



To: Members of Planning Committee

Councillors S J Pugsley (Chair), B Maitland-Walker (Vice Chair), I Aldridge, D Archer, G S Dowding, S Y Goss, A P Hadley, B Heywood, I Jones, C Morgan, P H Murphy, J Parbrook, K H Turner, T Venner, R Woods

Our Ref TB/TM

Your Ref

Contact Tracey Meadows t.meadows@tauntondeane.gov.uk

Extension 01823 356573

Date 21 June 2016

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Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 30 June 2016

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

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

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

Yours sincerely

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

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 30 June 2016 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 26 May 2016 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

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

4. Public Participation

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

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

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

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

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

Report No: two

Date: 21 June 2016

<u>Ref No.</u>	<u>Application/Report</u>
3/26/16/008	Change of use of land from agriculture to a shared use path (Steam Coast Trail) as part of the National Cycle Network on Land to the north of the railway line between Old Cleeve and Washford
3/07/16/005	Erection of two storey, single storey and first floor extension and erection of garage block at Leigh Mill, Leigh Lane, Stogumber, Taunton, TA4 4BL
3/28/16/002	Erection of dwelling house (Class C3) together with provision of garden and maneuvering area at Union Quarry, Tower Hill, Williton, Taunton, TA4 4JR

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

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

8. **Appeals Lodged**

Appeal against the refusal of the retention of the fence at 9 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JA (planning application 3/26/16/007).

9. **Appeals Decided**

None

10. **Reserve date for site visits** – 25 July 2016

11. **Next Committee date** - 28 July 2016

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

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

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

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

PLANNING COMMITTEE

Minutes of the Meeting held on 26 May 2016 at 4.30 pm

Present:

Councillor S J PugsleyChairman
Councillor B Maitland-WalkerVice Chairman

Councillor S Goss
Councillor A P Hadley
Councillor B Heywood
Councillor I Jones
Councillor P H Murphy

Councillor J Parbrook
Councillor K Turner
Councillor T Venner
Councillor R Woods

Officers in Attendance:

Area Planning Manager – Bryn Kitching
Planning Officer – Sue Keal
Legal Advisor Martin Evans - Mendip DC
Democratic Services Officer – Tracey Meadows

P1 Apologies for Absence

There were apologies for absence from Councillors I Aldridge, D Archer, G Dowding and C Morgan.

P2 Minutes

Resolved that the Minutes of the Planning Committee Meeting held on the 28 April 2016 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor K Turner and seconded by Councillor A Hadley.

The motion was carried.

P3 Declarations of Interest or Lobbying

Councillor T Venner declared a personal interest on application No. 3/21/16/033. He declared that he had met with the owners of the property and wrote to the Planning Officer giving views on the application prior to being elected to the planning committee. He left the room whilst the application was discussed and voted on.

P4 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P4	3/21/16/033	29 Blenheim Road, Minehead	Cllr O Harvey	Minehead Town Council	Objecting
P4	3/21/16/033	29 Blenheim Road, Minehead	Mr M Williams	Resident	objecting
P4	3/21/16/033	29 Blenheim Road, Minehead	Mrs Guest	Resident	objecting

P4	3/21/16/033	29 Blenheim Road, Minehead	Mr D Cole	Owner	
P4	Reference No.	Application	Name	Position	Stance
P4	3/39/16/006	21 Fore Street, Williton	Mr J Bletcher	Agent	

P5 Town and Country Planning Act 1990 and Other Matters

Report one of the Planning Team dated 26 May 2016 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

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

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

Reference Location, Proposal, Debate and Decision

3/07/16/004 – Creation of new vehicular access, erection of garage and log store. Erection of rear extension to dwelling, formation of west lawn and retaining walls at Station House, Stogumber Road, Crowcombe, Taunton TA4 3TR

The member's debate centred on the following issues:

- Concerns with the size of the garage and the room over it with the possibility that it will be converted in the future;
- Concerns with the retaining wall;

Councillor K Turner proposed and Councillor A Hadley seconded a motion that the application be **APPROVED** subject to an additional condition for the continued use of the garage for the parking of vehicles only.

The motion was carried.

Reference Location, Proposal, Debate and Decision

3/21/16/033 Change of use of existing dwelling (Class C3) into 10 HMO units at Baytree, 29 Blenheim Road, Minehead

Comments raised by the speakers included:

- Concerns with the loss of another B&B's in the location for Tourism;
- Parking issues with on street parking;
- Density of the locality;

- Already similar properties in the area, another one will tilt the balance;
- Over load on current Victorian drains;
- Noise/music affecting people on holiday wishing to have a quite atmosphere;
- Concerns with how the facility will be managed;
- Minehead Town Council's recommendation for refusal was purely based on scaremongering;

The member's debate centred on the following issues:

- Concerns with drainage;
- Concerns with the kitchen space for 10 rooms;
- Parking issues;
- Noise and antisocial behaviour;
- Density, 10 flats seemed a lot for this type of building;
- There was a need for this type of accommodation in Minehead;
- Residents parking scheme would solve the parking issues;

Councillor K Turner proposed and Councillor B Heywood seconded a motion that the application be **APPROVED**.

The motion was carried.

Reference Location, Proposal, Debate and Decision

3/39/16/006 Change of use from newsagents (Use Class A1) to hot takeaway food outlet (Uses Class A5) plus associated works at 21 Fore Street, Williton

Comments raised by the speakers included:

- Comments raised by the Environmental Health with the extraction system proposed were not founded;
- Previous business was a great success, there were no problems with noise or customers loitering on the street;

The member's debate centred on the following issues:

- Concerned with cooking smells being dispersed and eliminated;

Councillor B Heywood proposed and Councillor K Turner seconded a motion that the application be **APPROVED**.

The motion was carried.

P6 Exmoor National Park Matters

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

Proposals to extend the narrow gauge railway that currently operates from Woody Bay Station.

The proposals comprise 5 planning applications:

001 - Application Reference Number: 62/50/16/001, Proposed re-instatement of railway line and ancillary development Lane between Killington Lane and Blackmoor Gate, Parracombe, Barnstaple, Devon;

002 - Application Reference Number: 62/50/16/002, Proposed erection of engine shed (2052sqm), formation of railway sidings and change of use of agricultural barn to railway workshop Rowley Moor Farm, Kentisbury, Barnstaple, Devon;

003 - Application Reference Number: 62/50/16/003, Proposed change of use of former hotel to railway car park with 162 car parking spaces and pedestrian underpass to station Site of former Blackmoor Gate Hotel, Blackmoor Gate, Barnstaple, Devon;

004 - Application Reference Number: 62/50/16/004, Proposed demolition of public toilets and shelter, relocation of public car park, erection of new toilets and interpretation building and change of use of land from agricultural to public amenity space. Site of current public car park, Blackmoor Gate, Barnstaple, Devon

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

An appeal decision against the refusal to grant planning permission for the erection of two holiday bunk houses on the site of a former above ground reservoir at Ham Lane, Road Water. Was dismissed.

P7 Delegated Decision List (replies from Officers are in italic)

Dawlea Farm, Tower Hill, Stogursey, the Parish Council requested two conditions on this application, there seems to be only one. *This was an application to approve details of the conditions of the application.*

P8 Appeals Lodged

No appeals lodged.

P9 Appeals Decided

Erection of a detached two bedroom dwelling over the existing footprint of two garages to the west of higher Park. Site at: Land at Higher Park, Minehead (planning application 3/21/15/084) – Planning Appeal dismissed.

P10 Reserve date for site visit – Monday 27 June

P11 Date of next meeting – Thursday 30 June

The meeting closed at 6.04pm

Application No:	3/26/16/008
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Karen Wray
Grid Ref	
Applicant	Mr Crosbee Friends of the Steam Coast Trail
Proposal	Change of use of land from agriculture to a shared use path (Steam Coast Trail) as part of the National Cycle Network
Location	Land to the north of the railway line between Old Cleeve and Washford
Reason for referral to Committee	The recommendation is contrary to some of the Parish Council Comments

Recommendation

Recommended decision: Grant

Recommended Condition(s) (if applicable)

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings and plans: (Steam Coast Trail Phase 2, Washford to Old Cleeve, Overview Map) dated 29/3/2012, (Steam Coast Trail, Old Cleeve to Washford, Map 1 of 2) dated 2011, (Steam Coast Trail, Old Cleeve to Washford, Map 2 of 2) dated 1/7/2011, Drawing No. SD/03 Rev B Standard HRA Path Cross Section, Drawing No. 30708-SW-DR-214 Site Boundary 1 of 3 dated 2/2/2016, Drawing No. 30708-SW-DR-215 Site Boundary 2 of 3 dated 2/2/2016 and Drawing No. 30708-SW-DR-216 Site Boundary 3 of 3 dated 2/2/2016.

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

- 3 No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants), shall be carried out between March 1st and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nest and eggs or birds, must not be disturbed until all young have left the

nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000.

- 4 There shall be no obstruction to visibility greater than 300 mm above the adjoining carriageway level in advance of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 65m to the north and 90m to the south of the western access. Such visibility shall be fully provided before the path is first brought into use and 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 Policy T/3 of the West Somerset District Local Plan (2006).

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

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

- 6 Before the development hereby permitted is first brought into use the highway signs shall have been erected in accordance with a scheme and details which shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved signs shall thereafter be maintained at all times.

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

- 7 Before the development hereby permitted is first brought into use the barrier system where the path joins the public highway north of Dragon's Cross, details of which shall have been previously submitted to and approved in writing by the Local Planning Authority shall be fully in place and operational. The approved barrier system shall thereafter be maintained at all times.

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

Informative notes to applicant

- 1 In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- 2 Where works are to be undertaken on or adjoining the publicly maintained 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, Somerset County Council, Taunton, TA1 4DY Tel No. 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250.

Proposal

The proposal is to construct a shared used path for walkers, runners, less abled bodied people and cyclists to form 'The Steam Coast Trail'. This is an initiative to link Williton, Watchet, Washford, Old Cleeve, Blue Anchor, Carhampton, Dunster and Minehead. The first phase of the route, Blue Anchor to Dunster Beach received planning permission in 2012 and work started on it's construction in 2015. This application seeks planning permission for phase two, linking Washford and Old Cleeve, linking to the first phase on existing roads.

The path will be just over 1km long and 3 metres wide. It will be constructed of a porous asphalt surface with an underlying porous base to assist with drainage. A swale will be created along the northern boundary to intercept runoff and a stone filled ditch created along the southern boundary to mitigate surface water runoff onto the adjacent railway. Excavation required to create the path will result in spoil being temporarily stored on site then used to bolster the path edges. The path will cross two agricultural field accesses which will be gated with new stock fencing.

At the Washford (eastern) end of the route the path will need to accommodate a change in ground levels. To overcome this a ramp will be constructed using spoil. Likewise at the western end (Old Cleeve Road) a steep drop in ground levels will require the construction of a 90 metre long ramp. Where the path joins with the public highway at this point a 1.5m barrier will be formed using railway sleepers to form a chicane to slow users and position them correctly as they approach the junction. The roadside bank will be breached to form an access onto the Old Cleeve Road.

It is proposed to construct two ponds for biodiversity gain with additional hedge and tree planting further along the route as a result of losing four sections of hedgerow.

Site Description

The application site runs immediately adjacent to the northern boundary of the West Somerset railway line. To the west the path joins the Old Cleeve Road north of Dragon's Cross and to the east it emerges to the north of Washford near 'Cobblers Steps'. Old Cleeve primary school is located approximately 100 metres away to the south east.

Running east to west the path first follows a narrow overgrown green lane into pasturefields where it then follows the boundary of the railway line. At the eastern end of the route in Washford the nearest residential properties are only 10 metres from the path but separated from it by the railway line. The path runs to the rear of Washford railway station part of the West Somerset Railway and passes to the rear of the Washford Inn. The path continues along the edge of the railway along the boundaries of agricultural fields to where it emerges to the west onto Old Cleeve Road 35 metres to the north of Dragon's Cross.

Relevant Planning History

None

Consultation Responses

OLD CLEEVE PARISH COUNCIL- are in general support of the proposal (red route). Concern is raised over road safety using the highway (Dragon Cross to Billbrook Lane) in particular due to road widths and sight lines. Whilst the brown route might present some technical issues the safety must outweigh the negative issues. Recent accidents on the A39, closure of the road from Dragon's Cross to Carhampton results in diverted two way traffic using this link routes to Blue Anchor/Minehead.

BIODIVERSITY AND LANDSCAPE OFFICER - comment:

The application is for the change of use of land from agriculture to a shared use path (Steam Coast Trail) as part of National Cycle Network on land to the north of the railway line between Old Cleeve and Washford. Graham Boswell carried out an Extended Phase 1 Ecological Survey dated July 2011, an extended Phase 1 Ecological Survey dated March 2012 and an Ecological Survey with special reference to hedge removal dated February 2016.

The earlier surveys look at habitats on the proposed route.

The latest survey, dated February 2016 provides an update of the walkover survey of the section of the route from Old Cleeve Road/Dragons Cross to Washford Railway Bridge. It should be noted that Washford Road verge to the south of the railway is part of a local wildlife site. This site is partly managed for deer.

I agree that there are no major ecological issues with the proposed route development. Impact on species along the actual route are likely to be low. The main concern is in assuring care will be taken during the construction phase.

The removal of four sections of hedgerow should take place outside the bird nesting season. I support the suggestion for biodiversity gain in the construction of two ponds and the planting of a hedge or trees in another location. It is recommended a planning condition is attached to ensure the protection of nesting birds.

SCC TRANSPORT DEVELOPMENT - comment:

The Highway Authority has no objection in principle to this proposal although the Highway Authority had concerns over the points where the proposal joined the adopted highway in particular the proposed access at Old Cleeve.

The applicant has subsequently provided additional information to try and address the points the Highway Authority raised.

Firstly the Highway Authority was concerned that the proposed layout of a single gate would still allow cyclist to enter the adopted highway without decreasing their speed. The applicant has looked to address this point by stating that the combination of the barrier with the right angle turn by the existing bank would reduce the cyclists speed. Having spoken with our safety auditors the Highway Authority is satisfied that the speed reduction of cyclists can be achieved although we would still want to see the introduction of the additional barrier to help reduce the speed further. The applicant has also now provided details of the length of the downhill slope. It is proposed that this will be at a gradient of 1:20 over a distance of 90.0m, which is considered acceptable.

The final point related to the 'X' distance for the visibility splays the applicant has proposed 2.0m but as you are aware we proposed that this should be increased to 2.5m. The applicant has indicated that due to physical constraints of the pint where it joins the adopted highway they are unable to provide the required 2.5m. However they are able to provide splays of 2/0m x 65m to the north and 2.0m x 90 m to the south which are based on the 85th percentile speed.

It is noted that the applicant still hasn't provided details of the proposed signage for the cycle warning signs. Please note that these would be approved by the Highway Authority as they are located in the adopted highway.

To conclude the Highway Authority is satisfied that applicant has addressed the points raised in regards to the gradient and also the proposed layout of the shared path access. In regards to the 'X' distance for the visibility ideally the Highway Authority would require this to be extended to 2.5m but notes the level of visibility that can be achieved with an 'X' distance of 2.0m. Consequently the reduce 'X' distance maybe considered acceptable in this instance. Therefore the Highway Authority raises no objection to this proposal and if the Local Planning Authority were minded to grant permission then the following conditions would need to be

attached.

- Provision shall be made within the site for the disposal of surface water so as to prevent discharge onto the highway, details of which shall have been submitted to an approved in writing by the Local Planning Authority.
- There shall be no obstruction to visibility greater than 300mm above the adjoining road level in advance of a line drawn 2.0m back from the carriageway edge on the centre line of the access and extending to pints on the nearside carriageway edge 65m to the north of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.
- There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge of 90m to the south of access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.
- Prior to the commencement of the development details of the proposed signage shall be submitted to and approved in writing by the Local Planning Authority. the signs shall then be erected in accordance with the agreed design and shall be maintained thereafter at all times.

SOMERSET WILDLIFE TRUST - No comments received.

WEST SOMERSET RAILWAY - No comments received.

Representations received

66 letters have been received in full support of the application for a variety of reasons:

- The A39 is considered a very dangerous road and this route would offer a safer alternative for cyclists, walkers and runners.
- Drivers get frustrated stuck behind cyclists on the A39 so take risks overtaking.
- Providing this route would remove cyclists from the A39 enabling drivers to travel more freely.
- This development allows for green transport which is better for the environment in reducing carbon emissions.
- Having a safe off road route for walkers, runners, cyclists and less able bodied people will improve health and fitness.
- The new route is an excellent tourist opportunity and would benefit the West Somerset Railway.
- The Steam Coast Trail could be compared to the Tarka Trail in Devon which

brings great recreational and tourism benefits to the area.

- The proposed development is sympathetic and unobtrusive and should be welcomed.
- It will provide a facility that can be used by a variety of users of all different ages.

One additional letter supported the principle of the development but queried the western junction with Old Cleeve Road. The writer states that although this stretch of public highway is 30mph, speed limits may exceed this. There is poor visibility along the road with many bends and due to the high banks there is no refuge for cyclists to get out the way of passing vehicles.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

West Somerset Local Plan

SP/5 - Development outside defined settlements
LC/3 - Landscape Character
TW/2 - Hedgerows
NC/5 - Wildlife Habitats
W/5 - Surface Water Run Off
R/12 - Informal Recreation Facilities
T/3 - Transport Requirements of New Development

Emerging West Somerset Local Plan

SD1 - Sustainable Development
SC1- Hierarchy of Settlements
EC9 - Tourism Outside Settlements
TR2- Reducing reliance on the private car
CF1- Maximising access to recreational facilities
CF2 - Planning for healthy communities
NH3 - Nature Conservation and the protection and enhancement of biodiversity
NH4 - Green Infrastructure

Determining issues and considerations

The main issues in determining this application are the principle of the development, the landscape and visual impact, its impact on wildlife, residential amenity, drainage and highway safety.

Principle of development

The proposed shared path which runs from Washford in the east to the Old Cleeve Road north of Dragon's Cross in the west is outside of the settlement limits and is therefore considered to be development in open countryside. Policy SP/5 of the West Somerset District Local Plan (2006) states that 'in the countryside areas outside of settlement development limits, development will only be permitted where it both benefits economic or social activity without leading to a significant increase in car travel and maintains or enhances environmental quality'. Policy SD1 'Sustainable Development' of the emerging Local Plan to 2032 to which some weight can be given further confirms that development that secures economic, social and environmental conditions in the area can be permitted.

This proposal will enable phase 2 of the Steam Coast Trail to be completed. This is an initiative to serve the local population in the coastal settlements between Williton and Minehead and to serve the needs of the many visitors to the area and thus would benefit the local economy. Being a shared use path for walkers, runners, cyclists and less able bodied people it would serve as an alternative to the use of the motorcar as well as providing an informal recreational route.

Draft Policy SC1 'Hierarchy of Settlement' will control development in the countryside to that which requires such a location, has good proximity to the existing highway network and to alternative transport modes. One of the aims of the proposed shared use path is to remove cyclists from the A39 therefore it requires this countryside location. It will be well linked to the existing highway network and can connect to good public transport links at either end of the route..

Local Plan Policy R/12 'Informal Recreational Facilities' further encourages such developments as this proposal in the countryside given they 'facilitate and enhance informal recreational activities and access related to the enjoyment and interpretation of the countryside '. This is subject to any proposal being i) integrated with the public rights of way system or public transport network, ii) not adversely affecting the character of the area and iii) not likely to have an adverse affect on other land uses.

Draft Policies CF1 'maximising access to recreational facilities', CF2 'Planning for healthy communities', TR2 'reducing reliance on the private car' and EC9 'Tourism outside settlements' all add to the support of this proposal and therefore the principle of the development is considered acceptable.

Landscape and visual impact

As this proposal is merely to construct a shared use path along what is currently agricultural land there is limited visual impact from the development. The most visible part of the development will not be the constructed path itself but the users of the path travelling along it. Views of such users will be visible from those travelling on the West Somerset railway line, glimpses from traffic travelling along the A39 and from some properties in Washford at the eastern end of the route. These views however are not considered to be visually intrusive and therefore the use of the path would not detract from this rural area.

In terms of landscape impact ramps will be constructed using excess spoil to accommodate the changes in levels but these will not be visually intrusive or impact on the landscape character of the area. The access at the western end off Old Cleeve Road will require a small stretch of roadside hedgebank to be breached. Although this is regretful the site is not within any designated landscape area and the benefits that would arise from the creation of the path would outweigh any limited landscape impact. In contrast at the eastern end of the route where the path follows a short stretch of a green lane this is currently an unsightly overgrown area and has been used for fly tipping. The formation of the new path would visually enhance this area and should be welcomed.

Wildlife

The application was supported by an ecological survey and it was established that no notable species would be threatened by the development. Although there is some hedgerow removal subject to ensuring by planning condition this does not occur during the bird nesting season the hedgerow removal is acceptable. Furthermore to offset this loss it is proposed to create some biodiversity benefits by creating two ponds and the planting of replacement hedge/trees/shrubs at other locations.

Amenity

As stated previously the main issues arising from this proposal are not as a result of the construction of the path but of its final use. The route is at a higher ground level than the properties to the east in Washford and will be used by cyclists, runners, walkers and less abled bodied people and there could be concerns of users overlooking properties and issues of noise from users of the path.

The path will be separated from the closest dwellings by the railway line so there will be no direct overlooking. Given experience from similar developments the nature of these proposals does not give rise to significant levels of noise generation and it is considered a quiet informal form of recreation. For these reasons it is considered the development will not affect the amenities of the surrounding area.

Drainage

Although the proposal involves the surfacing of agricultural land a porous asphalt material will be used which will allow surface water to drain away. Furthermore a swale will be created along the northern boundary of the route and a stone filled ditch along the southern boundary to intercept runoff onto the adjacent railway line. These mitigating measures are considered sufficient to address any concerns of drainage or flooding.

Highway Safety

The A39 between Williton and Carhampton is not considered to be a suitable route for vulnerable users on foot and cycle. Footways are intermittent, the carriageway is narrow and frequently bounded by high banks and hedges. For these reasons the applicant did not want to promote the A39 as part of the Steam Coast Trail route and is seeking planning permission to provide this alternative route to link Old Cleeve with Washford.

Four route options were originally considered. The green route would require using public highway, a private road and creating a route through woods. The blue route would use an existing path, Monks Path. The red route which is the subject of this application is a traffic free route that follows the boundary of the West Somerset railway and emerges onto public highway at either end. A further brown route was considered which included the length of the red route but instead of joining the public highway north of Dragon's Cross the route would continue on agricultural land and join the highway closer to Old Cleeve via an existing access point.

The brown route although allowing users to remain off the public highway for longer has steep gradients and there would be potential ecological impact and further loss of agricultural land through its construction and additional costs. The applicant considered the red route the best option as it is mainly level with easy gradients, reasonably direct and an attractive route.

The benefits of providing an off road route for cyclists who currently have no option but to travel on the A39 is clearly recognised and the aims of the proposal are to be supported however the route itself also has to be acceptable on highway safety grounds.

The main highways issue associated with this development is where the route joins the public highway north of Dragon's Cross on the road to Old Cleeve. There is a severe change in ground levels at this point and the development will require breaching a tall roadside embankment with hedge and bringing users of the path down from the higher agricultural land to the lower road level. A 90 metre ramp with a gradient of 1 in 20 will be constructed at this point. This location was chosen to create the access point as it is at the highest point of the road which helps minimise the change in levels and also as it is on the outside of a bend so sight lines at the junction are maximised.

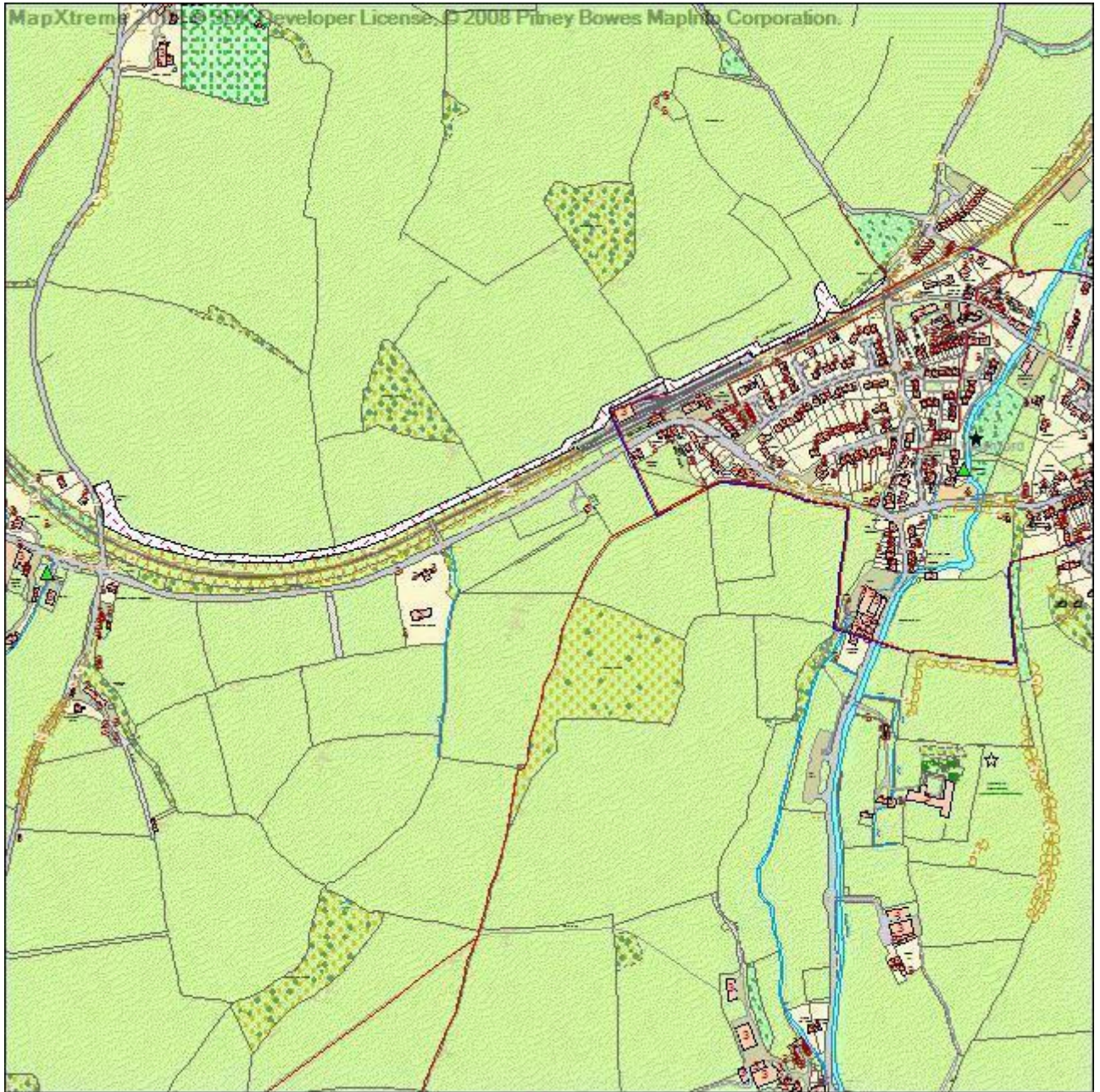
As a result of creating a ramp there is concern that cyclists could emerge on the

public highway at speed however in order to prevent this a chicane arrangement will be installed to slow cyclists and direct them into a position at right angles to the highway. The Highway Authority recognises this arrangement can reduce cyclists speeds but has requested that a further barrier is installed to help reduce the speed even further.

In terms of visibility where the path joins the public highway satisfactory visibility splays can be achieved in either direction and therefore subject to erecting cycle warning signs the proposal is considered acceptable on highway safety grounds.

Conclusion

The proposed development although outside the settlement limits would provide a welcomed development that could benefit many local people offering low key recreational opportunities in the countryside and whilst also providing wider enjoyment to tourists visiting the area. It would link well with the existing public transport system and to phase 1 of the Steam Coast Trail which has already been permitted. The amount of construction required to create the path is minimal and will have no impact on the surrounding area likewise the use of the path will not affect the amenities of the surrounding area. In creating an off road route it would remove cyclists/walkers from the hazardous A39 providing a much safer alternative. The access at the junctions with the public highway is considered acceptable on highway safety grounds subject to planning conditions and therefore it is recommended that planing permission should be granted.



Application No 3/26/16/008
Change of use of land from
agriculture to a shared use path
(Steam Coast Trail) as part of the
National Cycle Network
Land to the north of the railway line
between Old Cleeve and Washford
17 March 2016
Planning Manager
West Somerset Council
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
Licence Number: 100023932



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Easting: 303704 Northing: 141004 Scale: 1:1250

Application No:	3/07/16/005
Parish	Crowcombe
Application Type	Full Planning Permission
Case Officer:	Briony Waterman
Grid Ref	Easting: 311939 Northing: 136238
Applicant	Mr Michael Smith
Proposal	Erection of two storey, single storey and first floor extension and erection of garage block
Location	Leigh Mill, Leigh Lane, Stogumber, Taunton, TA4 4BL
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council.

Recommendation

Recommended decision: Grant

Recommended Condition(s) (if applicable)

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 1515/15/4, 1515/16/7, 15152 and 1515/15/1 submitted on 06/04/2016.

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

- 3 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy BD/3 of the West Somerset District Local Plan (2006).

- 4 The parking spaces in the garage hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of 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).

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

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

Proposal

Permission is sought for the demolition of an existing building and replacement with a 9.8m x 6.4m x 6m detached garage and the erection of a two storey, single storey and first floor extension.

Site Description

Leigh Mill is a detached rendered farmhouse with a part tiled roof to the north west elevation and thatch to the south west elevation. The West Somerset Railway lines runs to the north of the site, however it is well screened by Leigh Mill Wood. There is a layby to the west of the property with access via a vehicular or pedestrian gate.

Relevant Planning History

No relevant planning history.

Consultation Responses

Crowcombe Parish Council - Objection due to the following concerns:

1. Overdevelopment of the site
2. the proposal is out of character with the local vernacular construction materials and style.

Highways Development Control - Standing advice

Representations Received

No comments received

Planning Policy Context

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

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

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

West Somerset Local Plan

- SP/1 Settlement Hierarchy
- SP/3 Development in Villages
- BD/3 Conversions, Alterations and, Extensions
- T/8 Residential Car Parking

Emerging West Somerset Local Plan

- SV1 Development at primary and secondary villages
- SC1 Hierarchy of settlements

Determining issues and considerations

As there are no near neighbours to the property the main consideration is the impact on the character of the building.

Comments received from the Parish Council state they believe the proposals to be overdevelopment of the site. However the site is approximately 2,700sqm and the existing dwelling and proposals will result in a combined footprint of approximately 248sqm, which is less than 10% coverage of the site. It is therefore considered that there is ample space on site to accommodate the proposal.

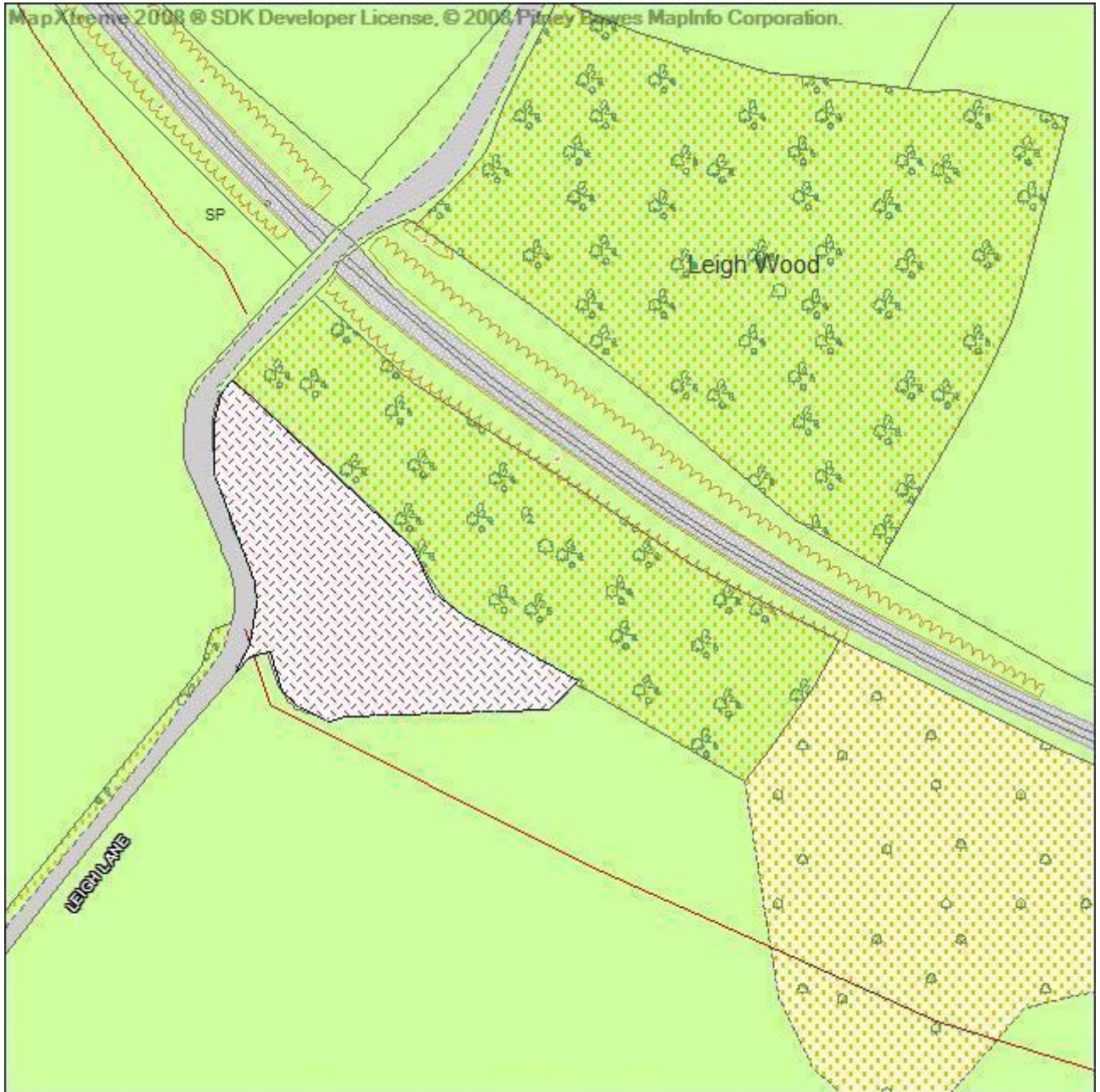
Whilst it is noted that the proposal to change the thatch on the south west elevations to slate will result in a change of character of the existing building, it is considered that this would not cause significant harm to the street scene or surrounding area. It is considered acceptable to use of slates on both roof slopes and on the extension and this will help to tie the building together presenting a more harmonious appearance when viewed from the footpath.

The proposed garage to the north west of the existing dwelling is to have a natural slate roof and natural stone walls to match those on the previous garage. The use of materials will tie the garage to the main dwelling and is considered to not have a detrimental impact upon the street scene.

It is considered that as there are no near neighbours that there will be no significant impact on the residential amenity. The West Somerset Railway line runs to the north, however the property is screened from view by the existing wood which lies between Leigh Mill and the line. A footpath runs to the south of the site, it is considered that the proposals will not have a significant visual impact when viewed from the footpath due to the design of the proposals.

The proposal is therefore considered acceptable by policy BD/3 of the West Somerset Local Plan and policy SV1 of the emerging Local Plan.

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



Application No 3/07/16/005
Erection of single storey and two
storey extension and garage
Leigh Mill, Stogumber
06/04/2016

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

West Somerset Council
Licence Number: 100023932



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Application No:	3/28/16/002
Parish	Sampford Brett
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	
Applicant	Mr David Gliddon
Proposal	Erection of dwellinghouse (Class C3) together with provision of garden and manoeuvring area
Location	Land at Union Quarry, Tower Hill, Williton, Taunton, TA4 4JR
Reason for referral to Committee	In the opinion of the Chairman of the Planning Committee, the application is considered to be of a significant, controversial or sensitive nature.

Recommendation

Recommended decision: Grant

Recommended Condition(s) (if applicable)

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: Proposed floor plans, dwg. no. 1921-4, Proposed NW, NE and SW elevations, dwg. no. 1921-5, Proposed SE elevation, dwg. no. 1921-6, amended site plan, dwg. no. 1921-3, Proposed garage and store, dwg. no. 1921-6 and Proposed pedestrian refuges, dwg. no. 1921-7 submitted on 22/03/16, 13/04/16 and 14/04/16.

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

- 3 No works shall be undertaken on site unless samples of the materials to be used in the construction of the roof tiles, 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 and BD/2 of the West Somerset District Local Plan (2006).

- 4 The mitigation measures in relation to the Bats, Birds, Reptiles and amphibians identified in the Extended Phase 1 Habitat Survey with a bat emergence survey, dated July 2015 shall be incorporated into the development in accordance with the schedule of implementation identified in the aforementioned survey and subsequently retained.

Reason: To ensure that suitable mitigation measures are incorporated into the development to minimise the impact on species protected by law having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

- 5 No development shall take place until full details of the surface and foul water drainage arrangements, including any connection to an existing facility and arrangements to ensure that surface water is not discharged on to the highway, have been submitted to and approved in writing by the local planning authority. The arrangements shall be implemented in accordance with the approved details before the dwelling hereby permitted is first occupied.

Reason: To minimise the risk of flooding and/or ground/surface water pollution in accordance with Policy W/5 of the West Somerset District Council Local Plan and policy CC2 of the Submission document of the West Somerset District Local Plan to 2032.

- 6 No development shall take place until a site investigation has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority to determine the nature and extent of any contamination on the land. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To protect future users of the site and the environment, in accordance with Policy PC/4 of the West Somerset District Council Local Plan and policy NH6 of the submission document of the West Somerset Local Plan to 2032.

- 7 Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B, C, E and G of Part 1 of Schedule 2 to the Order shall take place other than where expressly authorised by this permission.

Reason: To control the impact of the development on the site and on neighbouring properties, in accordance with Policies BD/1 and BD/2 of the West Somerset District Council Local Plan.

- 8 The dwelling hereby permitted shall not be occupied until the track, which provides access to it, and the associated areas allocated for parking and turning have been constructed in accordance with full details that have been submitted to and approved by the local planning authority. Those details shall include the surfacing of the track and parking areas, any remedial measures needing to be undertaken to deal with any undermining, and provision for pedestrian refuges along the track. The areas allocated for parking and turning shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: In the interests of highway safety in accordance with Policies, T/3 and T/9 of the West Somerset District Council Local Plan and TR2 of the Submission document of the new local plan.

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

Reason: To ensure 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 Prior to occupation of the dwelling hereby approved the proposed boundary fence on the northern elevation should be replaced with a native hedge details of which shall be have been first submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with these approved details, prior to the occupation of the dwelling.

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).

Informative notes to applicant

- 1 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

2 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application [certain elements of the proposal were deemed to be unacceptable / issues/concerns were raised by a statutory consultee / neighbour in respect of xxx]. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 3 The applicants attention is drawn to the Somerset County Council Rights of Way comments on this proposal and in particular the following;

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

- 4 It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

Proposal

Erection of a single two-storey four bedroom dwelling with a detached double garage plus garden and manoeuvring area.

Planning permission was granted for a dwellinghouse on this land via appeal decision dated 6th September 2010, following a refusal of an Outline application ref 3/28/09/002. A further application ref. 3/28/12/005 was subsequently approved on 21/12/12 for a 4 bed bungalow and required the submission of a Reserved Matters application to be submitted within 3 years of the decision date. This expired on 20/12/15.

This current application is a full application for a 4 bed house to be located on the quarry floor broadly in the position of the disused tennis court. The proposed dwelling is to measure 7.3m to the ridge, with a length of 16.5m and a width of 12m, with a detached garage and cycle store. The internal floor area of the dwelling proposed is 277sqm (including porches and balcony but excluding garage/cycle store). The garage details are height to ridge 5.2m, length 6.7m x width 9.8m, total floor area 65.7 sqm.

Site Description

The site is a former quarry, long since disused, located at the rear of houses on Tower Hill. The floor of the former quarry is set some 7m below the rear gardens of the adjoining houses.

It has no direct frontage to a public road and access to it is via a lane, the first section of which from Tower Hill (the main Williton road - A358) is the route of a public right of way for pedestrians and this connects with another access track to the rear gardens of existing houses on Tower Hill and is access to the former quarry.

The site was used as a garden following the cessation of the use as a quarry and contains a disused tennis court. It is proposed that the dwelling be sited on the quarry floor broadly in the position of the disused tennis court.

Relevant Planning History

There have been four previous Outline applications to develop this site for the erection of 2 bungalows and 1 single storey dwelling. Two of these proposals were refused in 1994 and 2009. However, the refusal in 2009 went to appeal and was allowed by the Planning Inspectorate (ref APP/H3320/A/10/2122491, dated 06/09/2010). Two proposals were granted consent in 2012 and 2015, both for a single storey dwelling with garaging and provision of a garden at the site. All of these previous decisions and the related planning appeal are material considerations in this case.

Consultation Responses

Sampford Brett Parish Council -

Sampford Brett PC has considered the application and has the following concerns;

1. Safety of pedestrians using the public right of way to be used for vehicular access. As stated in our response to the original application, this is a particularly well used route between Sampford Brett and Williton used all times of the day throughout the year. The establishment of sufficient pedestrian refuges will be fundamental to the safe shared use of the track.
2. Fire engine access to the property. The right angle bend in the track appears to be too tight for large vehicles. Has this been checked by the fire brigade? Have alternative means of fire fighting such as the installation of a sprinkler system been considered?
3. Ownership of the access track. We note that the application form states that the applicant owns all the land. Has this been verified for the access track?

If the application is consented, we trust that the conditions will be similar to those attached to application no. 3/28/12/005 and 3/28/15/002. In particular we ask that adequate pedestrian refuges are developed before any other construction begins

Rights of Way Protection Officer -

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the proposed access at the present time (footpath WL 20/7). I have attached a plan for your information.

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

We would request improved surfacing of the existing rights of way through the development. Associated infrastructure (eg. fencing) may be required. Authorisation for such works must be obtained from SCC Rights of Way Group. I have attached a form that should be completed and returned to Glenn Martin (Rights of Way Officer - email: gvmartin@somerset.gov.uk).

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

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

driver has lawful authority (private rights) to do so.

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

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

If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 357562.

Highways Development Control -

Standing Advice applies.

Wessex Water Authority -

The site lies within a non sewered area of Wessex Water.

Water Supply and Waste Connections

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

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

Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

Biodiversity Officer –

The proposal is to erect a single dwelling in an abandoned shallow sandstone quarry at Williton. Western Ecology submitted an extended Phase 1 Habitat Survey with a bat emergence survey dated July 2015 in support of this application.

The site consists of mixed plantation woodland, semi improved grassland, sandstone rock exposures and species poor hedges. Doniford Stream LWS and Orchard Wyndham Park LWS are located within 1 km of the site

Findings of the report are –

Bats – Due to its intact nature the rock face in the quarry was considered to have low bat roost potential. The precautionary emergence survey noted no bats emerging from the quarry face, however bats (common and soprano pipistrelle) were noted feeding within the open grassland and along the access track, whilst a single whiskered bat fed along the quarry face.

As bats are present in the quarry, I agree that the use of outside lighting should be kept to a minimum

Birds – The vegetation on site, as well as the rock faces have potential to support a range of common nesting bird species.

Vegetation clearance should take place outside of the bird nesting season. If this is not possible the site will need to be rechecked for nesting birds.

Reptiles and amphibians – The site currently has some value for slow worms and common toads.

If permission is granted, I suggest following condition

The applicant shall undertake all the recommendations made in Western Ecology's report dated July 2015, and provide mitigation for wildlife as recommended. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife

Informative Note

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)

Landscape Officer –

No landscape objection. However, the boundary fence to the north should be replaced with a native hedge.

Environmental Health Team -

I would recommend that the previous condition in relation to this land (cond. 6 from 3/28/15/002) is taken forward, subject to the site investigation as referred to, is adequate and prepared by a competent person (NPPF, S.121).

Representations Received

Two letters of comment have been received in respect of the existing rights of way including ownership of track/access and locked access gates.

Two letters of objection has also been received making the following issues -

- should prohibit the use of motorised vehicles in respect of the access along the footpath;
- existing residents right of way over access;
- locked gate where track meets public footpath;
- Health and Safety issues;
- restricted access for emergency vehicles;
- uneven surface of existing track;
- forms of heating involving combustion would result in fumes being blown across neighbouring gardens.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

West Somerset Local Plan

SP/2	Development in Minehead and Rural Centres
PC/4	Contaminated Land
BD/1	Local Distinctiveness
BD/2	Design of New Development
AH/3	Areas of High Archaeological Potential
TW/1	Trees and Woodland Protection
T/3	Transport Requirements of New Development
T/8	Residential Car Parking

T/9 Existing Footpaths
W/5 Surface Water Run-Off
NC/4 Species Protection

Emerging West Somerset Local Plan

SD1 Presumption in favour of sustainable development
SC1 Hierarchy of settlements
SC2 Housing Provision
NC/4 Species Protection
NH1A Areas of high Archaeological potential
NH2 Landscape Character Protection
NH3 Nature conservation and the protection & enhancement of bii
NH10 Securing high standards of design

Determining issues and considerations

The main issues and considerations of the proposal are;

- Principle of Development
- Ownership of access
- Impacts on character and appearance of the area
- Impacts on residential amenity
- Ecology
- Rights of Way
- Highway Safety
- Conclusion

Principle of Development

The site is within the Development Limits of the Rural Centre of Williton. This application seeks permission for the erection of one single two-storey 4 bedroom house plus a detached garage new access and manoeuvring area and provision of a garden. There is no objection in principle to this application as this has been established via the grant of the previous outline permissions at the site (ref. 3/28/12/005 and 3/28/15/002) and the appeal decision before that in 2010 (ref. APP/H3320/A/10/2122491). Circumstances to consider have significantly changed since the last approval in 2012 and although the adopted local plan is now being rolled forward, the policies of the Submission document of the new West Somerset Local Plan to 2032 do not indicate that this proposal should now be refused. There is thus a presumption in favour of approval if all the other relevant local planning policies and considerations can be satisfactorily addressed.

The proposal accords with planning policies SP/2, BD1, BD/2, AH/2, PC/4, T/3, T/8, T/9, TW/1 and W/5 of the West Somerset District Local Plan and Submission document policies SC1, SD1, NH2, NH3 NH10 and TR2 of the forthcoming West Somerset Local Plan to 2032.

Ownership of access

As with the previous applications, there are issues centring on the ownership of the existing Public Right of Way (PROW) and the access rights to the adjoining rear access.

In technical terms the original ownership details were incorrect as Certificate A had been signed by the agent when in fact the applicant does not own the existing accesses and the application details were incorrect. The agent was contacted and the issue raised and consequently a Notice was placed in the newspaper seeking the owner of the access to come forward and therefore the application process stopped until receipt of the official notice had been submitted to the Council. No owner has come forward claiming ownership of the PROW. It is understood that the existing neighbours in Tower Hill have a right of access over the track adjoining the right of way and leading to the Quarry. However, it is clear in law that ownership of land is a Civil Matter.

The Public Rights of Way team confirm that they have no objection to the proposal but indicate that the surface may need upgrading to take vehicles, which would have to be done at the applicants expense.

The inspector that considered the previous appeal for a dwelling within the quarry, stated that *[in his opinion]* the junction of the track with the A358 was satisfactory in terms of visibility and that it could accept the limited additional traffic generated by a single house. Limitations of the use of this track by public service or utility vehicles was however noted. He also noted that the levels of extra traffic generated by the development (one house in that case) would be too low to constitute a significant additional risk of conflict between vehicles and walkers on the public footpath.

Given all of these factors, especially those of the Inspector on the previous appeal, it is not considered that a reason for refusal based on highways and access grounds would be appropriate.

Impacts on character and appearance of the area

The site is not within a designated Conservation Area and there are no listed buildings in the vicinity.

The existing former quarry site is located to the rear of a number of existing large detached houses set within generous plots. The site is well screened by existing tree and boundary planting and land to the north of the site falls away further. Vehicular access is only available via an existing single grassed track located to the south east of the site and in a westerly direction to the rear of four existing properties. The first part of this track is also a public footpath. Some existing trees (selected Pines, as per dwg. Plan of site, dated 13/04/16), are to be removed to allow existing deciduous trees to develop. A mix of new Ash, Conifers and Hazel underplanting is shown on the plan along the southern elevation at the base of the Quarry face.

In terms of landscaping, the agent has confirmed that there is no requirement to remove any of the existing mature trees surrounding the quarry floor and management of trees and new landscaping are to be conditioned. The Council's Landscape officer has suggested that the proposed boundary fence to the north should be replaced with a native hedge and a condition is attached accordingly.

Materials to be used in the development are confirmed as natural stone and rendered walls, tiled roof (colour to be agreed) with wooden glazed windows and timber doors. No external lighting at the site is proposed and some new boundary details are to be agreed. These materials will match the existing built form in the immediate vicinity and is therefore in accordance with local planning policies BD/1 and BD/2 and submission policy NH10.

The site is capable of accommodating the suggested dwelling and it is considered that the erection of the dwelling on the site has been established in the previous approval and would not significantly impact on the character or appearance of the area.

Impacts on residential amenity

Representations have been received from the community raising the following:

The proposed dwelling is to be sited in an enclosed former quarry away from the back of existing homes located on Tower Hill and therefore there will be no significant impacts to residential amenity in terms of overlooking or overbearing impact or noise issues. There may however, be some impacts on residential amenity in terms of the occupants of the additional house and existing occupants using the existing access track.

The proposal is considered to meet the general requirements of local planning policies BD/1 and BD/2 of the West Somerset District Local Plan.

Ecology

The applicant has submitted an extended Phase 1 habitat Survey with a bat emergence survey, prepared by Colin Hicks of Western Ecology, dated July 2015, and which contained a series of recommendations for mitigation and further surveys. The proposal site and this habitat survey has been assessed by the Council's Biodiversity and Landscape Officer who has recommended that a condition be attached to the decision regarding the submitted details and an informative (advice) to the applicant as shown above in this report.

It is considered therefore that this proposal accords with local planning policy NC/4 and Submission document policies NH2 and NH3.

Rights of Way

Comments have been received from the Rights of Way Team in SCC confirming that there is a public right of way (PROW) recorded on the Definitive Map that runs along the proposed access at the present time (footpath WL 20/7). They also guide that they have no objections to the proposal but should works be required to improve the surfacing of the existing rights of way, authorisation for these works would be required. An associated closure order and diverted route would also need to be applied for but is outside of this planning remit and control.

Highway Safety

SCC Highways have returned comments of Standing Advice on the application.

The SCC adopted parking strategy requires four parking spaces as well as sufficient manoeuvring within the site. Two car parking spaces are to be provided at the site within the proposed double garage and there are a further five identified parking spaces shown on the submitted site location plan (dwg. no. 1921-3 dated 13/04/16) and there is adequate manoeuvring within the proposal site. the proposal does therefore comply with the Highway Authority's guidance.

With reference to the comments regarding the accessibility of the site via emergency vehicles, it is accepted that the existing track is a single width only and there is no opportunity to widen this track due to the existing topography of the land and again ownership issues. However, it is noted that the Highways Authority has not raised objections relating the proposal in terms of access and the Inspector that considered a previous proposal for a single dwelling in the quarry considered the access arrangements to be acceptable. .

Access to the site is via a single track road from the A358. In the previously approved planning permission 3/28/12/005 and 3/28/15/002 details on parking and turning areas were required via condition plus the need for pedestrian refuges to be provided and agreed by the Local Planning Authority. Submitted dwg. no. 1921-7 dated 14/04/16 indicates the provision of two pedestrian refuges being provided on the western side of the existing access (PROW) and this is acceptable. Parking is referenced above as being acceptable.

Therefore, on balance, the proposal is considered to be acceptable, from a highway and traffic perspective.

Conclusion

Given the above considerations and commentary the development of one two storey 4 bed house, associated garden parking and turning and detached garage is acceptable and planning permission is recommended, subject to conditions.

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



Application No 3/28/16/002
 Erection of dwellinghouse (Class
 C3) together with provision of
 garden and manoeuvring area
 Land at Union Quarry, Tower Hill,
 Williton, Taunton, TA4 4JR
 22 March 2016
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/09/16/003	Blakes Coaches Ltd, East Anstey, Tiverton, Devon, EX16 9JJ	Erection of extension and alteration to coach workshop and offices and extension to coach parking area	17 June 2016	Grant	KW
3/11/16/002	Prospect House, East Quantoxhead, Bridgwater, TA5 1EJ	Conversion of outbuildings used for storage and agriculture to form two new dwellings	20 May 2016	Grant	HL
3/16/16/001	Longstone, Combe Lane, Holford, Bridgwater, TA5 1RZ	Demolition of the existing garage and replacement with a sunroom extension plus replacement of the existing rear garden room and installation of a new roof over the utility room	13 June 2016	Grant	SW
3/18/15/013	The Old Rectory, Kilve, Bridgwater, TA5 1DZ	Removal of condition 3 on planning permission 3/18/97/021 which restricts occupation of a holiday cottage by the same person or group of persons to 28 days and no return within the following 7 days in order to have more flexibility to accept short term occupations.	13 June 2016	Grant	DA
3/18/16/003	Crossways, Hilltop Lane, Kilve, TA5 1SR	Erection of single storey side extension	15 June 2016	Grant	SW
3/21/16/011	The Factory Shop, Mart Road, Minehead, TA24	Display of replacement signage	23 March 2016	Grant	SK

5BJ

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/16/024	Land at 43 Alcombe Road, Alcombe, Minehead, TA24 6BB	Erection of two maisonettes	13 May 2016	Grant	KW
3/21/16/034	8 Bancks Street, Minehead, TA24 5DJ	Replacement of existing timber frame single glazed windows with white Upvc.	18 May 2016	Grant	SW
3/21/16/035	St Louis Court, Selbourne Place, Minehead, TA24 5TY	Replacement of existing painted timber frame single glazed windows and door with white upvc	03 June 2016	Grant	SK
3/21/16/036	77 Poundfield Road, Minehead, TA24 5ES	Erection of a single storey extension to the east and south elevations of the dwelling.	08 June 2016	Grant	SW
3/21/16/037	Flat 1, 58 The Avenue, Minehead, TA24 5BB	Erection of single garage	08 June 2016	Grant	BM
3/21/16/044	Minehead First School, Townsend Road, Minehead, TA24 5RG	Replacement of windows and doors to existing temporary Pratten and Elliott Buildings -	15 June 2016	Raise No Objection	DA
3/26/16/011	Badgers, Rectory Road, Old Cleeve, TA24 6HN	Replacement of existing timber frame windows and door with Upvc	07 June 2016	Grant	SW
Ref No.	Application	Proposal	Date	Decision	Officer

3/26/16/012	Grooms Cottage, Old Cleeve, Minehead, TA24 6HQ	Demolition of existing dwelling and erection of a replacement 3 bedroom dwelling to the rear of Woodhey	15 June 2016	Refuse	EP
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Ref No.	Application	Proposal	Date	Decision	Officer
3/26/16/013	Grooms Cottage, Old Cleeve, Minehead, TA24 6HQ	Demolition of existing dwelling and erection of a replacement 3 bedroom dwelling to the rear of Woodhey	15 June 2016	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
3/31/16/005	Preston Farm, Preston Lane, Stogumber, Taunton, TA4 3QQ	Conversion of existing barn to ancillary accommodation for the adjoining existing dwelling.	16 May 2016	Grant	BM

Ref No.	Application	Proposal	Date	Decision	Officer
3/37/16/013	5 Greenway, Watchet, TA23 0BP	Remove existing porch and construction of new porch	15 June 2016	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/37/16/014	21 Woodland Road, Watchet, TA23 0HQ	Erection of single storey extension to form two bedrooms, shower room and associated hallway	17 June 2016	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/37/16/015	9 Brendon Road, Watchet, TA23 0AU	Proposed loft conversion to include construction of dormer on the front elevation and removal of chimney plus the installation of two velux rooflights to rear elevation	17 June 2016	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/38/16/001	St Etheldredas Church, Church Road, West Quantoxhead, TA4 4DS	Installation of new gate in the boundary fence to the churchyard	16 May 2016	Grant	EP

Ref No. 3/38/16/003	Application 9 Bracken Edge, West Quantoxhead, TA4 4DH	Proposal Erection of porch	Date 17 June 2016	Decision Grant	Officer SW
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Ref No. C/21/16/005	Application 22 Bampton Street, Minehead, TA24 5TT	Proposal Approval of details reserved by condition 3 (relating to joinery details) in relation to Listed Building Consent 3/21/15/063	Date 23 May 2016	Decision Grant	Officer EP
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Ref No. CA/21/16/010	Application Alcombe Cote, 19 Manor Road, Alcombe, Minehead, TA24 6EH	Proposal Application to fell one Beech tree within Alcombe Conservation Area	Date 17 June 2016	Decision Raise No Objection	Officer DG
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Ref No. HPN/37/16/00 1	Application 62 Liddymore Road, Watchet, TA23 0DQ	Proposal To erect an extension projecting 4.1m from the rear wall with a height of 3.6m as specified by the following submitted details: Application form, proposed elevations, proposed floor plan, proposed sections and site location plan.	Date 16 May 2016	Decision Permitted Developm ent	Officer SW
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Ref No. NMA/31/16/0 01	Application Ragged Robin Cottage, 23 Vellow Road, Stogumber, Taunton, TA4 4LS	Proposal Non-material amendment in order to change material from timber cladding to brick	Date 27 May 2016	Decision Grant	Officer BM
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Ref No. T/21/16/004	Application 40 Parklands Rise, Minehead, TA24 8UD	Proposal To fell Oak due to its proximity to dwelling and poor health	Date 23 May 2016	Decision Grant	Officer DG
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