation for loss. Although there will clearly be some net loss of biodiversity once mature garden is replaced with a building and hard-standing, it would be difficult to justify an objection (for example under policy NC/5) because there is no indication that the habitat to be lost is of major importance for wildlife or a priority habitat in the context of the West Somerset Biodiversity Action Plan. As much as 34 m of hedgerow could be removed to create a visibility splay at the access to the application site. This will entail loss of a substantial amount of habitat which the appraisal report considers likely to support nesting birds with potential for use by bats, Hazel Dormouse, Hedgehog and reptiles. If this loss is unavoidable, there should be compensatory planting to ensure that the local hedgerow network does not become fragmented. Since it will be some considerable time before any new hedgerow will have the same functionality with regards to supporting species the planning authority ought to seek more than 1:1 replacement in terms of area/length of hedgerow lost, but it is appreciated that this might be difficult to achieve on such a relatively small site. There is a suggestion in the appraisal report (in Table 5 under 'Hazel dormouse') that gaps in the north-western boundary hedge might be planted up to enhance connectivity.

The species list in the design and access statement (in the 'landscaping' section) for plants to be included in the replacement hedging does not reflect the recommendations of the ecological appraisal. The inclusion of Buckthorn, Beech and Holly will not favour Dormice and the planting mix ought to be a lot closer to that proposed in 6.10 of the ecological appraisal. I recommend that, if you are minded to approve the application, you consider imposing a condition obliging the developer to submit a hedgerow planting and enhancement scheme. This scheme ought to be approved prior to commencement of any construction and, ideally the measures agreed ought to be implemented at the earliest possible opportunity. I would be pleased to discuss possible wording of such a condition with you.

## 3. European Protected Species

(a) Bats - Judging from photographs supplied in the Report, the summerhouse and glasshouse on the site appear to have low potential to host roosting bats. Their loss is not likely to be detrimental to local bat populations. From the information in the appraisal, the ornamental cherry trees that will be removed are unlikely to support roosting bats. The main impact on local bat populations is likely to be exerted through the removal of hedgerow and the measures outlined above will help minimise any detrimental effect.

b) Dormouse – See comments on hedgerow habitat in section 2.

## 4. Species protected by the Wildlife and Countryside Act 1981 and other legislation

(a) Badgers - There is no evidence in the Report of badger usage of the application site and none to suggest that a sett occurs within the site.

(b) Amphibians and reptiles – There is little evidence of large populations of amphibians and reptiles on site. The appraisal report recommends construction of a hibernaculum in the south western corner of the application site. This represents a good enhancement measure which would help to compensate for the reduction in the extent of habitat available to reptiles and amphibians.

(c) Nesting Birds – See comments on hedgerow in section 2. Provision of nest boxes (as proposed in section 6.9 of the appraisal report) would compensate for the loss of nesting opportunities that will occur due to removal of hedgerow and at least one ornamental tree.

## 5. Other Priority Species

(a) Hedgehog - The SERC data summarised in the Report indicates that Hedgehogs have been recorded in close proximity to the application site. See comments on hedgerow above.

### ***Minehead Conservation Society***

The Society has objected to two precious planning applications for the erection of a detached dwelling on this site and the Society continues to consider that any two storey development at this location would represent an unsuitable extension into the countryside.

While care has been taken in this instance to try and follow the established building line, the proposal shows a dwelling which again is too large to fit into a difficult former quarry site with steep contours without setting it an angle rather than parallel with the road frontage. The building line can only be followed if a smaller dwelling is designed. The length of the frontage of the two neighbouring houses, Green Hollow and Hillcrest, is only 13.8 meters, while the frontage of the proposed single dwelling is as much as 13 meters.

The visibility splay fails to meet the requirements for a 30mph zone, being some 10 meters short of the specified 43 meters. Local residents will not accept that motor vehicles passing the site are generally travelling at less than 30 mph.

We do not consider this to be a site for sustainable development having regard to inadequate public transport availability on this western edge of Minehead, and it cannot be argued that cycling is a safe alternative.

Paragraph 55 of the NPPF states ' Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. This is certainly a case in point where the building in this garden will cause 'harm' and destroy natural habitat.

The Society considers that this application should be refused.

### ***Public Consultation***

The Local Planning Authority has received 9 letters of objection/support making the following comments (summarised):

Eleven letters have been received from the occupiers of nine nearby dwellings. The following objections are raised:

#### Character and appearance:

- Concerns over access arrangements and negative impact on highway safety, access to the lane at this point is extremely dangerous.
- The access and increased use by cars would result in increased conflict with vehicles using the road and other users of the road (i.e. pedestrians).
- Query whether there is sufficient room for the hedge to ensure that there is not encroachment on the visibility splay or the parking area.
- The site is awkwardly shaped with land level differences and therefore entirely unsuitable for the development of a new house.

- The dwelling would not respect the established building line.
- The design of the dwelling is out of keeping with the character of the area.
- The frontage width of the dwelling is approximately as much as 13 metres compared to 13.8 metres for Green Hollow and Hillcrest combined.
- The size of the dwelling is out of keeping with the character of the area.
- The location of the dwelling within the site is out of keeping with the layout of existing properties.
- The dwelling appears to be beyond the existing building line and would result in an extension to the built up area of the town into the countryside.
- The site is close to the National park.
- Existing trees on the site would be felled.
- There is no need for additional dwellings in Minehead.
- The proposal is not good design and the development would not contribute positively to making places better for people, and is contrary to local and national policy.
- The loss of the garden and hedgerow should be resisted and would be contrary to planning policy seeking to protect residential gardens.
- Query whether development be based on monetary gain rather than housing need.

#### Highway impacts:

- Concerns in respect of the size and location (blocking the neighbouring access) of the waiting bay. The waiting bay is located on a dangerous location, on a bend, over the brow of a hill on a single track road.
- The Parking Strategy states that visibility splays are to be in the control of the applicant. The probability is that the proposed dwelling and green Hollow would have different occupiers so the splay to the east would be under different ownership.
- Concerns that there would be on-street parking in view of the parking concerns and location and size of the waiting bay.
- Dangerous for existing users of the land due to insufficient visibility.
- Dangerous as some cars travel at over the 30mph speed limit.
- The lane is regularly used by horse riders pedestrians and cyclists and the application will compromise their safety.
- Query whether there is space to provide three parking spaces.
- There is insufficient public transport on this side of minehead and cycling is not a safe alternative due to a lack of cycle paths. there are no buses on sundays and the last bus into Minehead is at 18.19. There is no footpath on a considerable part of Porlock Road.

#### Other matters:

- The previous officers comments should be given no weight in consideration of this application as the site has been refused planning permission twice.
- The submission of an outline application is of no significance as the principle of the development is unacceptable.
- The festive timing of this application is deliberate.
- The application will detract from the enjoyment of visitors and walkers.
- The destruction of hedgerows will be detrimental to wildlife.
- Paragraph 13 of the application form, the applicants have ticked the no box in relation to a reasonable likelihood of protected species being adversely affected. Slo worms have been seen in our garden in the last 2 years.
- For once you should consider the local community's wishes and not bow to the government who do not know or care what is required locally.
- The debate should be about housing need, not about making a quick buck.

### Planning Policy Context

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

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- NC/4 Species Protection

### National Policy

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

### Planning History

The following planning history is relevant to this application:

3/21/12/021	Erection of dwelling in the garden to the west of Green hollows	Withdrawn	02/04/12
3/21/13/014	Erection of detached four bedroom dwelling	Withdrawn	02/04/13
Prior to the withdrawal of this application, the planning committee had resolved to refuse planning permission for the following reasons:			
<ol style="list-style-type: none"><li>1. The proposed dwelling and associated raised patio, due to the design, scale, siting and detailing would result in development that does not reflect the scale and character of the surrounding buildings. As such the proposed development is contrary to the provisions of Policies STR/1, BD/1 and BD/2 of the Somerset and Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan.</li><li>2. The proposal does not demonstrate that adequate provision can be made within the site for the parking of vehicles in a satisfactory manner, (including a type A waiting bay for short stay visitors to park clear of the highway). The proposed development would therefore be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.</li><li>3. The proposed access to the Bratton Lane does not incorporate the necessary visibility splays which are essential in the interests of highway safety. As such the proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.</li></ol>			
3/21/13/056	Erection of detached four bedroom dwelling	Refused	01/07/13
The planning committee resolved to refuse planning permission for the following reason:			
Policies BD/1 and BD/2 of the West Somerset District Local Plan requires that development is sympathetic in scale to the surrounding built development in terms of layout, design, use of materials, landscaping and use of boundary treatments. The			

application site is constrained due to the shape of the site and steep banks. The proposed dwelling by reason of its scale, design and fully glazed projecting central gable would result in an awkward form of development that would not be sympathetic to or in keeping with the character of the surrounding area. As such the proposed development is contrary to the provisions of Policies BD/1 and BD/2 of the West Somerset District Local Plan.

### **Proposal**

The application seeks Outline Planning consent for the erection of a detached three bedroom dwelling with associated vehicular access and parking including a detached single garage which will face onto the Bratton Lane. The dwelling would be sited on a triangular shaped plot measuring approximately 0.10ha.

Access, Landscaping, Layout and Scale are to be considered at the Outline planning stage. Appearance is reserved for subsequent Reserved Matters approval should Outline Planning consent be granted. In terms of the scale and siting of the proposal there are some notable differences to the previously refused application under reference 3/21/13/056. These are as follows:

- The current proposal measures 11.7 metres in width by between 6.6 and 7.7 metres in depth compared to measurements of 11.9 metres in width by between 8.5 and 9.8 metres in depth for the previous proposal.
- The front of the dwelling would be located between 6.5 and 12.5 metres from the front of the site compared to between approximately 2.5 and 6.5 metres under the previous proposal.

The proposed dwelling would have a dual pitched roof with a maximum height of 8.0 metres from a finished floor level of 50.60m. The indicative elevations illustrate a half hip design for the roof. The proposal includes the provision of a garage behind the main building line to the eastern side of the dwelling. Parking for two additional cars is provided within the hard standing to the front of the garage. The indicative elevations illustrate a mixture of red sandstone and render to the walls and terracotta plain tiles to the roof.

### **Site Description**

The existing site is part of the garden (west) of the adjoining host dwelling known as Green Hollow a two-storey, semi-detached house constructed in the 1930's and is sited on the northern side of Bratton Lane. It is the last property in a run of dwellings within the edge of the development limits of Minehead. The side garden area faces Bratton Road (southern boundary of site), where the ground level rises and the road begins to narrow as it climbs towards Bratton (a hamlet) to the west.

Both Green Hollow and the adjoining Hillcrest are rendered and painted white and have plain tiles cladding the roof. They have steeply pitched gable frontages, full roof hips and white fenestration and brick chimneys. There are a variety of styles and roof shapes on existing dwellings. On the opposite side of Bratton Lane is a series of single storey bungalows which are sited at a lower level and are located some 23m from the front boundary of the proposal site.

Existing boundaries at the site comprise of well-established hedging shrubs and well established steeply terraced borders to the west and north with stone retaining walls and existing timber summer house and greenhouse within the site.

The boundary of Exmoor National Park is located approximately 400m to the west of the site. The southern boundary of the Woodcombe Conservation Area is located approximately

18 metres from the northern site boundary. The nearest Listed Building to the site is Woodcombe Farmhouse located around 110m to the north east of the site.

## **Planning Analysis**

### **1. Principle of Development**

It should be noted that the previous application under reference 3/21/13/056 was refused for matters relating to design and highway impacts. The reasons for refusal did not relate to the principle of the development.

The National Planning Policy Framework (The NPPF) Section 6, para.49 advises that "housing applications should be considered in the context of the presumption in favour of sustainable development". The NPPF does highlight that sustainability comprises of three roles; economic, social and environmental, with the social role requiring the need to provide a supply of housing available to meet the needs of present and future generations.

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 Local Plan seek to focus the majority of development within the towns with some development in the Rural Centres and larger villages. The Local Plan specifically identifies the extent of the development limits. The application site is located inside the development limits of Minehead.

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 assessed 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 Woodcombe and the development limits of Minehead. Although the site is located some distance from the main centre of Minehead, the nearest bus stop is located at the bottom of Bratton Lane and the Porlock Road around 290m away from the entrance to the site. This provides access to the town centre. While the application site is not within easy walking distances of the majority of facilities and employment uses in the town there is a bus link in very close proximity to the site and the site is in relatively easy cycling distance of the facilities in the town. Concerns have been raised by neighbours over the lack of footway on Porlock Road; however for pedestrians walking into the town centre the length of road without a footpath before arriving at the footpath on The Parks is relatively short at approximately 140 metres. In addition this section of road is lit to a reasonable standard and due to its width and alignment would have acceptable visibility between vehicles and pedestrians. Taking all of the above into account, it is considered that there is sufficiently safe and convenient access to the town's facilities.
- *"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 garden plot as a single infill development.

It is therefore considered that the proposed development is acceptable in principle and accords with the strategic policies within the development plan that are specified above.

## 2. Character and Appearance of the Area

Policies BD/1 and BD/2 of the Local Plan require 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. Paragraph 56 of the NPPF places a strong emphasis on design and states that; "*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*".

In respect of the delivery of housing the NPPF does promote a degree of caution in respect of development within residential gardens. Paragraph 53 of the NPPF states that "*local planning authorities should consider the case of setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*". Within the NPPF the definition of previously developed land (commonly referred to as brownfield land) specifically excludes residential gardens. Harm from garden development is most likely to occur to the character of the area, although other impacts such as to residential amenity could arise. The Local Plan does not contain specific policies in relation to development within gardens, nevertheless the design policies (BD/1 and 2) do require development to be sympathetic in scale to the surrounding built development and as such this policy approach aligns with the overall intentions of paragraph 53 of the NPPF. Therefore consideration must be given as to whether the development of a portion of the residential garden of Green Hollow is acceptable having regard to this policy context.

The application site is not located within the designated Woodcombe Conservation Area, however, the far northern boundary of Green Hollow is near to the Conservation Area and the northern boundary of the proposal site is approximately 18 metres away from the southern boundary of the Conservation Area. Having regard to the discussion below, the separation distance from the Conservation Area and the significant difference in ground levels between the site and the Conservation Area boundary it is considered that there would be no impact on the setting of the Woodcombe Conservation Area as a result of the proposal.

To put the site into context with the designated area, the existing site including the adjacent existing dwelling and the remainder of this row of dwellings stretching towards Woodcombe Lane was identified on the 1842 Tithe Map of Land Uses as meadow land. This was the case even up to the 1929 Ordnance Survey when the first house, 'Nutscale', "a good quality Edwardian vernacular revival house, whose position and style make it a prominent building" (CA appraisal, buildings of interest) was built at an angle on the corner of Bratton Lane and Woodcombe Lane and located some 90m from the current proposal site.

Within the Woodcombe Conservation Area Appraisal, it states: "*Woodcombe has a variety of buildings loosely categorised under two influences for development; pre 20th century vernacular buildings of a small agrarian society and 20th century suburban villas and houses of universal design and construction. The line between the two is blurred*". Mid to later 20th century saw housing rapidly expanded in Woodcombe with development in blocks of semi-detached housing (including Green Hollow) and bungalows, providing a good standard of housing of its time and this was considered to have a neutral impact on the character of the area.

The surrounding area consists of a mixture of dwellings from detached villas to semi-detached houses and detached bungalows constructed in a mixture of materials from painted render to brick and stone with plain tiles and slate to the roofs. The immediate context of the site is a run of four pairs of semi-detached dwellings. Within this run of houses the pairs of houses at either end of the run have front gable features that project modestly from the front of the building, with the roof extending down to the ground floor

eaves level. The middle two blocks of houses are of a simpler design with hipped roofs and small projecting bay features on the front at ground floor level. The properties adjacent to the site are simple but well designed, good quality properties which, although of a fairly standard design and housing type for the period, result in the character of the area being a pleasant spacious environment akin of an edge of town location. The application site is located on the very edge of the town. The “gateway location” of the site is such that any development must be of a high quality. The application site is triangular in shape and constrained to a degree by rising land levels.

The site is relatively large and, notwithstanding the constraints outlined above, it is considered that a well-designed property of appropriate scale and detailing could be accommodated on the site without harm to the character of the surrounding area. The proposed dwelling is of an acceptable scale, measuring 11.7 metres in frontage width compared with the neighbouring pair of semi-detached dwellings which are collectively a little over 13 metres in frontage width. The street scene submitted with the application demonstrates that the eaves height would broadly match the adjacent Green Hollow and the ridge height would be approximately 0.3 metres lower.

The proposed dwelling is a detached single dwelling whereas the adjoining dwellings on the north side of Bratton Lane are all semi-detached dwellings. The introduction of a detached house would not be at odds with the wider character of the area where there is a significant mix of housing types and sizes. The design of the dwelling in the indicative elevations is traditional in appearance and generally the indicative materials and architectural style, including the forward projecting gable are considered to be appropriate to the area. However, should Outline consent be granted, the design details such as materials and architectural features would be subject to reserved matters approval. The adjoining semi-detached dwellings on the northern side of Bratton Lane are characterised by fully hipped roofs. As such a full hip to the roof of the proposed dwelling would be more appropriate in this context. However, this aspect of the scheme can be considered and amended through any subsequent Reserved Matters application.

A characteristic feature of the area is the siting of dwellings back from the highway, with reasonably sized front gardens and in this context it is acknowledged that the dimensions in conjunction with the topography of the site provide challenges in terms of achieving an appropriate scheme. However, the setback of the dwelling of between 6.5 and 12.5 metres from the front of the site would compare acceptably with the setback of the adjacent dwelling, 'Green Hollow' of approximately 10.8 metres. It is noted that the adjoining semi-detached dwellings to the side of Bratton Lane do not follow a precise building line as there is some variation in this regard. The proposed dwelling would be angled in a south easterly direction. However, it would be located at the end of the row of dwellings and therefore would provide an appropriate 'terminating view' to the end of the row of dwellings. Having regard to the setback from the front of the site and the existing degree of variation in the building line discussed above, the proposed siting and orientation is considered to have an acceptable impact on the character and appearance of the area and the street scene.

In terms of landscaping, the provision of the visibility splay consisting of a grass bank with the hedge behind it would be appropriate to the character of the area given the rural/urban fringe character of the locality. Objections have been received regarding the loss of hedge. However, the application proposes a replacement hedge, to be planted behind the proposed visibility splay and would consist of a mixture of native species. The provision of the replacement hedge and appropriate maintenance following planting can be secured through a planning condition. Furthermore, the replacement hedge would represent an improvement over the existing in terms of biodiversity. This issue is discussed in more detail in the appropriate section of the report relating to ecology. Other details within the landscaping scheme include the retention of three conifers towards the western side of the site, the

provision of a crab apple tree to the front of the site and adequate areas for general shrub planting to the front and side of the proposed dwelling. These measures would ensure an appropriately landscaped setting to the dwelling to ensure the character of the area is maintained.

Overall, for the reasons discussed above, it is considered that the proposal would not harm the character of the surrounding area. The detailing and appearance of the dwelling will be important to ensure a quality scheme and would be secured through a subsequent application for Reserved Matters approval.

### **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 Framework 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).

#### *Overlooking*

The indicative plans illustrate the main bedrooms to the first floor. It is considered that an appropriate scheme can be achieved through a Reserved Matters application. The windows to the front elevation would be located approximately 30 metres from the front of the nearest facing dwellings to the south of the site, 'Merry's Gill' and 'Spring Mead'. This distance is considered to be significantly in excess of the distance required to achieve an acceptable level of privacy between facing windows. In addition, whilst there would be views towards the front gardens of these properties, due to the distance discussed above in conjunction with the relatively significant degree of existing surveillance of these gardens from the public realm there would be no adverse impact on the amenities of these occupiers in relation to overlooking and loss of privacy.

In terms of the impact on the adjoining dwelling to the east of the site, 'Green Hollow', the indicative elevations do not indicate any windows to the first floor of this elevation. It is considered that larger windows within this elevation may result in undue actual or perceived overlooking. However, these details can be controlled in any subsequent Reserved Matters application to protect the amenities of these adjacent occupiers. The western elevation would not face any residential properties and as such there would be no adverse impact from windows within this elevation.

#### *Overbearing Impact*

Distances between the proposed building and Green Hollow on the eastern elevation would be in excess of 10 metres, as such with this degree of separation the impact on the adjoining neighbour would be acceptable.

#### *Garden size*

Some concerns have been raised that there will be limited useable garden space for the proposed dwelling due to the land levels, the area of hard standing for parking etc. Ensuring a good standard of amenity is achieved is a requirement of national planning policy. While the area of level garden area would be relatively limited compared to the size of the dwelling proposed, there would be an acceptable amount of useable space to the front and side of the proposed dwelling. Furthermore, not everyone wishes to have a large garden area and therefore it is considered unnecessary to be overly prescriptive in this regard given that the outdoor space available is acceptable and the level of amenity afforded to the future occupants of the dwelling would not be unpleasant.

#### *Internal living conditions*

It is considered it is possible to achieve an acceptable solution in terms of light levels and outlook for future occupiers. The indicative floor layout illustrates living areas comprising a

lounge and kitchen/dining room that would extend the full depth of the dwelling on the ground floor. Whilst the outlook from these rear windows would be limited, the rooms would be served by primary windows to the front elevations and to the side elevation and as such these rooms would have an acceptable outlook. Bedroom 2 on the first floor would have a primary outlook facing the retaining wall. However, at first floor level the view of the retaining wall and bank would be less oppressive and would result in an acceptable degree of outlook for the bedroom.

#### **4. Highway Safety**

The proposed development is accessed from Bratton Lane, an unclassified road with a 30 mph speed restriction. Under the Manual for Streets guidance the required visibility in both directions should be 2.4m back from the carriageway edge and for a distance of 33m (as measured to the nearside carriageway edge), where there would be no obstructions above 900mm above the adjoining road level.

The 33 metres can be achieved to the west but not to the east. In achieving the visibility to the east the existing hedgerow would need to be removed and a replacement replanted behind the splay. The visibility splay cannot be fully achieved to the east. However improvements can be secured to the front of Green Hollow. Ultimately around 15 metres can be achieved. While this does fall short of the 33m required by Manual for Streets, it does provide an improvement over the existing situation. Currently there is limited visibility from the existing access to Green Hollow. The proposal will provide improved visibility for Green Hollow as well as the proposed dwelling. The addition of a single dwelling will not greatly increase the use of the access at this point and it is considered that improvements that will also benefit Green Hollow are such that it is considered that planning permission should not be withheld on the basis that full visibility to the east cannot be achieved.

Concerns have been raised over the future control of the visibility splay to the east. Notwithstanding this, for the reasons outlined above, in particular the improvements to the existing visibility splays for both dwellings, the potential future lack of control over the eastern end of the site is not considered sufficient to warrant refusal of the application. Given the issues over future ownership, it is considered appropriate that the visibility splay condition relates to the splay towards the western end of the site only.

It is noted that some concerns have been raised in respect of the location of the waiting bay (at the front of the shared access). The concerns relates to the access for both properties being blocked when the waiting bay is being used. The location of the waiting bay is acceptable to the highway authority and it should be noted that waiting bays are only intended to be used for short periods, such as when a package is delivered. As such, the location of the waiting bay is acceptable and no substantive harm to highway safety that would arise and there would be a benefit in providing a refuge, off the highway, for vehicles delivering to both the proposed dwelling and Green Hollow.

The newly adopted County Parking Strategy, 2012 (the parking strategy) requires that the proposed dwelling has three parking spaces provided. The application includes space for the parking of three vehicles, two to the side and one to the front of the proposed dwelling which would accord within the relevant minimum dimensions set out in the parking strategy. The Parking Strategy suggests that one cycle space per bedroom should be provided. The proposed dwelling and garden would be of sufficient size to accommodate the required level of cycle parking and further details can be secured through a planning condition.

Permeable paving is proposed which will reduce surface water runoff from the driveway. In addition, due to the gradient of the driveway, a gully drain is proposed to the front of the drive in order to prevent discharge of water onto the highway. These details are acceptable in planning terms.

For the reasons discussed above the proposal is considered to be acceptable in relation to the impact on highway safety.

### **5. Ecology**

The site does not lie within any designated nature site, but one Special Area of Conservation (SAC), Exmoor Heath, together with two Site of Special Scientific Interest (SSSI), Exmoor Coastal Heath and Duster Park and Heath lands are within 1 km area.

An Ecological Appraisal was submitted in support of the previous application which is dated 30/10/12 and is equally as relevant to this application. The applicant has confirmed that the appraisal should be considered as part of this application. The appraisal identifies the wildlife constraints that may be associated with the proposed development and to advise on any necessary avoidance/mitigation measures and enhancement to be undertaken at the site. The appraisal identifies impacts on the presence of legally protected species within the proposed development site. The appraisal found that the site is partially enclosed by species-poor hedgerows. These provide potential habitat for dormice, bat foraging and travelling opportunities and provides bird nesting habitats and sheltering opportunities for reptiles present in the area. Apart from this there is a low potential for the habitation of other protected and notable species.

The survey found no evidence of a protected species at the proposal site. However, slow worms have been identified on a site located to the north east of the application site. The hedgerows and shrub borders do provide a suitable habitat for a range of common and widespread invertebrate species including butterflies. The proposed development would involve the removal of a section of hedgerow and mitigation would be required and to ensure that the development does not result in harm to protected species.

The County Ecologist has been consulted and provided comments on the application. The most significant issue is the loss of the hedge and this must be mitigated by the early planting of a replacement hedge and general upgrading of other existing boundary hedges. The landscaping scheme lists the species for the replacement hedge which are in accordance with the recommendation in section 6.10 of the ecological appraisal and as such these details are considered to be acceptable. In view of the general thrust of national and local planning authority to seek a net gain in biodiversity a number of measures can be put in place to provide enhanced habitats. Other than the replanting of the section of hedge to the front of the site which is secured through the proposed landscaping scheme, other matters, including additional enhancement including compensatory planting can be addressed through a planning condition. Subject to conditions it is considered that the impact of the proposed development on the ecological interests of the site can be mitigated and enhancements can be secured. As such the proposal is acceptable in this regard.

### **6. Other issues**

A cross section through the site has been submitted illustrating the relationship of the dwelling to the slope at the rear and a proposed solution in terms of retaining walls. Given the topography of the site, it is considered reasonable to condition details of the excavation, retaining walls and measures to ensure land stability are submitted prior to the commencement of any works on site.

It has been suggested that, as there are many houses on the market for sale, there is no need for a new dwelling. The acceptability of the application must be judged having regard to planning policy requirements set out in section 1 of the report titled 'principle of development'.

## **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 Outline 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 scale, layout and landscaping would be in keeping with its surroundings. The proposal, by reason of its scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users. The means of access and parking arrangements are acceptable 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 SP/1, SP/2, BD/1, BD/2, T/3, T/8, NC/4 of 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.
- 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.
- 3 The development hereby permitted shall be carried out in accordance with the approved drawings: GHW-02'C' received 08th January 2013; GHW-04'A' dated December 2013; GHW-03; Unnumbered plan titled 'Somerset County Council Typical Waiting Bays' date stamped 26th November 2013.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 4 No works shall be undertaken on site unless full details of the areas of excavation and the means of ensuring that land stability is maintained (such as retaining walls and angles of the slopes) have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and thereafter retained as such.  
  
Reason: To ensure the integrity of the site and adjacent land to avoid unacceptable risk from land instability having regard to paragraph 109 of the National Planning Policy Framework.
- 5 The dwelling hereby approved shall not be occupied until the waiting bay has been provided and space has been laid out within the site in accordance with the approved plan for the parking of vehicles. Such areas shall thereafter be retained at all times and only used for the parking and manoeuvring of the vehicles associated with the development.  
Reason: To ensure that sufficient provision is made for off-street parking of vehicles in the interests of highway safety having regard to the provisions of Saved Policies T/3

and T/8 of the West Somerset District Local Plan (2006).

- 6 There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access, extending to a point 33m to the west of the access at the nearside carriageway edge; and to the carriageway edge at the extremity of the site frontage to the east. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

- 7 No works shall be undertaken on site unless details for the provision of cycle storage in accordance with the levels set out in the Somerset Parking Strategy (2012) have been submitted to and approved in writing by the local planning authority. The dwelling hereby approved shall not be occupied unless the approved cycle storage provision has been provided in accordance with the approved details. The cycle storage shall thereafter be retained in the approved form.

Reason: To ensure that sufficient provision of bicycle parking/storage is provided having regard to the provisions of Saved Policies T/3 and T/7 or T/8 of the West Somerset District Local Plan (2006).

- 8 No works shall be undertaken on site unless details for mitigation of potential impacts on protected species and means of providing a net gain in biodiversity, having regard to the recommendations contained within section 6 of the Ecological Appraisal dated October 2012, has been submitted to and approved in writing by the local planning authority. Such details shall include a programme of implementation. The mitigation and enhancement schemes shall be carried out in accordance with the approved details and programme.

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

- 9 All hard and soft landscape works illustrated on plan No. GHW-02'C' shall be carried out in accordance with the approved details. The works shall be carried within the planting season (October -March) and shall be completed 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.

Reason: To ensure that the landscape scheme is implemented and maintained having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 10 Details of the methods of drainage for the prevention of discharge of surface water onto the highway illustrated on Plan No. GHW-02'C' shall be permanently retained in the approved form.

Reason: To ensure that water is not discharged onto the public highway, in the interests of highway safety, having regard to the provisions of Saved Policy T/3 of the West Somerset Local Plan (2006).

- 11 The parking space in the garage and the parking/turning area illustrated on Plan No. GHW-02'C' shall at all times be kept available for the parking of vehicles and shall be

kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision having regard to the provisions of Saved Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

- 12 The site levels and ground floor level of the dwelling hereby permitted shall be implemented in accordance with the approved details illustrated on Plan No. GHW-03 and GHW-02 'C'.

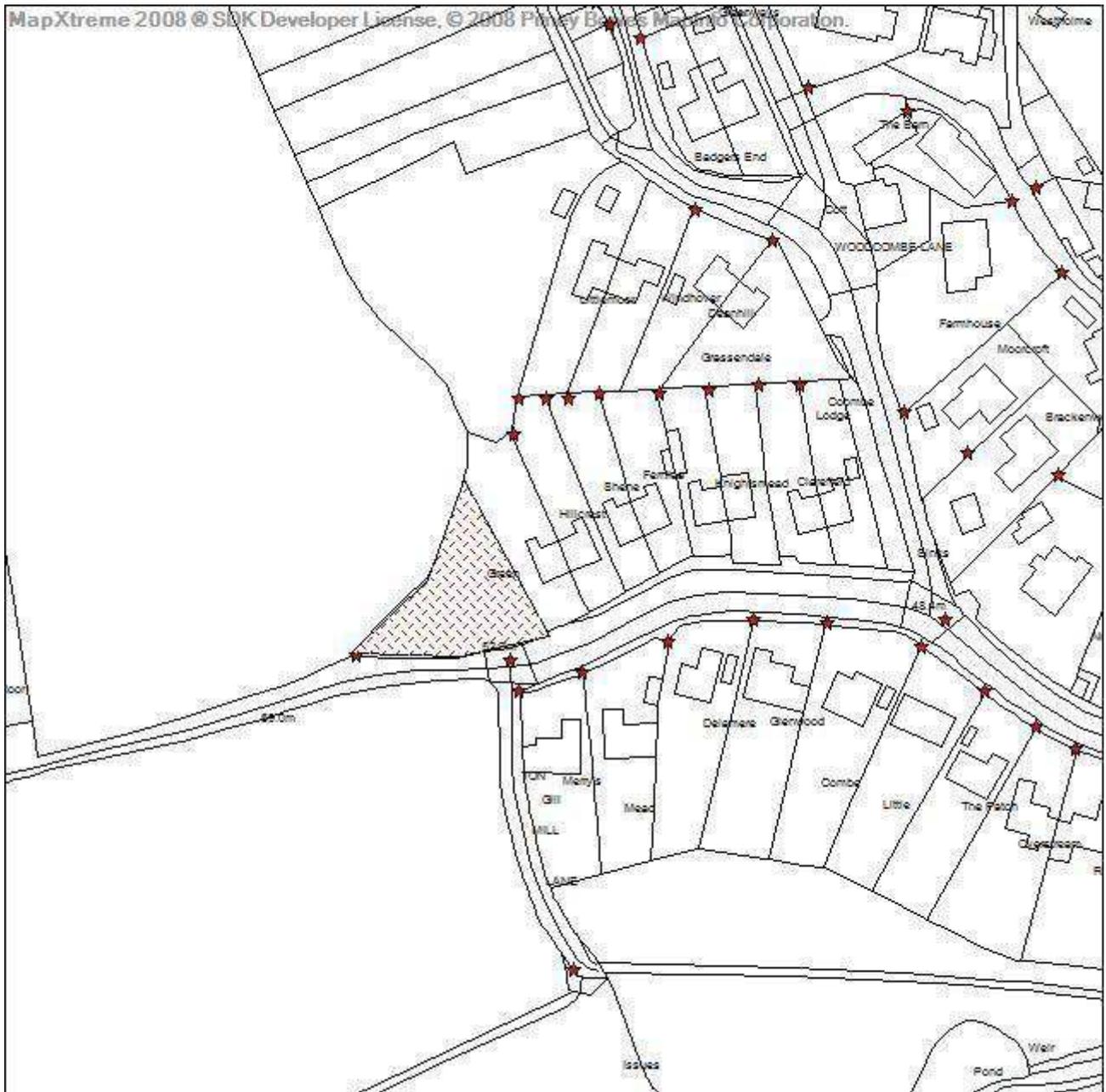
Reason: In the interests of visual amenity to accord with Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

### **Notes**

**1 STATEMENT OF POSITIVE WORKING**

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

- 2 Having regard to the character of the area, the applicant is advised that a half hipped roof would not be considered to be appropriate and that a fully hipped roof should be incorporated into the design of the dwelling through the submission of Reserved Matters.
- 3 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.



Application No 3/21/13/110  
 Proposed detached dwelling and  
 garage  
 Green Hollow, Bratton Lane  
 Minehead  
 26/11/2013

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

West Somerset Council  
 Licence Number: 100023932



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<b>Application No:</b>	<b>3/21/13/121</b>
<b>Parish</b>	Minehead
<b>Application Type</b>	Listed Building Consent
<b>Case Officer:</b>	Elizabeth Peeks
<b>Grid Ref</b>	
<b>Applicant</b>	Mr Hooper Minehead Development Trust
<b>Proposal</b>	To permanently mount a series of seven interpretative heritage plaques on the land side portion of the harbour wall in front of the yacht station.
<b>Location</b>	Land side section of harbour wall, The Quay, Minehead, TA24 5UL
<b>Reason for referral to Committee</b>	The harbour wall is owned by the District Council

### **Risk Assessment**

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

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

### **Site Location:**

Land side section of harbour wall, The Quay, Minehead, TA24 5UL

### **Description of development:**

To permanently mount a series of seven interpretative heritage plaques on the land side portion of the harbour wall in front of the yacht station.

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

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

Recommend Approval.

#### ***SCC - Archaeology***

No comments received

### **Public Consultation**

The Local Planning Authority has not received any letters of objection or support

### **Planning Policy Context**

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

The following Policies are considered relevant to this application:  
LB/1 Listed Buildings Alterations and Extensions

### **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:

3/21/83/020	Reinforced concrete for seaward and harbour sides of pier.	Grant	22.3.83
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### **Analysis**

The Quay is a Grade II Listed Building built in 1610 with later additions.

The main consideration of this application is the impact that the proposal will have on the character and appearance of the listed building and any features of architectural and historic interest.

The proposal is to install seven cast resin plaques along the section of the harbour wall that is next to the wooden sailing club building. Each plaque measures 700mm x 880mm and will be between 25mm and 50mm deep. The plaques will be bronze in colour and each plaque will depict a different type of vessels ranging from a first century curragh to a galleon to depict the 16/17 Century and a ketch (18/19 Century) ending with a boat from World War 1 and 2. There will be one plaque on each concrete panel starting with the fifth panel from the Harbour Master's office end of the pier. This will require the relocation of three existing signs. The design for each plaque is not known as the artists who will design each plaque have not yet been appointed. These panels are part of a project resulting in the installation of the plaques as part of the Minehead Harbour Festival to be held in July 2014 should listed building consent be granted.

Due to the position, size, colour and material to be used for the plaques it is considered that the plaques will not adversely affect the character or appearance of the listed building and the integrity of the wall will not be affected as no historic fabric will be lost.

### **Conclusion and Recommendation**

It is considered that the proposal, is acceptable and it is recommended that listed building consent be granted.

### **Reason for Approval :**

The proposals would not damage or result in the loss of the historic form of the building or any feature of special architectural or historic interest. 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:

### **Listed Building Consent is subject to the following conditions:**

- 1 The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 18 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: PP0306765, Photographs 1, 2, 3 and 4 and email dated 9 January 2014 from Stephen Hooper.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Prior to the installation of any of the plaques the design details for each plaque shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.  
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).
- 4 The depth of each plaque shall not exceed 50mm.  
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

**Notes**

- 1 Two signs will need to be removed to allow the installation of the plaques. These should not be relocated on the harbour wall without listed building consent. It is suggested that these are placed on the Harbour Master's Office below the window facing the harbour.

<b>Application No:</b>	<b>3/37/13/035</b>
<b>Parish</b>	Watchet
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Michael Hicks
<b>Grid Ref</b>	
<b>Applicant</b>	Mr Mead Summerfield Developments Ltd
<b>Proposal</b>	Erection of 73 dwellings (including 25 affordable homes), creation of an access from Doniford Road, provision of open space, landscaping, parking and associated works.
<b>Location</b>	Land at Doniford Road, Watchet, Somerset, TA23
<b>Reason for referral to Committee</b>	The proposal is a major development and involves a Section 106 agreement

### **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 Doniford Road, Watchet, Somerset, TA23

### **Description of development:**

Erection of 73 dwellings (including 25 affordable homes), creation of an access from Doniford Road, provision of open space, landscaping, parking and associated works.

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

#### ***Watchet Town Council***

Watchet Town Council recognises that this site, to the east of Holm View, represents a sustainable housing site and that there is a housing need in the parish. The Housing Enabler Officer's report states that 130 households on the Somerset Homefinder Choice Based Lettings system have said Watchet is their preferred location. However, 62% of these want a one bedroom property and this development only includes 11% one bedroom properties and 25% want a two bed property and only 12% are planned. The Council agrees that the affordable homes should be secured as Social Rented properties through a Section 106 agreement.

The Council has concerns that the size of the houses proposed is creating an over-development of the site.

The Council has received representation about the visual impact of the development and the impact on the Doniford Road area during construction. The Council is most concerned that, if planning permission is granted, construction work is controlled by enforceable conditions to reduce and control the numbers of and the route taken by HGVs to mitigate the disruption. Consideration should be given to the use of the adjacent railway for the delivery of materials.

The Council wishes to see a Section 106 agreement which provides funds for the development of Community Facilities. It notes the agreements relating to pre-school and educational provision but is concerned about the impact on medical facilities and transport facilities. As an example, it regrets that the opportunity has not been taken to provide a footpath or cycle way that links the site to the railway bridge on Doniford Road to the east, which would provide an alternative access to Doniford, avoiding the narrow bendy road which carries a 60mph speed limit. Such a link will become more important if the current bus service 106 stops running (if the proposed withdrawal of bus subsidy occurs).

The Council is disappointed that the opportunity has not been taken, with the many south facing roofs planned, to install photovoltaic electricity generating capacity to enhance the sustainability of the development.

The Council welcomes the revision to the plans that were the subject of public consultation to provide a pedestrian/cycle access to Holm View whilst providing a vehicular access by means of a new access road from Doniford Road.

### ***Environment Agency***

We have **no objection** to the application subject to the following condition 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 before the development is completed.

The scheme shall also include:

Details of how the scheme shall be maintained and managed after completion

#### **REASON:**

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

#### **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.

#### **Coastal Change Management:**

The applicant refers to the Shoreline Management Plan (SMP) and the "hold the line" policy. We would advise that SMP funding is not guaranteed. The document may say "hold the line" but it may not necessarily be funded to "hold the line".

The rock armour shown in some of the drawings is not actively managed (It is not an EA asset). We believe it was installed by West Somerset District Council whom have jurisdiction over all coastal erosion matters.

The data they have used when looking at the coastal erosion lines is correct and they have used the most up-to-date information.

In the coastal erosion conclusion/summary, it is mentioned that a full topographic survey or LiDAR could be carried out. Is this part of this application or is it for the purpose of the relocation of the West Somerset Railway track in the future? The EA are carrying out LiDAR as part of the Southwest Regional Monitoring process and it would be beneficial for the 2 processes to be joined up.

### **Pollution Prevention During Construction**

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

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

### **Waste Management**

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

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

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

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

I refer to your letter of 8th July inviting comments on the above proposed development and advise the following on behalf of Wessex Water as sewerage and water supply undertaker for the area in question:

The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's advice note 16 for further guidance.

The flood risk assessment submitted with the application reflects the general discussions between the applicants consultant and our development engineer. Connection to the public surface and foul sewers will be subject to application with Wessex Water.

Please refer to the attached extract from our records showing the approximate location of our apparatus in the vicinity of the site. There is an existing 300mm diameter public foul sewer which crosses the southern boundary of the site east to west. This sewer must be accurately located on site and appropriate easements observed. Easement is shown on planning layout drawing 0408-102 October 2013 but the applicant must note that there is to be no new tree planting within 6 metres of this sewer to protect against damage by tree root ingress.

There is limited available capacity within the local public water supply network to serve proposed development. The applicant should contract the undersigned to initiate water supply network modelling to determine point(s) of connection and any recommended off site reinforcement.

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

Unfortunately the site lies outside the Board's area of operation and therefore the District Council under its own Land Drainage powers must ensure the development will not cause a flood risk to the development itself or the existing properties in the area.

However in general terms the low lying area in and around Minehead is the only area which comes under the Board's operational control. Everything outside of that area comes under the Council's responsibility apart from matters related to the Main Rivers which are clearly matters for the Environment Agency to deal with.

I hope the above assists you in concluding your dealings with the matter in hand if you have any concerns do not hesitate contact the Board.

### **SCC - Archaeology**

I do agree with the conclusions of the DBA and advise that field-walking be carried out prior to determination of the application in order to assess the presence of prehistoric lithic scatters. Field-walking is a very rapid and inexpensive assessment method but will work well in this particular case.

### **SCC - Ecologist**

#### **Comments received 13th December 2013**

The majority of the site is an arable field of limited ecological interest according to the Ecological Impact Assessment (EclA) submitted with the application (by EAD Ecological Consultants dated 'November 2013'). I would have no objection to planning permission being granted for the proposals provided conditions could be imposed to secure the mitigation that is summarised in section 4 of the EclA document (pages 16 and 17). Further, there should be a requirement to submit, agree and implement a Landscape and Ecological Management Plan (LEMP). A LEMP is mentioned several times within the EclA and it seems to be a key to achieving much of the mitigation and enhancement.

If a condition requiring a LEMP is to be imposed it would be advisable to stipulate that it should be a pre-commencement requirement that such a document be submitted and agreed. I would also advise that any condition requiring a LEMP is drafted carefully so that it is clear to all parties what subjects shall be addressed within the LEMP. At the very least it should contain detail concerning the matters that it is stated within the EclA will be settled by such a document. According to my reading of the EclA, these matters include:

- All 'habitat protection measures' to be implemented during construction including pollution prevention techniques;
- Precise location within the development of at least 12 bird nest boxes and at least 12 bat tubes to be installed;
- Details of management to be implemented on all habitats in the pre-commencement, during and post construction phases.

The ideal location for the bat tubes will be decided ideally in conjunction with decisions taken concerning planting schemes and lighting so that potential use of the tubes is maximised. The LEMP would need to specify how the wildflower meadows and species-rich hedgerows mentioned within the EclA will be established and maintained.

#### **Comments received 9th December 2013**

The site is coastal so it will be a harsh environment due to wind as well as salt spray in north to east winds.

The following species indicated in the planting schedule offer some salt resistance and are suitable for coastal planting;

Crataegus  
Quercus  
Sorbus

The design uses *Acer campestre* and *platanoides* however *Acer pseudoplatanus* (and cultivars) is tougher and is well suited to exposed conditions.

#### **Comments received 16th January 2014 regarding hedgerow removal.**

To be clear the mitigation proposed in the Ecological Impact Assessment is that:

- The hedge to be removed is trimmed back to 150mm and left for a week before being cut to ground level;
- Both cuts are supervised by an ecologist who conducts a destructive search of the hedgeline for reptiles, amphibians and hedgehogs, translocating any found to alternative habitat on site;
- The hedge is cut down outside of the bird nesting season, or if not, under the supervision of an ecologist.

There is no explicit reference to replacement of hedge in the EclA that I can find but the hedge removed ought to be removed at the rate of at least 1:1 with a mix of species to be agreed in advance of construction commencing. On this basis I do not think I could object to the removal of such much additional hedge if it is being done for road safety or similar reasons.

### **Highways Development Control**

Comments received 6th January 2014

I have the following observations on the highway and transportation aspects of this proposal. The proposal relates to the erection of 73 with associated access.

#### **Traffic Movements**

The trip generation rates for the development are shown in Table 5.3. These are considered suitably robust for this type of development as trip rates have been based on 80 dwellings rather than the 73 as proposed. In terms of the trip distribution this has been based on 2001 Travel to Work Census data. This is accepted. The routes proposed for different destinations is shown in detail in Appendix F. Having examined this, I would expect that some traffic would use Brendon Road to leave Watchet (compared with all traffic using Doniford Road). By putting all traffic down the latter, it reduces the development's impact upon the junctions analysed in Section 4. It is noted that both routes offer the same journey time so for a 50/50 split, this would add approximately 10-15 vehicles through each junction two-way. However this would only be classed as a minor issue as these vehicles would be undertaking straight ahead movements through the three junctions.

Traffic survey data was undertaken on the 15th July 2013. Manual Classified Counts were taken at four junctions between 0700-1000 and 1600-1900. This is considered to be acceptable. The years of assessment have been identified in paragraph 6.2 as the year of registration and five years afterwards. Somerset County Council requires the year of opening and five years afterwards. As a consequence the Transport Assessment (TA) does not adhere to the specification laid out in the DfT's Guidance on Transport Assessments. Paragraph 4.47 of this document states that the year of opening should be assessed plus 1 or 2 other years.

Paragraph 6.3 states the growth factors that have been obtained from TEMPRO. The Highway Authority considers these to be correct. Furthermore paragraph 6.5 states that no committed development has been identified near the site. PICADY modelling is shown in Appendix G. For ease the Highway Authority has broken down there comments on each junction to the following.

#### **Brendon Road/Swain Street/South Road priority junction:**

The geometry entered is not considered to be correct. Visibility from the minor road is overestimated. There are small walls and foliage on both sides which would impede the view. The modelling also fails to note that right-turners from the major road would block traffic.

#### **St. Decuman's Road/South Road/ priority junction:**

Like the previous junction the geometry that has been entered is not considered to be correct. Visibility to the left from the minor road is overestimated as housing would block the view. Again, the modelling fails to note that right-turners from the major road would block traffic.

#### **St. Decuman's Road/Liddymore Road priority junction:**

As with the previous two junctions the geometry is not considered to be accurate. Small walls and foliage on both sides would impede visibilities. Right-turners from the major road would also block traffic.

Turning to accessibility, paragraph 4.6 states that there is a lack of existing cycle facilities within the vicinity of the development site. This is confirmed and is also considered to apply to the rest of the town. Paragraph 4.6 states that there is a lack of existing cycle facilities within the vicinity of the development site. This is confirmed and also considered to apply to the rest of the town. Paragraph 2.27 states that the size of Watchet makes it accessible by sustainable means of travel, with the town centre approximately 950m from the application site. However, given the narrow nature of the town centre streets this could potentially harm modal shift.

Paragraph 2.21 states there to be very little provision in Watchet for pedestrians other than The Esplanade. In addition, many roads/streets in Watchet do not possess pedestrian footways which could limit modal shift. With regards to Table 3.1 for the services/facilities stated, the 'IHT Guidance' distances are considered misleading. It is the Highway Authority's opinion that these facilities are in the town centre and as such the preferred maximum distance would in fact be 800m, in line with Table 3.2 of the Institution of Highways and Transportation (IHT) 'Providing for journeys on Foot'. The nearest bus stops are 300m from the site close to the Doniford Road/Culvercliffe Road priority junction (paragraph 2.32). Furthermore Table 2.1 shows the bus routes which use the stops and their frequency. Given the infrequency of the routes (once every two hours) and there being no commuter service runs in the AM, it is the Highway Authority's opinion that modal shift would be relatively limited.

Finally in terms of the parking allocation, as this is an outline application parking provision has not been specifically stated. Paragraph 3.7 states that access to 16 amp electric vehicle charging points will be made available to all drawings that have private off street parking directly adjacent to the property. Visitor parking will be provided on street and will equate to 1 space per 5 dwellings.

To conclude, although the trip generation and distribution are considered to be acceptable there are some issues with the traffic impact that the applicant would need to be revised.

### **Travel Plan**

The applicant's submission also included a Travel Plan has been audited and the report is attached. This report has been completed and a copy has been attached for your records. Furthermore would you be able to pass a copy of this to the applicant for them to address any points that have been raised. Please note that the Travel Plan will need to be secured via a S106 agreement.

### **Estate Roads**

In terms of a point of access during pre application discussions the applicant had proposed to create an access via Holm View. Although after the public consultation exercise the access was amended to provide access from Doniford Road. This is reflected on Drawing No. 0408-102, however this is not reflected in the Design and Access Statement which still maintains that access will be via Holm View. As such the applicant would need to amend this document to reflect the drawing.

The proposed access onto Doniford Road and footway extension will form part of the S38 works. As a consequence the applicant is required that any further submissions will need to include the footway extension. Where the access will tie into existing carriageway allowances shall be made to resurface the full width of Doniford Road where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 30mm. Cores may need to be taken of the existing carriageway to ascertain the existing bituminous macadam layers. Furthermore the gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Doniford Road.

The applicant should be aware that it is likely that parts of the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payment Code. Under section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to have a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by Somerset County Council will be required for all trees to be planted at the back of the prospective highway to prevent future structural damage to the highway. Any planting within or immediately adjacent to the highway must be supported by the submission of a planting schedule to Somerset County Council for checking/approval purposes.

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

In terms of the site detail the applicant should note that visibility splays based on dimensions of 2.4m x 25m in both directions should be provided at the intersections of all block paved carriageways with the internal spine road. There shall be no obstruction within these areas that exceeds a height greater than 300mm above adjoining carriageway level and the full extent of the splays will be adopted by Somerset County Council. All required splays should be clearly indicated within all future revisions of the engineering layout drawing. Adoptable 25m forward visibility splays will be required throughout carriageway bends fronting plots 5, 16, 22, 44 and 46. The full extent of the splays will be adopted by Somerset County Council and there shall be no obstruction to visibility within these areas that exceeds a height greater than 600mm above adjoining carriageway level. All required splays should be clearly indicated within all future revisions of the engineering layout drawing.

It appears that the internal spine road is to terminate at the eastern site boundary. A turning head will need to be provided. If the road is to be continued sometime in the future, the turning head can take the form of a temporary one, but it should be constructed to adoptable dimensions. No part of the proposed adoptable carriageway extending between plots 58 and 73 should be located within the 'Coastal Erosion Zone'. The applicant should also be aware that the existing public highway must not be used as site roads or sites for stockpiling and storing plant, materials or equipment. The developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

Would the applicant please advise as to the proposed status of the link that runs immediately to the south of plot 36? If this link is to be offered for adoption, then it will be necessary for a continuous link to be provided from this link out onto the proposed adoptable carriageway. Somerset County Council will not adopt anything in isolation. It has been presumed that the Public Open Space together with the length of footpath that runs through it will be adopted by West Somerset Council. Would the applicant please advise with this is correct or not.

The proposed pedestrian link that surrounds plots 9-14 would be suitable for adoption is adequately lit and drained and constructed to a minimum width of 3.0m to accommodate the combined use of pedestrians and cyclists. Visibility splays of 2.0m x 20m will be required at either end of this link together with a 20m forward visibility splay across the corner of plot 14. In addition the length of the proposed drive serving plot 7 is not adequate to accommodate 3 parked vehicles. It should be extended to achieve a minimum length of 16m.

In terms of a footway the proposed pedestrian link from the application site to Holm View should be constructed to a width of 3.0m to accommodate the combined use of pedestrians and cyclists. In addition to the footway link to Holm View a continuous footway link should be provided from the footpath that terminates adjacent to plot 69 out into Doniford Road, via passing in front of the visitor parking bays fronting the Public Open Space. The proposed footpath link that runs adjacent to the northern site boundary is partially contained within the 'Coastal Erosion Zone'. As such, it would not be deemed suitable for adoption by Somerset County Council.

Turning to drainage where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Highway Authority written evidence of the consent of the authority or owner responsible for the existing drain will be required, with a copy of submitted to Somerset County Council. Surface water from all private areas, including drives and parking bays will not be allowed to discharge onto the prospective publicly maintainable highway. Finally where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from the Streetworks Co-ordinator on 01823 483135.

### **Flood Risk Assessment and Drainage**

The applicant provided a Flood Risk Assessment (FRA) as part of their submission. This was passed to the Drainage Engineer for audit and their comments are set out below.

The proposed new access road will be constructed over the line of an existing foul sewer running parallel to Doniford Road and it is possible therefore that this sewer will need to be temporarily or permanently lowered, protected or diverted. Any such proposals will need to be approved in advance by the Water and Highway Authorities.

The current design would appear to indicate that the majority of the storage is achieved in the offline attenuation tank with the maximum size of surface water sewer pipe upstream to be 525mm. It should be noted that if the proposals change to provide a greater amount of on-line storage then the prospective highway areas should not be viewed as areas of opportunity under which to provide the attenuation. Furthermore the structural integrity of any proposed pipe of 900mm or greater within the highway will need to be approved by the Highway Authority.

Finally wherever possible the manholes within the new estate roads should be set at quarter carriageway width locations to avoid vehicle wheel tracks.

### **Conclusion and Recommendation**

Therefore to conclude in terms of traffic movements the Highway Authority is satisfied that the trip generation and distribution are acceptable. However the applicant will need to take in to account the points raised in terms of the traffic impact. In regards of the Travel Plan it is broadly considered to be acceptable although there are some points that need to be addressed.

Regarding the internal layout, access and drainage these are broadly considered to be acceptable although the applicant will need to take into account the comments set out above prior to any further design submissions. Therefore taking into account the above information on balance the Highway Authority raises no objection to this proposal and if the Local Planning Authority were minded to grant planning permission the following conditions would need to be attached.

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the use of the site discontinues.
- A condition survey of the existing public highway will need to be carried out jointly and agreed by the applicant and the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the applicant/developer to the satisfaction of the Highway Authority prior to occupation of the development. It is recommended that contact be made with the Highway Service Manager (West Area) 0845 345 9155 to make arrangements for such a survey to be undertaken.

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.
- The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

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

- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

- There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

**NOTE:**

Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the West Somerset Area at the Highways Depot, Mart Road 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 in or adjoining the public 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 the Traffic and Transport Development Group, Economic and Community Infrastructure, 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. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.

**Comments received 13th January 2014**

Firstly in terms of the construction access I note your comment in regards to the construction access. However it is located outside the 30mph speed limit so it would be subject to DMRB design guidance (in this case visibility splays of a minimum of 120m would be required) this would likely require the removal of a significant amount of hedgerow. As a consequence the Highway Authority believes it would be prudent for the construction access to remain in its current location.

If the LPA was minded to grant planning permission then the Highway Authority has requested a number of conditions i.e. wheel wash and construction management plan, which are designed to try and minimise disruption to surrounding residents.

In terms of the site access this has been agreed with the developer and splays of 2.4m x 43m in either direction as the site is in a 30mph as a consequence Manual for Streets design guidelines are considered to be the most appropriate.

Finally in terms of the parking, as previously stated this is outline so generally the level and location of the parking can be agreed at a reserved matters stage. However I have reviewed the parking schedule and it is broadly in accordance with the details set out in the Parking Strategy.

Although I would caveat that by saying this might be subject to change depending on the final layout in any future submission.

***NHS Somerset***

No comments received.

***Avon & Somerset Police***

Having reviewed the documentation submitted in support of the application, I would make the following comments:-

- **Design & Access Statement** – the NPPF makes clear that a key objective for new developments should be that they create safe and accessible environments where

crime and disorder or the fear of crime does not undermine quality of life or community cohesion. In this regard, para. 6.7 of the DAS, entitled ' **Community Safety**', refers to the seven attributes of 'Safer Places', which indicates to me that the applicant has demonstrated how crime prevention measures have been considered in the design of this proposal and how the design reflects the attributes of safe, sustainable places set out in 'Safer Places, The Planning System and Crime Prevention', (ODPM). Without repeating them, I would concur with the comments made in this section of the DAS and elaborate on some below.

- **Crime/ASB Statistics** – reported crime for the area of this proposed development (within 500 metre radius of the grid reference) during the period 01/12/2012-30/11/2013 is as follows:-  
Burglary - 6 Offences (comprising 1 dwelling burglary, 1 commercial and 4 non-dwelling e.g. sheds etc)  
Criminal Damage - 15 Offences (including 4 criminal damage to dwellings, 6 damage to vehicles)  
Drug Offences - 3  
Theft & Handling Stolen Goods - 12 Offences (including 4 theft from motor vehicles 2 shoplifting and 1 theft of pedal cycle)  
Violence Against the Person - 11 Offences (including 4 assault Actual Bodily Harm and 4 common assault)  
**Total - 47 Offences**

This averages just over 4 offences per month, which are low crime levels. Peak offending day is Saturday and peak offending times evening and early hours of the morning.

Anti-social behaviour reports for the same period in the same area total 43, with 5 reports in the Holm View area and 15 in the Memorial Ground/Wristland Road area. These are also fairly low levels.

- **Layout of Roads and Footpaths** – appear to be open, direct and likely to be well used. The use of rumble strips at the entrances and surface changes such as block paving and similar measures help define the defensible space of the development giving the impression that the area beyond is private.
- **Orientation of Dwellings** – a large proportion of the dwellings are positioned to face each other (either proposed or existing dwellings) which allows neighbours to watch over one another and creates conditions where the potential offender feels vulnerable to detection. The majority of the dwellings in the central blocks are also 'back to back', which is also recommended, as this restricts unauthorised access to the rear of dwellings where the majority of burglaries occur.
- **Communal Areas** – such areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Boundaries between public and private space should be clearly defined and features which prevent unauthorised vehicular access incorporated. In this connection, I have some concerns regarding the location of the proposed LEAP/Viewing Mound at the north-west corner of the development. From the Planning Layout drawing, it appears to be overlooked by three of the proposed dwellings only, which I would suggest is insufficient. Although, it is not clear from the plan whether the existing houses in Holm View also overlook the area from the west. If so, this would considerably improve natural surveillance of the LEAP and Viewing Mound. Appropriate arrangements should be made to ensure this and other areas of public open space are properly managed and maintained, otherwise, they could easily become a target for anti-social behaviour.
- **Dwelling Boundaries** – Boundaries between public and private areas appear to be clearly defined and it is desirable for dwelling frontages to be kept open to view, so walls, fences and hedges should be kept low, below 1 metre in height, to assist

resident surveillance of the street and public places. Vulnerable areas such as side and rear gardens need more robust defensive barriers by using walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fencing, lockable and located on or as near to the front building line as possible. The External Detailing plan indicates that 0.9 metre walls at the front and 1.8 metre screen walls or fencing will be used at the side and rear of dwellings which is appropriate for the crime risk.

- **Car Parking** – a combination of garages, car ports and parking bays is proposed. Police advice is that garages or hard-standings within dwelling curtilages is the recommended option. Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view of ‘active’ rooms within owners’ homes. Generally speaking, this appears to be the case.
- **Planting/Landscaping** – should not impede opportunities for natural surveillance or create potential hiding places. In areas where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should have no foliage below 2 metres, so creating a 1 metre clear field of vision. This is particularly important in areas such as the LEAP and Viewing Mound.
- **Street Lighting** – all street lighting for both adopted and private roads, footpaths and parking areas should comply with BS 5489.
- **Physical Security of Dwellings** – the applicant is advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc in accordance with the police approved ‘**Secured by Design**’ award scheme, full details of which are available on the SBD website – [www.securedbydesign.com](http://www.securedbydesign.com).

### ***West Somerset Railway***

No comments received. Members will be updated at committee if comments are received.

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

The new England Coast Path National Trail will run from Brean Down to Minehead where it will link with the South West Coast Path National Trail. Some of this route will follow the existing West Somerset Coast Path (WSCP) but not the section which takes an inland route through West Quantoxhead.

The WSCP was developed by the County Council after the Foot and Mouth epidemic of 2001, at that time we tried to secure a path in this area but the proximity of railway line and a busy road with no footway precluded this. Every option was looked at including use of the Queen Bee site and on through Helwell Bay caravan park but landowners issues meant that this was not pursued and we always hoped to re-align the WSCP nearer to the Coast. Coastal Access through the Marine and Coastal Access Act is attempting to secure a continuous route as close to the Coast as possible.

In Natural England’s report to the Secretary of State (consultation for which closed on 12<sup>th</sup> December) Chapter 9 “Quantock’s Head to Watchet-the map at 9d shows the proposed coast path running along the beach from the car park (just north of Court Farm west to the steps at Helwell Bay and continuing to Harbour Road, Watchet.

It was always anticipated that development would take place at sometime in the future on the site east of the Kingsland development and any proposed new development would be the time to try and secure a path (away from the beach) from Doniford into Watchet. Natural England’s report to the Secretary of State reflects this in the Overview at page 22 –Helwell Bay and in chapter 9 “Quantock’s Head to Watchet-paragraph 9.1.13 and table 9.2.2.

As part of a fairly recent planning application, West Somerset Council asked for the provision of an off road path from Doniford Farm to Doniford Halt station to help facilitate a more sustainable means of transport to the new animal park at Doniford Farm. The proposed path was on third party land and to try and help with this I spoke to the landowner (who also

owned the site which is the subject of the current housing application) who said he may allow a new path if a diversion of another footpath elsewhere on his landholding was done free of charge by the County Council. I agreed to this but it didn't progress as the landowner was/is also affected by Coastal Access proposals and did not want to do anything until Coastal Access (the England Coast Path) had been completed.

The ideal scenario is a safe off road path from Haven Holiday Park (where a new bridge is being installed across The Swill to keep walkers off the road), along the pavement on the south side of Doniford Farm then onto the possible new path to Doniford Halt. A new railway bridge would be required across the railway line into the field to the east of the development site then continue west on a path through the new development.

We have tried to secure a bridge for the railway crossing through Network Rail but this has not come to fruition. West Somerset Railway estimate a new bridge would cost in the region of £150,000-I attach an extract of notes from a meeting with WSR.

*"The main point of discussion was the South West Coastal Access teams need to align the new coastal trail across/over/under the West Somerset Railway in the vicinity of Doniford Beach Halt. Following a brief discussion it became quite clear that other than using existing rail crossings the only option was a new pedestrian bridge near Doniford Beach Halt, as The Office of Rail Regulation (ORR) would not consider having a new flatrail crossing in the vicinity.*

*Paul Conibeare informed us that the likely cost of such a footbridge would be in the region of 150K and that West Somerset Railway would be interested in working in partnership with us in any future developments in the Doniford Halt area".*

As part of the Coastal Access implementation, Natural England is to fund any new infrastructure required as part of the path but with the installation of a substantial new bridge across The Swill which is costing a significant amount any help that can be obtained through developer funding would be welcomed given the benefits of securing a safe off road link from the development to the railway station.

I don't have any costings for path surfaces as we would not be looking for a surfaced path through the field immediately to the west of the station (being happy with grass path for the coast path) until such times as the field is developed then the Coast Path would follow any path set out as part of the development to link into a path through the current proposed development.

In the past I have had dealings with various planning officers at WSC and Town Councillors from Watchet/Williton as there has always been a desire for a safe link from Haven (and the other caravan parks to the east of Haven), and Doniford into Watchet.

In addition to a safe, off road sustainable path there are also tourism benefits with the advantage of walkers and in some cases cyclists being able to utilise WSR for part of their journey.

Subject to the determination of the 2 objections which have been received to the Coastal access proposals it is hoped that it will be opened sometime in late 2014.

### **Somerset Wildlife Trust**

We have noted the above mentioned Planning Application submitted on behalf of Summerfield Developments and the supporting Environmental Impact Assessment provided by EAD Ecological Consultants. We note that records provided by SERC show an exceptional population of Slow-Worms as well as Common Lizards. Badgers, Hedgehogs and a variety of bats are also recorded as using the site and there are records of Dormice, Adders, Otters and Water Voles in the vicinity. The EIA recommends the enhancement of

the development by the provision of bird boxes (Section 4.1.4), bat boxes (Section 4.1.6) and the use of a low light pollution scheme (Section 4.2.2). There is no mention of the planting of native tree and shrub species or anything else being done to encourage and support wildlife species other than "habitat manipulation" and the removal of animals such as hedgehogs to another site near by if they are found. In our opinion not enough is being done to uphold the interests of wildlife currently using the site - other than taking them elsewhere - and on this basis, we object to this Planning Application.

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

The Planning Application proposes to deliver 73 dwellings in total with 25 of them to be affordable. The Affordable element is proposed to be predominantly for rent with 4 low cost sale homes.

#### Comments dated 4th December 2013:

##### Housing Need

Watchet has the second highest level of housing need in the District behind Minehead. As at today's date there are a total of 1,259 households registered on the Somerset Homefinder Choice Based Lettings system for re-housing within the District and 130 of them have chosen Watchet as their First Option for Re-housing.

Of the 130 applicants who have identified Watchet as their first choice for re-housing, 81 (62%) need one-bedroom accommodation, 33 (25%) require two-bedrooms and 8 (6%) require three-bedrooms. Changes to the Somerset Homefinder Choice Based Lettings Policy due to come into effect next year will more than likely lead to higher numbers of households being assessed with a two and three bedroom need and I am happy that the proposed mix addressed both current and future housing need.

It is not entirely clear whether the rented homes will be delivered as Social Rented or Affordable Rent. The difference between the two models is the rent charged, with social rented homes being approximately 60% of market rent and Affordable Rent being up to 80%. Due to the high market rents in West Somerset, I would like to see the homes secured as social rent through the Section 106 Agreement if possible.

There is an historic under provision of one bedroom homes throughout the District and, with continuing changes to the Welfare Benefit Programme, this demand will only increase. I would strongly support the inclusion of one-bedroom dwellings on this site, rather than insisting that the affordable provision be proportional to those being delivered for open market sale due to the high level of need.

For the reasons stated above I would fully support this Planning Application.

#### Comments dated 20th January 2014:

As per my comments in response to the Summerfield Planning application at Doniford Road, Watchet (3/37/13/035), the need supported the proposals at that time – which were 21 dwellings for rent and 4 for low cost home ownership.

I now understand that the tenure split is proposed as a third each rent, shared ownership and low cost home ownership.

The largest demand for affordable housing in West Somerset remains for rented housing with rent levels set as near to social rent levels as possible. I am not convinced that there is sufficient need for such as high proportion of low cost home ownership and am disappointed that so few rental dwellings, as a percentage, will be delivered.

I would recommend that the tenure be kept as flexible as possible within the S106 Agreement to enable the low cost home ownership properties to be rented should they prove difficult to sell in the future.

## ***Environment, Customer and Community***

### ***Planning Policy***

Planning policy comments on this planning application are set out below (comments are limited to the issue of provision for potential future realignment of the West Somerset Railway if necessitated by coastal erosion):

The West Somerset Railway is an important part of the District's infrastructure in terms of its economic / tourism industry value, its importance as a heritage asset and to some extent, as a mode of transport (the carriage of bulk stone for coastal defence repairs on more than one occasion for instance). Unfortunately the alignment of the railway is threatened by coastal erosion at Helwell Bay where the railway runs close to the edge of the sea cliffs and where it is also adjacent to the site of this planning application.

The Coastal Risk Assessment (November 2013), forming part of the supporting information for the application, includes a consideration of the potential land requirements for any future realignment of the railway. In particular it considers two potential alignments for the railway, and examines the potential role of parts of this application site in the light of realignment becoming necessary. It is for the West Somerset Railway PLC to comment on the practicality / viability of the potential realignment routes outlined, however there is an issue with the principle of how any such land might be provided in the future which I consider requires some further provision in the Applicant's proposals.

Paragraph 4.3.11 of the Planning Statement states that: "If the railway is required to be diverted the Study suggests that it would be required to run through a small section of the north east corner of the site. A Landscaped area to the north of the site has therefore been incorporated into the proposed layout that will enable the line to be diverted through the site, if this is required in the future."

It is a positive thing that the layout has been designed so as not to prevent the realignment of the railway at some time in the future should this become necessary due to coastal erosion, however as the proposals are currently drafted there is reason to believe that if such a thing were to become necessary in the future it may prove difficult if not impossible to implement the realignment of the railway through the area of open space in the north eastern part of the development site. The reason for this is that provision is not included in the draft S106 agreement for the transfer of land for railway purposes. It is essential that the potential future railway use of a specified part of this area of open space be identified as a land charge so that people purchasing property on the development (should it be permitted and implemented) do so in the awareness that a small part of the site may become part of the railway land in the future. Failure to do this leaves open the real possibility of one or more property owners being able to block any future transfer of ownership and change of use of part of the development's open space to railway land should this become necessary. The S106 would have to include a trigger for the provision to be implemented, presumably this would be the impending need to close the railway line for safety reasons due to coastal erosion, leaving enough time to implement the necessary engineering works in order to allow for services to continue running without interruption.

The Environment Agency has raised the issue of the need to provide for potential realignment of the railway for these reasons in considering development issues to the east of Watchet in their response to the West Somerset Local Plan Revised Preferred Strategy, as have the West Somerset Railway PLC. If the sensible provision made in the layout of this development in response to risk of coastal erosion, is to be real and effective, then reference needs to be included in the S106 agreement as described above.

The relevant emerging Local Plan to 2032 policy is WA1 'Watchet Development' the plan is not yet at publication stage so the policy should be referred to but carries limited weight at this stage.

## **Fire Safety**

With reference to your letter dated 22 November 2013 concerning the above application, the details of the proposals have been examined and the following observations are made:-

### **1. Means of Escape**

Means of escape in case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

### **2. Access and Facilities for the Fire & Rescue Service**

Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.

## **Somerset County Council Education**

Please see the e-mail below that I sent during pre-application discussions. The situation has not significantly changed since, so it will be necessary to seek education contributions in relation to this application, as previously set out. The sums would remain unchanged even though the number of dwellings is marginally higher.

The First schools in the area currently have only just enough places cumulatively to accommodate local children and are forecast to be over capacity within the next couple of years, without taking into account the pressure that will be added by new development. A scheme of 71 dwellings would be expected to require ten First School places so education contributions will be required in the event that a planning application is approved. The cost of each place is set at £12,257, so the total required would be £122,570.

All children aged 3-4 are entitled to a level of funded early years education and it is the statutory duty of the County Council to ensure sufficiency of such places. There is currently a significant shortfall of places in the area, so this development would merely compound the shortage. About two places would be required for 71 dwellings, again at a cost each of £12,257, so an additional £24,514 would also be required from the developer.

The catchment Middle and Secondary schools would both have sufficient un-used places to cater for additional pupils.

## **Public Consultation**

The Local Planning Authority has received 13 letters of objection/support making the following comments (summarised):

13 letters of objection have been received from 9 households and a petition has been received objecting to the proposal.

The petition has been signed by 44 individuals at 39 addresses objecting to the proposal. In summary, the following objections are raised by the petition:

- Adverse impact on local medical facilities.
- There has already been a considerable amount of housing development in Watchet in recent years.
- The development will affect the farming industry.
- The development will have an adverse effect on the character of Watchet.

### Principle of development/housing

- The development would be outside development limits.
- Some of the smaller settlements the area such as Washford, Bicknoller and Carhampton should absorb some of the required houses.
- Affordable houses should be spread around the district.
- The houses will not be affordable and locals will not be able to afford them. People who buy here will be retired or families from out of town.
- Watchet cannot absorb more housing as it has relatively few facilities and narrow streets.
- The number of houses has increased since the original consultation.

### Coastal Erosion:

- The current policy on protecting the coastline is short term and not for the lifetime of the proposed housing.
- The developer will rely on public money to protect the development. Development should be directed to areas that require the least amount of public expenditure.
- The council will not be able to fund coastal protection in the future due to budget cuts and climate change.
- The railway will not be viable in its current location for ever.
- The geology of the area is susceptible to erosion and the erosion buffer is inadequate.
- The doctors surgery and local schools are oversubscribed.
- The development will have a negative impact on tourism.

### Highway impacts:

- Local roads and infrastructure is inadequate for construction vehicles and for additional residents. The road is unsuitable for HGVs and the bridge on Doniford Road has a weight limit.
- Doniford Road is dangerous due to lack of visibility and the camber. There have been numerous accidents on this stretch of road.
- The bridge on Doniford Road has a weight limit.
- The new access will be dangerous as cars speed on this stretch of road.
- An alternative site access could use the existing field gate to the east of the site where the road is straight.
- The transport assessment is misleading. The accident data only includes the town area. The survey was done on the 15<sup>th</sup> of July during good weather and daylight conditions.

### Character and appearance:

- The dwellings facing Doniford Road are out of character with the streetscene as there are no other houses that have their front doors facing the main road.
- The development is too large and would be out of keeping with the area.
- Will result in Urban sprawl.
- The open space has been reduced to accommodate the revised layout.

### Amenity:

- Adverse effect on privacy.
- Loss of view.
- Will affect human right to peaceful existence.
- Impact from noise, dirt, dust during construction.

### Wildlife:

- The hedgerow to the front of the site contains a diverse population of birds. Wild birds are protected.

- It is an offence under the Wildlife and Countryside Act 1981 to injure or kill any wild bird, their young or eggs.
- The hedge should be checked for breeding activity before any work being carried out between March and July.

#### Open space/play area:

- The viewing mound will create a security risk and will be a magnet for antisocial behaviour, especially after dark. There will be more generalised antisocial behaviour from the large influx of people.
- The viewing mound will require maintenance which will be expensive. There is no mention of who the management company is and how they will manage the site.
- The sand-pit will be a health risk.
- The quality of the play equipment appears to be good quality, we hope a high quality product is actually used.
- The top of the mound will be at first floor window level when the tree screen has no leaves.

#### Other matters:

- The development would not provide bungalows for an elderly population.
- The wild meadow will require maintenance.
- Concerns over the maintenance domestic boundary fence.
- The houses will have a negative impact on the caravans at Helwell bay.
- Arable land should be used for food production. Other sites are viable within the town for housing.
- The lack of footpath from Watchet to Doniford is a missed opportunity. This would link the development to the grocery store and butcher at Doniford.
- Where will the extra community facilities such as youth clubs for the extra children going to be built?

### **Planning Policy Context**

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

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- SP/5 Development Outside Defined Settlements
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- BD/9 Energy and Waste Conservation
- H/4 Affordable Housing
- LC/3 Landscape Character
- PO/1 Planning Obligations
- R/5 Public Open Space and Large Developments
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- UN/2 Undergrounding of Service Lines and New Development
- W/1 Waste Water, Sewage Management and, Infrastructure
- W/2 Surface Water Protection
- W/3 Groundwater Source Protection
- W/5 Surface Water Run-Off
- NC/3 Sites of Local Nature Conservation and Geological Interest

NC/4 Species Protection  
TW/1 Trees and Woodland Protection  
TW/2 Hedgerows

### National Policy

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

### Planning History

The following planning history is relevant to this application:

3/37/04/042	Residential development of 44 dwellings- as amended by revised drawing Nos. 03/35/04F, 08A, 19A, 17A, 18A, and 25B received on 20/12/04.	Granted	23/03/2005
3/37/88/082	Proposed residential housing estate including road, drainage, housing.	Granted	20/10/1988

### Site Description

The application site is located to the north eastern edge of Watchet, to the northern side of Doniford road. The site measures approximately 3.02 hectares in area and consists of arable agricultural land. The southern site boundary borders the northern side of Doniford Road and consists of mature hedgerow. The western site boundary borders dwellings within Holm View, a modern housing estate. The boundary consists of post and rail fence and a mixture of hedge and trees. Some of these dwellings front the site whilst others back onto the site. The northern site boundary fronts the West Somerset Railway line and consists of a hedge.

Natural ground levels rise with an increasing gradient from the north to the south eastern portion of the site towards Doniford Road. The difference in levels from the lowest to the highest level within the site is approximately 9 metres.

### Proposal

The application seeks planning permission for the erection of 73 two storey dwellings, including 25 affordable dwellings. The proposed dwellings would comprise 33 detached, 24 terraced and 8 pairs of semi-detached dwellings. The dwellings are designed to have a traditional appearance with a mix of render and natural stone to the elevations and brick to the chimneys. There is a mixture of slate and clay style tiles for the roofs.

Access is proposed via Doniford Road, directly to the east of the existing Holm View development. The gross density for the entire site, including roads and open space would be approximately 24 dwellings per hectare (dph). The net density excluding the open space but including internal highways would be approximately 32 dph. This would compare with a net density, (including highways) adjoining 'Holm View' development of 42 dph.

8 of the dwellings would have one bedroom, 9 would have two bedrooms, 39 would have three bedrooms, 17 would have four bedrooms. Thirty five percent of the dwellings (twenty five) would be affordable. The mixture of affordable would be 33% social rented, 33% affordable rent or shared ownership and 34% low cost ownership. The overall mix of affordable dwellings would comprise 8 one bedroom, 9 two bedroom and 8 three bedroom dwellings.

There would be a total of 185 allocated parking spaces, including 45 that would be allocated within garages and 17 visitor parking spaces. Of the four bedroom dwellings, 17 would have

3 allocated spaces and one would have 2 spaces. Of the three bedroom dwellings 23 would have 3 allocated spaces and 16 would have 2 allocated spaces. Of the one and two bedroom dwellings, all would have 2 allocated spaces.

The application includes areas of open space including a play area to the north western corner of the site and landscape buffer areas to the northern and eastern boundaries.

The development has been the subject of extensive pre-application consultation and engagement which has resulted in a number of changes to the scheme prior to the submission of this application.

## **Planning Analysis**

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

#### *Overview*

Policy SP/1 of the Local Plan designates Watchet as a rural centre. Policy SP/2 of the Local Plan states that within the development limits of Watchet commercial or residential development will be permitted where:

- It does not result in the loss of land specifically identified for other uses.
- There is safe and convenient access by bus, cycle or on foot to facilities and employment.
- It involves infilling or small groups of dwellings, conversion, subdivision or redevelopment of an existing building or buildings or the redevelopment of previously developed land.

The settlement policies within the Local Plan seek to focus the majority of development within Minehead and within rural centres (Watchet and Williton). The development limits of Watchet are defined within the Local plan and the boundary forms the western site boundary. The development site lies outside of these limits.

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

#### *Five Year Land Supply Implications*

In view of the current progress in relation to the emerging Local Plan 2012-2032, it is acknowledged that the local planning authority is currently not in a position to demonstrate a five-year housing land supply in accordance with the paragraph 47 of the NPPF. This situation is unlikely to change until the new Local Plan, with strategic site allocations, has progressed sufficiently so that it can be afforded significant weight. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a strong material consideration that indicates that, in view of the current position in respect of the five-year housing land supply, proposals should not be judged against criteria within Policy SP/5 but rather the main issue in this case will be whether the proposal constitutes sustainable development as defined by the NPPF. The NPPF clearly sets out that, even when the Development Plan is absent, silent or the relevant policies are out of date planning permission should not be granted where the adverse

impacts of doing so would significantly and demonstrably outweigh the benefits of doing so when assessed against the policies in the NPPF (paragraph 14). As such notwithstanding the fact that the site is located outside of the development limits consideration must be given to whether the proposed development is suitable having regard to the principles of sustainable development and other material considerations.

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

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

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

Planning policy seeks to ensure that maximum use of public transport, cycling and walking can take place (paragraphs 17 and 35 of the NPPF). The Transport Assessment (TA) identifies that the site is located approximately 1km from Watchet Town centre. The town centre contains a range of services such a convenience supermarket, GP surgery, post office, bank, pharmacy and one primary school. The transport assessment identifies that all of these facilities would be within 12 minutes walk from the site. It is noted that contrary to the transport assessment, the Highways Authority have stated that the maximum preferred walking distance in this scenario would be 800 metres. It is further noted that Manual for Streets (2007) specifies 800metres as the upper limit for 'easy walking distance'. However, the TA identifies that the convenience store on Liddymore Road is 600 metres from the site and that the Knights Templar First School is 700 metres from the site. The other facilities specified above would be only 150 metres above the preferred 800 metre threshold.

Overall, the location of the site provides reasonably good walking facilities, including lit footways along most of the routes into the town centre although it is acknowledged there is no footway between the railway station on Brendon Road, a pedestrian route exists via a footbridge. Notwithstanding the above, given the distances specified above the town centre would be easily accessible by cycle. In reality new sites to meet housing need in West Somerset are likely to come forward on land that is more distant from the town centre and other service areas. It is further noted that some dwellings within Watchet are located further from the town centre than the proposed dwellings. In relation to public transport, it is noted that there are bus stops located in close proximity to the site near the Doniford Road/Culvercliffe Road junction. It is noted that these provide relatively infrequent services outside of commuter hours.

Travel plan measures (which will be secured through the section 106 with the County Council) would help to maximise opportunities for the use of sustainable modes of transport. Taking into account all of the above it is considered that the location of the site is acceptable in transport sustainability terms.

### ***Housing supply***

In considering a proposal against sustainable development principles the provision of a supply of housing to meet the needs of present and future generations is an important factor.

This development would make a relatively significant contribution to the housing need in West Somerset. Whilst 38 of the dwellings would be three bedrooms, there is an acceptable mix of size and tenure including 8 one bedroom units which would all be affordable tenure.

Within the draft emerging Local Plan Policy SC3 seeks to provide a mix of housing sizes, tenures and types to meet the needs of the areas communities. In view of the very early stages of the emerging Local Plan very little weight can be applied to this Policy. Also as currently drafted the Policy is relatively vague. Overall, the mix of dwelling sizes includes 1, 2, 3 and 4 bedroom properties and as such is considered to be acceptable.

Concerns have been raised over whether there is a need for the houses. However, the paragraph 47 of the NPPF states (inter alia) that housing allocation should be on the basis of objectively assessed needs. The updated Strategic Housing Market Assessment, which forms part of the evidence base for the new Local Plan, identifies a housing need of at least 2400 dwellings with a previous study at the height of the market indicating a need for 3,500 dwellings within the District over the 'Plan Period', until 2031. Against the context of the lack of five year land supply, the provision of 73 dwellings would make a significant contribution to the districts identified housing need over this period.

### **Coastal zone**

The site is located within the boundary of the Coastal Zone as defined within the Local Plan. Policy CO/1 is relevant and states:

*Development proposals in any part of the Coastal Zone, including those areas of existing developed coast, will only be permitted where:*

*i) the development and its associated activities are unlikely to have an adverse effect, either directly or indirectly on*

*a) heritage features,*

*b) landscape character areas,*

*c) nature conservation interests, including sub-tidal and marine habitats, and*

*d) residential amenities.*

*ii) the development is unlikely to have an adverse affect on the character of the coast and maintains and where possible, enhances, improves or upgrades the environment particularly in derelict and/or despoiled coastal areas,*

*iii) the development requires a coastal location.*

It is considered that the proposed development would comply with parts i) and ii) of the policy. For the reasons set out elsewhere in this report it is considered that the proposal would have an acceptable impact on landscape character, the character of the coast, conservation interests and would relate well to the surrounding built development.

In relation to part iii) of the policy, it is acknowledged that housing development does not necessarily require a coastal location. However in terms of assessing the overall acceptability of the proposal, differing material considerations must be balanced against one another. In this instance other than part iii) specified above, the proposed housing would comply with a wide range of policy requirements. It is considered that the lack of five year land supply is a material consideration that is afforded significant weight. Against this context and the significant benefits of ensuring a supply of housing including affordable units and the compliance with other policy requirements such as landscape impact, residential amenity and ecological implications, it considered that the benefits of granting permission outweigh the lack of compliance with part iii) of Saved Policy CO/1.

### **Affordable Housing**

### *Policy Overview*

The Council's Planning Obligations SPD (the SPD) provides up to date policy in respect of the provision of affordable housing. The SPD requires affordable housing provision of 35% of the total number of dwellings. The proposed number of affordable dwellings would therefore accord with the SPD in this regard.

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

### *On-site Provision*

All of the affordable housing would be provided on site and would be secured through a section 106 agreement. Their sizes are weighted towards smaller units which is considered to be acceptable due to a historic under provision of this size of affordable unit. Furthermore, the local identified need identified by the Somerset Homefinder Choice Lettings system which shows that 62% of those who have identified Watchet as their first choice for housing require one bedroom units.

The proposed affordable tenure split would be 33% as social rented, 33% affordable rent or shared ownership and 34% discount market units. Social rented affordable housing would provide accommodation at 60% of market rent whereas affordable rented accommodation would be at up to 80% of market rent. Low cost market dwellings would be provided at 30% below market value. All affordable housing would remain as such in perpetuity. The Housing Enabler has expressed some concern over the deliverability of the affordable housing in relation to the high proportion of affordable market dwellings and does not consider there is sufficient demand for these types of units. In connection with this, the rationale behind providing affordable rent or shared ownership is to provide the developer with a degree of flexibility to market conditions whereby a greater proportion of affordable rent units are provided if the shared ownership units cannot be sold. Discussions are taking place with the applicant to provide flexibility with the discount market units on a similar basis so that in the event that units are not sold in light of the market conditions, a proportion of affordable rented units can be provided. Whilst the above mix of affordable units is considered to be acceptable in principle, the concerns relate primarily over the deliverability of the affordable units and market demand and as such it is considered appropriate to agree additional flexibility in the S. 106 to ensure affordable units can be delivered.

Watchet Town Council have expressed concerns over the mix of affordable housing, that the mix does not adequately reflect the Homefinder Choice Based lettings system as for example only 11% of the development would comprise one bedroom units whereas 62% have a one bedroom need. It should be noted however that all of the one bedroom units within the site would be affordable tenure and this would represent 32% of the affordable units. Overall, it is considered there is an acceptable mix of dwelling sizes as these are weighted towards smaller units when compared to the open market dwellings.

### *Conclusion*

It is considered that the affordable housing provision falls within the requirements of the Council's SPD and complies with paragraphs 47 and 50 of the NPPF. The trigger points for the provision are considered to be appropriate and as a whole the scheme is supported by

the Councils Housing Enabling Officer. The provision of a policy compliant proportion of affordable housing is a significant factor that weighs in favour of this proposal.

### ***Economic implications***

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

House building, especially on large scale sites, provides economic benefits in a variety of ways over short and longer term periods. In the short term, there are economic benefits associated with the construction of dwellings throughout the construction period. Longer term benefits are significant. The Barker Review (2004) concluded that a weak supply of housing contributes to macroeconomic instability, hinders labour market flexibility and constrains economic growth.

Home ownership creates wealth and asset accumulation for individuals which in turn positively affect the economy through consumption and investment. Furthermore there are indirect economic benefits resulting from improvements to 'human capital'. It is established that (amongst other variables) good quality housing stock has a positive impact on peoples life outcomes which in turn generate economic benefits.

In the context of a significant identified housing need as set out in the updated Housing Market Assessment and the overall economic benefits, the provision of a significant number of houses on the edge of the districts second highest tier settlement are factors that weigh in favour of the proposal.

Overall, it is considered that the proposed development promotes development in an sustainable location and provides both social or economic benefit. No overriding environmental factors warrant the refusal of planning permission. In the absence of a 5-year land supply and based on an assessment of the relevant tests of whether or not the proposal constitutes sustainable development, the proposal is considered acceptable in principle.

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

#### *Planning Policy Overview*

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. The NPPF places a strong emphasis on design and states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" (paragraph 56).

#### *Impact on Holm View and the surrounding built development*

The application site is relatively well contained with hedging to the southern and northern boundaries. A hedge is proposed to the eastern boundary of the site which is considered to be acceptable in terms of local landscape character. The western site boundary abuts dwellings that are accessed from Holm View and the proposed development would appear as an extension to this existing built development. There are modern dwellings to the southern side of Doniford Road that extend eastwards along a significant portion of the southern site boundary. As such, the proposal would be well related to existing dwellings and would not appear incongruous or be harmful to landscape character against this

context.

During consideration of the application, amended plans were received which illustrate minor alterations including the installation of additional chimneys, additional windows to previously blank gable end elevations and an additional colour for the dwellings finished in render. It is considered that these alterations would provide more overall visual interest to the development and the chimneys would provide a more traditional and interesting roofscape.

The proposed dwellings would be two stories in height. This scale of development is common in the locality and would acceptably relate to existing adjoining development within Holm View, Bay View and Admirals Close and as such would be generally sympathetic to the surrounding built development in terms of scale.

In relation to the streetscene viewed from Doniford Road, the proposal is considered to be acceptable. Plot Nos 3-4 and 9-14 would front onto Doniford Road. These dwellings (3 to 4 and 9 to 14) would be constructed with an acceptable mixture of natural stone and render and to provide variety and interest to the streetscene. Overall the style and materials used within the development are considered to be appropriate to the characteristics of the area.

Plots 23-32 would face the internal estate road and as such would back onto Doniford Road. However, the floor levels of these dwellings would be set by approximately between 1.5 and 5.0 metres below the corresponding road level. The levels difference in conjunction with the presence of the roadside hedge and the setback from the southern site boundary would ensure that the prominence of these dwellings would be reduced and would therefore have an acceptable impact on the appearance of the streetscene.

It is considered that the layout of the proposed development is in keeping with the character of the surrounding area. In general the buildings front the road, providing appropriate street scenes. The minor amendments to the design of some of the plots incorporating additional windows to gable end elevations, some additional chimneys and an additional render colour would provide additional visual interest to the proposed streetscenes. The overall layout, with the provision of small front gardens to the plots of a variety of sizes and the provision of the open space, would create a reasonably spacious and acceptable environment.

The gross site density (including all space within the site) would be approximately 24 dwellings per hectare and the net density (minus the open space) would be approximately 32 dwellings per hectare. This density is considered to be relatively low and compares to a density of 44 dwellings per hectare for the adjoining Holm View development. Ensuring that land is used effectively is a material planning consideration and it is acknowledged that in some situations this density would be regarded as too low. However, the NPPF is deliberately not prescriptive in relation to housing density in order to allow Local Authorities the flexibility to take into account local needs, character and constraints in order to determine an appropriate density for any given site. This site is an urban/rural fringe location. Furthermore, taking into account the provision of public open space within the site and an appropriate range of residential units, this density is considered to be appropriate to the site and is acceptable.

Watchet Town Council have expressed concerns that the development would represent overdevelopment of the site due to the size of the houses. As discussed above the scheme is not high density. The mix of dwelling type, scale and density is considered to be

acceptable and would relate well to the density and scale of surrounding dwellings. Therefore it considered that this objection to the scheme cannot be sustained in planning terms.

A detailed landscaping scheme has been submitted which is broadly acceptable. However, minor amendments are required following consultation with Wessex Water, the Highway Authority and the County's ecologist. To achieve the required visibility splay of 2.4 by 43 metres, the amended plans include the removal of a section of roadside hedge and appropriate replanting behind the visibility splay. The replacement hedge planting will be a condition of any approval and therefore subject to the condition, the proposed removal of up to 74 metres of hedgerow is considered to be acceptable. The rear garden boundaries of plots 23 to 30 have been set away from the adjacent roadside to ensure that the hedge is not incorporated into private gardens and is maintained by the management company so that this important landscape feature can be appropriately safeguarded in perpetuity.

Views into the site from the east would be softened by landscaping at the eastern site boundary and the prominence of the dwellings would be reduced by the differing levels between Doniford Road and the application site. Views of the site from the railway line would be acceptable. The plots fronting the railway would consist of larger dwellings and would be of varying styles and materials, including natural stone and render. It is considered that views of the development from the railway line would be sufficiently high quality given its prominent siting as viewed from the railway.

Overall, it is considered for the reasons discussed above that the scenic quality of the local landscape character would not be harmed and that the development would not have an adverse effect on the character and appearance of the area.

### ***Highway Safety***

Paragraph 32 of the NPPF makes it clear that planning decisions should take into account means of achieving a safe and convenient access to the site.

#### *Junction Capacity and Access to Doniford Road*

Access to the site is proposed off the northern side of Doniford Road. A pedestrian footway is proposed linking the site with the existing footway between Nos 25 and 26 Holm View. An amended scheme illustrates the continuation of the existing footway on Doniford Road into the new site access. It is considered that this would provide additional convenience and safety for pedestrians. It should be noted that these works would be located outside the identified application red line and as such it is necessary to condition these works through a Grampian condition.

The Highway Authority have confirmed that the predicted levels of traffic generation in the transport assessment would be acceptable in relation to the impact on the surrounding road network. The original submitted plans illustrated the retention of the existing roadside hedge to the edge of the proposed access. However in order to achieve acceptable visibility splays of 2.4 by 43 metres amended plans were received illustrating a greater section of hedge to be removed. The retention of the visibility splay would be secured through a condition.

Some concern was raised by the Highway Authority regarding the traffic generation information in the transport assessment, specifically, traffic counts and junction modelling for three nearby junctions. However, the Highway Authority are aware of the junctions and the traffic generation that would result from the development and do not object to the application

on the basis of these shortcomings in the transport assessment.

### *Estate Road Layout*

Amended plans have been received illustrating minor amendments to the internal estate road layout in order to achieve sufficient vehicular and pedestrian visibility at internal junctions and amongst other minor amendments and areas of clarification, the provision of a turning head at the terminus of the proposed spine road.

Subject to agreement of minor details, the Highway Authority has confirmed that the internal layout of the estate road is broadly acceptable. The detail of the estate road construction is a matter for the County Council to deal with through the adoption process (and associated legal agreements). It is therefore not necessary to also agree this detail through a planning condition.

### *Travel Plan*

A travel plan has been submitted with the application. Travel plans are a management tool to help reduce the reliance on car use and promote sustainable transport modes. The travel plan would introduce an number of measures and initiatives to promote the use of sustainable transport modes. Achieving a positive model shift in transport use is an important element of sustainable development.

As such it is necessary to secure a travel plan as part of this proposal. The application is supported by a travel plan statement although in its current form this is considered to be insufficient. The applicant is seeking to resolve these issues and supply a robust travel plan statement. Once agreed these details will be secured through a Section 106 agreement with the County Council

### *Parking*

Policy T/8 of the Local Plan sets out the parking standards. However the County Council adopted a Parking Strategy in 2012, which sets out an up to date parking strategy and parking standards for development. The County has been separated into various zones. West Somerset is located predominately within Zone C (low population areas) although Watchet is located within zone B (mid-range population areas). Having regard to the parking strategy, in zone B, the following is considered to be the optimum parking provision:

- 1 bed roomed unit = 1.5 spaces
- 3 bed roomed unit = 2.5 spaces
- 4 bed roomed unit = 3 spaces

In terms of visitor spaces, where less than half the parking is unallocated the Parking Strategy suggests visitor parking should be provided at 0.2 spaces per dwelling. This would equate to 15 visitor spaces and as such the provision of 17 visitor spaces would exceed this requirement.

In relation to the number of allocated parking spaces, the application would broadly comply with the optimum standards set out in the Parking Strategy. Although one of the four bedroom dwellings would have two allocated parking spaces and 16 of the three bedroom units would have 2 parking spaces, for all other dwellings provision would meet or exceed the requirements in the Parking Strategy. Overall the Parking Strategy would require 181.5 allocated spaces to be provided compared to 185 that are proposed. Therefore the development would slightly exceed the requirements of the Parking Strategy in relation to

allocated parking and is considered to be acceptable in this regard.

The Parking Strategy also sets out the dimensions for parking spaces and garages. Relevant to this scheme is that a parking space perpendicular to the kerb should be 4.8m x 2.4m. In respect of garages the internal dimensions should be 6m x 3m. Space must also be made available for the operation of the garage door, therefore where parking space is proposed to the front of the garage this should be longer than the standard, in such circumstances a parking space of 6m in length is usually considered appropriate. Parking spaces parallel to the kerb should be 6m x 2m. The dimensions of all parking spaces would accord with these requirements and are therefore considered to be acceptable.

The Parking Strategy also seeks the provision of 1 cycle space per bedroom. The dimensions of the parking spaces and garages throughout the site would comply with the are in line with the requirements of the parking strategy. Where the garages form an integral part of the parking provision (i.e. on plots where there are not two or more spaces on the driveways) it is considered to be necessary to ensure that those garages are retained for parking.

In relation to cycle storage, all of the dwellings have garages and gardens and as such there is sufficient room for cycle storage to be accommodated within the development. Affordable units would have storage sheds which are considered acceptable in principle for cycle storage. The details of the cycle storage can be secured by condition.

#### *Construction Access*

The Highways Authority do not object to the new access on to Doniford Road being used during the construction phase. The access would be located within the 30 mph speed limit and as such the visibility splays of 2.4 by 43 metres would be acceptable. It is noted that there is a field access to the east of the site. Comments have been received suggesting that traffic could utilise this alternative access during construction. The Highways Authority do not recommend the use of this section of Doniford Road to enter the site, primarily as it would be located outside the 30mph limit as such would require visibility splays of a minimum of 120 metres. This would require the removal of a substantial section of hedgerow and as such would not be an acceptable alternative.

Good site management practices can be put in place to help minimise the impact of construction traffic on local residents and the highway network. Such measures can include avoiding peak times for deliveries and ensuring that deliveries occur at appropriate times of the day. Ensuring that vehicles leave the site in a clean condition would avoid mud and debris being carried onto the highway. Subject to conditions requiring a construction management plan and wheel wash facilities it is considered that the impact on surrounding residents and the surrounding highway network would be acceptable.

#### ***Residential Amenity***

##### *Policy Overview*

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).

##### *Impact on Holm View*

Overall the impact of the proposed development on neighbour amenity is considered to be acceptable. Primarily the impact neighbour impact would relate to existing dwellings within Holm View, specifically Nos 20 to 33 Holm View.

The impact of plot 3 on 33 Holm View is considered to be acceptable. The gable elevation of Plot 3 would be located approximately 6.5 metres from the blank gable elevation of No. 33 Holm View. The proposed gable elevation of plot 3 and the southern would not contain any windows and as such there would be no loss of amenity to these adjacent occupiers in relation to inter-visibility between windows or overlooking to the adjoining garden.

The rear elevation of plot 2 would be located between 11 and 12 metres from the rear garden boundaries of 32 Holm View and approximately 22 metres from the rear of this adjoining dwelling. The separation distance is considered to be acceptable and is common in suburban areas. Furthermore, the proposed windows would be orientated marginally away from these existing adjoining windows which would reduce any impact and as such the impact on these adjoining occupiers is considered to be acceptable. The rear elevation of plot 1 would be located between 8.5 and 9.5 metres from the rear gardens of Nos. 27 and 29 Holm View. This distance is lower than the other plots specified above. However, the rear elevation of Plot 1 is orientated marginally so it does not directly face the windows in the rear elevations of Nos. 27 and 29. The distance between these rear elevations would be a minimum of 20 metres which is generally considered to be acceptable in a suburban context. However, it is considered that additional tree planting can be secured within the rear gardens of plots 1 and 2 in order to reduce the impact on these adjoining occupiers. Overall for the reasons specified above the impact on Nos 30 and 31 Holm view is considered to be acceptable.

#### *Viewing mound*

The proposed viewing mound would be located within the north western corner of the site. The top of the mound would be located approximately 24 metres from the front garden boundaries of Nos 19 and 20 Holm View and between 27 and 29 metres from their front elevations. The viewing mound would have a maximum height of 3.5 metres. The impact on these adjoining dwellings is considered to be acceptable in relation to overlooking due to the distances specified above and the orientation of the dwellings whereby the mound would be located to the front elevations of these dwellings and as such the private rear amenity space would not be affected. In addition to this, tree planting adjacent to the western boundary will provide some screening between the viewing mound and these occupiers. The distance between the mound in conjunction with a degree of tree planting will ensure that there would be no undue loss of amenity to these adjoining occupiers in relation to loss of privacy.

#### *Impact on dwellings to south of Doniford Road*

The development would be visible from the rear of dwellings within Bay View and Admirals Close which are located to the opposite side of Doniford Road. The minimum distance of any of these dwellings from those proposed would be approximately 30 metres. It is considered that this distance will ensure that there is no loss of amenity to these nearby occupiers in respect to overlooking or overshadowing.

Concerns have been raised over the loss of views from nearby dwellings. In planning or other law there is no right to a view and as such this objection has very little weight in planning terms. Other concerns have been raised relating to the loss of value of nearby property. The value of property is not a planning consideration and cannot be taken into

consideration.

#### *Impact on Amenity During the Construction Period and From Construction Traffic*

The comments of some neighbours are appreciated however, a degree of disturbance is associated with all forms of development. The impact of this can be mitigated through appropriate site management and to ensure this can be achieved a construction management plan will be secured through planning condition. Such a condition can be used to secure appropriate working practices in terms of operations on site (such as hours of work) and traffic impacts (i.e. to ensure deliveries using heavy vehicles avoid peak traffic times) and wheel washing of vehicles. It is considered that with suitable working practices in place this development could proceed without significant harm to neighbour amenity.

#### *Amenity for the Proposed Dwellings*

The layout of the site is such that there is a reasonable separation distance between dwellings so that overlooking levels would be within acceptable parameters. Due to the distances between the proposed dwellings and the existing dwellings surrounding the site (in Ellicombe Meadow, Deer View and the Maples) there is not any significant overlooking to the proposed dwellings.

The layout of the site is such that the dwellings would all benefit from a garden area and there would not be any significant overbearing or over shadowing.

Plots 2, 5, 16, 54, 58, 69, 70, 71, 73 and 54 have side elevations that form the boundary with adjacent domestic curtilage belonging to adjoining dwellings. It is considered necessary and reasonable to remove permitted development rights for new windows in these elevations. The rear elevations of plots 5, 58, 69 and 73 contain rear elevations that are located either in close proximity or on the shared boundary with adjacent dwellings. Permitted development rights allow clear glazed windows to rear elevations and clear glazed rear dormer windows (subject to other limitations) As such it is considered necessary and reasonable to remove permitted development rights for the insertion of first floor windows and dormer windows in the rear elevation of these plot.

The overall layout of the site, with the area of public open space and a significant amount of soft landscaping such as tree planting is such that a pleasant environment would be created.

#### *Safety and security of the site*

Paragraph 58 of the NPPF states (inter alia) that new developments should: *'create safe and accessible environments where crime and disorder, and the fear of crime and do not undermine quality of life or community cohesion'*

The police planning liaison officer has commented generally that the proposed scheme would be acceptable in relation to incorporating crime prevention measures into the development and that boundary treatment, parking surveillance, orientation of dwellings and footpaths are acceptable. In relation to the play area concerns are raised that it should be sufficiently overlooked by dwellings within the site and within Holm View. The play area would be directly overlooked by seven dwellings within Holm View that would front onto it. As such it is considered that there would be sufficient surveillance over the communal area to deter antisocial behaviour.

#### ***Coastal erosion/West Somerset railway***

The site is located approximately 35 metres at its closest point from the cliff edge to the north of the site. The application proposes a coastal erosion zone on the northern edge of the site. The purpose of this zone is to allow a potential realignment of the railway as a result of coastal erosion should this be required at any time in the future. The coastal erosion zone has a maximum depth of 17 meters.

The Shoreline Management Plan (the SMP) recognises that defences are required on this stretch of coastline due to the overall strategic importance of the railway line and proposes that this stretch of coastline should be protected. However, it is acknowledged that protection is dependent on funding being available and this is not necessarily guaranteed.

Currently there are two areas of rock armour sea defence protecting the cliff adjacent to Helwell Bay Caravan park and three groynes a little to the east of this. The SMP recognises that these are relatively insubstantial and states:

*'at the eastern end (of Watchet) as ad-hoc defences do not provide robust protection for the West Somerset Railway Line'*

These defences are understood to have been installed by West Somerset Council and Somerset County Council. Other rock armour defences have been constructed to the west of the site which were installed by the County Council to protect the railway.

The applicants have submitted a Coastal Erosion report. The report identifies predicted erosion rates taken from the West Somerset Coastal Erosion Processes Study (2011) and these demonstrate that if the current defence regime is maintained to its current extent the erosion rate could be up to 40 metres at the eastern end of the site and 20 metres at the western end of the site.

In determining the acceptability of the proposal, regard has to be given to existing policy in terms of protecting this stretch of coast. Given that the railway is of significant strategic importance there is a pre-existing reason for the protection of this coastline. The railway is owned by the County Council, who are responsible for its protection. Having regard to this pre-existing responsibility and the strategic policy regarding this coastline it would not be considered reasonable to require that the developer contribute financially towards coastal defences.

Notwithstanding the above comments consideration has to be given as to whether the buffer zone to the northern edge of the site is sufficient to allow for the realignment of the railway. The applicants have submitted an assessment of the options in relation to this. Option 1 would necessitate realignment up to 20 metres into the site on the north eastern boundary. However, the report does not regard this option as being financially unviable as it would require routing through elevated land reconnecting with the existing line in the vicinity of Doniford to Williton Road to the south east of the site. Option 2 would result in an 8 metre realignment to the north eastern corner of the site. The report considered that due to the constraints mentioned above, this is the most likely and viable scenario.

### ***Flood Risk, Drainage and Utilities***

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.

This site is located within flood zone 1, which are areas at lowest risk of flooding. However,

as the site area is greater than 1 hectare a flood risk assessment is required. The Drainage Board have commented that the application site does not fall within their area of operation and that the District Council is responsible for ensuring that the development does not cause a risk to flooding within the site or elsewhere. The Environment Agency has been consulted on the flood risk assessment and subject to conditions has not raised any objections.

The Environment Agency has recommended a condition to secure details of the drainage scheme for the site. The scheme would also include details to be agreed in relation to the long term management of the drainage scheme. Having regard to the scale of the development, it is considered appropriate to secure these details through a planning condition.

Wessex Water have commented that that an existing sewer runs along the southern boundary site and that a 6 metre easement is required to exclude tree planting. The applicant has been in discussions with Wessex Water which have confirmed that the replanting of the section of hedge to the front of the site is acceptable. The final details of the planting will however be secured through the landscape condition.

Wessex Water have further commented that there is limited capacity within the public water supply to serve the proposed development and that network modelling should be carried out. Discussions with Wessex Water have confirmed that there is other, non planning legislation to deal with this issue prior to works being carried out and as such Wessex Water do not object to the planning application on this basis. However, this information has been passed to the applicant and an informative can be included on the decision notice.

A number of advice notes have been recommended by the Environment Agency, which can be included on the decision notice. These include pollution prevention during construction and waste management.

### ***Ecological implications***

#### *Policy Overview*

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 decisions on planning applications, biodiversity should be maintained and enhanced.

The application is supported by an ecological impact report. This includes an extended phase 1 habitat report which identified potential habitat for protected species. A phase 2 survey was undertaken to include reptile, badger, dormouse and bat surveys and a breeding bird assessment.

#### Hedgerows

As a result of amended plans to achieve sufficient visibility to the proposed junction, a section of hedgerow up to approximately 78 metres would be removed. The County Ecologist's comments regarding the removal of a longer section of hedgerow are awaited.

It should be noted however that the majority of the existing hedgerows around the site are to be retained. Whilst it is acknowledged that compared metre for metre the section of hedge to be removed would be of greater value than a replacement hedge. However there would be a net increase in hedgerows within the site and additional mitigation measures can be secured

by condition would mitigate against the loss of any habitat within the site.

Amended plans were received that illustrate the inclusion of a buffer zone between the gardens of plots 23 to 30 that would be managed by the management company. This would prevent over pruning of the hedge by individual householders. The management company is proposed to be secured through the Section 106 Agreement.

#### *Amphibians and reptiles*

The phase 2 survey found slow worms and common lizard within the field margin surrounding the site. The County Ecologist considers that the mitigation measures for amphibians and reptiles which include relocation of any reptiles to a suitable habitat. This can be secured by a planning condition.

#### *Dormouse*

No evidence of Dormouse activity has been found within the application site.

#### *Nesting birds*

The survey identifies the existing hedges as likely to support a small number of species. A section of hedgerow would be removed as part of the proposal. However, as part of the proposal replacement hedgerow would be planted and other mitigation measures would be implemented. The mitigation measures proposed include undertaking site clearance outside the nesting season or if works have to take place an inspection by a qualified ecologist would be undertaken to check for nesting birds. If nesting birds would be found, vegetation removal would be delayed. Furthermore a minimum of 12 bird boxes is proposed in accordance with precise details to be agreed in writing through a condition. With such measures in place, alongside the proposed measures to ensure that the hedges are protected during construction and maintained appropriately, the development would not have a significant impact on nesting birds.

#### *Badgers*

There are no known setts on the application site, but a track was identified within the site that is characteristic of badgers. A condition requiring a resurvey, if the development is delayed for more than a year, would monitor whether any setts have become established and if so ensure that mitigation is provided. This would ensure there is no adverse impact should any badger setts become established.

#### *Bats*

A low to moderate level of bat activity was recorded with two species recorded with activity concentrated around the western border adjacent to existing residential properties. Mitigation measures would include 12 bat tubes to be installed within buildings during construction in accordance with details to be agreed through submission of a Landscape and Ecological Management Plan (LEMP). This is subject to further discussions below:

#### *Landscape and Ecological Mitigation Plan*

The EIA has proposed pre, post construction mitigation which is set out in the LEMP. The County ecologist has requested that the mitigation and management plan is agreed prior to the commencement of the development. This would secure details such as the location of bat tubes, bird boxes, protection of existing hedges during construction and management of new habitats such as the wildflower meadow and species rich hedgerow would be managed post construction.

### *Impact on International Designation, National Designations and County Wildlife Sites*

The Blue Anchor to Lilstock coast SSSI is located on the foreshore beyond the cliff and is approximately 30 metres to the north of the site. The submitted EIA concludes that there would be no impact on nearby designated sites as a result of the proposal.

### *Conclusion*

Overall it is considered that adequate measures can be put in place to ensure that there would not be a net decrease in biodiversity and ecological enhancements can be secured.

### **Land Contamination**

Policy PC/4 of the Local Plan requires that development proposals on or close to land which may be contaminated will include measures to prevent risk to public health and the environment. The NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

There are no reasons to consider that there is a reasonable likelihood of the land being contaminated.

However, the Environmental Health Officer has recommended that due to the proximity to the Queen Bee, WW2 anti aircraft installation to the east of the site it is recommend that an informative is added stating that should

Associated ordnance be discovered that work is stopped and advice sought from an appropriately qualified professional to determine the appropriate course of action.

### **Archaeological Implications**

The application site is located outside of any of the designated areas of high archaeological potential. As such Local Plan Policy AH/3 is not relevant to this proposal. However Policy AH/2 (locally important archaeological remains) is relevant. This Policy only permits development that is likely to damage archaeological remains where the importance of the development outweighs the intrinsic importance of the remains. The NPPF directs that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

This application is supported by a historic environmental assessment and the County Archaeologist has been consulted on the application. The assessment concludes that the potential for archaeology is relatively low. It therefore recommends a field walking survey to be undertaken. This method of initial investigation is considered to be acceptable. Having regard to comments from the County Archaeologist, it is considered necessary and reasonable to condition that this is undertaken prior to works commencing on site in accordance with a scheme and schedule to be approved. The condition requires the submission of further excavation and/or recording should finds of significance be uncovered. With this condition in place it is considered that the development can proceed without significant archaeological implications.

### **Section 106 Agreement**

### *Planning Policy Overview*

Policy PO/1 of the local plan allows for the provision of planning obligations to provide or contribute towards infrastructure or community facilities directly related to the proposed development and commensurate with the development proposals. In seeking to negotiate and secure planning obligations the local planning authority has to have regard to paragraphs 203 and 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. Planning obligations should only be sought where they meet all of the following three tests:

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

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

The applicant has submitted two draft section 106 agreements for the District Council and for the Council. These are subject to negotiation through the application process by each relevant party.

### *Affordable Housing*

As set out above the Section 106 Agreement will secure 35% on site affordable housing provision. Seventy five percent of the affordable dwellings shall be completed and transferred to a registered provider prior to occupation of more than fifty percent of the open market dwellings. All of the affordable dwellings shall be completed and transferred to a registered provider prior to occupation of not more than seventy five percent of the open market dwellings.

The section 106 agreement will ensure that occupiers of the rented affordable dwellings are not bound by any obligations in terms of contributions under the management company.

### *Value of Planning Obligations*

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

### *Education contribution*

The applicant has proposed a total education contribution of £147,084. This would be split between primary and pre-school education within the catchment of the site. The County Council have indicated that this amount is acceptable. Payment of these funds is to be secured through a separate section 106 agreement to be negotiated with the County Council.

### *Travel plan*

As set out in the relevant section of the report, the County Section 106 would include measures within the travel plan to be negotiated and agreed with the County Council.

### *Community Infrastructure*

For residential development in Watchet, this range is suggested to be between £2,000 and 5,000 per plot although individual applications are assessed on their own individual merits and circumstances. Where a developer is able to demonstrate that necessary contributions would result in the scheme becoming unviable, the local planning authority should seek to take a flexible approach in securing any obligations (as advocated by paragraph 205 of the NPPF).

The evidence available at present demonstrates that new residential development will result in a need for community infrastructure. For example the Watchet 2025 Strategy identifies the redevelopment of the Youth Club into multi use community building as a priority. English Nature have consulted on the proposed route for the national coast path would potentially link into the application site. The provision of the path would be a significant asset for residents of the development; however it would be dependent on funds being available for the provision of necessary infrastructure such as a foot bridge. The feasibility of this is dependent on funds being available.

Policy R/5 of the Local Plan seeks the provision of public open space for sites providing more than 25 dwellings. The Policy allows for on-site provision and/or a contribution towards the provision of open space elsewhere. The Policy sets out that the provision should be on the basis of 1 hectare per 173 dwellings. For a scheme of 73 dwellings this would equate to 4219 square metres. The open space comprising the play and immediately surrounding area would measure approximately 2600 square metres, however the total area of open space, including the buffer zone to the northern site boundary and the eastern boundary would measure approximately 5865 square metres. This would exceed the policy requirement; however this figure would include significant areas that open space that is not accessible such as planted shrub borders. Overall, the provision of open space within the site is considered to comply with the requirement of policy R/5.

The section 106 agreement proposes £4500 per open market dwelling. This would amount to £216,00 for community infrastructure and would be £2960 per dwelling. The SPD acknowledges that proposals which do not provide affordable housing are likely to be more profitable and warrant larger planning obligations within the ranges. Given that the proposal would include the provision of publically accessible open space and would provide 35% affordable housing, this figure is considered to be reasonable considering the costs associated with delivering these other assets and ensuring that the development in financially viable.

Discussions are ongoing with the applicant regarding appropriate triggers for payment of the community infrastructure funds. Ideally initial payment would be triggered early in the process, such as on commencement. However some flexibility can be allowed given the considerations discussed above regarding financial viability. The initial draft Section 106 specifies that 50% would be paid no later than the occupation of the first dwelling and the remaining 50% prior to occupation of 50% of the dwellings. It is considered desirable to secure payment earlier than this, in accordance with other recent decisions. Members will be updated at committee on the final agreement with the applicant on this matter.

The wording of the Section 106 agreement would allow the contributions to be spent on projects that are local to the application site, the allocation of the contribution would be managed through the Council's Planning Obligations Group process and would ensure compliance with section 122 of the CIL regulations.

The open space is to be laid out prior to the occupation of 50% of the dwellings and

arrangements are to be put in place to secure the management of the open space to an appropriate standard and would include the primary areas of open space, the hedge site boundaries and incidental areas of open space within the site.

#### *Section 106 Monitoring and Administration*

The SPD requires the provision of £100 per dwelling (£7,300 for this proposal) as a contribution towards the monitoring and administration of the Section 106 agreement. The trigger for payment is proposed to be upon completion of the Section 106/ issue of permission.

#### *Railway Diversion*

The Section 106 includes a clause to facilitate the transfer the freehold of the land within the coastal erosion zone for the realignment of the railway. The clause is considered necessary to ensure that the future interests and viability of the railway are not prejudiced by the development.

#### **Public Right of Way**

Paragraph 75 of the NPPF states:

*'Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.*

There are no designated public rights of way within the vicinity of the site that would be affected by the proposal. However, Natural England have recently consulted on the proposed new England Coast Path National trail which will run from Brean Down to Minehead. The ideal location for the path would link into the site from Doniford railway station within the north east site boundary. This would enable walkers to walk to the train station and would be a safe and convenient solution to the lack of footway between Watchet and Doniford. However, the provision of the path would be dependent on the completion of the relevant legal processes for its designation and on funds being available for the provision of a footbridge over the railway. Amended plans have included the potential future link into the site. The allocation of community infrastructure funds may be appropriate for the footbridge given its proximity to the site and linkage through the site into Watchet.

#### **Emerging Local Plan Policies**

The latest draft of the New Local Plan has recently been subject to public consultation. This should only be afforded limited weight due to the early stage of the consultation/ adoption process. However of relevance to housing land supply are:

- Policy SC1 which envisages that new development will be concentrated in Minehead, Watchet and Williton, with limited development in some villages.
- Policy WA/1 relates to Watchet and would seek to (inter alia) strengthen the settlements role as a service, employment and tourist centre.
- Policy SC2 envisages the provision of 2,900 dwellings over the plan period at a minimum rate of 215 a year. Of those 1,450 would be provided on key strategic allocated sites of over 250 dwellings at Minehead, Watchet and Williton.
- Policy OC1 strictly controls development in the open countryside which is defined as land not adjacent to or in close proximity to the major settlements and villages.

Having regard to the above the new Local Plan continues the designation of Watchet as a

primary settlement for the location of new housing. The housing need for the plan period is 2, 900 dwellings. The key allocated sites will only provide for approximately 50% the housing need. Strategic sites should be capable of accommodating at least 250 dwellings. As this site could not provide this amount of housing it will not form part of a strategic allocation as the new Local Plan progresses. The remainder of the housing need will be met through windfall sites. This is land that is adjacent to or within close proximity to major settlements and designated villages will not be subject to the strict controls for development in the open countryside. As such, the emerging Policy provides that, in principle, sites close to the built up edge of these settlements is acceptable for development.

In this context the application site is a windfall site located immediately adjacent to the edge of Watchet (and immediately adjacent to the current development limit). As stated above only limited weight can be given to these emerging policies; however the trajectory of the emerging policies is such that sites in a similar position to this application site are likely to be considered to be acceptable for development in principle within the emerging Local Plan.

### ***Community Consultation***

Paragraph 66 of the NPPF encourages applicants to work closely with those directly affected by the development proposals, taking into account the views of the community.

Proposals should be looked upon more favourably where an applicant has demonstrated views have been taken into account in developing the design.

The applicant has submitted a statement of community involvement with the application. Prior to the submission of the planning application the applicant has engaged with local residents through holding public meetings and inviting written comments. A significant area of concern expressed at the consultation stage was the proposed access through Holm View. The applicant responded to the concerns raised primarily through the amendment to the site access to access from Doniford Road. Minor amendments were made to the layout in order to reduce any impact on the amenities of residents within Holm View.

The acceptability of the scheme has been considered in detail above. The applicant has demonstrated that there has been consultation with the community and that views have been taken on board in developing the design of the scheme. The value of the engagement which has in the main responded positively to comments received should weigh in favour of the proposal.

### ***Loss of Agricultural Land***

Concern has been raised that the proposal would result in loss of about 3 hectares of agricultural land. This land is classed as Grade 3 (moderate to good) under the agricultural land classification. Policy A/2 of the Local Plan seeks to protect the best and most versatile agricultural land from development (grades 1, 2 and 3a). Planning permission for the development of high grade land should only be granted in exceptional circumstances and where sufficient land of a lower grade is not available.

The NPPF requires that planning authorities take into account the economic and other benefits of the best and most versatile agricultural land and seek to use areas of lower quality land in preference to higher quality land. Whilst the site is relatively large, it would not result in the loss of the higher grades (1 and 2). Having regard to the lack of sufficient housing land availability it is considered that the benefits associated with the provision of housing outweighs the harm associated with the loss of the agricultural land.

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

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

### **Environmental Impact Assessment**

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

### **Conclusion and Recommendation**

It is recommended that delegated authority be granted to the Planning Manager to grant planning permission:

- subject to the completion of a Section 106 agreement as identified within this report and in accordance with the committee update regarding the agreed triggers for payment of the Community Infrastructure Levy
- to amended the schedule of conditions as appropriate; and
- negotiate any minor alterations to the scheme.

### **Reason for Approval:**

Although the application site is located outside of the development limits for Watchet, as the local planning authority is currently unable to demonstrate a 5 year housing land supply, the proposal should be judged on sustainable development principles. Having regard to the location of the site, adjacent to the development limits of Watchet, it is considered that the site is suitably located in transport sustainability terms. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. 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 are acceptable and will ensure the free flow of traffic on the highway. The proposal makes adequate arrangements for the protection of biodiversity. Suitable drainage arrangements can be secured to ensure there is no increased risk of flooding. Suitable protection for archaeology can be secured. 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 constitutes sustainable development and is acceptable:

Saved Policies SP/1, SP/2, SP/5, BD/1, BD/2, LC/3, NC/4, R/5, PC/1, PC/2, PC/3, PC/4, UN/2, W/1, W/5 AH/2, A/2, TW/1, TW/2, T/3, T/8 and PO/1 of the West Somerset District Local Plan (adopted December 2006).

### **Conclusion and Recommendation**

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

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

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

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

- 2 Other than as required by condition 3 and 4 the development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 0408- Issue 2: 0408-200, 201, 202, 203, 204-1, 204-2, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230231; 0408-102 Rev. A; 0408-103 Rev. A; 0408-105 Rev. A; 0408-104-2 Rev. A; 0408-107 Rev. A; 0408-320 date stamped 15th January 2014; 232/13/SK04; 0408-118 Rev. A; 0408-109 dated January 2014; 232.13.SK01 Rev. F; 0408-108 Rev. A; 0408-106; 0408-104-1 Rev. A; 0408-302, Titled 'Sheet 1 of 2'; 0408-104 , Titled 'Sheet 2 of 2'; 0408-110 Rev. A submitted on 15th January 2014; 232-13-SK03 Rev. A received 8th January 2014.

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

- 3 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 ascheme shall include details of all trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatments and finished ground levels; a planting specification to include positions, species and size of all new trees and the location of grassed areas and areas for shrub planting; 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 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 and implementation 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).

- 4 No works shall be undertaken on site unless a schedule of materials and finishes and samples of the materials (to include sample panels of the walling materials) to be used in the construction of all external surfaces, including roofs and boundaries 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, BD/3 of the West Somerset District Local Plan (2006).

- 5 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, or other opening shall be constructed in the rear roof slope of plots 5, 58, 69 and 73 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).

- 6 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 or other opening, shall be constructed in the side (south) elevation of plot 5, side (south west) elevation of plot 16, side (west) elevation of plot 70, side (east) elevation of plot 71, side (north) elevation of plot 54 or first floor of the side (west) elevation of plot 3 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).

- 7 There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access onto Doniford Road. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

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

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

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

- 9 No works shall be undertaken on site unless a scheme, to ensure that all vehicles associated with the construction of the development hereby approved are in a condition so that upon leaving the site the vehicles will not emit dust or deposit mud or other debris on the highway, has been submitted to and approved in writing by the local planning authority. Such details shall include sufficient means for cleaning the wheels of all vehicles leaving the site. The scheme shall be carried out in accordance with the approved details until the construction of the development has been completed.

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

- 10 The gradient of the proposed driveways to allocated parking spaces shall not be steeper than to the dwellings hereby permitted shall not be steeper than 1 in 10.

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

- 11 The proposed roads, including footpaths, turning and parking 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 (including the relevant section of the service road) to at least base course level between the dwelling and existing highway.

Reason: To ensure that the highway works are provided to an appropriate standard in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 12 No dwelling shall be occupied unless the driveways or allocated parking area associated with that dwelling has been provided. The driveways or parking area shall thereafter be available for the parking of vehicles associated with that dwelling.  
Reason: To ensure adequate parking is provided for the dwellings having regard to the provisions of Policy T/8 of the West Somerset District Local Plan (2006).
- 13 No works shall be undertaken on site unless details for the provision of cycle storage for the dwellings, including details and elevations of the proposed storage sheds has been submitted to and approved in writing by the local planning authority. The cycle storage shall be provided in accordance with the approved details and each dwelling shall not be occupied unless the cycle storage has been provided for that dwelling and is retained thereafter.  
Reason: To encourage the use of sustainable modes of transport having regard to policies within the National Planning Policy NPPF.
- 14 None of the dwellings hereby permitted shall be occupied unless the network of footways including the footpath link into Holm View has been constructed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.  
Reason: To encourage the use of sustainable modes of transport having regard to policies within the National Planning Policy NPPF.
- 15 The parking spaces in the garages within plots 3,4,26,27,28,30,31,32,44,15,16 and 62 shall at all times be kept available for the parking of vehicles and shall be kept free of permanent obstruction for such use.  
Reason: To retain adequate off-street parking provision having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).
- 16 No works shall be undertaken on site unless a scheme for the protection of retained hedgerows, within and adjoining the site, during construction has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the type and location of proactive fences. The protective fences shall be erected prior to any other works commencing on site, or in accordance with a programme agreed as part of the scheme. The protective fences shall remain in place until works are completed within the vicinity of that section of fence. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works.  
Reason: To safeguard the existing hedges to be retained within the site having regard to the provisions of Saved Policies BD/1, BD/2, TW/2, NC/4, LC/1 and LC/3 of the West Somerset District Local Plan (2006).
- 17 No works shall be undertaken on site unless a scheme for the mitigation of impacts on Reptiles and amphibians during vegetation clearance and construction (including a scheme of appropriate working practices should reptiles or amphibians be encountered) and a programme of implementation, having regard to the mitigation recommendations within pages 16 and 17 of the Ecological Impact Assessment submitted with the application, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and programme of implementation.  
Reason: To mitigate impacts on amphibians having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006) and policy within the National Planning Policy NPPF.
- 18 Hedgerow removal works shall not take place between 01 February and 31 August unless a scheme for the surveying of vegetation for the presence of active nests and protected species prior to shrub clearance and details of working practices, to ensure

active nests and protected species are not disturbed during vegetation clearance, has been submitted to and approved in writing by the local planning authority. Any vegetation clearance works that take place between 01 February and 31 August shall be carried out in accordance with the approved scheme.

Reason: To ensure there are no adverse impacts on species protected by law, and to ensure biodiversity is maintained/enhance having regard to the provisions of Policy NC/4 of the West Somerset District Local Plan 2006 and policy within the National Planning Policy NPPF.

- 18 The mitigation measures for the protection of Badgers detailed on page 17 of the Ecological Impact Assessment shall be implemented for the duration of construction on site. Should the development not commence within one year of the date of this decision, no works shall be undertaken on site unless the site is resurveyed for the presence of badger setts, the survey along with any necessary mitigation measures has been submitted to and approved in writing by the local planning authority. In the event that mitigation is necessary, the development shall thereafter precede in accordance with the approved mitigation measures.

Reason: To ensure there are no adverse impacts on species protected by law, having regard to the provisions of Policy NC/4 of the West Somerset District Local Plan 2006.

- 19 No works shall be undertaken on site shall until a Landscape and Ecological Management Plan detailing a proposed management scheme for all retained and new habitats and details of the placement and specification of bird boxes and bat tubes as specified on page 17 of the Ecological Impact Assessment submitted with the application has been submitted and approved by the local planning authority. The approved details and management of the habitats shall remain in accordance with the approved details in perpetuity.

Reason: To ensure there are no adverse impacts on species protected by law, having regard to the provisions of Policy NC/4 of the West Somerset District Local Plan 2006.

- 20 No works shall be undertaken on site unless a surface water drainage scheme for the Site based on the hydrological and hydrogeological context of the development and a programme of implementation has been submitted to and approved in writing by the local planning authority. The scheme shall include details of gullies, connections, soakaways, and means of attenuation. The scheme shall be implemented in accordance with the approved details and programme.

Reason: To ensure the adequate provision of drainage infrastructure and prevent increased risk of flooding having regard to the provisions of Saved Policies W/1 and W/5 of the West Somerset District Local Plan (2006).

- 21 No works shall be undertaken on site unless a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the local planning authority. The drainage system shall be maintained in accordance with the approved scheme.

Reason: To ensure the adequate provision of drainage infrastructure and prevent increased risk of flooding having regard to the provisions of Saved Policies W/1 and W/5 of the West Somerset District Local Plan (2006).

- 22 No work shall be undertaken on site unless an appropriate right of discharge for surface water has been obtained and details of which shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the adequate provision of drainage infrastructure and prevent increased risk of flooding having regard to the provisions of Saved Policies W/1 and W/5 of the West Somerset District Local Plan (2006).

- 23 No works shall be undertaken on site unless details for the implementation of a programme of archaeological work in accordance with a written scheme of investigation

including a timetable for the works and has been submitted and approved by the local planning authority. The approved archaeological work shall be carried out and completed in accordance with the approved scheme of investigation.

Reason: To ensure that archaeological remains and features are adequately recorded having regard to the provisions of Saved Policy AH/2 of the West Somerset District Local Plan (2006).

- 24 None of the dwellings hereby approved shall be occupied until the footway extension to the existing footway on the north eastern side of Doniford Road has been constructed in accordance with a design and specification to be approved in writing by the local planning authority and be fully implemented to the satisfaction of the said authority.

Reason: To encourage the use of sustainable modes of transport having regard to policies within the National Planning Policy NPPF.

- 25 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), there shall be no erection or construction of any gate, fence wall or other means of enclosure to the front and side gardens of plots 44 and 45 without the prior grant of planning permission.

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

- 26 Prior to any works commencing on site a detailed scheme for the provision of equipped play area shall be submitted to and approved in writing by the local Planning Authority. The scheme details of the play equipment, fences or enclosures, surface treatment, seating and bins. The approved play area shall be implemented and completed in accordance with the approved scheme.

Reason: In the interests of visual amenity and to ensure an acceptable amount of play equipment provision having regard to Saved Policies BD/2 and R/5 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 NPPF. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application various issues and concerns were raised by consultees. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address the issues and concerns and amended plans and additional information was submitted. For the reasons given above and expanded upon in the committee 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.

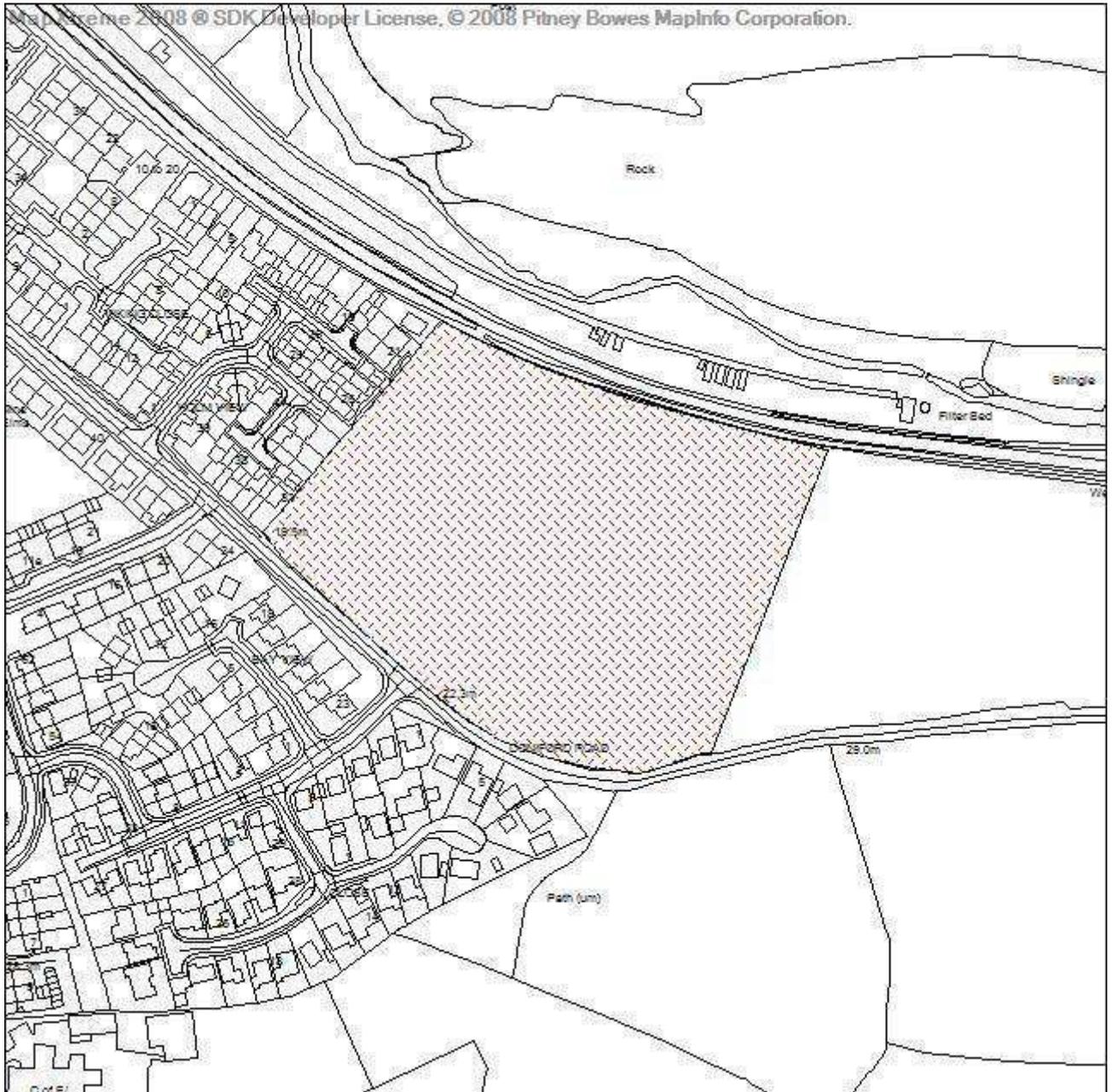
- 3 There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

- 4 Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and

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

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

- 5 If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.
- 6 In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs.co.uk>
- 7 Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett.
- 8 Slow worms and bats are protected under the Wildlife and Countryside Act 1981 (as amended) which provides protection to the species from injury or death.
- 9 Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the trees and hedges should be checked for nesting birds before work begins.
- 10 Should undiscovered contamination be encountered during the site works appropriate advice should be sought from a suitably qualified engineer with Building Control approval to determine the appropriate course of action.



Application No 3/37/13/035  
Erection of 73 dwellings (including 25 affordable homes), creation of an access from Doniford Road, provision of open space, landscaping, parking and associated works.

Land at Doniford Road, Watchet, Somerset, TA23

22 November 2013

Planning Manager

West Somerset Council

West Somerset House

Killick Way

Williton TA4 4QA

West Somerset Council

Licence Number: 100023932



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Easting: 307877 Northing: 143055  
1:2500

Scale:

<b>Application No:</b>	T/3/119
<b>Parish</b>	Minehead
<b>Case Officer:</b>	Sue Keal
<b>Owners:</b>	Mr Alan Dicks
<b>Subject:</b>	Confirmation of Tree Preservation Order on One Oak Tree.
<b>Location</b>	Oakfield, Northfield Road, Minehead, TA24 5QH
<b>Reason for referral to Committee</b>	Confirmation of a Tree Preservation Order requires a decision by the Planning Committee

### Risk Assessment

Description	Likelihood	Impact	Overall
That the Tree Preservation Order is confirmed or not confirmed for reasons that 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:

Oakfield, Northfield Road, Minehead, TA24 5QH

### Purpose of Report:

To advise the Members of a proposal to make a Tree Preservation Order (TPO) on an Oak and that Members resolve to make an Order. No objections have been received to the making of the TPO. It is recommended that the Order now be confirmed as an unopposed Order.

### Background Information:

Where a site is located within a Conservation Area and any works are proposed to trees that are not protected by a TPO, the applicant must provide details of the proposed works to the Council. The Council has six weeks to consider the request. The Council can agree that the works are appropriate and issue a letter stating the Council has no objection to the works. If there is a concern that the works are inappropriate and that the trees may be worthy of protection through a TPO then the Council can make a Tree Preservation Order. The Council cannot refuse the application to carry out works or impose any restriction or conditions (i.e. re-planting). The making of the TPO would prevent the applicant from carrying out the works applied for.

The owner made an application to reduce the Oak tree by 3m on 15<sup>th</sup> October 2013.

A site inspection was made on the 23rd October 2013 and it was considered that:

- no justification for the works had been provided,
- the proposed works to reduce the tree was not needed at this current time,
- the tree was worthy of a TPO.

Ward Members and the Chairman of the Planning Committee were consulted on 29th October 2013 following no objections being received the Planning Manager issued an Emergency Tree Preservation Order to protect the tree prior to the Planning Committee considering a report to making a full Tree Preservation Order. The reasons for making the Emergency Tree Preservation Order were:

*“This Oak tree, is a healthy specimen that occupies a prominent position located at in the front garden area of the property and is an attractive feature that contributes to the visual amenity of the area and to the character of the Higher Town Conservation Area part of Minehead.”*

## **Consultations and Representations:**

### *Owner*

The owner and their agent have been advised of the decision to issue an Emergency Tree Preservation Order. No further comments or objections have been received.

### *Grounds Maintenance Manager, West Somerset Council*

Following a site visit and tree inspection with the Grounds Maintenance Manager a TPO assessment exercise was undertaken. It was concluded that the Oak tree, was worthy of a TPO on the grounds of the visual amenity, tree health, vigour, character, impact considerations harmony of the tree and its surroundings and any special interest features such as rarity of species.. He provided the follow comments:

I agree that this tree is worthy of a TPO. The Oak doesn't need trimming at this time.

## **Financial Implications:**

No compensation is payable from making a TPO but compensation is payable for loss or damage caused or incurred as a result of: -

- The Local Planning Authority refusing consent under a TPO
- The Local Planning Authority granting consent subject to conditions

The Local Authority's liability is limited but is subject to the following exceptions: -

- a. No claim for compensation can be made if the loss or damage incurred amounts to less than £500.
- b. No compensation is payable for loss of development value or other diminution in the value of land. "Development value" means an increase in value attributed to the prospect of developing the land including clearing it.
- c. No compensation is payable for loss or damage which, bearing in mind the reasons given for the application for consent (and any documents in support of those reasons), was not reasonably foreseeable when the application was decided.
- d. No compensation is payable to a person for loss or damage which was (i) reasonably foreseeable by that person, and (ii) attributable to that person's failure to take reasonable steps to avert the loss or damage or mitigate its extent;
- e. No compensation is payable for the costs include din bringing an appeal to the Secretary of State against the Local Planning Authority's decision to refuse consent or grant it subject to conditions.

## **Legal Implication:**

Anyone who cuts down, uproots or wilfully destroys a tree or tops, lops or wilfully damages a tree in a way that is likely to destroy it is guilty of an offence if consent to carry out the works has not already been obtained. This can therefore lead to prosecution by the Authority.

## **Recommendation:**

In summary, in view of the concerns raised and comments received, together with the confirmation of the health and importance on the Oak tree to the visual character and amenity in the area it is recommended that the Tree Preservation Order be Confirmed.

### Delegated Decision List

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/01/13/008	Woolston Dairy, Woolston, Taunton, TA4 4LN Variation of condition 2 on planning permission 3/01/12/015 to amend the proposed dormer window to a square window with cedar boarding in apex and increase cedar boarding on link section of north elevation.	20 January 2014	Grant
3/01/13/009	Site adjacent to Woolston Dairy, Woolston, Taunton, TA4 4LN Variation of condition 1 on reserved matters 3/01/12/010 to add a window on the first floor of the north elevation, align building line between ground and first floor on south elevation, increase cedar boarding on link section of north elevation and the use of black UPVC for gutters and rmps.	20 January 2014	Grant
3/04/13/009	Wildanhow Lodge, Brushford, Dulverton, TA22 9AW Erection of timber framed car port and log store	12 December 2013	Refuse
3/05/13/011	2 Church Close, Carhampton, TA24 6NS Single storey extension	23 December 2013	Grant
3/07/13/014	Denzel Paddocks, Crowcombe Heathfield, Taunton, TA4 4BS Extension over existing ground floor rooms to provide additional accommodation, new bay window to existing ground floor room, new glazed screen and section of roof glazing to existing garden room roof and new log store.	23 December 2013	Grant
3/10/13/006	Flat 3, Avill Court, Marsh Street, Dunster, Minehead, TA24 6PN <b>To replace existing single glazed wooden windows with double glazed wooden windows.</b>	17 December 2013	Grant
3/10/13/007	12A Haven Close, Dunster, Minehead, TA24 6RW Erection of utility room	17 December 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/16/13/014	Strawberry Fields, Holford, TA5 1RZ Erection of building for the storage of agricultural machinery, feedstuffs, rainwater collection and hygiene and welfare.	10 January 2014	Prior approval not required

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<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/13/063	5 Brook Street, Alcombe, Minehead, TA24 6BP Replacement windows, doors, re-rendering of front elevation and installation of timber staircase together with the retention of the removal of oak panelling and fireplace surround and installation of new fireplace surround and demolition of external toilet building.	20 December 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/13/099	30 The Parks, Minehead, TA24 8BT Demolition of garage and erection of a detached dwelling within the garden area to the west of 30 The Parks.	05 December 2013	Refuse

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/13/100	Land to North East of junction between Periton Lane and Periton Road Variation of condition 7b (relating to implementation timescale of the landscaping scheme) and Condition 8 (relating to the implementation timescale for planting of a hedge) in respect of Planning Application 3/21/05/014	19 December 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/13/101	Land to the the North East of junction between Periton Lane & Periton Road, Minehead Lawful Development Certificate for the works commencing on site	11 December 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/13/102	White Lodge, Periton Road, Minehead, TA24 8DU Erection of two detached dwellings and garages with the formation of a new vehicular and pedestrian access and demolition of existing garage.	18 December 2013	Refuse

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/13/103	Troll Toppen, North Hill Road, Minehead, TA24 5SF <b>Removal of polycarbonate roof over swimming pool, construction of flat roof</b>	05 December 2013	Grant

**forming balcony/terrace area together with link walkway and construction of a Reinforcing Buttress to adjoining Retaining wall**

<b><u>Ref No.</u></b>	<b><u>Application</u></b>	<b><u>Date</u></b>	<b><u>Decision</u></b>
3/21/13/106	63 Alcombe Road, Alcombe, Minehead, TA24 6BB Demolition of garage, alteration and extension to form a one bedroom annex plus formation of small extension to form disabled toilet, together with modifications to parking arrangements.	23 December 2013	Grant
3/21/13/108	McColls, 2 Park Street, Minehead, TA24 5NQ Proposed installation of an ATM.	16 January 2014	Grant
3/21/13/109	McColls, 2 Park Street, Minehead, TA24 5NQ Installation of ATM with illuminated lettering and blue LED halo illumination to ATM surround	16 January 2014	Grant
3/21/13/112	8 Ballfield Road, Minehead, TA24 5JL <b>Proposed external stairs and landing</b>	08 January 2014	Grant
3/21/13/114	Butlins, Warren Road, Minehead, TA24 5SH Variation of condition 2 to planning permission 3/21/13/087 for external plant enclosures, reconfigured car parking, check-in building extended and adjacent lake redesigned, coloured timber cladding added to entrance elevations, access stairs reconfigured, recycling and sub-station enclosures redesigned.	15 January 2014	Grant
3/21/13/115	3 Higher Park, Minehead, TA24 8AP Proposed replacement lean-to extension	09 January 2014	Grant
3/21/13/117	11 Regents Way, Minehead, TA24 5HW Extension to rear to enlarge kitchen and form utility room	10 January 2014	Grant
3/26/13/013	Land to the rear of 10 Quarry Road, Washford, Watchet, TA23 0NR Erection of residential dwelling with associated garden and car parking	24 December 2013	Grant

<b><u>Ref No.</u></b>	<b><u>Application</u></b>	<b><u>Date</u></b>	<b><u>Decision</u></b>
3/26/13/014	9 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JA Erection of a single storey extension to the north west elevation. It is also proposed to relocate the existing dwarf masonry wall to the property frontage and erect a retaining wall to the north west of the site (resubmission of 3/26/13/010)	24 December 2013	Grant
3/26/13/015	Rose Cottage, Blue Anchor, Minehead, TA24 6JR <b>Retrospective application to rebuild and alter existing retaining wall and hard standing. Alterations to existing garden wall.</b>	13 December 2013	Grant
3/26/13/016	The White Horse Inn, Abbey Road, Hungerford, TA23 0JZ Replacement garage/store	03 January 2014	Grant
3/28/13/006	Providence, Sampford Brett, Taunton, TA4 4LF Installation of 2 x 9kw air source heat pumps to rear of property	05 December 2013	Grant
3/28/13/007	Higher Thornes Farm, Lower Weacombe, Taunton, TA4 4ED Provision of oil tank to rear of dwelling (north west corner), a boiler enclosure on the north-west side of dwelling and the provision of a rooflight to an en-suite on the north-east elevation	15 January 2014	Grant
3/32/13/030	Hinkley Point B, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UD Erection of a modular building for civil nuclear constabulary.	12 December 2013	Grant
3/32/13/032	2 Burgage Road, Stogursey, Bridgwater, TA5 1QZ Single storey rear conservatory	12 December 2013	Grant
3/32/13/034	Land south of Stolford Farm, Stolford,	10 January	Grant

	Stogursey, Bridgwater, TA5 1TW Proposed Livestock Building	2014	
<b><u>Ref No.</u></b> 3/32/13/035	<b><u>Application</u></b> 54 Burgage Road, Stogursey, Bridgwater, TA5 1RB Lawful Development Certificate for the existing use of a single storey rear conservatory	<b><u>Date</u></b> 03 January 2014	<b><u>Decision</u></b> Grant
<b><u>Ref No.</u></b> 3/37/13/036	<b><u>Application</u></b> 4 Mount Pleasant, Beverley Drive, Watchet, TA23 0ET Replacement PVCu windows (retrospective)	<b><u>Date</u></b> 02 January 2014	<b><u>Decision</u></b> Grant
<b><u>Ref No.</u></b> 3/37/13/037	<b><u>Application</u></b> Kentsford Farm, Brendon Road, Watchet, Somerset Electrical wiring at Kentsford farm needs replacing together with outdated and dangerous fittings. As part of current requirements, a fire detection system will also be installed.	<b><u>Date</u></b> 10 January 2014	<b><u>Decision</u></b> Grant
<b><u>Ref No.</u></b> 3/38/13/003	<b><u>Application</u></b> Rydon Farm, West Quantoxhead, Taunton, TA4 4DW Erection of agricultural building to store grain	<b><u>Date</u></b> 17 December 2013	<b><u>Decision</u></b> Prior approval not required
<b><u>Ref No.</u></b> 3/39/13/031	<b><u>Application</u></b> Doniford Bay Holiday Village, Watchet, Somerset, TA23 0TJ <b>Installation of 16 caravan bases to enable the siting of 16 static caravans, new access route, creation of lake and associated landscaping and infrastructure.</b>	<b><u>Date</u></b> 19 December 2013	<b><u>Decision</u></b> Grant
<b><u>Ref No.</u></b> CA/21/13/013	<b><u>Application</u></b> Danesbrook, St Michaels Road, Minehead, TA24 5JP Crown reduction of Eucalyptus by 50%	<b><u>Date</u></b> 14 January 2014	<b><u>Decision</u></b> Raise No Objection
<b><u>Ref No.</u></b> T/18/13/004	<b><u>Application</u></b> Thatchings, Hilltop Lane, Kilve, TA5 1SR Works to single Oak tree - reduction of crown by approximately 3 metres, reduction of large limb on north-west side of tree by 3 metres, removal of dead branch on south-west side at approximately 6m, removal of large deadwood up to 20cms in diameter from throughout the canopy.	<b><u>Date</u></b> 23 December 2013	<b><u>Decision</u></b> Grant

<b><u>Ref No.</u></b>	<b><u>Application</u></b>	<b><u>Date</u></b>	<b><u>Decision</u></b>
T/26/13/008	9 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JA Fell one Sycamore and fell one Grand Fir	24 December 2013	Grant



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## Appeal Decision

Hearing held on 27 November 2013

Site visit made on 27 November 2013

by **Alison Lea MA (Cantab) Solicitor**

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

Decision date: 14 January 2014

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**Appeal Ref: APP/TPO/H3320/3357**

**Coppers, Main Road, Dunster TA24 6PS**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
  - The appeal is made by Mr and Mrs A Richards against the decision of West Somerset Council.
  - The application Ref: T/10/13/001, dated 15 April 2013, was refused by notice dated 17 June 2013.
  - The work proposed is the removal of a Sweet Chestnut tree.
  - The relevant Tree Preservation Order (TPO) is The West Somerset District (Coppers, (Former Police House) Dunster) Tree Preservation Order 1996, which was confirmed on 7 January 1997.
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### Decision

1. The appeal is allowed and consent is granted to remove a Sweet Chestnut tree protected by The West Somerset District (Coppers, (Former Police House) (Dunster) Tree Preservation Order 1996 in accordance with the terms of the application, Ref T/10/13/001, dated 15 April 2013 subject to the following conditions:
  - (a) The work hereby permitted shall be undertaken not later than 2 years from the date of issue of this decision,, after which time the consent is no longer valid;
  - (b) A replacement broadleaf deciduous tree of a species to be agreed in writing with the local planning authority and which shall have a minimum trunk girth of 8cm shall be planted within 5 metres of the felled tree within 2 months of the felling hereby permitted unless otherwise agreed in writing by the local planning authority. If within a period of 5 years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed, or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent.

### Main Issues

2. The main issues in this case are
  - (a) the amenity value of the tree and the likely impact of the proposal on the character and appearance of the area; and

- (b) whether the reasons given for the proposed works are sufficient to justify the course of action proposed.

### **Reasons**

#### ***The amenity value of the tree and the likely impact of the proposal on the character and appearance of the area***

3. The Sweet Chestnut is a mature tree, originally planted in the garden of a police station and now located in the front garden of Coppers, which was the former Police House. It is estimated at over 100 years in age and given the general longevity of Sweet Chestnut trees, could live for in excess of another 100 years. It is about 25m in height, its trunk is about 8-9m from the house and although the Council states that its canopy is about 2-3m from the house it was clear from my site visit that it is closer than that. The appellants state that in the summer months they can almost touch its foliage from the bedroom windows in the front of the house.
4. A small area of decay has been noted at the base of the tree and there is a vertical mark on the trunk, which it has been suggested could indicate internal stress and weakness. However, although the Council has stated that a decay test and aerial inspection could be carried out in order to gather more accurate information with regard to the tree's health, and points out that the crown is a little thin, the Council considers that the tree is in overall good health. I note that a number of limbs have fallen over the years and that there is dead wood in the canopy. However, any dangerous branches or dead wood could be removed and on the evidence before me I have no reason to conclude that the tree is dangerous or other than in generally good health.
5. The tree is adjacent to the main road and is therefore highly visible from public vantage points. The appellants accept that it is a beautiful tree and I note the correspondence from an elderly resident of Dunster who refers to it as a "wonderful tree". I accept however that there are many other mature trees apparent within the street scene, both lining the road and in woods on the opposite side of the main road, and that the Sweet Chestnut is seen in most view points in the context of a number of other trees of varying species and age. Accordingly, although the tree, due to its maturity, size and location, is of significant amenity value, the impact of its loss would be diminished due to the overall sylvan character and appearance of the surrounding area.

#### ***Whether the reasons given for the proposed works are sufficient to justify the course of action proposed.***

6. The appellants' main concern relates to the levels of damp which they are experiencing within their home and the effect this is having on the health of their young daughter. Although at the time of my site visit only small amounts of discolouring were apparent, I was informed that the appellants had redecorated the affected rooms in the summer and I have seen photographic evidence of considerable areas of black mould on the walls of the rooms on the first floor front elevation of the property.
7. The appellants have submitted a report by Mr White of Sovereign Damp & Timber Assessments which finds the roof, flashing and rainwater goods on the property to be in good condition. The appellants state that Mr White visited on more than one occasion and advised on various measures which could be taken

to reduce the likelihood of damp. Since purchasing the property in October 2009 the appellants have fitted loft insulation and installed cavity wall insulation and new double glazing throughout the property with trickle vents to allow air flow. Any internal cracks and cracks in pointing have been filled in. In addition the appellants have had a new boiler and radiators to increase the distribution of heat throughout the house, used a dehumidifier and installed a downstairs shower so as to decrease humidity from use of the main upstairs bathroom. They have also removed all ivy and shrubs from the front of the property, treated walls, furniture and décor with specialist anti-mould paint and regularly redecorate where ever mould has caused damage.

8. Mr White states in his report that a considerable amount of work has been done to eliminate damp in the property and that all of this will have helped to reduce the cause and effects of damp. However, he also refers to the size and close proximity of the Sweet Chestnut, which blocks out light and which in his view contributes to the mould and damp. The Council Officer's report relies on the comments of the Taunton Deane Tree Officer, who expresses doubt that the tree is causing or even exacerbating the problems of damp, and to advice from the building control team that the damp will be caused by other factors and can be remedied and that the tree will be having no effect on the amount of damp in the house. In its statement the Council expresses the view that the tree, with its canopy 2-3m away from the house is not considered close enough to be having a significant effect on the amount of drying air reaching the building.
9. There is no evidence to show conclusively that it is the proximity of the tree to the front elevation of the property and the impact that has on the amount of light and air reaching the property which is causing the damp. However, the Council was unable to suggest what other factors may be causing the problem or what other measures could be taken to remedy it and I accept that it is difficult to envisage what additional measures could be taken to try to reduce or eliminate the problem. It is clear that given the location of the tree in relation to the sun and the property, and its proximity which is closer than the 2-3m suggested by the Council, it will prevent sunlight reaching the first floor front elevation at most times and could well be preventing any drying out of that elevation. It is also notable that the problems are occurring only on the elevation obscured by the tree and only on the first floor. Although I agree with the Council that it is difficult to determine the extent to which the tree may be contributing to the problem, on the evidence before me and in the particular circumstances of this case it appears probable that the tree is a significant cause of the damp experienced in the house.
10. The property has 2 bedrooms on the front elevation, one of which is used by one of the appellants' children. The appellants report that shortly after moving to the property their daughter developed a chronic cough, eczema and congestion which was eventually diagnosed as an allergy. A letter from her doctor confirms her history of coughing which it is stated improves with Chlorphenamine antihistamine medication. Washing powders, pet hair, dietary intolerances, hay fever and dust mites have all been eliminated as possible causes and the appellants report a clear link between the presence of mould and their daughter's symptoms. Furthermore Mrs Richards states that when she cleans the areas of mould her throat becomes sore and her chest tightens and that she has started to wear a mask when removing the mould. There would seem to be little doubt that the appellants' daughter's health is being

adversely affected by the presence of damp and mould and I agree that if possible the need for her to take medication should be avoided.

11. The Council has suggested that crown lifting and pruning back the branches closest to the property could be undertaken and that such work could be done regularly in order to keep the branches away from the building. However, given the height of the tree and its location in relation to the sun, it is difficult to see how crown lifting would allow a sufficient increase in sunlight to the property such as would make a significant difference, and removal of branches closest to the building, whilst allowing more air to circulate, would have an adverse impact on the form of the tree. I agree with the appellants that if such works were undertaken it would be necessary to wait a period of time before it could be determined whether the pruning had made any difference to the damp during which their daughter may have to remain on medication. Given that it is difficult to see how such measures would significantly improve the situation without having a materially adverse effect on the appearance of the tree I do not consider this an acceptable solution.
12. The appellants are also concerned about cracks which have appeared in both internal and external walls of the property and suggest that the tree is causing structural damage to the property. However, I agree with the Council that in the absence of further evidence such as crack and level monitoring and soil and root analysis there is little evidence to suggest tree related subsidence at this stage or to link the tree with the cracks which have appeared. Furthermore I note the report from Mr Sully which states that the foundations of the house do not comply with current regulations. It may be that even if the tree were found to be causing structural damage other measures could be taken to remedy the situation.
13. I also note the references to the amount of debris which falls from the tree and the fact that Dunster Parish Council receives complaints about the footpath which runs underneath the canopy of the tree being slippery and dangerous due to the fall of leaves and husks. I accept that due to its location a considerable amount of debris is likely to fall on the public highway and I also note Parish Council's concern about clearing it up and the potential liability if an accident occurred following voluntary removal. However, these matters are not unusual, should not be insurmountable and are insufficient to justify the felling of a protected tree.
14. Nevertheless, I have found that it is probable that the tree is a significant cause of the damp experienced in the house, and that this is affecting the health of at least one of the occupants. Although the Sweet Chestnut has significant amenity value in itself and is highly visible, the impact of felling it is reduced by the large number of other trees within the vicinity. Moreover the appellants have offered to plant a replacement tree and although I accept that it would be many years before such a tree would reach the stature and amenity value of the Sweet Chestnut it would nevertheless contribute to maintaining the sylvan character of the area. In the particular circumstances of this case I conclude that the felling of the tree is justified, subject to a condition to secure the planting of a replacement tree.

*Alison Lea*

INSPECTOR

**APPEARANCES**

**FOR THE APPELLANT:**

Mr A Richards  
Mrs C Richards  
Mr K Sully  
Mr A Vicary

Dunster Parish Council

**FOR THE LOCAL PLANNING AUTHORITY:**

Ms E Peeks  
Ms S Keal  
Mr D Galley

Principal Planning Officer  
Planning Officer  
Tree Officer, Taunton Deane Council

**INTERESTED PERSONS:**

Councillor C Lawrence

Somerset County Council. Cabinet Member for  
Health and Wellbeing



## Challenging the Decision in the High Court

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### *Challenging the decision*

Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued. Therefore a decision is final and cannot be reconsidered unless it is successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

### *Grounds for challenging the decision*

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal it will return the case to us for re-consideration.

### *Different appeal types*

High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly. Some important differences are explained below:

### *Challenges to planning appeal & Tree Preservation Order (TPO) appeal decisions*

These are normally applications under Section 288 of the Town & Country Planning Act 1990 to quash decisions into appeals for planning permission (including enforcement appeals allowed under ground (a), deemed application decisions or lawful development certificate appeal decisions). For listed building or conservation area consent appeal decisions, challenges are made under Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990. **Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended. A challenge against a Tree Replacement Notice (TRN) appeal must be received by the Administrative Court within 28 days of the date of the decision, unless the court extends this period.**

### *Challenges to enforcement appeal decisions*

Enforcement appeal decisions under all grounds [see our booklet 'Making Your Enforcement Appeal'] can be challenged under Section 289 of the Town & Country Planning Act 1990. Listed building or conservation area enforcement appeal decisions can be challenged under Section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under Section 289 or Section 65 you must first get the permission of the Court. However, if the Court does not consider that there is an arguable case, it can refuse permission. **Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.**

**Important Note** - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).

## Frequently asked questions

"Who can make a challenge?" - In planning cases, anyone aggrieved by the decision may do so. This can include third parties as well as appellants and councils. In enforcement cases, a challenge can only be made by the appellant, the council or other people with a legal interest in the land - other aggrieved people must apply promptly for judicial review by the Courts (the Administrative Court can tell you more about how to do this - see Further Information).

"How much is it likely to cost me?" - An administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees - see 'Further Information'). The legal costs involved in preparing and presenting your case in Court can be considerable though, and if the challenge fails you will usually have to pay our costs as well as your own. However, if the challenge is successful we will normally meet your reasonable legal costs.

"How long will it take?" - This can vary considerably. Although many challenges are decided within six months, some can take longer.

"Do I need to get legal advice?" - You do not have to be legally represented in Court but it is normal to do so, as you may have to deal with complex points of law made by our own legal representative.

"Will a successful challenge reverse the decision?" - Not necessarily. The Court can only require us to reconsider the case and an Inspector may come to the same decision again but for different or expanded reasons.

"What can I do if my challenge fails?" - The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

## Further information about challenging the decision

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London WC2 2LL, telephone 0207 9476655; Website: [www.courtservice.gov.uk](http://www.courtservice.gov.uk)

## Inspection of appeal documents

We normally keep appeal files for one year after the decision is issued, after which they are destroyed. You can inspect appeal documents at our Bristol offices by contacting us on our General Enquiries number to make an appointment (see 'Contacting us'). We will then ensure that the file is obtained from our storage facility and is ready for you to view. Alternatively, if visiting Bristol would involve a long or difficult journey it may be more convenient to arrange to view your local planning authority's copy of the file, which should be similar to our own.

## Administrative Justice & Tribunals Council

If you have any comments on appeal procedures you can contact the Administrative Justice & Tribunals Council, 81 Chancery Lane, London WC2A 1BQ. Telephone 0207 855 5200; website: <http://www.ajtc.gov.uk/> However, it cannot become involved with the merits of individual appeals or change an appeal decision.

## Contacting us

High Court Section  
The Planning Inspectorate  
4/06 Kite Wing, Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN  
Phone: 0117 372 8962

## General Enquiries

Phone: 0117 372 6372  
E-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

## Complaints

### Complaints & Queries in England

Please refer to our website:  
<http://www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback/>  
or write to:

Quality Assurance Unit  
The Planning Inspectorate  
4/06 Kite Wing, Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN  
Phone: 0117 372 8252

## Cardiff Office

The Planning Inspectorate  
Room 1-004, Cathays Park  
Cardiff CF1 3NQ  
Phone: 0292 082 3866  
E-mail: [Wales@pins.gsi.gov.uk](mailto:Wales@pins.gsi.gov.uk)

## The Parliamentary & Health Service Ombudsman

Millbank Tower, Millbank  
London SW1P 4QP

Helpline: 0345 015 4033  
Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)  
Email: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)



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## Our Complaints Procedures

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### **Introduction**

#### **We can:**

- review your complaint and identify any areas where our service has not met the high standards we set ourselves.
- correct some minor slips and errors provided we are notified within the relevant High Court challenge period (see below).

#### **We cannot:**

- change the Inspector's decision.
- re-open the appeal once the decision has been issued.
- resolve any issues you may have with the local planning authority about the planning system or the implementation of a planning permission; we can only deal with planning appeal decisions.

The **High Court** is the only authority that can require the Inspector's decision to be reconsidered. Applications to the High Court must be made within 6 weeks from the date of the decision letter for planning appeals, and in most instances 28 days for enforcement appeals. Some other specialist casework types have different processes and timescales; information about which can be provided on request.

### **Complaints**

We try hard to ensure that everyone who uses the appeal system is satisfied with the service they receive from us. Planning appeals often raise strong feelings and it is inevitable that there will be at least one party who will be disappointed with the outcome of an appeal.

This often leads to a complaint, either about the decision itself or the way in which the appeal was handled.

Sometimes complaints arise due to misunderstandings about how the appeal system works. When this happens we will try to clarify matters as clearly as possible. Sometimes the appellants, the council or a local resident may have difficulty accepting a decision simply because they disagree with it. Although we cannot re-consider an appeal or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how the council dealt with another similar application), in which case we will explain why and suggest who may be able to deal with the complaint instead.

### **How we investigate complaints**

Inspectors have no further planning authority in the case once their decision is issued. It is the role of our Quality Assurance Unit to impartially investigate complaints about decisions, an Inspector's conduct or supporting administrative procedures. We appreciate that many of our customers will not be experts on the planning system and for some, it will be their one and only experience of it.

We also realise that your opinions are important and may be strongly-held.

The Quality Assurance Unit works independently of all of our casework teams and Inspectors. It ensures that all complaints are investigated thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms.

We aim to reply as soon as we can. To assist our investigations we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made.

### **What we will do if we have made a mistake**

Although we aim to give the best service possible, there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector or staff member and line management team concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future.



## Taking it further

If you are not satisfied with the way we have dealt with your complaint you can contact the Parliamentary and Health Service Ombudsman, who can investigate complaints of maladministration against Government Departments or Executive Agencies. If you decide to go to the Ombudsman you must do so through an MP. Again, the Ombudsman cannot change the decision.

## Frequently asked questions

*"Can the decision be reviewed if a mistake has happened?"* – Although we can rectify minor slips, we cannot reconsider the evidence the Inspector took into account or the reasoning in the decision or change the decision reached. This can only be done following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

*"So what is the point of complaining?"* – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve the appeals system.

*"Why did an appeal succeed when local residents were all against it?"* – Local views are important but they are likely to be more persuasive if based on planning reasons, rather than a basic like or dislike of the proposal. Inspectors have to make up their own minds on all of the evidence whether these views justify refusing planning permission.

*"What do the terms 'Allowed' and 'Dismissed' mean on the decision?"* – 'Allowed' means that Planning Permission has been granted, 'Dismissed' means that it has not. In enforcement appeals (s.174), 'Upheld' means that the Inspector has rejected the grounds of appeal and the enforcement notice must be complied with; 'Quashed' means that the Inspector has agreed with the grounds of appeal and cancelled the enforcement notice.

*"How can Inspectors know about local feeling or issues if they don't live in the area?"* – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will have visited the site and will be aware of local views from the representations people have made on the appeal.

*"I wrote to you with my views, why didn't the Inspector mention this?"* – Inspectors must give reasons for their decision and take into account all views submitted but the Courts have judged it is not necessary to list every bit of evidence.

*"Why did my appeal fail when similar appeals nearby succeeded?"* – Although two cases may be similar, there will always be some aspect of a proposal which is unique. Each case must be decided on its own particular merits.

*"I've just lost my appeal, is there anything else I can do to get my permission?"* – The appeal decision will highlight what the Inspector found unacceptable about the proposed development. In some cases it may be possible to address these problems, in which case you should talk to your Local Planning Authority's planning officers or take advice from a planning consultant.

*"What can I do if someone is ignoring a planning condition?"* – We cannot intervene as it is the council's responsibility to ensure conditions are complied with. You should contact the council as it has discretionary powers to take action if a condition is being ignored.

## Further information

Our Annual Report and Accounts contains details of our performance. It also includes details of how we have spent the funds the Government gives us for our work. We publish full statistics of the number of cases dealt with during the preceding year on our website, together with other useful information (see 'below')

## Contacting us

### Complaints & Queries in England

Please refer to our website:  
<http://www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback/>  
or write to:

Quality Assurance Unit  
The Planning Inspectorate  
4/06 Kite Wing  
Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN

Phone: 0117 372 8252

### General Enquiries

Phone: 0117 372 6372  
E-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

### Complaints & Queries in Wales

The Planning Inspectorate  
Room 1-004  
Cathays Park  
Cardiff CF1 3NQ

Phone: 0292 082 3866

E-mail: [Wales@pins.gsi.gov.uk](mailto:Wales@pins.gsi.gov.uk)

### The Parliamentary & Health Service Ombudsman

Millbank Tower, Millbank  
London SW1P 4QP

Helpline: 0345 015 4033

Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

E-mail: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)

Please see Wales leaflet for information on how to contact the Wales Public Services Ombudsman.