



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, T Hall, B Heywood, I Jones, C Morgan, P H Murphy, J Parbrook, K H Turner, R Woods

Our Ref TB/TM

Your Ref

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

Extension 01823 356573

Date 30 July 2015

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING  
THIS DOCUMENT CAN BE MADE AVAILABLE IN LARGE PRINT, BRAILLE, TAPE FORMAT  
OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

**PLANNING COMMITTEE**

**Date: Thursday 30 July 2015**

**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 July 2015 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

1. Apologies for Absence

2. Minutes

Draft Minutes of the Meeting of the 25 July 2015 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

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

4. Public Participation

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

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

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

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

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

**Report No: Eleven**

**Date: 17 June 2015**

<u>Ref No.</u>	<u>Application/Report</u>
3/21/15/017	Erection of a 102-bed Premier Inn Hotel (use Class C1) and Brewers Fayre restaurant/pub (Mixed Class A3/A4 use) with associated access, parking and landscaping.
3/10/15/001	Reserved matters application for approval of details relating to the appearance, layout, scale, landscaping and access of a residential development comprising 54 dwellings of a varying type and tenure.

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

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

8. Appeals Lodged

Erection of a Solar PV Development and associated works. The proposed development will include the installation of ground based racking systems and mounted solar panels (max 3m high), power inverter stations, transformer stations, substation and comms building, fencing and associated access gates, and CCTV security cameras mounted on free standing support poles (resubmission of 3/28/13/005) on land at Aller Farm, east of Woodford and north of Monksilver, Williton, TA4 4HH.

**9. Appeals Decided**

Erection of entrance gates and brick piers to northern access (retrospective) at Higher Beverton Farm, Brendon Hill, Watchet, TA23 0LP - Planning Appeal dismissed and the enforcement notice is upheld.

**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>							

## PLANNING COMMITTEE

### Minutes of the Meeting held on 25 June 2015 at 4.30 pm

#### **Present:**

Councillor S J Pugsley .....Chairman  
Councillor B Maitland-Walker .....Vice Chairman

Councillor D Archer  
Councillor G S Dowding  
Councillor I Aldridge  
Councillor A P Hadley  
Councillor B Heywood  
Councillor R Woods

Councillor K H Turner  
Councillor C Morgan  
Councillor P H Murphy  
Councillor J Parbrook  
Councillor T Hall

#### **Officers in Attendance:**

Area Planning Manager – Bryn Kitching  
Major Applications Co-ordinator – John Burton  
Planning Officer (Conservation) – Liz Peeks  
Committee Administrator – Tracey Meadows  
Legal Advisor –Martin Evans - Mendip DC

#### **P11 Apologies for Absence**

There were apologies for absence from Councillors S Goss and I Jones.

#### **P12 Minutes**

**RESOLVED** that the Minutes of the Planning Committee Meeting held on 28 May 2015 circulated at the meeting be confirmed as a correct record. Proposed by Councillor K Turner and seconded by Councillor C Morgan.

#### **P13 Declarations of Lobbying**

<b>Name</b>	<b>Min No</b>	<b>Ref No.</b>	<b>Application</b>	<b>Persons Lobbying</b>
Cllr Parbrook	P16	3/37/15/009	3 Seaview Terrace	Objector
Cllr Turner	P16	3/37/15/009	3 Seaview Terrace	Objector
Cllr Morgan	P16	3/37/15/009	3 Seaview Terrace	Objector
Cllr Pugsley	P16	3/37/15/009	3 Seaview Terrace	Objector – letters passed onto Planning Officers

#### **P14 Declarations of Interest**

<b>Name</b>	<b>Min No</b>	<b>Ref No.</b>	<b>Personal of Prejudicial</b>	<b>Action Taken</b>
Cllr Woods	P16	3/37/15/009	Personal – relation lives in Goviers Land	Spoke and Voted
Cllr Woods	P16	3/21/15/014	Personal – member of the caravan club	Spoke and Voted
Cllr Maitland-Walker	P16	3/21/15/014	Personal – knows applicant	Spoke and Voted
Cllr Parbrook	P16	3/21/15/014	Personal – knows applicant	Spoke and Voted
Cllr Morgan	P16	3/37/15/009	Personal –declared that Ms K Morgan was not a relation	Spoke and Voted

## **P15 Public Participation**

<b>Min No.</b>	<b>Reference No.</b>	<b>Application</b>	<b>Name</b>	<b>Position</b>	<b>Stance</b>
P16	3/37/15/009	3 Seaview Terrace	Mr Colin Wood	Local Resident	Objector
P16	3/37/15/009	3 Seaview Terrace	Mr Paul Barrell	Local Resident	Objector
P16	3/37/15/009	3 Seaview Terrace	Mr Edwin Frewin	Local Resident	Objector
P16	3/21/15/014	Land west of Minehead Caravan Club, Hopcott Road	Mr McGuinness	Agent	In favour

## **P16 Town and Country Planning Act 1990 and Other Matters**

Report Eleven of the Planning Team dated 17 June 2015 (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**

#### **3/37/15/009    3 Seaview Terrace, Watchet**

Demolition of existing derelict garden storage buildings and partial demolition of garden boundary walls and fences, to be replaced by anew boundary walls and fences. Erection of a four bedroom house on part of the garden and enlargement and resurfacing of adjoining parking area. Resubmission of 3/37/15/003.

#### **Objections raised by the speakers included:**

- Highway concerns
- Goviers Lane was the principle route into town
- No equalities impact assessment prepared
- Overbearing and dominating
- Increase in traffic
- Lane to long and narrow for pedestrians and cars
- No more space for on street parking in this area
- No demand for large houses in Watchet
- The Watchet Conservation Society are against this application
- Signed petition by 147 residents stating that they were against this application

#### **The Members debate centred on the following issues:**

- A management plan would be needed to understand how the engineering and earth works company were going to dispose of the soil for the garage. With this amount of construction Goviers Lane would be closed to the public.

- Lack of visibility display on the junction.
- The garage was a sticking point for refusal, could the house be built without the garage.
- Concerned with the public using Goviers Lane as well as construction traffic.

Councillor C Morgan proposed and Councillor D Archer seconded a motion that planning permission be **REFUSED** against Officer's recommendation.

The motion was carried.

### **Reason**

Goviers Lane is a narrow no-through road, without turning space, which is mainly used by pedestrians and has limited use by motor vehicles. It is the only safe route for pedestrians, mobility and wheelchair users into the centre of Watchet from the residential areas to the east of the railway line. The car using the proposed single garage will create conflict with these users due to the inability to easily pass and as such, conflicts with paragraph 35 of the National Planning Policy Framework.

### **Reference Location, Proposal, Debate and Decision**

**3/21/15/014 Land west of Minehead caravan Club, Hopcott Road, Minehead**

### **Comments raised by the speaker included:**

- This site is a deliverable and sustainable site with supply for a 5 year supply of housing.
- This site cannot be refused on the grounds of prematurity.
- The Local Plan has not yet been adopted.

### **The Members debate centred on the following issues:**

- This was a premature site with no master plan as yet.
- We do not want to lose out on affordable housing.
- What evidence is there that this site was needed in Minehead.
- How will the Section 106 funds be used?

Councillor A Hadley proposed and Councillor J Parbrook seconded a motion that planning permission be **GRANTED** in accordance with Officers recommendations.

## **P17 Exmoor National Park Matters**

Councillor S Pugsley reported on matters relating to West Somerset considered at the last meeting of the Exmoor National Park Planning Committee. This included:

### **The Agricultural and Forestry worker's dwellings**

Purpose of the report was to inform the Committee of the number of distribution of Agricultural and Forestry Worker's Dwellings and to recommend a survey to confirm compliance with the occupancy conditions and obligations.

**Concluded** that agricultural and forestry workers' dwellings had been permitted as an exception to normal planning policies. It was important that they continue to perform their role helping to provide housing for rural workers, thereby supporting the rural economy. It was proposed to survey this important part of the housing stock to check compliance with

the occupancy requirements and, where necessary and expedient, to follow up any breaches of occupation.

**P18 Delegated Decision List**

The Planning Manager answered questions from the report.

**P19 Performance chart**

The Area Planning Manager updated the Committee on the performance chart from April-March 2015. Stated that Q4 update was 15% ahead of target. Also stated that he would still continue to monitor and bring back to committee.

**Comments**

- The targets use to be higher than this, it can be done.
- Targets need to be reasonable, we need to look at these in the future.
- These targets were set when there were three extra officers in place, we would need to look at this in the future.

The meeting closed at 6.46pm

DRAFT

<b>Application No:</b>	<a href="#">3/21/15/017</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Elizabeth Peeks
<b>Grid Ref</b>	
<b>Applicant</b>	Turley
<b>Proposal</b>	Erection of a 102-bed Premier Inn hotel (Use Class C1) and Brewers Fayre restaurant/pub (Mixed Class A3/A4 Use) with associated access, parking and landscaping.
<b>Location</b>	Land at Seaward Way, Minehead
<b>Reason for referral to Committee</b>	<b>West Somerset Council is the land owner of the application site</b>

### **Risk Assessment**

Description	Likelihood	Impact	Overall
Risk: 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
Mitigation: 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 Seaward Way, Minehead

### **Description of development:**

Erection of a 102-bed Premier Inn hotel (Use Class C1) and Brewers Fayre restaurant/pub (Mixed Class A3/A4 Use) with associated access, parking and landscaping.

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

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

Recommend approval

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

I refer to the above mentioned planning application received on 17<sup>th</sup> February 2015 and following a site visit on 18<sup>th</sup> February 2015 I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of a new hotel and pub with associated access and parking.

The planning application was accompanied by a Transport Statement (TS), this has been subject to an audit and our observations are set out below.



In terms of trip generation the applicant has utilised the TRICS database to generate the trip rates for the existing planning consent at the site, which consisted of a leisure centre. This indicated that a total of 34 and 98 two-way movements would be generated in the AM and PM peaks respectively. This data had been collected to provide comparable information for the expected trips for the hotel/restaurant.

For the proposed development, the applicant has utilised a different method of generating trips. The justification that has been provided is that TRICS does not consider the site as two separate entities. Instead they have utilised survey data collected from a number of comparable sites run by the Whitbread Group Plc. Trip rates for the new site have been calculated by taking an average of the trip rates from the comparable sites. The survey data provided in Appendix F of the TS shows that the proposal would generate 38 two-way movements in the AM and 53 two-way movements in the PM. This is a net reduction in trips from the consented leisure centre in the PM peak. Therefore relying on a net impact would mean the new development will generate an additional 4 trips in the AM peak but 45 fewer in the PM peak.

Data from two different Premier Inn/restaurant sites has been used to calculate the modal split for the new development. This data was collected from parking and travel surveys and splits the modal into initial journeys to and from the site, and day trips of guests already staying there, which gives two different modal split proportions. Having reviewed this approach the Highway Authority deems this approach to be appropriate and accurate for anticipating the modal split of the new development.

No trip distribution has been included in the TS, however this is because the only real impact would be on Seaward Way it is therefore assumed that all trips would utilise the north-eastern arm of the Luttrell Way roundabout. As no distribution has been provided the Highway Authority assumes that there would be a 50/50 split in the route taken by traffic generated by the development. The Highway Authority would therefore require the applicant to provide further information on whether this assumption is correct or not.

Traffic flow data (2013) has been provided by Somerset County Council and has been used by the applicant to assess the impact of the development on Seaward Way. Figure 4.13 in the TS shows that in comparison with the consented leisure centre the proposed development would result in a reduced traffic impact on Seaward Way, with a 2.7% daily decrease in traffic than if the leisure centre was built, a 0.6% increase in the AM peak and a 4.8% decrease in the PM peak. During pre-application discussions the Highway Authority accepted that the junction modelling may not be required provided the impact in the peak hours would be sufficiently small. From the anticipated trip generation, it is considered there would be minimal impact on the immediate highway network and junctions due to the low amount of journeys to and from the site.

The TS has not given any consideration to other committed or proposed developments in Minehead. The Highway Authority is aware that there are currently a number of live applications that may have an impact on Seaward Way. Therefore the Local Planning Authority should be aware of the potential cumulative impacts on the local highway network.

The applicant has also provided a Travel Plan this was passed to the Travel Plan Team for comment. This audit has been completed and a copy of the audit has been attached for your information. Please note that currently the Travel Plan is not considered to be acceptable and will need to be amended taking into the points raised in the audit report. Please note that the Travel Plan should be secured via a S106 agreement.

Regarding the internal layout the proposal will utilise the existing access onto the roundabout, which was constructed as part of the New Horizons Project to provide access to

Minehead Hospital as a consequence the Highway Authority does not have any concerns of the design of this point of access. The applicant has made provision for 156 parking spaces, which has been based on the floor area. However from reviewing the County Council's Parking Strategy the applicant would need to provide 126 parking spaces. Therefore at present there is an over provision of parking.

Finally in terms of drainage the applicant provide a Flood Risk Assessment with the application and upon reviewing the document the Highway Authority has the following comments to make. Firstly as the site lies within the Somerset Drainage Board area then the board's bye-laws will apply in relation to any proposals affecting the existing watercourse, including the provision of the footbridge. Secondly it is assumed that there is sufficient land between the back of the existing shared footway/cycleway running along Seaward Way and the new realigned watercourse such that the foundations of the footbridge will not encroach or affect the public highway. However, as the footbridge will form a direct link onto the public highway the Highway Authority will need to be consulted on this aspect of the work. In addition a licence would be required for any works on or directly adjacent to the highway.

Therefore to conclude the proposal will not result in a significant increase in vehicle movements on the highway network. However the Local Planning Authority should be aware of other developments in the vicinity that may impact upon this. In regards to the detail the junction and site access have been designed to accommodate the level of traffic associated with this proposal. Turning to the internal layout the level of parking is considered to be over the provision when measured against the requirements our Parking Strategy. As a consequence the applicant can either provide justification for the departure from policy or amend the layout to be in line with the county standards.

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

- 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.
- 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 site is brought into use and maintained at all times.
- The area allocated for parking and turning on the submitted plan, and shall be kept

clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

NOTE:

The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the West Somerset Area, at the Highways Depot for West Somerset, Tel No. 0300 123 2224. They will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

With regard to the amended plans Highways had no further observations to make.

**Environment Agency**

Thank you for referring the above application, which was received on 13 February 2015.

Providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework are met the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of the following condition within the Decision Notice:

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Simpsons Associates Ref: 12701/GH/FRA and the mitigation measures detailed within the FRA, specifically the finished floor levels set at 7.15mAOD or above.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

REASON:

To prevent the increased risk of flooding.

The following informatives and recommendations should be included in the Decision Notice.

The surface water drainage outlets will enter the Internal Drainage Board (IDB) Rhyne network. The IDB should be consulted to ensure that they agree with the surface water drainage run-off rates.

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

The foul drainage should be kept separate from the clean surface and roof water, and connected to the public sewerage scheme after conferring with the sewerage undertaker.

A copy of the subsequent decision notice would be appreciated.

Please quote the Agency's reference on any future correspondence regarding this matter.

### ***Environmental Health Officer***

The operating times for the new complex needs to be reasonable and reflect the sensitive nature of the neighbouring hospital. It is felt that the operating times of the restaurant/drive thru does not take this in to account. The noise from the restaurant operation, extraction, in addition to car movements, car doors opening and shutting could all greatly impact on the patients convalescing within the hospital. Therefore I suggest that a the operating times are conditioned to cease at 11pm.

Comments on revised hours.  
12 midnight is OK

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

Thank you for consulting me on this application. According to your letter of 13 February, this is an application for full planning permission yet it has been submitted with a Phase 1 Ecology Survey that makes reference to the need for a range of further ecological surveys to be done in order to properly inform an application for planning permission.

As you know, the presence of protected species on site is a material consideration in the planning process. ODPM Circular 06/2005 (still in force) makes this clear: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances [my emphasis], with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted."

Applying this guidance to this case, WSC needs to consider firstly whether there is a real likelihood of protected species being present in the area and of their being affected by the proposed development. The Phase 1 Habitat Survey by JBA Consultancy Services Ltd (dated 'January 2015') recommends further surveys are conducted for Water Voles, breeding birds, reptiles, Great Crested Newts and Badgers. I believe that the Survey that has been done demonstrates that the habitat exists within the application site that could support all of these species. Taking each in turn:-

Water Vole – There are 1998 records of this species within 600 metres of the application site. Ditch habitats exist on the site that are wide enough that they could be used by Water Voles, but the ditches are reportedly very shallow in depth and it does not appear to me for this reason that they would be ideal for the species. Against this it can be argued that Water Voles do occupy sub-optimal habitats. Conclusion: A requirement for a Water Vole survey can be justified.

Breeding birds – It seems likely that the application site is used by a similar range of birds to that which use the nearby Dunster Marshes CWS. The CWS is designated on ornithological grounds and it is important to ascertain whether the application site is of similar quality to the CWS in respect of the birds it supports. Conclusion: A requirement for a bird survey can be justified

Reptiles – The rough grass habitats with potential basking sites that occur within the application are ideal for reptiles and there are plenty of records of protected species in the vicinity. Conclusion: A requirement for a reptile survey can be justified.

Great Crested Newts – The site contains highly suitable terrestrial habitat but the Survey indicates that there are no suitable ponds on site. There is a potential breeding pond off site but this is cut off from the site by several significant obstacles, making it less likely that Great Crested Newts (GCNs) might be found within the red line boundary. GCNs have been recorded recently in drainage ditches on the Somerset Levels and there are habitats of this sort on site. It must be borne in mind that GCNs are on the very edge of their UK range in West Somerset and there are no verified records of which I am aware further west than Willett/Lower Vexford. Given that the Minehead area is quite well recorded, my judgement is that there are no extant colonies in the town, but it is possible that some might have escaped detection. Conclusion: It is more difficult to justify a GCN survey than it is some other surveys.

Badgers – Although no signs of Badgers were encountered during the Phase 1 Habitat Survey, JBA has argued in section 4.35 of its report that: “Due to the fact that badger setts were recorded on the site prior to the construction of the hospital, and that a new sett was potentially created within the site boundary, a badger survey is recommended involving a thorough search of the scrub to the south and any suitable habitat within 30m of the site boundary. Should these setts still be present and active further mitigation may be required.” Conclusion: There is justification to require a Badger survey along the lines suggested in section 4.35.

To summarise: There are justifiable grounds to argue that more ecological survey work is needed to inform a planning application in relation to this site. If WSC decides to require such surveys to be done then I should point out that the reptile and bird surveys in particular are unlikely to be completed within the timescale for determination of the application.

Unless there are exceptional circumstances that would justify conditions being imposed such that the surveys occur after permission has been granted, I would suggest that there are only two options to deal with this – to ask the applicant to withdraw the application and to re-submit when the surveys have been done, or to refuse the application on grounds of insufficient information.

Following the receipt of various surveys additional comments have been received: A water vole survey (James Blake Associates June 2015) has been conducted of suitable habitats at the application (3/21/15/017) site and this did not uncover any conclusive evidence that Water Voles are present. If you are minded to approve this application there is no reason to impose a condition relating to Water Voles, but some enhancement of the completed development for biodiversity would be achieved if the new ditch replacing the old on the northern half of the site is planted with a variety of native aquatic and marginal plants along the lines suggested in the survey report. ( I could advise on suitable species.)

An informative note should be added to any planning certificate issued drawing the applicant's attention to the legal protection afforded to water voles and their burrows. Such a note should advise the developers what to do in the unlikely event that water voles or water vole burrows are encountered during construction.

The reptile survey which has been submitted ('James Blake Associates – Reptile Survey of land at Seaward Way, Minehead – June 2015') is satisfactory and, since a low population of Slow-worms is reported, if you are minded to approve this application, I recommend that a

condition be imposed requiring a reptile mitigation strategy be submitted and approved by the planning authority as recommended in the report (in paragraph 4.5):

“A Reptile Mitigation Strategy should be compiled, agreed with the LPA/LWT [approval by the Local Wildlife Trust is not relevant or required – TS] and implemented prior to any ground works at the site. This should detail locations of reptile exclusion fences, re-location methodology, responsibilities for implementation, maintenance and management of the strategy throughout construction, a sequence of operations with regards to reptiles and a management plan for reptile habitat at the site post development.”

I would recommend that any condition that is imposed stipulates that the mitigation strategy be approved prior to commencement of the development . An informative note will need to be added to any planning certificate issued drawing attention to the legal protection afforded to reptiles (specifically, Slow-worms).

If the development cannot be started within two years there will need to be a fresh reptile survey to establish the status of the Slow-worm population and this will need to be subject of another condition which should make it clear that development cannot proceed without an approved mitigation strategy based on the most up to date survey.

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

I refer to your letter of 13<sup>th</sup> March inviting comments on the above proposed development and advise the following on behalf of Wessex Water as sewerage and water undertaker for the area in question:

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

There are existing water mains and a valve complex (represented diagrammatically) which according to our records are located within or near the site boundary. These apparatus must be accurately located on site and agreed easements observed. Any change in level depths over these mains and valves with also need to be agreed.

There is sufficient current available capacity within the existing water supply network to serve the proposals: buildings above two storeys will require on site boosted storage.

There is an existing 375mm foul sewer to the south west of the site. The sewer has current available capacity to accommodate predicted foul flows only generated by the development (pumped connection arrangements to be agreed)

Due to the nature of the proposal the applicant should note that grease and fats should not be discharged to the public sewer and appropriate arrangements should be designed and provided to prevent this contaminated discharge by using a suitable grease interceptor and a maintenance programme to remove and dispose of this waste.

The applicant has proposed to discharge surface water to land drainage systems which will require the approval of the relevant Authorities. There must be no surface water connections to the foul water system.

I trust that you will find the above comments of use, however, please do not hesitate to contact me if you require further information or clarification.

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

The site is located outside the boundary of the Parrett Internal Drainage Board area

however any surface water run-off generated will discharge into the Board's area, within which the Board has jurisdiction and powers over matters relating to Ordinary Watercourses. The Board's responsibilities require it to ensure flood risk and surface water drainage are managed effectively.

The Board would expect a site specific Flood Risk Assessment to be produced, to support the application, the Board would encourage a sustainable surface water design to be submitted to the Local Planning Authority. The surface water design should mimic or improve the existing arrangements, it should also reduce the rate and volume being discharged into the receiving land drainage network or sewerage network. These details should provide sufficient information as well as reduce the concerns associated with potential flood risk and downstream land owners.

If the application receives approval, the Board would ask that the **Condition** and **informative** set out below is included.

**Condition:** No development should proceed until the surface water drainage and watercourse proposals have been agreed with the Local Planning Authority in conjunction with the Parrett Internal Drainage Board.

**Reason:** The application details have insufficient details to determine if drainage matters are to be properly addressed. It is not possible at this time if the development of this site will have an adverse impact on flood risk elsewhere which is contrary to the principles set out in Section 1-3 of the National Planning Policy Framework and Section 2 of the Technical Guidance to the National Planning Policy Framework.

The Board has had no contact from the applicant, or the developer's agent as the site is a distance from the Board's catchment boundary. However, it is important that surface water drainage disposal and flood risk considered with improvements made.

The above requirements are based on the principles set out in Section 103 of the National Planning Policy Framework and Section 2 of the Technical Guidance to the National Planning Policy Framework, which requires that the development should not increase flood risk elsewhere.

Finally the land receives surface water run-off, from the land to the West, any flow must not be exceeded by the development. Also a robust, sustainable and maintainable approach that will mitigate any impact on the receiving network must be designed.

#### ***Taunton Deane Borough Council***

Please see below comments from Economic Development on the above planning application:

A vibrant tourism sector is crucial to the health of the West Somerset economy, both providing jobs directly and also supporting related industries, such as local food and drink. Good quality hotels are a vital part of the tourism offer. In addition, the area is very likely to benefit financially from huge investment in the Hinkley Point C new nuclear facility, which will bring a further increase in the number of professionals visiting on business. I am therefore happy to support this application, which will provide sustainable jobs and wealth creation for local people.

#### ***NHS England***

With reference to the recent notification of the above planning application, Somerset Partnership NHS Foundation Trust would like to make the following comments and

observations regarding the development proposals.

Having considered the application the Trust would require the developer to ensure that:

- both during and post construction the hospital's surface water drainage is not impinged as the hospital's surface water drainage feeds into the ditches within the curtilage of the proposed development.
- the proposals has adequate parking so that the hospital's parking and Luttrell Way does not become an overflow during busy periods. The hospital has blue light ambulance activity 24/7 and parking on Luttrell Way would affect the free flow of these and all vehicles on and off the hospital site. For the same reason it is also important that the hospital is consulted in good time prior to any temporary restrictions to the flow of vehicles on Luttrell Way during construction, such as temporary traffic lights.
- the proposed development has adequate CCTV coverage so that any anti-social behaviour originating from the proposal but spilling over onto the hospital grounds and premises can be clearly understood from the recordings.
- there is full consultation with the hospital in good time about any possible impact to its utilities during the construction phase.
- appropriate control measures are taken to limit the impact of construction activities on the hospital such as dust, noise and privacy and dignity of hospital users.

#### ***Somerset County Council - flooding & drainage***

As the Environment Agency and Parrett Drainage Board have both commented I have no further comments to add.

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

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

#### **Planning Policy**

With regards to the Premier Inn application, from a policy perspective there are no fundamental problems to the proposal as the uses themselves, hotel and pub/restaurant, whilst they are activities that are associated with town-centres, they are not ones that are integral to their continuing vitality and viability unlike those in Use Class A1. Whilst I am sure there are people who would argue otherwise, the evidence of the sequential test material submitted with the Lidl application demonstrates the absence of any site of the size involved existing and/or readily available for the development closer to Minehead town centre. The site is within the development limits of Minehead in the adopted Local Plan so there is a general presumption in favour. You might want to make reference to the land adjoining Ellicombe roundabout (between Bircham Road and Seaward Way) as, although this was not specifically allocated as a site for hotel development, it was originally ear-marked as a preferred location for such a development.

With regards to the previous uses and allocations, the land in question was allocated for housing in the adopted Local Plan and the area affected is shown on the Inset Map for Minehead and was expected to yield c.36 dwellings. Although no application has been made for housing on the site, this use was included as part of the proposed outline mixed-use development that made up the New Horizons project in 2007/08 (3/21/07/134). The location of the uses in this application was left rather vague at the time. When the subsequent Reserved Matters application (3/21/08/080) was submitted in August 2008 the location of the various uses had to be 'shuffled' around including the extent of the area to be used for housing. There was a Report to Cabinet in April 2008 (Report No. SC30/08) that dealt with the various land ownership issues associated with the site and identified 5.3 acres of land (in two parcels of 3.2 and 2.1 acres) for housing and that this was to be marketed as



such for disposal as housing land. The location of the land identified for residential development migrated from adjoining the Millennium Rose Garden and what is Luttrell Way as far as the roundabout (to no-where) along Seaward Way so that it physically adjoined the existing Mallard Road estate. The Hospital reserved matters application that prompted the 'shuffle' was in response to a spat between Adrian and the Environment Agency over the location of the hospital. The EA claimed that the whole of the New Horizons site was within Zone 3 flood-plain, where-as WSC claimed that much of it wasn't. In the end a compromise was reached which ensured that the Hospital was located outside of the area liable to flood (it was moved right to the back of the site closest to the WS College Enterprise Centre and the residential element was also moved out of the most vulnerable flooding part of the overall site). You might want to check how the land relates to the findings in the SFRA Level 2 report which looked at what would be the impact on this part of town if a breach of the sea defences east of Warren Point occurred. It can be found on our web-site at; [https://www.westsomersetonline.gov.uk/Planning---Building/Planning-Policy/Evidence-Base-Information/Environmental-Evidence/Level-2-\(Detailed\)-Strategic-Flood-Risk-Assessment](https://www.westsomersetonline.gov.uk/Planning---Building/Planning-Policy/Evidence-Base-Information/Environmental-Evidence/Level-2-(Detailed)-Strategic-Flood-Risk-Assessment)

### *Public Consultation*

The Local Planning Authority has received 2 letters of objection and 1 letter of support making the following comments (summarised):

#### Support

- The proposal will bring job opportunities to Minehead
- The proposal will bring more tourists which would better other businesses even in the quieter winter months

#### Object

- Minehead Hospitality association object as any new hotel will affect our trade and are concerned that 102 bedrooms will put a strain on the surrounding West Somerset infrastructure.
- Contrary to the spirit of the supporting text in the Local Plan relating to Minehead's small businesses require support as the proposal will introduce large scale competition
- The submitted Economic Impact Assessment is unreliable as it assumes significant increased trade to local suppliers but their main supplies (laundry, food and beer) will be delivered by lorry
- There will be a reduction in employment levels as automated self check in is introduced
- There is over capacity of hotels and restaurants in the winter months so need more winter attractions. If occupancy sinks further many businesses will close their doors
- The draft Local Plan seeks to develop the quality that tourism offers. This proposal does not offer high quality.
- Increase in traffic on the A39 and A358
- The proposed number to be employed sounds impressive but pales into significance when compared to those currently employed whose jobs may be at risk due to this proposal
- There are significant number of unemployed or are either unemployable or who do not wish to be employed
- There is already capacity for beds in Minehead even on Bank Holidays
- The Business Rates retention programme is attractive to the Council but not a sound principle to base a planing decision on
- Most guests and staff arrive by car and some of the information supplied concerning buses is incorrect.
- In assessing vehicle numbers comparing them to other sites that have main line railway stations and served by a regular National Express Coach is not comparable

## **Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

W/6	Flood Plains
SP/1	Settlement Hierarchy
SP/2	Development in Minehead and Rural Centres
NC/4	Species Protection
BD/1	Local Distinctiveness
BD/2	Design of New Development
BD/5	New Industrial and Commercial Buildings
W/1	Waste Water, Sewage Management and, Infrastructure
W/2	Surface Water Protection
W/5	Surface Water Run-Off
BD/9	Energy and Waste Conservation
E/2	Employment Development Within Settlements
TO/1	Sustainable Tourism Development Within Settlements
W/7	River Corridor Protection
CO/1	The Coastal Zone
AD/1	Access for Disabled People
SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC5A	Self containment of settlements.
MD1	Minehead Development
EC1	Widening and strengthening the local economy
H/1	Housing Land Allocations
EC10	Gateway Settlements
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
CC2	Flood Risk Management
NH3	Nature conservation and the protection & enhancement of bii
NH10	Securing high standards of design
T/3	Transport Requirements of New Development
T/7	Non-Residential Development Car Parking
PC/2	Noise Pollution

## **National Policy**

[National Planning Policy Framework \(the NPPF\)](#) -  
[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

## **Local Policy**

[West Somerset Local Plan \(2006\)](#) \_

[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#)

[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)

[Somerset County Council Parking Strategy \(2013\)](#)

[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

## Planning History

The following planning history is relevant to this application:

3/21/07/134	Mixed use development comprising of a community hospital, sports and leisure centre building, residential dwellings, all weather sports pitches, tennis courts, cricket pavillion & car parking along with associated highway, engineering and landscaping works accompanied by an environmental statement	Grant	31 January 2008
-------------	--	-------	-----------------

## Proposal

The application seeks planning permission for the erection of a rectangular 3 storey, 102 bed hotel and associated mainly single storey rectangular 190 cover family restaurant/pub that is also open to non residents. 135 parking spaces are proposed including 9 disabled spaces and 20 cycle spaces. The hotel would be sited at right angles to Seaward Way overlooking both Alcombe Common and the proposed car park. The restaurant/pub will be parallel to Seaward Way. Vehicular acces is via Luttrell Way and there will be a bridge across the rhyne from the restaurant/pub to Seaward Way for pedestrians and cyclists.

The hotel has taken its design principles from Minehead Hospital in that it will have a flat roof and is designed in blocks of varying heights with a mix of external materials being used including a verdigris matt finish panelling, cream and off white render together with reconstituted stone blockwork on part of the ground floor. Solar control panels over the windows on the southeast (car park) elevation are also proposed.

The restaurant/pub will have reconstituted stone blockwork for the walls and off white render on the gable ends of the roof. The roof will be covered in Forticrete, slate grey tiles. Verdigris green panelling around the entrance is also proposed with cream render above.

Currently the site is at a lower level than the adjoining roads. It is proposed to raise the levels from approximately 5.4m - 6.6m to approximately 6.58m - 7m for the car park area with the buildings having a finished floor level of 7.15m. The ditch will be redirected and regraded.

The site will be landscaped creating various habitats including a species rich wildlife meadow at the junction of Seaward Way and Luttrell Way, a native hedge around the roadside boundaries with the existing scrub adjoining the Alcombe Common boundary together with grass and shrubs around the buildings. Trees are proposed within the car park and around the periphery along the boundaries with Luttrell Way and Minehead Hospital. A grass bund and rhyne separates the site from Seaward Way.

60 full time staff are to be employed. The restaurant will be open from 6.30am - 12am during the week and between 7.30am - 12am at weekends. The hotel will be open 24 hours a day.

## Site Description

The roughly rectangular 1.2 hectare level site lies to the southeast of Alcombe Common and to the southwest of Seaward Way. Minehead Hospital lies to the rear (southwest) of the site. The land is currently vacant and is covered in scrub and grass with trees along the boundary with Minehead Hospital. Minehead Cricket Club and West Somerset Community College are situated to the southeast of the site who have access from Luttrell Way.

## **Planning Analysis**

### *1. Principle of Development*

The site is within the development limits of Minehead where the relevant settlement policy in the Local Plan is saved Policy SP/2. This policy states that commercial development is acceptable if it does not result in land specifically identified for other uses, there is a safe and convenient access by car, bus, cycle or on foot to facilities or employment and it involves the redevelopment of previously used land. Policy MD1 of the emerging local plan is also relevant as it now has some weight when making decisions as it has been through public consultation. This policy states that amongst other things development proposals must "support and strengthen the settlement's role as the main service and employment centre in West Somerset, particularly in terms of the diversity and quality of its historic and natural environment, services and facilities..."

The site is allocated for housing under saved policy H/1 for 36 dwellings but it should be noted that outline planning permission (3/21/07/134), which included this site, was granted in January 2008 for a hospital, sports and leisure centre, residential dwellings, all weather sports pitches, tennis courts, cricket pavillion and car parking along with associated highway, engineering and landscaping works. The application site was shown to be allocated for the proposed sports and leisure centre. As the hospital has been built pursuant to the outline permission the fact that the housing element was to be on adjoining land rather than on the allocated site is a material consideration in determining this application.

As the proposal has safe and convenient access to facilities or employment, is within the settlement boundary of Minehead with the principle having been established that the site can be used for uses other than residential and will strengthen and support the role of Minehead as a main service and employment centre in West Somerset, it is considered that the hotel and restaurant/pub is acceptable in principle.

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

The site is vacant land that was formerly marsh and lies below the level of the adjoining roads, Seaward Way and Luttrell Way. Minehead Hospital, a modern building made up of blocks in various colours (render and cladding) with flat roofs and its grounds adjoins the site. The area is characterised by being flat with development on the south side of Seaward Way and no development in the near vicinity of the proposed development on the north side of Seaward Way. The cricket pavilion and school facilities lie to the southeast of the site. This land gently rises up to the Community College buildings.

### *3. Residential Amenity*

There will be no overlooking, loss of light to any habitable rooms or overbearing impact of the proposed development on the nearest property, Minehead Hospital. This is due to the orientation of the hospital in relation to the proposed hotel and restaurant/pub and the distance between the buildings (in excess of 70m between the hotel and the hospital).

As the hospital is a sensitive development in that it is noise sensitive due to having patients convalescing, potential noise from the restaurant, extraction system plus car movements, car doors opening and shutting could be detrimental to the patients. The hours of operation therefore need to be assessed. Environmental Health has advised that the originally

proposed closing times of 12.30am for the restaurant/pub is not reasonable and recommended that the operating hours are conditioned to cease at 11pm. The Agent has now suggested that the opening hours be 6.30am - midnight for weekdays and 7.30am to midnight at weekends with the hotel operating 24 hours a day. Environmental Health have now advised that the amended opening hours to midnight is acceptable. In addition there could be an impact on the hospital during the construction phase from noise and dust. It is therefore considered that this should be controlled by a Construction Environmental Management Plan condition.

#### *4. Highway Safety*

As part of the proposal, a Travel Statement and Travel Plan have been submitted. Within the Travel Plan measures to encourage the use of alternative modes of transport for staff and guests are proposed including an information travel board in the staff room, a discounted bicycle purchase scheme, staff recruitment policy (recruiting staff through local job centres so that staff reside locally to the site), providing discounts for regular travel on local buses for staff, provision of cycle parking, a shower for staff, provision of electric vehicle charging points and promotion of car sharing. The website will include information on travel options, information will be provided at reception relating to local facilities. The Highway Authority consider that the Travel Plan is acceptable except for the monitoring of the Travel Plan. A condition is therefore required to ensure that the Travel Plan is acceptable.

With regard to the car park the Highway Authority consider that there is an over provision of 9 parking spaces as 126 spaces are required under the County Council's Parking Strategy instead of the proposed 135 spaces. It is considered that the over provision is acceptable and that the proposal is in accordance with saved policy T/3 of the Local Plan and as such it is considered that the application could not be reasonably refused on these grounds.

The Highway Authority conclude that the proposal will not result in a significant increase in vehicle movements on the highway network but that the Local Planning Authority should be aware of other developments in the vicinity that may impact on this. As highway improvements are proposed as part of the nearby supermarket developments to improve the free flow of traffic in the vicinity it is considered that the proposed new supermarket together with this proposal will not have a significant impact on the highway network. It is noted however that there are other large housing developments along Hopcott Road that have been approved but reserved matters applications for these applications have not been received, so to date there will be no impact on the highway network. A number of conditions are recommended relating to a Construction Environmental Management Plan, disposal of surface water and the parking area shall be used by vehicles in connection with the proposal only. These have been proposed to be imposed.

#### *5. Flood Risk*

The application site lies within Flood Zone 3a where the flooding is due to tidal flooding. There is also a low risk of surface water flooding relating to the drainage ditch on the site. As the site lies in a high risk flood zone and as noted at paragraph 100 of the National Planning Policy Framework development should be directed away from areas of highest risk but where development is necessary making the development safe without increasing flooding elsewhere. A Sequential Test therefore needs to be applied to assess whether there are any available sites in areas with a lower probability of flooding that would be appropriate to the type of development proposed. As part of the Sequential Test submitted by the Agent, the Agent has put forward that planning permission was granted in 2008 for a mixed use development which included the application site and as the majority of Minehead is in Flood Zone 3 there are no areas within or on the edge of Minehead that are in the lowest probability of flooding (ie Flood Zone 1) and there are no sites in Flood Zone 2.

In addition, as residential development along Seaward Way has been built and further residential development has been approved but not constructed and as residential is a more vulnerable use than the proposed use (a less vulnerable use as classified by the Environment Agency) on the application site is acceptable. It is accepted that there are no available sites that are suitable for the proposed use that are in a lower Flood Zone and as planning permission was granted in 2008 on the site for a sports and leisure centre ( a less vulnerable use as classified by the Environment Agency) this demonstrates that the proposed use is acceptable in principle on this site.

As it is considered that the proposed development cannot be sited in a lower flood zone within Minehead, the Exceptions test can be applied if appropriate. To pass the Exceptions Test two elements need to be met. These are :

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

On the first point, the level 1 Strategic Flood Risk Assessment has informed the design and location of the proposed development and as the provision of the hotel and restaurant/pub will provide accommodation and additional facilities for both existing residents and tourists as well as providing 60 full time jobs this will help in maintaining Minehead as a sustainable town. In addition toilet water recycling will be used saving 20% of the development's entire water use. High efficiency thermal insulation and windows achieving U values exceeding Building Regulations requirements will be achieved. Air source heat pumps with heat recovery to pre heat hot water will be provided together with the use of aerated shower heads which use less water than standard showers and automated light controls. Lighting in the hotel rooms will be controlled by the guest key card and LED lighting will be used in appropriate areas. The building materials will be A+ rated and the buildings will be of timber construction using timber that has the lowest carbon content of any commercially available material. These proposals will also help make the development sustainable.

With regard to the second element a Flood Risk Assessment has been submitted as part of the application and to ensure the safety of its users, ensure that flood risk is not increased elsewhere a number of measures are proposed. The ground level of the hotel will be set at a level of 7.15m AOD meaning the land will be raised by approximately 1.8m so that the ground floor is above the predicted flood levels. Flood resilient construction methods and materials are to be used. This means that durable materials will be used in the wall and floor construction that are not affected by water and that promote easy draining and drying. In addition the upper floors of the hotel will provide safe refuge for any resident stranded on the development in more severe flood conditions. A drainage strategy has been prepared to ensure that surface water flows from the site will not increase for storm return periods of up to and including 1 in 100 year events with a 30% allowance for climate change.

It is considered that the proposals noted above do pass the Exceptions Test subject to a condition being imposed concerning a surface water drainage and watercourse proposal as the Somerset Drainage Boards Consortium consider that the details submitted are insufficient. A condition is also recommended to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment and that the finished floor levels are set at 7.15m AOD or above as suggested by the Environment Agency. It should be noted that the Environment Agency do not object in principle to the development subject to this condition.

## 6. Biodiversity

A Phase 1 Habitat Survey and further species specific surveys have been submitted as part of the planning application. The Surveys found that:

### Bats

There are no trees that have bat potential but that there is potential for foraging opportunities due to the damp grassland on site but is likely to be limited due to the likelihood of light pollution from the nearby school and hospital. It is recommended that to minimise the risk of disturbance to foraging and commuting bats that light minimisation precautions be incorporated including no works on site after sunset during construction, that lights should be directed away from boundary trees and vegetation, lighting columns should be at the lowest practical height with box shield fittings, lux levels should be as low as possible and be high pressure sodium with glass covers and security lights should be set on short timers

### Otters and Water Voles

The ditches are not considered to be suitable for use by Otters and the feeding signs found could not be definitely attributed to Water Voles. A further survey was required to ascertain whether Water Voles are present. This Survey found one potential burrow but as the burrow may be occupied by rats or other vole species this is not conclusive evidence that there are water voles.. It is recommended that sedges and rushes be planted along the ditch to be diverted and that pollution control measures be put in place.

### Reptiles

As the application site provides good quality habitat for reptiles seven survey visits were undertaken resulting in a low level of population of slow worms being found. It is recommended that the slow worms be relocated outside of the construction zone which will need to be carried out in accordance with a Reptile Mitigation Strategy. A condition will be required to ensure that such a Strategy is submitted and approved prior to work commencing on site.

### Breeding Birds

There is a range of habitats on the site which provides foraging opportunities for birds and there is limited nesting opportunities for ground nesting birds. Linnets and Starlings were among the bird species found. These are Birds of Conservation Concern (BoCC) red listed species and Species of Principle Importance (SPI). A further survey found Dunnocks on site and these are a BoCC amber listed species and SPI. It is likely that they are breeding on site but that as additional foraging habitat is to be provided as part of the proposal the local population of Dunnocks is unlikely to be significantly impacted by the proposals. House Sparrows (a SPI and BoCC red listed species) were recorded using the site for foraging but it is unlikely that they are using the site for breeding. It is considered unlikely that the proposed development will significantly impact on House Sparrows. Starlings are probably using the site for foraging and it is considered that the development will not significantly affect the Starlings.

Nine BoCC amber listed species were also recorded including Whitethroats, Swifts, Swallows and House Martins. It is considered that the local conservation status of Whitethroats will not be significantly impacted on and due to the retention of some of the existing habitat on site the other species will not be significantly impacted. A number of recommendations in the report including details of what vegetation should be incorporated within the landscaping scheme and that a Landscape and Ecological Management Plan should be agreed together with the provision of bird boxes on the trees or buildings.

## Badgers

A Badger Survey has found evidence of badgers and has recommended that a 10m buffer be provided to the southern boundary and a 5-6m buffer to the western boundary which has been incorporated within the proposal. A method statement is also required for the period of the construction works which is recommended to form a condition

The County Ecologist has reviewed the reptile and water vole surveys and subject to the imposition of conditions relating to slow worms and landscaping does not raise any objections to the scheme. Comments on the breeding birds and badger reports are awaited. In addition Somerset Wildlife Trust support the outcome and recommendations in the original Habitat Survey and state that the required surveys need to be carried out prior to planning permission being granted, a recommendation also put forward by the County Ecologist. These reports have since been submitted and are discussed above.

A landscaping strategy has been submitted which involves the retention of some trees and scrub together with the provision of a species rich wildflower meadow, amenity grassland, ground cover, bird boxes and hibernacula. The strategy will aid biodiversity as well as help to assimilate the buildings into the area. A condition requiring a landscaping scheme to be submitted is however required to ensure that the landscaping takes into account the recommendations made in the species reports, Phase 1 Habitat Survey and the County Ecologist.

## 7. Economic

As the proposal relates to a 102 bedroom hotel and a restaurant the effect this may have on the local economy needs to be examined and the proposal also needs to be assessed as to whether the proposal is sustainable development. An Economic Impact Statement has been submitted as part of the application. The findings include the following. There will be 84 full time equivalent temporary jobs during the construction phase which will be approximately 12 months. It is expected that the workforce will mainly be filled by the local labour market within the South West. In November 2014 there were 5 economically active unemployed working age West Somerset residents seeking employment in the construction sector with over 1700 seeking such employment in the South West, hence there is a potential source of labour for the construction works. The use of local contractors and subcontractors could also be used. From an indirect employment generation perspective it has been calculated that the proposed development will support 75 direct net additional full time equivalent jobs within the South West of which 58 could be local to West Somerset together with a further 15 jobs which would be supported through the supply chain during the construction phase. Financially an uplift of £900,000 in economic productivity is anticipated. Additionally £3.8 million could be generated through the construction phase within West Somerset. Once the development is completed the hotel and restaurant is expected to generate 43 direct full time equivalent jobs. With regard to visitor expenditure impacts it is anticipated that visitors could spend approximately £850,000 annually in the local economy. This is anticipated to support and sustain an additional 25 jobs per annum in the leisure and tourism sector. £42,500 could also be retained by the Council each year on the form of business rate revenue.

The Economic Development Officer has commented on the proposal and supports the application as the proposal will provide sustainable jobs and there will be wealth creation for local people. Comments have however been received stating that the proposal will adversely affect existing hotels and bed and breakfasts and other tourist related businesses but no evidence has been submitted to illustrate what the effect will be. On balance it is therefore considered that, as the proposal has been shown to have a positive impact on the economy and complies with saved local plan policies TO/1 and E/2 together with policies MD1 and EC1 of the emerging local plan the application can be supported.



## **Environmental Impact Assessment**

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2015 and so Environmental Impact Assessment is not required.

## **Conclusion and Recommendation**

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 1403/01A Rev A, 1403/03A Rev A, 1403/04A Rev A, 1403/05, 1403/07 and 1403/98,1403/06, 12701:SK02, SK03, Phase 1 Habitat Survey dated January 2015, Reptile Survey dated June 2015, Breeding Bird Survey dated June 2015, Wate Vole Survey dated June 2015 and Badger Survey dated May 2015,  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The use of the restaurant/pub hereby approved shall not be carried on and no customer shall be served or remain on the premises of the restaurant/pub outside the hours of 6.30am - midnight (week days) and 7.30am - Midnight (weekends).  
Reason: To safeguard the amenities of nearby occupiers having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006).
- 4 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.

Reason: To ensure that the development does not prejudice the free flow of traffic or highway safety nor cause inconvenience to other highway users or near by residents having regard to the provisions of Policies T/3 and T/7 of the West Somerset District Local Plan (2006).

- 5 No works shall commence on the hereby approved development until details for surface water drainage and watercourse proposals have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained at all times.  
Reason: To ensure the adequate provision of drainage infrastructure having regard to the provisions of Saved Policy W/1 of the West Somerset District Local Plan (2006).
- 6 The area allocated for parking and turning on the submitted plan shall be provided before the hereby development is first occupied and shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.  
Reason: To ensure that sufficient provision is made for off-street parking, turning, loading and unloading of vehicles in the interests of highway safety having regard to the provisions of Policies T/3 and T/7 of the West Somerset District Local Plan (2006).
- 7 Prior to work commencing on the hereby approved development details for the provision of 3 electric vehicle charging points and 2 motorcycle parking spaces shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first use of the approved development first coming into use and shall thereafter be retained as such.  
Reason: In the interest of highway safety and to ensure that there is adequate off street parking having regard to the provisions of Policies T/3 and T/7 of the West Somerset District Local Plan (2006).
- 8 Notwithstanding the details submitted, prior to the development hereby approved commencing a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include a timetable of implementation of the measures and monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as any part of the development is occupied.  
Reason: To ensure that sustainable transport options are taken up minimising the impact of the development, having regard to policy requirements of the National Planning Policy Framework.
- 9 No works shall be undertaken on site unless samples of all materials including colour of render, to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.  
Reason: To safeguard the character and appearance of the area having regard to the provisions of Saved Policy BD/2 of the West Somerset District Local Plan (2006).
- 10 No works shall be undertaken on site unless a sample panel of the reconstituted stone has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. 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 Policy BD/2 of the West Somerset District Local Plan (2006).
- 11 The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Simpsons Associates Ref: 12701/GH/FRA and the mitigation measures detailed within the FRA, specifically the finished floor levels set at 7.15m AOD or above. The mitigation measures shall be fully implemented

prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To prevent the increased risk of flooding having regard to saved policy W/1 of the West Somerset District Local Plan (2006).

- 12 No works shall be undertaken on site unless a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs and a programme of implementation. The landscaping scheme shall include a Landscape and Ecological Management Plan and planting recommended in the submitted Water Vole and Breeding Birds Surveys dated June 2015

Reason: In the interests of the appearance of the development and the surrounding area having regard to the provisions of Saved Policies BD/1, BD/2 and NC/4 of the West Somerset District Local Plan (2006).

- 13 The 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.

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).

- 14 Prior to work commencing on site details of the proposed mitigation measures in relation to slow worms and the location of bird boxes for house sparrows, starlings and swifts shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be undertaken in accordance with the schedule of implementation to be submitted and agreed in writing by the Local Planning Authority and shall subsequently be retained. Should the mitigation works in relation to the slow worms not commence within 2 years of this permission a new survey and an updated mitigation strategy and schedule of implementation shall be submitted to and approved by the Local Planning Authority and shall be 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).

- 15 Prior to work commencing on site a method statement for construction works within 30 metres of the badger sett shall be submitted to and agreed in writing by the Local Planning Authority. The method statement shall include the details included within the submitted badger survey dated May 2015. The approved details shall be retained for the period of construction.

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).

- 16 The mitigation measures identified in the Phase 1 Habitat Survey, Badger survey dated May 2015, Breeding Birds Survey dated June 2015 and Water Vole Survey dated June 2015 shall be incorporated into the development in accordance with the

schedule of implementation to be agreed in writing by the Local Planning Authority 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).

- 17 Prior to the erection of the hereby approved pedestrian bridge details of the bridge shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used and the bridge shall be erected prior to the hereby approved development first coming into use and shall thereafter be retained.

Reason: To safeguard the appearance of the area in accordance with policy BD/2 of West Somerset District Local Plan (2006).

## Notes

### 1 STATEMENT OF POSITIVE WORKING

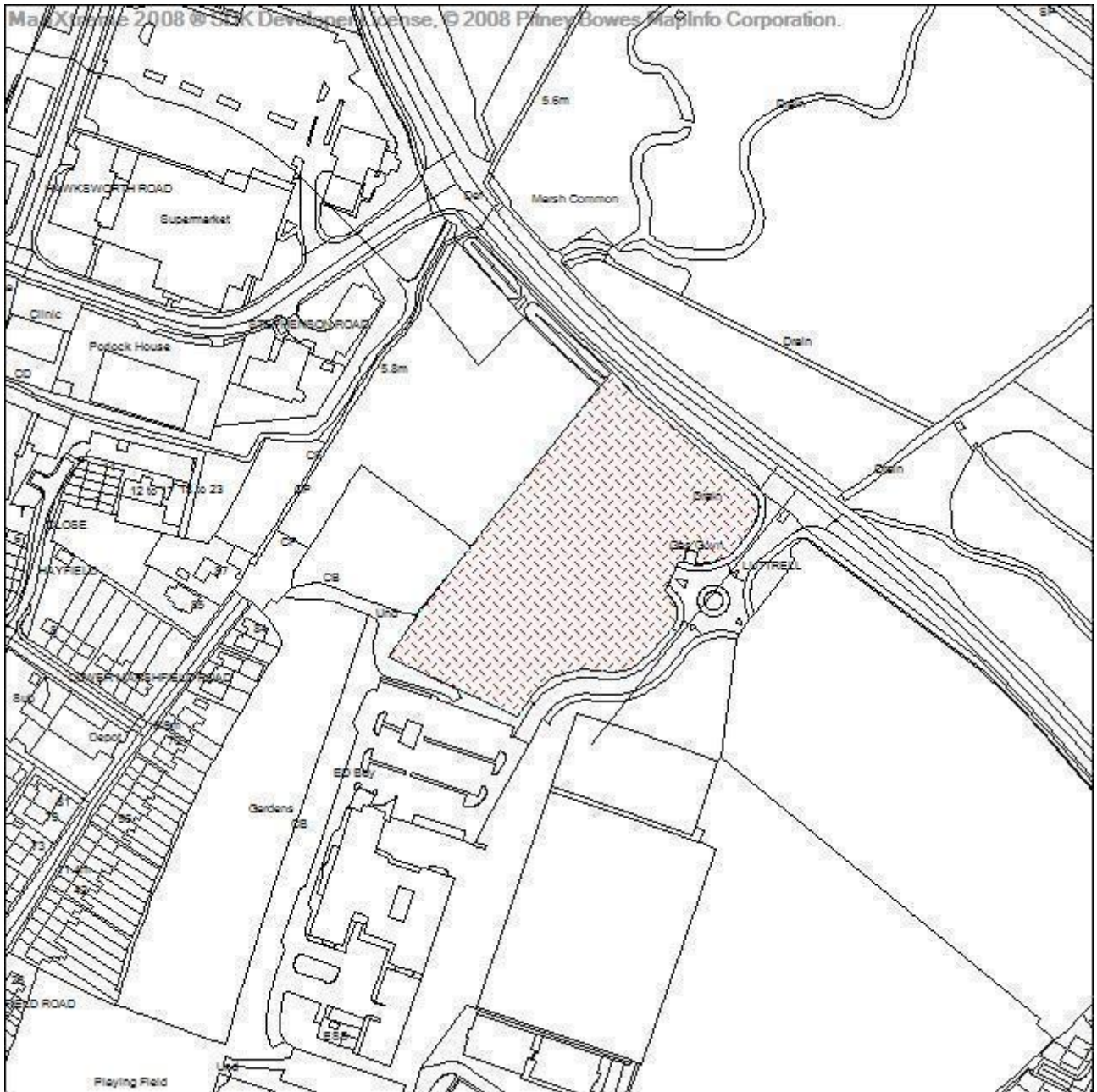
In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively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

- 2 The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the West Somerset Area, at the Highways Depot for West Somerset, Tel No. 0300 123 2224. They will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.
- 3 With regard to Condition 5 the land receives surface water run-off, from the land to the West, any flow must not be exceeded by the development. Also a robust, sustainable and maintainable approach that will mitigate any impact on the receiving network must be designed.
- 4 The surface water drainage outlets will enter the Internal Drainage Board (IDB) Rhyne network. The IDB should be consulted to ensure that they agree with the surface water drainage run-off rates.

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

The foul drainage should be kept separate from the clean surface and roof water, and connected to the public sewerage scheme after conferring with the sewerage undertaker.

- 5 If development does not commence within 2 years, a slow worm survey will need to be updated to help inform any required mitigation measures.
- 6 The badger survey should be updated if there is a delay of over six months from the date of the Badger Survey before clearance of the site commences.
- 7 This permission does not authorise the location or design of the proposed signage locations. Advertisement Consent may be required for these signs.



Application No 3/21/15/017  
 Erection of a 102-bed Premier  
 Inn hotel (Use Class C1) and  
 Brewers Fayre restaurant/pub  
 (Mixed Class A3/A4 Use) with  
 associated access, parking and  
 landscaping.  
 Land at Seaward Way, Minehead  
 13 February 2015  
 Planning Manager  
 West Somerset Council  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council



This Map is based upon Ordnance Survey material with the  
 permission of Ordnance Survey on behalf of the controller of  
 HMSO © Crown Copyright.  
 Unauthorised reproduction infringes Crown Copyright and may  
 lead to prosecution or civil proceedings.  
 Easting: 297996 Scale: 1:2500

Licence Number: 100023932

Northing: 145571

<b>Application No:</b>	<a href="#">3/10/15/001</a>
<b>Parish</b>	Dunster
<b>Application Type</b>	Reserved matters
<b>Case Officer:</b>	Bryn Kitching
<b>Grid Ref</b>	Easting: 299335    Northing: 144486
<b>Applicant</b>	Mr Tannahill Strongvox Homes
<b>Proposal</b>	Reserved matters application for approval of details relating to the appearance, layout, scale, landscaping and access of a residential development comprising 54 dwellings of a varying type and tenure.
<b>Location</b>	Higher Marsh Farm, Marsh Lane, Dunster Marsh,TA24 6PH
<b>Reason for referral to Committee</b>	<b>This is a major application and the Area Planning Manager considers that it should be presented to committee.</b>

### Risk Assessment

Description	Likelihood	Impact	Overall
Risk: 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
Mitigation: 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:

Higher Marsh Farm, Marsh Lane, Dunster Marsh,TA24 6PH

### Description of development:

Reserved matters application for approval of details relating to the appearance, layout, scale, landscaping and access of a residential development comprising 54 dwellings of a varying type and tenure.

### Consultations and Representations:

The Local Planning Authority has received the following representations:

#### ***Dunster Parish Council***

Below are the Dunster Parish Council concerns over this planning application:

3/10/15/001 Higher Marsh Farm, Marsh Lane, Dunster  
Reserved Matters Application for approval of details relating to the appearance, layout,



scale, landscaping and access of a residential development comprising of 54 dwellings of a varying type and tenure.

Dunster Parish Council are concerned about the entrance coming out by the Farmhouse as there will be increased traffic here. We also feel that traffic lights are needed at the junction of Marsh Lane and the A39 to help with the problem of increased traffic here. We hope you will put pressure on the Highways Department to provide this.

Could you also please let us know when this plan is likely to go before your planning committee as we would like to meet with you or Mr Crosby beforehand.

*Further comments:*

Many thanks for coming to our last parish council meeting to answer questions about the development at Higher Marsh Farm.

The parish council discussed the matter further, after you had left, and wish me to write to you once again expressing their concerns regarding safety of access to the site.

There are concerns regarding the increase of traffic that the development will generate and the impact this will have on surrounding roads. There is also concern about speed and noise impact on existing residents. The roads likely to be affected are

1. Marsh Lane
2. Sea Lane, traffic from Dunster Beach and the Railway Station.
3. The junction of Sea Lane with the A39.

As previously stated, a footpath will be needed in Marsh Lane and possibly Marsh Street for disabled access, pedestrians and children walking to school, especially when the contractor's lorries are using the site. There is also a question of where these lorries will park during construction.

*Further comments*

Further to your attendance at our June Parish Council Meeting held on 8th June 2015 may I first of all thank you for attending and answering questions raised from both Councilor's and local residents who all raised their concerns regarding the forthcoming development proposals from Stongvox Building Contractors. One of the main issues of disquiet emanates from the level of anxiety and apprehension felt by residents due their local knowledge and experience the proposed housing development will have on Traffic impact and road safety. The importance of detailed analysis is a prerequisite in our view in relation to access, parking and the safety of the site entrance. Failure to take into consideration a comprehensive overview of the impact the new development on the Transport infrastructure would be seen locally as a negligent failure to listen to the local "public voice"

The junction from A39 turning into the Dunster Marsh Area necessitates a Round About to be built to deal with the increased traffic flow. Dunster Parish Council will continue campaigning vigorously to have this implemented as part of the new development needs. Failure to do will result in the probability of a fatal accident occurring on the junction concerned. Therefore, as a Council we have a "duty of care "to ensure responsibility for this decision is taken with as much current relevant data as possible.

I enclose a copy of the recent Traffic Survey undertaken by members of Dunster Parish

Council following on from your attendance at our June meeting. Councillors decided to undertake this task in order to produce tangible evidence to the West Somerset Planning Committee for the amount of traffic currently using the Marsh Lane on a typical day.

As a council we would like the opportunity to present our thoughts to the Planning Committee if/when the planning application goes before them. I am given to understand that the standard procedure is to contact our Parish Clerk however she is likely to be on leave later in July and would be very grateful if you would contact me direct on this matter.

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

I refer to the above planning application received in my department on 24 Apr 15. I have the following comments on the highway and transportation aspects of the proposal:-

#### Introduction

The site lies on Marsh Lane an unclassified road that leads into Dunster Marsh from the A39. A 30 mph speed limit applies past the site.

#### Access

The development will be served by 2 points of access, 1 that serves most of the proposed dwellings and 1 that appears to serve the existing farmhouse and 2 other dwellings. Drawings have been prepared showing the access points and these accommodate sufficient visibility for the speed of the road and the right geometry. There should be no obstruction over 600 millimetres above the adjoining carriageway level forward of the visibility splays shown on the drawings.

The access that will serve most the dwellings proposed has acceptable geometry and the incorporation of 2 metre wide footways. These footways should 175 millimetres upstands to protect the pedestrians using it. There appears to be a number of places where the footway is flush with the road but this is not acceptable. If a shared surface were proposed then no footway would be required but there would have to be service margins either side.

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 Marsh Lane.

Where tying in to the existing carriageway, allowance shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers.

The proposed pedestrian access from the site out onto Station Road, immediately to the south of River Anvil and the access fronting plot 39 out onto Station Road, shall incorporate visibility splays based on 2.5 by 20 metres due to the fact that these accesses may be used by cyclists.

#### Estate Road

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. In order to lift the charge, the

developer can either enter into a Section 38 agreement to have the road adopted or pay a supervision fee to have the road checked during construction along with a management company for the future upkeep of the road.

Adoptable forward visibility splays (17m in length) will be required throughout the inside of carriageway bends within the development. There shall be no obstruction to visibility greater than 600mm above carriageway level within these areas and the full extent of the splays will be adopted as highway.

The length of carriageway serving plots 27-29 will not be adopted and will therefore remain within private ownership. This being the case, the two visitor parking bays opposite plot 27 may need to be relocated so that they are within the prospective publicly maintained highway boundary, unless they will be privately maintained.

It has been presumed that the proposed footway fronting plots 36-39 will be adopted by SCC. This being the case, then the extent of adoption of the carriageway fronting the drives serving plots 35 and 36 will extend up to and including the footway.

The applicant will need to confirm the future maintenance regime for the footpaths contained within the Public Open Space. If it is intended that these links be adopted as urban footpaths, then they will have to be constructed as per typical Highway Authority footway specification and be adequately lit and drained.

There are instances within the site layout drawing where private parallel parking bays have been indicated immediately adjacent to the carriageway. These bays will interfere with pedestrian movement within the site. It would be preferable for adoptable footways to be provided at the back of the parking bays, thereby providing continuous footway links.

The parking bays serving plots 6, 7, 31, 32, 43 and 44 should be constructed to a minimum length of 5.5 metres as measured from the back edge of the prospective public highway boundary because they are obstructed at the rear. This will prevent the possibility of overhanging. The private drive serving plot 9 should be constructed to a minimum length of 6 metres as measured from the back edge of the prospective public highway boundary where it lies in front of a garage. The drives serving plots 21, 22, 23, 29 and 45 should either be extended in length to 10.5 metres or reduced to 6 metres, as measured from the back edge of the prospective public highway boundary in an effort to avoid vehicle overhanging of the highway.

Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5 metres of the centreline of a made up carriageway. Trees are to have a minimum distance of 5 metres from buildings, 3 metres from drainage and services and 1 metre from the carriageway edge. Root barriers of a type to be approved by the Highway Authority, will be required for all trees that are to be planted adjacent to the back edge of the prospective highway to prevent future structural damage to the highway. A planting schedule will need to be submitted to SCC for approval purposes for any planting either within or immediately adjacent to the highway. Planting within the adoptable highway will require a commuted sum, payable by the developer.

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

The developer will need a Section 171 licence to be issued before any works either within or

immediately adjacent to the existing highway commence. It is the responsibility of the developer to apply for any licences in advance, as requests to start without the licences will be refused. It will take approximately one month from application for the licences to be issued. Contact Maureen Atwell (01823 359530) or via email [MAAtwell@somerset.gov.uk](mailto:MAAtwell@somerset.gov.uk).

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

The developer will be held responsible for any damage caused to the public highways by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer's representative in the presence of the Highway Supervisor (0300 123 2224) showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.

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

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 or reinstatement of any damage has been caused to the highway.

The entrance to the parking courtyard between plots 32 and 33 should ideally be constructed to a minimum width of 4.2 metres to allow for two way vehicle passing.

The proposed low wall fronting plot 54, must be set back a minimum distance of 450 millimetres from Marsh Lane carriageway edge.

The proposed carriageway immediately to the south of plot 43, which will provide access to buildings being converted into live-work dwellings measures approximately 3 metres in width, which is not to adoptable standards. On that basis, this road will remain within private ownership.

### Drainage

It is noted that surface water from the application site will be drained via a series of soakaways positioned throughout the site with a surface water storage pond proposed in the north-east corner of the site. Soakaways should be located at least 5 metres from any structure. They must not be located in a position where the ground below foundations is likely to be affected. Soakaways should not be constructed within 3 metres of any existing or prospective public footway or footpath and 5 metres from any existing or prospective carriageway. Soakaways should be designed to accommodate at least a 1 in 10 year storm so the water rises to a height no greater than the invert level of the pipe. There should also be no surface flooding (i.e. no water above manhole cover level) from a 1 in 30 year storm (+ climate change) and no flooding to properties from a 1 in 100 year storm (+ climate change). The soakaway chamber should half empty within 24 hours.

Somerset County Council (SCC) is now the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. SCC's Flood Risk Management Team was formed, to satisfy the duties of this legislation.

Under Section 23 of the Land Drainage Act there is a requirement to seek a consent when culverting or obstructing a watercourse, whether permanent or temporary. Previously, consent for work to ordinary watercourses outside Drainage Board areas was obtained from the Environment Agency. This has now transferred to SCC.

It is important to note that under no circumstances retrospective consent will be given for unconsented works. If unconsented works have occurred, the developer will be responsible for restoring the watercourse to its original condition. Failure to obtain Land Drainage Consent prior to carrying out the works may result in a fine.

For further information regarding this issue please contact Didier Lebrun of the Flood Risk Management Team on 01823 356692 or email [JLebrun@somerset.gov.uk](mailto:JLebrun@somerset.gov.uk).

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

Surface water from all private areas, including drives and parking bays, must be intercepted by private drainage systems to prevent and discharge onto the prospective publicly maintainable highway.

### Parking

The level of parking shown is acceptable to serve the proposed dwelling provided that the garage sizes are acceptable. The developer reports that a 6 by 3 metre garage provides space for cycle parking but this is not true. A garage of this size will only just contain a modern car and there will be no room for cycles as well. An extra 2 by 1 metres will have to be added to the garage size for each cycle space. Also for the cycle parking to be acceptable, the cycle parking must be accessible when the car or cars are parked in the garage. If a future resident has to drive the car out of the garage to retrieve a cycle and then put the car back, it is more likely that the journey will be made by car than by cycle.

There is a good selection of visitor parking spaces beside the street which are acceptable and these represent more efficient spaces since they are likely to be in use for a larger percentage of the time.

There are instances within the site layout drawing where private parallel parking bays have been indicated immediately adjacent to the carriageway. These bays will interfere with pedestrian movement within the site. It would be preferable for adoptable footways to be provided at the back of the parking bays, thereby providing continuous footway links.

The parking bays serving plots 6, 7, 31, 32, 43 and 44 should be constructed to a minimum length of 5.5 metres as measured from the back edge of the prospective public highway boundary because they are obstructed at the rear. This will prevent the possibility of overhanging. The private drive serving plot 9 should be constructed to a minimum length of 6 metres as measured from the back edge of the prospective public highway boundary when it lies in front of a garage. The drives serving plots 21, 22, 23, 29 and 45 should either be extended in length to 10.5 metres or reduced to 6 metres, as measured from the back edge of the prospective public highway boundary in an effort to avoid vehicle overhanging of the highway.

In light of the above, the Highway Authority raises no objection to this proposal subject to

the following conditions:-

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 proposed access shall be constructed in accordance with details shown on the submitted plans, drawing numbers 36349 LEA 003 and 363489 LEA 006, and shall be available for use before first occupation of the dwelling hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times.

At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plans, drawing numbers 36349 LEA 003 and 363489 LEA 006. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

The areas allocated for parking and turning on the submitted access and parking plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

### ***Environment Agency***

Thank you for referring the above application, which was received on 17 April 2015.

The Environment Agency OBJECTS to this Reserved Matters application, as submitted, on the following grounds:

Although surface water drainage is covered under conditions requested through the outline application, the drainage infrastructure may have an effect on the site layout.

Therefore before the layout can be approved the surface water drainage should be agreed.

The use of a pumped surface water drainage system is not acceptable for surface water drainage, and a better SUDS system needs to be designed and integrated into the development. There is no information to confirm the volume of the surface water attenuation pond following detailed design of the site layout. If the impermeable area has increased, then the pond size may need to be altered to reflect the additional required storage.

The access required to the River Avill needs to be maintained for maintenance purposes, therefore the site layout needs to reflect the 5.0m and 8.0m access sections, as described in outline planning application decision notice conditions.

The latest site layout does include provision for the required access to the watercourse, due to the location of the attenuation pond.

Should the Agency's objection to this Reserved Matters application subsequently be overcome, the Agency would seek the application of the following condition:

**CONDITION:**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

**REASON:**

To protect controlled waters

The following informatives and recommendations should be included in the Decision Notice.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Avill designated a 'main river'. The need for Flood Defence Consent is over and above the need for planning permission.

*Further comments*

Further to our letter dated 7 May 2015 we have received further information from Julian Austin (Amec Foster Wheeler) dated 26 May 2015 to address our concerns regarding the proposed surface water drainage system. Having considered this information and the comments made by the Somerset Drainage board consortium we can update our position as follows.

**Environment Agency position**

Our flood map currently shows that part of the site lies within Flood Zone 2, although we understand that a consultant for the applicant is in the process of creating a model for the site to ascertain whether the flood map can be changed. We recommend that this detailed application is not determined until this work has been completed and approved.

However, if you are minded to grant the application at this stage and your Authority is content that the flood risk Sequential Test has already been satisfied in accordance with current guidance within the National Planning Policy Framework (NPPF), we advise that the proposed development will only be acceptable if conditions are included on the subsequent planning permission to ensure:

- the construction and maintenance of a sustainable drainage system to control surface water; and
- that any unsuspected contamination is dealt with appropriately.

Our advice on contamination and the need for Flood Defence Consent for works adjacent to the watercourse is set out in our letter dated 7 May 2015. Advice on surface water drainage is provided below.

### **Advice to the applicant/LPA – Surface Water Drainage**

Having considered this matter further in light of additional information, we advise that we are in agreement with the suggestions and requirements of the Somerset Drainage board consortium. We recognise that this is a Reserved Matters application and consider that their recommended condition would be sufficient to agree the detailed surface water drainage scheme prior to any development on-site.

Regarding a pumped system, we are still not satisfied that this is a SUDs system. However, provided that Wessex Water approve a pumped system, then we will agree to this.

We also highlight that the drainage features required in the detailed drainage scheme must be sited and designed in a way which maintains access to the River Avill for maintenance purposes.

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

no comments received

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

The site is located on the boundary of the Parrett Internal Drainage Board area, any surface water run-off generated will discharge into the Board's area, within which it has jurisdiction and powers over matters relating to Ordinary Watercourses. The Board's responsibilities require it to ensure flood risk and surface water drainage are managed effectively.

The Board would have expected a site specific Flood Risk Assessment (FRA) would have set out a sustainable, surface water drainage design which agrees the future maintenance arrangements with the Local Planning Authority (LPA). These details would need to indicate a surface water design which mimics or indicates improvements to the existing arrangements. It should reduce the rate and volume being discharged into the receiving lad drainage network or sewerage network as appropriate. ANY details produced should provide sufficient information as well as allay any concerns associated with potential increased flood risk downstream fro existing property and land owners.

As this application is for reserved matters, the Board doe not object, but would suggest that the following **condition** and **informative** set out below is included.

**Condition:** No development should proceed until the foul and surface water drainage and watercourse proposals have been agreed with the Local Planning Authority in conjunction with the Parrett Internal Drainage Board.

**Reason:** The application details have insufficient details to determine if drainage matters are to be properly addressed. It is not possible at this time if the development of the site will have an adverse impact on flood risk elsewhere which is contrary to the principles set out in Section 103 of the National Planning Policy Framework and Section 2 of the Technical Guidance to the National Planning Policy Framework.

**Informative:** The applicant is advised that Land Drainage Consent will be required to allow any works proposed within 9.0meters of the adjacent watercourse. If a direct connection to the adjacent watercourse is considered necessary and appropriate, a further Land Drainage Consent for any headwall to the watercourse will be required.



The Board was contacted by various agents over a number of years regarding surface water management and flood risk pertaining to the site. During these discussions the Board expressed concerns regarding access to the Main River network and the Board's view of the rhine abutting the site. The installation of an access gate would be required to facilitate a permanent access arrangement which allows the land drainage network to be maintained. The Board has a sluice and culvert located near the proposals, if development proceeds modification will be required to ensure that the structures cannot be tampered with, the Board would seek a contribution to fund these costs.

It is important that surface water drainage disposal and flood risk is considered at an early stage of the design process and improvements made where necessary.

The above requirements are based on the principles set out in Section 103 of the National Planning Policy Framework and Section 2 of the Technical Guidance to the National Planning Policy Framework, which requires that the development should not increase flood risk elsewhere.

A robust, sustainable and maintainable approach that will mitigate any impact on the receiving network must be designed.

### ***South West Heritage Trust***

Thank you for consulting us on this application.

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

### ***Biodiversity and Landscaping Officer***

#### **Landscape**

- The landscape plan and Landscape Design Statement are generally satisfactory.
- However a full planting plan is required of the Ornamental planting areas (OP).
- The planting to the west of the triangular lawn could include hedging.
- I would like to see additional trees planted to the south of the triangular lawn to improve the street scene.
- Tree species are generally satisfactory but I consider that there are too many cherry trees proposed. Please substitute some of the trees with field maple or hornbeam.
- Can the native planting (existing and proposed) on the north of the site extend along the whole northern boundary?
- I would **not** like to see a fence to cut through this area as proposed

The tree officer, David will comment on conditions 20 and 21

#### **Ecology**

An up to date Phase 1 habitat Survey carried out in September 2014 identified that a water vole and otter survey is required along with the outstanding bat, reptile and barn owl surveys.

**These surveys must be carried out as soon as possible in order to satisfy condition 23.**

**Lighting condition 28**

I note that construction and security lighting may or may not be required .If required how will the applicant insure that there is no light spill on the river?

***Tree Officer***

Regarding the arboricultural constraints report, tree survey, tree constraints plan, tree/hedgerow protection plans and planting plan supplied to satisfy conditions 20 and 21 of the outline permission, these all look satisfactory to me.

There was a note regarding a tree preservation order on the eastern boundary but looking at the TPO plan it appears to be on the land south of Station Road so is not affected by this current application.

***Planning at Exmoor National Park***

no comments received

***Somerset Wildlife Trust***

no comments received

***Somerset Waste Partnership***

no comments received

***Environmental Health Team***

no comments received

***Planning Policy***

no comments received

***Public Consultation***

The Local Planning Authority has received 4 letters of objection making the following comments (summarised):

- This is not a safe place to have an entrance onto a busy road
- The proposal does not take into consideration existing residents parking
- Public access to the green area should be maintained and not stopped up at a later date.
- Concern with regard to an underground culvert that runs across the road.
- Apart from the points mentioned above and need for more affordable housing, we are impressed with the layout.
- The exit from Marsh Street onto the A39 can be difficult to get out and any increase in traffic could be chaos – especially in the summer months.
- Vehicles travel at great speed at Dunster Steep with lots of overtaking.
- A speed restriction from Dunster Steep to Minehead should be put in place.
- There should be a roundabout at the junction with between Marsh lane and the A39
- No additional facilities are being offered.

- Further parking from this development along Marsh Street and Bridges Mead must not be allowed to happen.

## **Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/3 Development in Villages
- LC/1 Exmoor National Park Periphery
- TW/1 Trees and Woodland Protection
- TW/2 Hedgerows
- NC/4 Species Protection
- NC/5 Wildlife Habitats
- W/5 Surface Water Run-Off
- W/6 Flood Plains
- W/7 River Corridor Protection
- AH/3 Areas of High Archaeological Potential
- LB/1 Listed Buildings Alterations and Extensions
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- E/2 Employment Development Within Settlements
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- T/15 Transport Infrastructure and Developer Contributions
- H/4 Affordable Housing
- R/5 Public Open Space and Large Developments
- DM/1 Mixed-Use Development

## **National Policy**

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

[National Planning Policy Framework \(the NPPF\)](#) \_

[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

## **Local Policy**

[West Somerset Local Plan \(2006\)](#) \_

[West Somerset Local Plan to 2032 Published Draft Preferred Strategy \(June 2015\)](#)

[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)

[West Somerset Supplementary Planning Guidance: Design Guidance for House Extensions \(2003\)](#)

## Planning History

The following planning history is relevant to this application:

3/10/05/012	Change of use of farm buildings to two live work units and one residential dwelling and associated works.	Approved	26/07/2007
3/10/05/013	Outline application for the demolition of existing farm buildings and erection of 50 dwellings.	Approved	26/07/2007
3/10/10/001	Application for a non-material amendment for the re-positioning of 9 units to north east corner of the site to enable retention of pillbox building in relation to application ref: 3/10/05/013	Withdrawn	06/08/2010
3/10/10/003	Application for a new planning permission to replace an existing extant planning permission (ref: 3/10/10/001).	Refused	18/10/2010
3/10/11/001	Demolition of existing farm buildings & erection of up to 54 residential dwellings, open space, landscaping & ancillary works.	Approved	07/06/2013
3/10/12/004	Replacement of extant planning permission in order to extend the time limit for implementation relating to the change of use of farm buildings to two live/work units and one residential dwelling and associated works (ref: 3/10/05/012)	Approved	08/06/2012

## Proposal

This reserved matters application is seeking approval for the access, appearance, landscaping, layout and scale for the erection of 54 dwellings at Higher Marsh Farm, Dunster Marsh. Outline planning consent was granted in July 2013 following the completion of a Section 106 Agreement to secure:

- 21% Affordable Housing
- On Site Open Space Provision
- Environmental and Recreational Contribution
- Provision of the Live/Work units
- Education Contribution
- Highway Contribution (to cover white lining, warning signs and provision of footpath/cycleway from the site to the A39)
- Travel Voucher Contribution
- Travel Plan

The main access to the site will be via Marsh Lane with an estate access created to provide vehicle access to 52 of the 54 dwellings. A second access is proposed to the east of the farmhouse – positioned over an existing farm access. This would provide vehicle access to the farmhouse, 2 of the 54 dwellings and the live work dwellings that already have planning permission under a separate consent.

The estate layout would be predominantly 2 storey dwellings that face onto Marsh Lane, Station Road and the new proposed estate road. Open space and on site surface water

attenuation is on the eastern side of the site adjacent to the River Avill.

It is proposed to use roughcast render for the majority of dwellings with some use of natural stone on key facing dwellings and front boundary walls. Roofs will be a mixture of be double pantiles and slate effect tiles.

## **Site Description**

This application relates to Higher Marsh Farm, Marsh Lane, Dunster. The site is located at the north eastern edge of the village. The site contains a number of buildings, largely modern agricultural buildings. A farmhouse and its curtilage are located within the site. There are relatively extensive areas of hard standing within the site. In the centre of the site there is an area of grassland with most of the buildings being located around the site periphery (west, south and east). A World War II Pill Box is located towards the east corner of the site. This Pill Box has been designated as a Grade II Listed Building. This building is a rare example of a Pill Box, which has 'integral' camouflage so that the building resembles a cottage and may have been designed by a prominent artist. The Pill Box contains some rare features such as steel shutters of an uncommon type and forms part of the wider historic defence heritage. Natural stone walls exist along the frontage of the site with Marsh Lane and Station Road. There are hedgerows bounding the site to the east west and north. The application site extends to 1.85 hectares.

A relatively small portion of the application site (the eastern edge) is located within Flood Zone 2. The remainder of the site is located within Flood Zone 1.

On the southern boundary (approximately central) there are a cluster of stone buildings. These buildings have been subject to a separate planning approval (3/10/05/012) for the conversion of these buildings to two live work units and one residential dwelling. These buildings and the associated land are excluded from the application site.

## **Planning Analysis**

### *1. Principle of Development*

The principle of development on this site is established by the grant of outline planning consent for the erection of 54 dwellings. Permission was granted in July 2013 and this is an application for reserved matters consent as required by condition 3 of that planning consent.

The considerations for this application are therefore limited to access, appearance, landscaping, layout and scale of development

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

A mixture of detached, semi-detached and short terraces of dwellings are proposed which face onto and address both the existing streets and the new streets proposed. The layout has particular regard to Marsh Lane and Station Road with the use of natural stone for the front boundary walls. This will help to provide a strong street scene that respects the character of the area.

The appearance of the proposed dwellings reflects the local character and are traditional in form. Some properties will have chimneys which would help break up the roofscape.

Details such as window design and canopies are simple and respect the character of the area. The majority of dwellings are to be finished in roughcast render from a palette of ivory, oatmeal, sandstone, polar white and stone (caption stone colour). Some dwellings are to be constructed with stone facing or have a stone plinth which is considered to be an appropriate mix of materials. Roofs will be a mixture of double pantiles and slate effect tiles which is also appropriate for the area.

The listed World War II Pillbox forms part of the open space as shown on the original masterplan and the proposed dwellings that face it are served by pedestrian access only which helps reduce any impact on its setting. These dwellings are considered to be sufficient distance away to avoid adverse impact on the setting of the building as section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving the listed buildings their settings, and any features of historic or architectural interest that they possess when considering whether to grant planning permission.

### *3. Residential Amenity*

In terms of residential amenity, it is considered that the layout represents a good level of amenity for future occupants in accordance with one of the key principles of the NPPF. The proposed dwellings that would face onto Station Road are a sufficient distance and orientation to avoid any significant adverse impact on the residential amenity of the dwelling and bungalow on the opposite side of the public highway.

### *4. Highway Safety*

When outline planning permission was granted for 54 dwellings, it was acknowledged that this would result in additional traffic entering and exiting the village onto the A39. This was considered to be acceptable subject to the Section 106 legal agreement to secure contributions toward highway improvement works and a Travel Plan to encourage the use of alternative means of travel to the private motor car.

The consideration for this application is therefore the proposed access points to the new development which include the larger western access to 52 of the dwellings and the smaller eastern access to the existing farmhouse, 2 new dwellings and the previously approved live/work units. In terms of the western access, this has sufficient visibility in both directions along Marsh Lane and the County Highway Authority have no objection to the proposal. With regard to the eastern access (by the farmhouse), this is the one which has resulted in more objection. It is a current access that serves the main farmhouse and part of the farm yard. Two new dwellings would be served from this access as well as the buildings that have permission for the conversion to live/work units. Improvements would be made to the visibility to the east (and junction with Station Road) by the removal of the barns and provision of a landscaped area behind a low wall. The highways authority do not raise any objection to this proposal and it is therefore considered acceptable. Notwithstanding this, the applicants and case officer have considered whether this access could be moved further west, however this would result in a conflict with the western access and would be too close, resulting in highway danger. It is therefore considered that the use of an existing access - with improvements to visibility - is an acceptable proposal

Parking spaces are to be provided in accordance with the County Council parking standards other than the 1 bedroom dwellings only have 1 space each and the 2 bedroom dwellings

have 2 spaces each rather than 2.5 as set out in the standards. Given the location of the development, this is considered to be acceptable.

## **5. Flood Risk**

The Environment Agency have raised an initial objection to the proposal in terms of the layout. Their concern relates to the proposed uses of a pumped surface water drainage system and they consider that before the layout can be approved, the surface water drainage details should be agreed. The agent has submitted further information to explain why the surface water would need to be pumped - a gravity fed system would require raising the site by 1.5m. It is considered that this would not be an acceptable solution in terms of design and the Environment Agency has subsequently confirmed that the existing condition on the outline planning permission is sufficient to overcome that concern.

The Environment Agency have subsequently raised a comment on the flood zones (which have changed since the grant of outline planning permission). A sequential test was carried out prior to outline planning permission being granted and it is not necessary to carry out a new strategic site search for an application for reserved matters consent. However, the council must be satisfied that within the site, the layout of the houses are in sequentially the best position and not in the areas with greater probability of flooding. The highest risk areas are next to the river where the open space is proposed and the outline consent requires all dwellings to be constructed at least 10m above ordnance datum. It is therefore considered that the layout of the dwellings is sequentially in the most appropriate position.

It is not necessary to include the recommended Environment Agency Conditions on the reserved matters consent as they are already included in the outline planning permission and will need to be complied with.

## **Environmental Impact Assessment**

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2015 and so Environmental Impact Assessment is not required.

## **Conclusion and Recommendation**

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

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

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

Dwg no. F@12/07C – Site Layout Plan  
Dwg no. F@12/02/01 - Street Scenes (1 of 2)  
Dwg no. F@12/02/02 - Street Scenes (2 of 2)  
Dwg no. F@12/03 – Affordable Housing Plan  
Dwg no. F@12/04 – Storey Heights Plan  
Dwg no. F@12/08 - Materials Plan  
Dwg no. F@12/09 - Parking Schedule

Dwg no. F@12/10/01 – Fence Details  
Dwg no. F@12/10/02 – Wall Details  
Dwg no. F@12/11 – Site Sections  
Dwg no. F@12/17/10 – 1 Bed Terraced Elevations  
Dwg no. F@12/17/01 – 1 Bed Terraced Ground Floor Plan  
Dwg no. F@12/17/02 – 1 Bed Terraced First Floor Plan  
Dwg no. F@12/18/10 – 2 Bed Elevations  
Dwg no. F@12/18/01 – 2 Bed Ground Floor  
Dwg no. F@12/18/02 – 2 Bed First Floor  
Dwg no. F@12/19/10 – 3 Bed Elevations  
Dwg no. F@12/19/10 – 3 Bed Ground Floor  
Dwg no. F@12/19/10 – 3 Bed First Floor  
Dwg no. F@12/10/10 – Carrick (Semi Detached) Elevations  
Dwg no. F@12/10/11 – Carrick (Semi Detached) Elevations  
Dwg no. F@12/10/12 – Carrick (Semi Detached) Elevations  
Dwg no. F@12/10/13 – Carrick (Detached) Elevations  
Dwg no. F@12/10/01 – Carrick (Semi Detached) Ground Floor Plan  
Dwg no. F@12/10/02 – Carrick (Semi Detached) Ground Floor Plan  
Dwg no. F@12/10/03 – Carrick (Semi Detached) Ground Floor Plan  
Dwg no. F@12/10/04 – Carrick (Detached) Ground Floor Plan  
Dwg no. F@12/10/05 – Carrick (Semi Detached) First Floor Plan  
Dwg no. F@12/10/06 – Carrick (Detached) Ground Floor Plan  
Dwg no. F@12/11/10 – Dean (Semi Detached) Elevations  
Dwg no. F@12/10/11 – Dean (Semi Detached) Elevations  
Dwg no. F@12/10/12 – Dean (Semi Detached) Elevations  
Dwg no. F@12/10/13 – Dean (Detached) Elevations  
Dwg no. F@12/11/01 – Dean (Semi Detached) Ground Floor Plan  
Dwg no. F@12/11/04 – Dean (Semi Detached) First Floor Plan  
Dwg no. F@12/11/02 – Dean (Semi Detached) Ground Floor Plan  
Dwg no. F@12/11/05 – Dean (Semi Detached) First Floor Plan  
Dwg no. F@12/11/03 – Dean (Detached) Ground Floor Plan  
Dwg no. F@12/11/06 – Dean (Detached) First Floor Plan  
Dwg no. F@12/12/10 – Devoran (Semi Detached) Elevations  
Dwg no. F@12/12/11 – Devoran (Semi Detached) Elevations  
Dwg no. F@12/12/12 – Devoran (Detached) Elevations  
Dwg no. F@12/12/13 – Devoran (Detached) Elevations  
Dwg no. F@12/13/01 – Devoran (Semi Detached) Ground Floor Plan  
Dwg no. F@12/12/04 – Devoran (Semi Detached) First Floor Plan  
Dwg no. F@12/13/02 – Devoran (Semi Detached) Ground Floor Plan  
Dwg no. F@12/12/05 – Devoran (Semi Detached) First Floor Plan  
Dwg no. F@12/12/03 – Devoran (Detached) Ground Floor Plan  
Dwg no. F@12/12/06 – Devoran (Detached) First Floor Plan  
Dwg no. F@12/20/01 – Single Garage Plans and Elevations  
Dwg no. F@12/20/02 – Double Garage (dual occupants) Plans and Elevations  
Dwg no. F@12/20/03 – Double Garage (single ownership) Plans and Elevations  
Dwg no. F@12/13/13 – Helford Elevations  
Dwg no. F@12/13/14 – Helford Elevations  
Dwg no. F@12/13/15 – Helford Elevations  
Dwg no. F@12/13/16 – Helford Elevations  
Dwg no. F@12/13/17 – Helford Elevations  
Dwg no. F@12/13/18 – Helford Elevations  
Dwg no. F@12/13/19 – Helford Elevations  
Dwg no. F@12/13/20 – Helford Elevations  
Dwg no. F@12/13/21 – Helford Elevations



Dwg no. F@12/13/01 – Helford Ground Floor Plan  
Dwg no. F@12/13/02 – Helford First Floor Plan  
Dwg no. F@12/13/05 – Helford Ground Floor Plan  
Dwg no. F@12/13/06 – Helford First Floor Plan  
Dwg no. F@12/13/03 – Helford Ground Floor Plan  
Dwg no. F@12/13/04 – Helford First Floor Plan  
Dwg no. F@12/13/07 – Helford Ground Floor Plan  
Dwg no. F@12/13/08 – Helford First Floor Plan  
Dwg no. F@12/13/10 – Helford Ground Floor Plan  
Dwg no. F@12/13/12 – Helford First Floor Plan  
Dwg no. F@12/13/09 – Helford Ground Floor Plan  
Dwg no. F@12/13/11 – Helford First Floor Plan  
Dwg no. F@12/14/10 - Kennet Elevations  
Dwg no. F@12/14/01 - Kennet Ground Floor Plan  
Dwg no. F@12/14/02 - Kennet First Floor Plan  
Dwg no. F@12/15/10 - Thornton (Detached) Elevations  
Dwg no. F@12/15/11 - Thornton (Detached) Elevations  
Dwg no. F@12/15/12 - Thornton (Detached) Elevations  
Dwg no. F@12/15/01- Thornton (Detached) Ground Floor Plan  
Dwg no. F@12/15/03 - Thornton (Detached) First Floor Plan  
Dwg no. F@12/15/02- Thornton (Detached) Ground Floor Plan  
Dwg no. F@12/15/04 - Thornton (Detached) First Floor Plan  
Dwg no. F@12/16/10 - Wimborne Elevations  
Dwg no. F@12/16/01 - Wimborne Ground Floor Plan  
Dwg no. F@12/16/02 - Wimborne First Floor Plan

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

- 2 No works shall be undertaken on the construction of the dwellings site unless samples of the materials including colour of render, paintwork and colourwash to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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).

- 3 Prior to the implementation of the landscaping, a full planting plan for the ornamental planting areas shall be submitted to and approved by the local planning authority. The landscaping shall be carried out in accordance with those approved details unless otherwise agreed in writing.

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

- 4 The proposed access shall be constructed in accordance with details shown on the submitted plans, drawing numbers 36349 LEA 003 and 363489 LEA 006, and shall be available for use before first occupation of the dwellings that it serves. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety.

- 5 At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plans, drawing numbers 36349 LEA 003 and 363489 LEA 006. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

- 6 The areas allocated for parking and turning on the submitted access and parking plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

#### **Notes**

##### **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.





### Delegated Decision List

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/01/15/004	23 Church Lane, Bicknoller, Taunton, TA4 4EL	Single storey side extension, roof lights and dormer to upper floor extension. Remove flat roofed "outhouse" and replace with new attached single storey utility room on east side. Add small lobby to new front entrance on north side.	10 July 2015	Grant	<a href="#">BM</a>
3/01/15/006	26 Trendle Lane, Bicknoller, Taunton, TA4 4EG	Proposed carport by existing garage	10 July 2015	Grant	<a href="#">BM</a>
3/04/15/003	Post Farm, Brushford, Dulverton, TA22 9RU	Lawful Development Certificate for the commencement of development for the proposed use of a farm manager's dwelling approved under planning permission 3/04/11/012	16 July 2015	Grant	<a href="#">SK</a>
3/04/15/006	Middle Upcott Farm, Brushford, Dulverton, TA22 9RS	Erection of agricultural barn for general storage, fodder and machinery (retrospective)	10 July 2015	Grant	<a href="#">SK</a>
3/05/14/011	Land North of Church Lane, Carhampton	Development of 4 houses, extension to vicarage to provide new benefice office and provision of parking for Church and benefice office use.	03 July 2015	Grant	<a href="#">EP</a>
3/07/15/004	Flaxpool Barn, Crowcombe, Taunton, TA4 4AW	Widen existing vehicular and pedestrian access by demolishing just over 3 metres (10ft) of the former milking parlour	19 June 2015	Grant	<a href="#">SK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/09/15/001	Unit 7, Barle Enterprise Centre, Station Road, Dulverton, TA22 9BF	Change of use from Classes B1 (business), B2 (Industry) and B8 (storage/distribution) to a mixed use of B1, B2, B8 and A1 (retail) in order to use it as a funeral director.	13 July 2015	Grant	<a href="#">SK</a>
3/10/15/002	The Old Manor, Lower Marsh, Dunster, Minehead, TA24 6PJ	To block up a doorway	09 July 2015	Grant	<a href="#">EP</a>
3/18/15/006	Putsham Farmhouse, Pardlestone Lane Kilve Bridgwater, TA5 1DZ	Removal of existing conservatory, replacing with timber and double glazed garden room.	10 July 2015	Grant	<a href="#">EP</a>
3/18/15/007	Putsham Farmhouse, Pardlestone Lane, Kilve, Bridgwater, TA5 1DZ	Removal of existing conservatory, replacing with timber and double glazed garden room.	09 July 2015	Grant	<a href="#">EP</a>
3/21/15/018	Beach Hotel, 60 The Avenue, Minehead, TA24 5AP	Erection of three 6m tall single flagpoles displaying flags and/or banners advertising the Beach Hotel/Cafe and the Minehead Information Centre	26 June 2015	Grant	<a href="#">SK</a>
3/21/15/021	Touchdown, Whitegate Road, Minehead, TA24 5SS	Erection of one dwelling in the grounds of Touchdown.	25 June 2015	Grant	<a href="#">SK</a>
3/21/15/035	The Queens Head Inn, Holloway Street, Minehead,	Proposed conversion of one flat to two flats, conversion of roof	08 July 2015	Grant	<a href="#">SK</a>

TA24 5NR

space to flat together with small extension to form access link and conversion of skittle alley to flat, store and office

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/15/038	Land at Woodcombe Lane, Woodcombe, Minehead	Variation of conditions 2 and 8 in order to allow a change to the surfacing of the car parking spaces and a strip of adjacent land to a Chardstock gravel surface, in relation to planning permission 3/21/12/127	17 July 2015	Grant	<a href="#">SK</a>
3/21/15/040	Minehead & West Somerset Golf Club, The Warren, Minehead, TA24 5SJ	Siting of container unit for storage to replace existing timber shed	24 June 2015	Grant	<a href="#">SK</a>
3/21/15/043	Rosa Mundi, Woodcombe Lane, Minehead, TA24 8SB	Erection of a garage	24 June 2015	Grant	<a href="#">BM</a>
3/21/15/044	45 The Avenue, Minehead, TA24 5BB	Display of new fascia backing and corporate signage above the front doors and to the side elevation to the unit.	30 June 2015	Grant	<a href="#">SK</a>
3/21/15/046	Florence Villa, 2 Higher Orchard, Minehead, TA24 8SD	Erection of single storey rear extension	22 June 2015	Grant	<a href="#">SW</a>
3/21/15/047	20 Hopcott Close, Minehead, TA24 5HB	Erection of a single storey granny annex extension to the north elevation plus a single storey bedroom and	22 June 2015	Grant	<a href="#">BM</a>

kitchen extension to the west elevation.

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/15/049	Ground Floor Flat, 4 Tregonwell Road, Minehead, TA24 5DT	Replacement windows to ground floor front bay window	10 July 2015	Grant	<a href="#">BM</a>

3/21/15/050	Bethany Guest House, 10 Townsend Road, Minehead, TA24 5RG	Change of use from guest house (Class C1) to an HMO (Class C4)	29 June 2015	Grant	<a href="#">SK</a>
-------------	---	--	--------------	-------	--------------------

3/30/15/002	Kimmins Moor, Skilgate, Taunton, TA4 2DL	Erection of general purpose agricultural/livestock building	19 June 2015	Grant	<a href="#">SK</a>
-------------	--	---	--------------	-------	--------------------

3/31/15/004	Vellow Cottage, 1 Vellow Road, Stogumber, TA4 3TL	Demolition of an old, existing timber garden shed and replacement with a new timber garden shed which will be attached to stone outhouses in the rear garden	06 July 2015	Grant	<a href="#">EP</a>
-------------	---	--	--------------	-------	--------------------

3/31/15/007	Vellow Cottage, 1 Vellow Road, Stogumber, TA4 3TL	Demolition of an old, existing timber garden shed and replacement with a new timber garden shed which will be attached to stone outhouses in the rear garden	06 July 2015	Grant	<a href="#">EP</a>
-------------	---	--	--------------	-------	--------------------

3/32/15/009	Harford House, 1 Church Street, Stogursey, TA5 1TQ	Installing a new doorway between the main dwelling and the annexe and replacing a window and installing a new door in the games room (formerly the Wash House)	22 June 2015	Grant	<a href="#">EP</a>
-------------	--	--	--------------	-------	--------------------



<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/33/15/001	The Barn, Fairfield House, Stogursey, Bridgwater, TA5 1PU	Render walls with lime render	14 July 2015	Grant	<a href="#">EP</a>
3/36/15/001	Bittiscombe Manor, Upton, Taunton, TA4 2DA	PHASE 1 - extensions to existing Manor House 1a Pool & Gym complex (domestic) 1b Garaging (off the main house with an entry into the house via the games room) PHASE 2 2a Conversion of the barns (those closest to the Shoot Lodge) into 2 residential units (1 no. studio for a groom; 1 no. guest house for guests of the house) 2b New stabling building (private domestic use). Plus manege.	18 June 2015	Grant	<a href="#">SK</a>
3/37/15/010	7 Risdon Road, Watchet, TA23 0HJ	To erect a PVCu conservatory to the front of the property	10 July 2015	Grant	<a href="#">BM</a>
3/37/15/011	14 Helwell Green, Watchet, TA23 0EL	First Floor Extension	10 July 2015	Grant	<a href="#">BM</a>
3/39/15/005	St Peters Church Rooms and ATC Hut, Priest Street, Williton, Taunton, TA4 4NJ	Proposed demolition of existing buildings and erection of two-storey dwelling (rectory) with associated benefice office.	24 June 2015	Grant	<a href="#">SK</a>
3/39/15/006	25 Doniford Road, Williton, Taunton, TA4 4SG	Erection of one detached dwelling within the garden area to the west of 25 Doniford Road, Williton	24 June 2015	Grant	<a href="#">SK</a>

Ref No.	Application	Proposal	Date	Decision	Officer
3/39/15/007	7A Long Street, Williton Taunton, TA4 4QN	Proposed change of use from A1 (retail) and A3 (tearoom) as per 3/39/11/043 to a mixed use of A1(retail) or A2 (financial and professional services) or B1a (offices not within A2).	02 July 2015	Grant	<a href="#">SK</a>

Ref No.	Application	Proposal	Date	Decision	Officer
C/07/15/001	Hooks, Crowcombe Road, Crowcombe, Taunton, TA4 4AE	Approval of details reserved by condition 4 (relating to sample of colour of lime render) and condition 5 (relating to joinery for the windows and doors) in relation to Listed Building Consent 3/07/14/010	10 July 2015	Grant	<a href="#">EP</a>

Ref No.	Application	Proposal	Date	Decision	Officer
C/21/15/003	Land outside the Beach Hotel, Land at Morrisons and the Harbour, Minehead	Approval of details reserved by condition 4 (relating to the freestanding signs and archway sign) in relation to advertisement consent 3/21/14/115	10 July 2015	Grant	<a href="#">SW</a>

Ref No.	Application	Proposal	Date	Decision	Officer
C/21/15/004	White Lodge, Periton Road, Minehead, TA24 8DU	Approval of details reserved by condition 5 (relating to landscaping) in relation to planning permission 3/21/14/053	23 June 2015	Grant	<a href="#">SK</a>

Ref No.	Application	Proposal	Date	Decision	Officer
C/21/15/005	Harbour wall, Quay Street, Minehead, TA24 5UL	Approval of details reserved by condition 5 (relating to design details of the fish information board ) in relation to Listed Building Consent 3/21/14/104	02 July 2015	Grant	<a href="#">SW</a>

Ref No.	Application	Proposal	Date	Decision	Officer
---------	-------------	----------	------	----------	---------

C/36/15/001	Barn at Sperry Barton, Huish Champflower, Taunton, TA4 2BZ	Approval of details reserved by condition 2 (relating to parking and vehicle turning details), condition 3 (relating to proposed boundary treatments), condition 4 (relating to design and appearance of the barn) and condition 5 (relating to sewage disposal and surface water drainage works) in relation to planning permission ABD/36/14/001	14 July 2015	Grant	<a href="#">SK</a>
-------------	--	--	--------------	-------	--------------------

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
CA/21/15/008	22 Vicarage Road, Minehead, TA24 5RP	To fell one Eucalyptus and to carry out management work to one Twisted Willow	13 July 2015	Raise No Objection	<a href="#">DG</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
H/05/15/001	Land between Park Lane and Bowerhayes Lane, Carhampton	Removal of one 5 metre section of hedgerow in order to allow access to the field for Wessex Water to complete works to replace the existing water supply main pipeline	13 July 2015	Grant	<a href="#">DG</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
H/11/15/001	Land at Perry Farm, East Quantoxhead, TA4 4DZ	Removal of 125m of hedgerow in order to incorporate narrow strip of land into a larger field	02 July 2015	Refuse	<a href="#">DG</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
NMA/32/15/001	Wick Mill, Wick, Stogursey, Bridgwater, TA5 1TL	Non-material amendment to planning permission 3/32/11/034 in order to change the by-folding doors in bedroom 3 on the south elevation to a window and the patent glazing on the kitchen roof to two conservation rooflights.	16 July 2015	Grant	<a href="#">SW</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
T/21/15/004	3 The Cedars, Minehead, TA24 5PE	To fell one Cedar	25 June 2015	Grant	<a href="#">DG</a>

---

# Appeal Decision

Site visit made on 5 May 2015

**by Tim Belcher FCII, LLB (Hons), Solicitor (Non Practising)**

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

**Decision date: 4 June 2015**

---

**Appeal Ref: APP/H3320/C/14/2225091**

**Higher Beverton Farm, Brendon Hill, Watchet, TA23 OLP**

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the 1990 Act).
  - The appeal is made by Mr B. Norman against an Enforcement Notice issued by West Somerset Council (the Council) on 31 July 2014.
  - The Council's reference is 3/06/14/001.
  - The breach of planning control as alleged in the Enforcement Notice is unauthorised development of access gates and brick piers without the benefit of planning permission.
  - The requirement of the Enforcement Notice is to reduce the height of the piers and gates so that they are no higher than 1 metre in height above the adjoining land level.
  - The period for compliance with the requirements is three months.
  - The appeal is proceeding on the grounds set out in Section 174(2)(a) and (f) of the 1990 Act.
- 

## Decision

1. The appeal is dismissed and the Enforcement Notice is upheld. Planning permission is refused on the application deemed to have been made under Section 177(5) of the 1990 Act.

## Procedural Matters

2. For the sake of brevity I will refer to the access gates and the brick piers jointly as "the Gates" in my Appeal Decision.

## Main Issue

3. I consider the main issue in this case is the impact of the Gates on the character and appearance of that part of the open countryside within which they are located.

## Policy

4. The Development Plan includes Policies SP/5 and LC/3 of the West Somerset District Local Plan. I have also been referred to part of the National Planning Policy Framework (the NPPF).

*Reasons - Ground (a) and the deemed planning application – that in respect of the breach of planning control planning permission ought to be granted.*

5. There is a tall hedgerow on either side of the Gates. The Gates are broadly aligned with the centre of the hedgerow. At the time of my visit the hedgerow was slightly taller than the Gates.

6. The hedgerow is set back from the edge of the carriageway behind a relatively wide grass verge. The character and appearance of the area within which the Gates are located is wholly rural and attractive.
7. The Council permitted an extension to the dwelling at Higher Beverton Farm in October 2011. In February 2014 the Council permitted the creation of a new access and driveway. I will refer to this access and driveway in my Appeal Decision as "the Track". The Gates initially formed part of that application but they were removed following advice from the Council's Planning Officers. A condition was imposed requiring the existing access to Higher Beverton Farm to be stopped up in accordance with an approved scheme within six months of the approval date for the Track i.e. by 3 August 2014. At the date of my visit the original access had not been stopped up. The original access has metal gates which have a typical agricultural appearance and reflect other gated entrances in the area.
8. In my assessment the Gates are typical of what may sometimes be found at the entrance to large residential properties set within substantial grounds in mainly suburban areas. The Gates:
  - a) Do not reflect or respect the rural character of the open countryside landscape within which they are located.
  - b) Are large and dominant and they result in an incongruous feature within this rural landscape.
  - c) Do not maintain or enhance the environmental quality of their surroundings or protect the scenic quality of the area.
9. I am aware that oblique views of the Gates are, in part, screened by the hedgerow. However, when the Gates come into view they are harmful to the character and appearance of the area.
10. I do not consider that the Gates are required so as to protect the privacy of the occupiers of Higher Beverton Farm. Views through the gates are dominated by the Track leading to the dwelling at Higher Beverton Farm and the post and rail fence running adjacent to the Track. Further, there is no convincing evidence before me that the Gates are necessary for security purposes at the Farm.
11. I was also referred to other gates and brick piers permitted by the Council. The Council explained the circumstances under which they were permitted which are not reflected at Higher Beverton Farm. In any event each development has to be considered on its individual merits against the provisions of the Development Plan and I am not convinced that the other examples are a justification for the Gates which harm the character and appearance of the rural area at Higher Beverton Farm. The appeal on Ground (a) therefore fails.

*Ground (f) that the steps required by the Enforcement Notice to be taken exceed what is necessary to remedy the breach of planning control*

12. I do not consider that painting the brick piers or the implementation of further landscaping would make the Gates acceptable in planning terms as this would not reduce the size or dominance of the Gates and their inappropriate impact would remain. The appeal on Ground (f) therefore fails.

Other Matters

13. I am aware of permitted development rights that would allow, subject to minor modifications, the Gates to be erected where they would not be adjacent to the highway. Whether the appellant wishes to explore that is a matter for him to decide. It does not sway my decision that the Gates in their present position are unacceptable.

**Overall Conclusion**

14. I conclude, for the reasons explained above, that:

- a) The Gates materially harm the character and appearance of the open countryside within which they are located.
- b) The Gates are contrary to the relevant parts of the Development Plan.
- c) There is no relevant advice in the NPPF which alters my view on this.
- d) The appeal should not succeed.

15. I shall uphold the Enforcement Notice and refuse to grant planning permission on the deemed application.

*Tim Belcher*

**Inspector**