

PLANNING COMMITTEE

THURSDAY 31 OCTOBER 2013 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 26 September 2013 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

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

4. Public Participation

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

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

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

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

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

Report No: SIX

Date: 23 October 2013

<u>Ref No.</u>	<u>Application/Report</u>
3/09/87/019	Foxes & Piggies, Lower Chilcott Farm, Chilcott Lane, Dulverton Application To Discharge A Section 106 Agreement
3/21/13/084 Full Planning Permission	Land at Ellicombe Meadow, Minehead Erection Of 29 Dwellings, 8 Apartments And Associated Parking And Landscaping, Construction Of Access From Ellicombe Meadow And Laying Out Of A Temporary Construction Access From Ellicombe Lane.
3/37/13/031 Full Planning Permission	Lorna Doone Park, West Street, Watchet Variation Of Condition 2 On Planning Permission 3/37/13/015 In Order To Make Minor Amendments To The Seven Houses
3/39/13/029 Advertisement Consent	Roughmoor Industrial Estate, Williton The Display Of One Non-Illuminated Locational And Directional Business Directory Sign

6. **Exmoor National Park Matters**

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

8. **Appeals Decided**

Appellant	Proposal and Site	Decision
Mr J Plowright	Lime Street Buildings, Shurton Lane, Stogursey, Proposed Erection of New Essential Agricultural Workers Dwelling	Dismissed 18/09/2013
Mrs K Collier	Land at Trendle Lane, Bicknoller Erection of Barn, Re-siting of Field Shelter And Use of Land for Grazing Horses	Dismissed 14/10/2013

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

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

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

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

PLANNING COMMITTEE

Minutes of the Meeting held on 26 September 2013 at 3.30 pm

Present:

Councillor A F Knight	Chairman
Councillor I Melhuish	Vice Chairman
Councillor G S Dowding	Councillor A P Hadley
Councillor B Heywood	Councillor E May
Councillor C Morgan	Councillor S J Pugsley
Councillor D D Ross	Councillor M A Smith
Councillor A H Trollope-Bellew	Councillor K H Turner

Officers in Attendance:

Planning Manager – Andrew Goodchild
 Deputy Planning Manager - Kenneth Taylor
 Principal Planning Officer - Elizabeth Peeks
 Planning Officer – Lisa Bullock
 Committee Administrator – Sarah Wilsher
 Legal Advisor - Martin Evans - Mendip DC

P043 Apologies for Absence

There were apologies for absence from Councillor K M Mills and Councillor L W Smith.

P044 Minutes

RESOLVED that the Minutes of the Planning Committee Meeting held on 29 August 2013 - circulated with the Agenda be confirmed as a correct record following the insertion of the letters “LBC” next to the site address: Townsend Farm, Main Road, Carhampton, Minehead, TA24 6HH on application 3/05/13/007. Proposed by Councillor E May and seconded by Councillor K Turner and all present voted in favour.

P045 Declarations of Lobbying

Name	Min No	Ref No	Application	Persons Lobbying
All Councillors	P048	3/21/13/083	Land adjoining The Maples, Ellicombe Lane, Alcombe	Objectors
Six Councillors	P048	3/28/13/005	Land at Aller Farm	Objectors
Cllr A F Knight	P048	3/32/13/025	Bullen Drove, Stogursey	Supporter

P046 Declarations of Interest

Name	Min No	Ref No.	Personal or Prejudicial	Action Taken
Cllr A Trollope-Bellew	P048	3/28/13/005	Personal – Friends of Quantock Hills AONB and Chair of AONB JAC	Spoke and voted
Cllr A Trollope-Bellew	P048	3/32/13/025	Prejudicial – close contacts with applicant	Left the Chamber
Cllr C Morgan	P048	3/32/13/025	Personal and Prejudicial – knows estate manager and owns property near site	Spoke and Left the Chamber
Cllr G S Dowding	P048	3/28/13/005	Personal – See site from property and Friends of Quantock Hills AONB	Spoke and voted
Cllr A F Knight	P048	3/21/13/077	Prejudicial – close association with nearby business	Left the Chamber
Cllr S J Pugsley	P048	3/28/13/005	Personal – Vice President of Somerset Gardens Trust	Did not speak or vote

P047 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P048	3/05/13/006	Townsend Farm, Main Road, Carhampton	Mrs P Gubbings	Local Resident	Objecting
P048	3/05/13/006	Townsend Farm, Main Road, Carhampton	Mr P Humber	Local Resident	Supporting
P048	3/05/13/006	Townsend Farm, Main Road, Carhampton	Mr M Frost	Agent	Supporting
P048	3/05/13/006	Townsend Farm, Main Road, Carhampton	Mr P Friend	Applicant	Supporting
P048	3/21/13/083	Land adjoining The Maples, Ellicombe Lane, Alcombe	Mr K Marsh	Local Resident	Objecting
P048	3/28/13/005	Land at Aller Farm	Mr R Urquhart	Monksilver Parish Council	Objecting
P048	3/28/13/005	Land at Aller Farm	Dr J Swan	Sampford Brett Parish Council	Objecting
P048	3/28/13/005	Land at Aller Farm	Mrs S Meneilly	Local Resident	Objecting
P048	3/28/13/005	Land at Aller Farm	Mr R Umner	Applicant	Supporting
P048	3/32/13/025	Bullen Drove, Stogursey	Mr R Stone	Agent	Supporting
P048	3/32/13/025	Bullen Drove, Stogursey	Cllr C Morgan		

P048 Town and Country Planning Act 1990 and Other Matters

Report Five of the Planning Team dated 18 September 2013 (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

3/05/13/006 Townsend Farm, Main Road, Carhampton, Minehead, TA24 6NH
Erection of 25 dwellings and conversion of barn to 10 dwellings with associated works including vehicular access, garages, parking and landscaping

Objections raised by the speaker included:

- Lack of direct safe pedestrian access from the site to the village – pedestrians, including children, would have to either walk alongside the main road or through Carantoc Place to the possible annoyance of the residents of Carantoc Place.
- No bus stop proposed on site.
- Flooding currently occurs at both ends and in the middle of Winsors Lane and there is an underground leat which runs beneath most of the Lane. The proposal will exacerbate the situation. Are the flood management proposals sufficient to prevent flooding to existing properties?

Supporting comments raised by the speakers included:

- There is a flood relief outlet on the land opposite to Winsors Lane which is usually full of debris – if cleared this would help alleviate the flooding situation.
- Flooding/drainage conditions will need to be satisfied prior to the start of commencement.
- The parking proposed is adequate and there is a public car park close to the development. Also Park Lane can be used for parking as very few motorists currently use it.
- The existing bus stops for schools are not on the main road. The current public bus stop is served by a pedestrian crossing and pedestrians can walk through Carantoc Place and other public roads rather than walk along the A39.
- County Highways have not asked for a bus stop on the site.
- The junction of the A39 with Winsors Lane is sufficient for the traffic.
- The proposal meets planning policy in terms of affordable housing and even provides more affordable housing than the limit cited in the Supplementary Planning Document on Planning Obligations.
- The proposal fulfils a local housing need and will enable local people to remain in the area.
- The Passive house provides a high standard of energy efficiency.
- The site is wholly sustainable for a residential development.
- There is a lengthy history of planning permissions already on the site.
- The application for Listed Building Consent for the proposal (3/05/13/007) has been granted and the barns will be safeguarded by these permissions.
- Measures have and will be taken to provide for protected species.

The Members debate centred on the following issues:

- Lack of a play/communal area on the site.
- Lack of a good pedestrian access.
- Vehicles not being able to turn right onto the A39.
- Whether a bus stop could be located on the site.
- The development being long-awaited by the local community.
- The good level of affordable homes being provided which will help to meet local need.
- The high quality of the standard of construction.
- Parking and access not being ideal but County Highways are satisfied.
- Water discharging onto the highway will be prevented by a drainage scheme conditioned by a County Council drainage engineer.
- Disappointment that the three houses facing the road are not stone to match existing residences.

The Deputy Planning Manager confirmed that the finish to the external walls on the roadside elevation could be changed by a condition or by the submission of an amended plan.

Councillor Turner proposed and Cllr Morgan seconded that the application be **APPROVED**, subject to the materials on plots 1 – 3 being altered so that timber boarding was not included. Delegated authority was granted to the Planning Manager to approve the application subject to the submission of an amended plan detailing the change in materials to plots 1-3 or to secure the change via a planning condition. Delegated authority was granted to the Planning Manager to approve the application and negotiate the S106 agreement and any alterations to the planning conditions required.

All present **VOTED IN FAVOUR.**

Reference Location, Proposal, Debate and Decision

3/21/13/077 The Beach Hotel, The Avenue, Minehead, TA24 5AP

The proposal is to change the use of the building from a hotel and pub to a mix of four distinct but interrelated uses: hotel accommodation and ancillary uses, a "flexible use" area for the holding of various functions and community uses, short-term rented cluster accommodation and flexible accommodation.

Cllr Knight withdrew from the meeting and Cllr Melhuish took the Chair for this application and proposed that Cllr Hadley be appointed as Vice-Chair. Cllr Turner seconded the proposal and all present voted in favour.

The Members debate centred on the following issues:

- Securing the future of the Hotel.
- Supporting and assisting young people.
- Providing apprenticeships and training for college students.
- Providing accommodation for students and young people.
- Cluster accommodation can be accessed independently from the hotel accommodation.
- As a Victorian building energy efficiency would be a problem.
- The ground floor community space being an asset.

Councillor Ross proposed and Cllr May seconded that the application be **APPROVED** in accordance with the officers recommendation.

All present **VOTED IN FAVOUR**.

Cllr Knight rejoined the meeting as Chair.

Reference Location, Proposal, Debate and Decision

3/21/13/083 Land adjoining The Maples, Ellicombe Lane, Alcombe, Minehead, TA24 6TR

Outline planning application for the erection of a single dwelling with access from Ellicombe Lane

Objections raised by the speaker included:

- Ellicombe Lane is very narrow – 2.7m wide and there are no footpaths, making it dangerous for pedestrians.
- Ellicombe Manor were not consulted.
- The proposal will affect Listed Buildings along Ellicombe Lane.
- The proposal is outside the development limit and abuts Exmoor National Park.
- Ellicombe Lane has flooded six times in the past 13 years.
- Delegated authority should not be given and the Committee should determine this application alongside application 3/21/13/084.
- The existing hedge is considered as helping to detract the effect on Listed Buildings, yet it is proposed to remove the hedge in the proposal for 3/21/13/084.

The Members debate centred on the following issues:

- There is space for 6-8 houses on the site, including an affordable element. It could be an extension of the proposal for 3/21/13/084.
- Could be determined more easily alongside 3/21/13/084.
- Walking distance to shops not excessive.
- Ellicombe Lane not an ideal highway for traffic and pedestrians.

- Problems of accessing the site.
- Would like the house to have been affordable.
- The application should be considered on its own merits and not linked with 3/21/13/084.

Cllr Turner proposed that the application be REFUSED on the grounds of under-development of the site. The Deputy Planning Manager advised that although under-development of the site was a material planning consideration, this site was next to the Exmoor National Park and a single dwelling was in keeping with the immediate area of low density housing. He therefore advised against the reason for refusal. The Solicitor added that it would be difficult to defend this reason in the event of an Appeal.

Cllr Ross seconded Cllr Turner's proposal as the site was not sustainable and the access was dangerous. The Planning Manager advised that on the basis that Cllr Ross' reason was in direct conflict with Cllr Turner's proposal and reason it was not appropriate for Cllr Ross to 2nd Cllr Turner's proposal, Cllr Ross withdrew his secondment. No other seconder for Cllr Turner's proposal came forward.

Cllr Ross proposed that the application be REFUSED on the grounds of unsustainability of the site. This proposal was not seconded.

Cllr Pugsley proposed and Cllr Trollope-Bellew seconded that the application be **APPROVED WITH DELEGATED AUTHORITY TO DETERMINE THE APPLICATION FOLLOWING THE EXPIRY OF THE CONSULTATION PERIOD** in accordance with the officers recommendation.

Seven of those present **VOTED IN FAVOUR**.
Four of those present voted against.

Reference
3/28/13/005

Location, Proposal, Debate and Decision

Land at Aller Farm, East of Woodford and North of Monksilver, Williton, TA4 4HH

Erection of a solar PV development and associated works to include the installation of ground based racking systems and mounted solar panels (max 3m high), power inverter stations, transformer stations, sub station and comms building, fencing and associated access gates and CCTV security cameras mounted on free standing support poles.

Objections raised by the speakers included:

- Due to the topography of the landscape the proposal will be visible from miles around.
- The proposal is about the size of a village on the crown of the hill and is inappropriate.
- The national energy policy guidelines state that the setting needs to be taken into account when considering a large scale solar development.
- The principle of renewable energy is supported but this development would be in the wrong area – it is widely visible and the land is producing a good arable crop.
- The land is designated as grade 3 for agricultural purposes and has a grade 1 view.
- It takes years to produce good growing land.
- The land is not used for sheep or cattle grazing as suggested it could be.
- The proposal will not provide employment or training.
- The Government will not provide compensation for the detrimental impact of the proposal.

- The applicant has given no reasoned justification for the site, particularly since the initial reason of the proximity to overhead lines is no longer applicable since they cannot take the extra load.
- An assessment of alternative locations has not been provided.
- A brownfield site would be more appropriate.
- The footpaths will be affected, particularly the Coleridge Way.

Supporting comments raised by the speaker included:

- Electricity for the local community will be provided – 2,681 homes, twice the size of Williton.
- There will be opportunities to use local suppliers during the construction works and some maintenance work will be required.
- The proposal meets Devon's requirements for solar farms, which are the requirements that Exmoor National Park Authority use.
- The development is a passive, low profile installation which will only be a small part of the panoramic view.
- Happy to meet any planning conditions as imposed and to undertake a geo-physical survey to ascertain if any archaeological remains.
- Community Benefits to Sampford Brett Parish Council.

Prior to the Committee's debate, The Planning Manager advised that the offer of community benefits to Sampford Parish Council from the applicant was not part of the application and should not form part of the Committee's consideration.

The Members debate centred on the following issues:

- Visibility issues.
- In winter with less foliage the development will probably be more visible.
- The considerable impact the development will have on the countryside.
- The scale of the proposal.
- Why is it proposed to locate the panels on such a high site?
- The land has produced a good crop of wheat during a poor growing year.
- The land will not be good grazing land as the grass beneath the panels will die and weeds will grow.
- The value of the ground after 25 years.
- Will the glare of the panels be prevented by fencing?
- Will the CCTV cameras require special lighting if no lighting is proposed for the development?
- Has the carbon footprint been considered in relation to the transport of the solar panels to the site from their place of manufacture?
- Tourists may see the solar panels as a tourist attraction.
- In principle in favour of PV panels and green energy.
- Solar panels should be on buildings and brownfield sites.
- Do TGC Renewables Ltd have a contract with Western Power. They have applied for a number of sites across the country.
- The Government states that solar farms should not override environmental protection.

Towards the beginning of the debate Cllr Morgan proposed that the application be REFUSED or DEFERRED. He then left the Chamber.

Cllr Turner seconded the proposal for refusal, but as Cllr Morgan was not present for the whole debate the proposal could no longer stand and thus could not be seconded.

Cllr Turner proposed that the application be **REFUSED** as recommended as well as on the grounds of loss of agricultural land. The Solicitor advised that each reason for refusal had to stand on its own merits if the application went to Appeal. The technical information available to the Committee indicated that the land was Grade 3b agricultural land which the Council's own policy indicated was suitable for development. He therefore urged caution in adding a reason for refusal on the grounds of loss of agricultural land. Cllr Turner removed this additional reason for refusal from his proposal.

Cllr Turner proposed and Cllr Trollope-Bellew seconded that the application be **REFUSED** as recommended.

All present **VOTED IN FAVOUR.**

Reference
3/32/13/025

Location, Proposal, Debate and Decision
Bullen Drove, Stogursey, TA5 1QD

The retention of spoil (approximately 10,000 tonnes) on Bullen Drove.

Supporting comments raised by the speakers included:

- The proposal was part of the improvement scheme to Knighton Farm. It was decided to keep the spoil on the site in order to improve The Drove rather than cause inconvenience, noise, vehicle movements, expense, etc. by taking the spoil away.
- It was not the applicants' intention to cause aggravation or upset or to do anything without the necessary permissions.
- The consultees have no problems with the proposal and Public Rights of Way state that the work could improve the footpath.
- The foundations for the barns were dug deep in order to decrease the visibility of the barns.
- The work done by applicants will improve the viability of Knighton Farm which has lost much land to the Hinkley Point development.
- The work was undertaken with the best of intentions.

The Members debate centred on the following issue:

- The proposal will improve Bullen Drove in the long-term.

Cllr May proposed and Cllr Melhuish seconded that the application be **APPROVED** in accordance with the officers recommendation.

Nine of those present **VOTED IN FAVOUR.**
There was one abstention.

Reference
3/32/13/028

Location, Proposal and Decision
Hinkley Point C, Hinkley Point Road, Stogursey, TA5 1UF

Variation of condition 3 (relating to time limit to infill trenches) in respect of planning permission 3/32/12/046 (Retention of two temporary trial trenches to create a new trial trench approximately 72m x 82m and approximately 5m deep).

Cllr Turner proposed and Cllr Trollope-Bellew seconded that the application be **APPROVED** in accordance with the officers recommendation.

All present **VOTED IN FAVOUR.**

Reference
3/37/08/036

Location, Proposal, Debate and Decision

Commercial units and land to rear, The Mill, Anchor Street, Watchet, TA23 5QE

Conversion of commercial units into 10 residential units, erection of a 70 bedroom care home, redesigned access and associated works

The Members debate centred on the following issue:

- Extensive discussions have taken place over time with Watchet Town Council.
- A care home is needed in Watchet.
- Why was the buggy store deleted from the plans?

The Principal Planning Officer explained that it was accepted in 2011 that a buggy store would not be needed.

Cllr May proposed and Cllr Pugsley seconded that the application be **APPROVED** in accordance with the officers recommendation.

All present **VOTED IN FAVOUR.**

P049 Exmoor National Park Matters

Cllr S Pugsley gave a report on matters relating to West Somerset considered at the last meeting of the Exmoor National Park Planning Committee.

He reminded the Committee that West Somerset Council had decided to register as an interested party in relation to the planning application for the Atlantic Array (an offshore wind farm of 240 turbines off the North Devon coast). Exmoor National Park Authority (ENPA) had registered as they felt the development would have a very significant impact on the National Park since it would be seen from the whole of the west side of north Devon and Exmoor National Park. They would be working with other parties and in their own right to object to the scheme.

The Planning Manager responded in that West Somerset Council supported the Exmoor National Park Authority but after talking to David Wyborn, Planning Manager with ENPA, it was recognised that whilst the National Park would be affected, the part of West Somerset covered by West Somerset Council as the Local Planning Authority would not be significantly affected by the Atlantic Array. It was agreed that the Council would work with the ENPA but as the Local Planning Authority they would take forth the objections in terms of visual impact. It was therefore not appropriate for West Somerset Council to register as an interested party.

Cllr Trollope-Bellew asked whether the Atlantic Array would be visible from the top of Beacon Hill. The Planning Manager replied that he had gone through the Landscape and Visual Impact Assessment and it did not include any visible viewpoints from anywhere in the West Somerset Local Planning Authority area.

P050 Delegated Decision List

The Deputy Planning Manager answered questions arising from the report.

P051 Appeals Decided

Cllr Turner enquired as to whether the caravan (mobile home) was still in situ at West Shute Farm. The Planning Manager replied that the caravan was still on site, but as a small agricultural building had been applied for and prior approval was not required it was hoped that this would remove any reason for keeping the caravan.

The meeting closed at 7.09 pm

Application No:	3/09/87/019
Parish	Dulverton
Application Type	Application to discharge a Section 106 agreement
Case Officer:	Michael Hicks
Applicant	Mr Nicholls
Location	Foxes & Piggies, Lower Chilcott Farm, Chilcott Lane, Dulverton, TA22 9QQ
Reason for referral to Committee	Discharging a Section 106 agreement requires a decision from the Planning Committee

Risk Assessment

Description	Likelihood	Impact	Overall
Risk: Planning permission is refused for reason which could not be reasonable substantiated at appeal	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.

Legislative context:

Section 191 of the Town & Country Planning Act 1990 relates to Certificates of Lawful Existing Use. Section 106 of the Town and Country Planning Act 1990 (as amended by Section 12 of the Planning and Compensation Act 1991) provides primary legislation in respect to planning obligations. Planning Circular 05/2005; Planning Obligations, provides guidance for the discharge or modification of planning agreements.

Planning History

The following planning history is relevant:

3/09/13/004	Lawful Development Certificate for the existing use of the properties known as Foxes and Piggies as dwellinghouse.	Granted	13/08/2013
3/09/87/019	Redundant farm buildings to be converted to six holiday cottages and one permanent dwelling.	Granted	07/12/1987

An application has been submitted to discharge a section 106 agreement relating to two dwellings known as 'Foxes' and 'Piggies'.

The dwellings were converted to holiday lets pursuant to planning permission reference 3/09/87/019. The holiday use restriction was secured through a planning condition and a Section 106 agreement dated 31st May 1995.

A Lawful Use Certificate was approved under reference 3/09/13/004 as the applicant had demonstrated that both of the properties had been used as permanent dwellings, in breach of the planning condition for at least 10 years prior to the date of application. As such the Lawful

Use Certificate dated the 13th of August 2013 confirms that the use of the properties as permanent dwellings is lawful in planning terms

The section 106 agreement dated 31st may 1995 was signed and restricts the use of the properties to holiday accommodation. The obligations of the agreement reflect the original planning condition and are as follows:

- (a) *Not to use or permit the use of the holiday cottages situated on the land edged green on the annexed plan otherwise than in association and conjunction with the use of Lower Chilcott Farmhouse shown for the purpose of identification only coloured blue on the plan annexed hereto.*
- (b) *None of the said holiday cottages referred to in paragraph (a) of the schedule shall be occupied between the 15th of January and the 28th of February inclusive.*

It is considered that as the circumstances regarding the lawfulness of the properties has changed, there is no material planning gain in retaining the section 106 agreement to restrict the use of the units. As such the application to discharge the Section 106 agreement is considered to be acceptable in planning terms.

Delegated authority is requested for the discharge of the agreement and an undertaking of the associated legal costs to be paid by the applicant.

Application No:	3/21/13/084
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Kenneth Taylor
Grid Ref	Easting: 298065 Northing: 144787
Applicant	Mr Alford Strongvox Homes
Proposal	Erection of 29 dwellings, 8 apartments and associated parking and landscaping, construction of access from Ellicombe Meadow and laying out of a temporary construction access from Ellicombe Lane.
Location	Land at Ellicombe Meadow, Minehead
Reason for referral to Committee	This site is outside of the development limits, if permission were granted, this would be a departure from the development plan. If planning permission is approved then the application would be subject to a Section 106 Agreement.

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 Ellicombe Meadow, Minehead

Description of development:

Erection of 29 dwellings, 8 apartments and associated parking and landscaping, construction of access from Ellicombe Meadow and laying out of a temporary construction access from Ellicombe Lane.

Consultations and Representations:

The Local Planning Authority has received the following representations:

Minehead Town Council

Recommend refusal - because of the access of the building construction traffic it requires further investigation taking place into how it will be managed during the long period of the build. The number of homes being built is totally unsuitable for the site - there is no need for the houses, the infrastructure is not suitable for the development

Environment Agency

We have no objection to the application but we recommend the following conditions are included on any permission granted

Surface Water / Sustainable Drainage Systems (SuDS)

Surface water run-off should be controlled as near to its source as possible with sustainable drainage systems (SuDS). This reduces flood risk through the use of soakaways, infiltration trenches, permeable pavements, grassed swales, ponds etc. SuDS can also increase groundwater recharge, improve water quality and provide amenity opportunities. A SuDS approach is encouraged by Approved Document Part H of the Building Regulations 2000.

No development shall commence until a surface water drainage scheme for the site, based

on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Condition Note:

We have had difficulty in ascertaining whether or not the on-site attenuation shown in the Drainage Strategy drawing (Project ref C9789, drawing no. 500 rev C) is sufficient based on the calculations provided with the drainage strategy document.

The drainage strategy drawing shows 2 attenuation ponds with a total storage of 350m³. We cannot easily find any reference to any storage totals or calculations within the submitted documentation, to determine whether or not the 350m³ is sufficient?

The failure to maintain surface water drainage schemes could result in increased flood risk to the development and elsewhere. Government Guidance (see notes below) recommends that the management and maintenance of a surface water drainage scheme may be more appropriately addressed within a Section 106. We would recommend this approach for this application. However, if you feel that a Section 106 for future surface water management is not appropriate for this development then we would recommend the following condition.

No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

Notes to applicant/LPA:

The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to the maximum allowable rate, so there is no increase in the rate and/or volume of run-off, and preferably it should be reduced.
2. The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used.
4. The adoption and maintenance of the drainage system must be addressed and clearly stated.
5. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines.

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

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

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

Somerset Drainage Board Consortium

This site is located outside the Parrett Internal Drainage Board area however the resultant surface water run-off 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 is minded to object to the application in its current form for the following reason:

The application contains insufficient information to determine if matters of flood risk and surface water drainage have received adequate attention. It is therefore not possible to determine if the site will have an adverse impact on flood risk elsewhere which is contrary to 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.

The Board has not been party to or agreed to the surface water drainage strategy to serve the proposed development. The information submitted does not indicate how the development will affect the Board's network and it is clear the run-off will enter the Board's operational area. The proposals will increase the overall volume of surface water run-off into the Board's area and until such time as an agreed and approved surface water drainage strategy for development has been determined the Board would consider the proposals premature.

Byelaw 3 of the Parrett Internal Drainage Boards Byelaws, (made under Paragraph 66 of the Land Drainage Act 1991), prohibits the introduction of any water or increase in rate into the Boards area without the consent of the Board.

The developer must appreciate all the potential flood risks from the proposals on site, the effects on the off site, receiving watercourses and the opportunities for improvements of flood risk downstream. When these details are considered and agreed, a drainage plan must be set out. It is essential that this be considered as part of an overall drainage and flood risk strategy. The package of measures will need to be set down in the form of a legal agreement to safeguard the future long term drainage operation of the area. All parties who will be responsible for the various parts of the proposed surface water drainage system must be in agreement and sign up to the proposed details. The Board would ask that the statutory undertaker (Wessex Water) be contacted to ensure that organisation is happy with the details of the surface water strategy to be agreed. The work is not complete until further issues of the future operation, maintenance and ownership of the revised surface water drainage system have been agreed.

Wessex Water Authority

I refer to your letter of 3rd September inviting comments on the above proposed development and can advise the following on behalf of Wessex Water as Sewerage and Water Supply Undertaker for the area.

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

Please refer to the extract from our records.

Foul Drainage

There is adequate capacity within the local public foul system to accommodate the predicted foul flows only from 35 dwellings. Point of connection to be agreed which may involve crossing third party land.

Surface Water Drainage

The applicant indicates surface water will connect to existing sewers in the neighbouring housing development. Sewers within the development are designed to accommodate self contained flows only; there will be no available capacity for additional flows. SUDS solutions should be explored; or attenuated run off to local watercourse; a suitably worded planning condition is recommended.

Water Supply

Please note the private water supply main on our records which supplies Ellicombe Manor. Please note the public water supply apparatus to the south of the site. These apparatus will require appropriate protection.

Water Supply network modelling will be required to determine available capacity for the site: possible off site reinforcement and point(s) of connection. The applicant should contact this office for further information.

Additional Response

I refer to my letter of 16th September regarding the above proposed development and in particular our response on surface water drainage proposals. I can advise that our response was based on the indicated figure of 22.2 l/s attenuated discharge from site as described within the FRA accompanying the planning submission.

Further to discussions with the applicants drainage engineers and Wessex Water development engineers I can advise that an attenuated rate from site of 9.2 l/s is acceptable to our systems with detail (including approval of attenuation and flow control devices) to be confirmed through section 104 arrangements.

SCC - Ecologist

Introduction

The ecological survey reports that have been submitted by the applicants and which I have accessed now are:

- Extended Phase 1 Report February 2013;
- Reptile Report June 2013;
- Great Crested Newt Report June 2013;
- Hazel Dormouse Report June 2013.

All of the above were prepared by First Ecology. The February 2013 report includes results of a standard data search by Somerset Environmental Records Centre (SERC) and I have not requested a separate data search by SERC because I believe that there will not have been any significant change in terms of records that may have become available to SERC in the intervening period. A resident of a neighbouring property has also sent me some information concerning birds and badgers that he has observed in the vicinity of 'Ellicombe Pool'. Using the information described above, I have assessed the likely impacts of the development proposal on designated sites, habitats and priority species (including BAP Priority Species and legally protected species). I have set out my conclusions below:

Summary

The proposed development affects land of marginal nature conservation interest. Nevertheless, my current assessment of the application is that not all of the anticipated impacts on biodiversity are adequately mitigated against or off-set. The proposed retention of hedgerows and of a pond and associated habitat on the southern side of the site is welcome, but the loss of a relatively large area of semi-improved grassland seems disregarded by the applicants and as a result I anticipate a net decrease in biodiversity might result due to the development unless there are positive habitat creation measures taken. If you are minded to approve the application I would recommend conditions are imposed relating to retention of hedgerow and pond habitats and to protected species, in particular, nesting birds and badgers. I have suggested also that informative notes are attached to any planning certificate issued to advise developers about the legal protection afforded to some animals - amphibians, reptiles, nesting birds and badgers.

Designated Sites

International designations – Exmoor Coastal Heaths Special Area of Conservation (SAC) lies about 2.8 km to the north west of the application site. My preliminary conclusion is that the distance of the application site from the SAC and the size and nature of the proposed development make it unlikely that the SAC will be significantly affected by the particular project being considered. The possible in-combination effects of increased housing provision on the fringes of Minehead upon the European Site were considered during Habitats Regulations Assessment (HRA) of the West Somerset Local Plan 2012 – 2032 (carried out at the Draft Preferred Strategy stage). This HRA concluded that impacts on the Coastal Heaths SAC might arise from development through recreational pressure, changes to hydrology and aerial pollution. I will draft a Test of Likely Significant Effect (ToLSE) for the authority so that this matter is addressed in the context of this particular planning application, although at this stage I have no reason to think that a full appropriate assessment of the proposals is needed.

National designations – Part of the Dunster Park and Heathlands Site of Special Scientific Interest (SSSI) is less than 250 metres of the application site to the south west. The closest SSSI unit is in unfavourable/recovering condition according to Natural England. It is not anticipated that the proposed development will affect the SSSI hydrology because of its location on ground below the slopes on which the SSSI habitats are located. An increase in aerial deposition of Ammonia, Nitrogen Oxides (NO_x), Sulphur Oxides (SO_x) and other pollutants might be anticipated within the SSSI due to increased traffic levels in the vicinity. According to research, however, levels of aerial pollutants fall back to background levels within 150 metres of a road (Bignall et al 2004), so it seems unlikely that there would be a noticeable effect on the SSSI due to emissions from the proposed housing development. There are Rights of Way linking the development site to the application site, so an increase in recreational use of the SSSI seems likely, but at this stage there is no strong reason to believe that the SSSI's qualifying features will be significantly impacted upon.

Local Wildlife Sites – According to SERC there are three County Wildlife Sites (CWSs) within 1km of the Ellicombe site. There is little likelihood of the development causing any significant direct impact on any of the CWSs.

Habitats

Semi-improved grassland – The bulk of the development site comprises semi-improved grassland of limited identified conservation value. No proposals are put forward to mitigate for the almost complete and permanent loss of this habitat due to the development. Although the grassland is botanically impoverished according to the phase 1 habitat report, it is still likely to make some contribution to local ecology (as foraging habitat for badgers, and land supporting birds, small mammals and a range of invertebrates). According to information supplied by a local resident 30 species of birds were recorded in the locality on 18 days between 8 May and 5 June 2013. Roughly half of

the species listed are ones that will depend to a greater or lesser extent on open habitats as opposed to hedgerows and woodland. Gardens within the new development may compensate for habitat loss by providing new habitat opportunities, but the extent and quality of habitat cannot be guaranteed in advance. Logically, habitat to off-set any loss can occur either within the development by adoption of a landscaping scheme that includes sufficient habitat creation, or it has to occur off-site in some fashion. Changes to the Habitat Regulations which came into force in 2012 mean that local authorities have duties to take steps to contribute to the protection and creation of bird habitat. In the context of this planning application this might mean that the lack at present of proposals to mitigate or compensate for the loss of semi-improved grassland habitat could be a material consideration in determination of the application.

Hedgerows – The species-rich hedgerows identified in the phase I habitat survey ought to be retained on the site boundaries. Temporary gaps created in them to facilitate construction should be filled with locally native woody species. If you are minded to recommend approval of the application, I would recommend a condition be imposed relating to protection of hedgerows.

Pond and associated wooded/scrubby area – It is not clear to me what precisely is proposed in relation to the pond at the south eastern end of the application site. Submitted plans appear to show that the pond and the trees around it are retained. However, the Design and Access Statement plan 1133/01 (April 2013) shows some of the area shaded in cross hatching and some without any colouration and there is no indication on the key regarding what these colours signify. The pond and the associated habitat around it are probably the most important habitat features for biodiversity on the whole site. Whilst the area would benefit from periodic management to ensure that the pond does not become completely scrubbed over, the conservation value of the habitat will be diminished if it is intensively managed to create, for example, some form of frequently- mown grassland. I would be grateful if the applicant's intentions could be established with regards to this area of the site. There may be a need for conditions relating to this part of the site if permission is to be granted.

Species

Great Crested Newts and other amphibians – The surveys indicate Great Crested Newts are absent from the application site but that the pond in the south eastern corner is important for local populations of other amphibians. The mitigation measures proposed in section 7 of the Great Crested Newt report are all reasonable and ought to be required of the developers by planning condition.

Hazel Dormouse – The surveys conducted for this species were adequate and the nil findings suggest that Dormice are not using the site's boundary hedges.

Reptiles – All the records of Slow-worms and Grass Snakes generated by the surveys were from the southern part of the site which it is stated would be retained. I would suggest that any reptiles that are encountered during construction ought to be released into this area to minimise the risk of their being injured or killed.

Nesting birds – Removal of small sections of hedgerow and of trees should be permitted only outside of the bird nesting season unless the work can be supervised by an ecologist. An informative note should be attached to any planning certificate issued reminding the developers of their obligations with respect to breeding birds.

Badgers – There are no known setts on the application site but it appears the land is part of the foraging habitat for a family group. If the development (if approved) is delayed for any reason by more than a year, it would be good practice to require a re-check of the site to make sure no setts have become established in the intervening period. A condition requiring re-survey might be imposed and an informative note should be attached to any

planning certificate issued that outlines the developer's legal obligations towards badgers and badger setts.

Update

I can confirm that I am happy with the specific ecological enhancements. I suggest that these are secured by planning condition to off-set the loss of semi-improved grassland due the development. The retention of hedgerows around the site and of habitat (including a pond) in the southern part of the site will still be needed and we have corresponded recently over suitable conditions in relation to these features.

SCC - Archaeology

Although the Desk Based Assessment submitted with the application concludes that there is a low potential for archaeology, I think that there is a higher potential than the DBA concludes and so an appropriate condition should be attached to permission to ensure any remains are recorded.

Highways Liaison Officer

I refer to the above mentioned planning application received on 6th September 2013 and following a site visit on 11th September 2013 I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of 29 dwellings and 8 apartments with associated parking.

Traffic Movements

As part of their submission the applicant has provided a Transport Statement this has been assessed and the Highway Authority has the following comments to make.

The Highway Authority engaged in pre application discussions with the applicant in May 2013 where a scope Transport Statement was submitted and the Highway Authority provided comment. This submission has looked to address any issues raised during the previous discussions.

From the submitted information the Highway Authority has no issue with the proposed level of trip generation and its impact on the surrounding highway network. As a consequence the Highway Authority is satisfied that the junction of Ellicombe Lane with Bircham Road is acceptable in capacity terms.

In regards to the internal site layout the level of car parking is considered to be reasonable provided that the proposed garages meet the internal dimensions required by the Highway Authority and set out in Somerset County Council's Parking Strategy. The applicant has not provided any information relating to the provision of motorcycle parking or electric vehicle charging points, although these are mentioned in the Travel Plan Statement.

Therefore to summarise the Highway Authority is satisfied that there is sufficient capacity within the existing highway network to accommodate this proposal. As such it would be considered unreasonable to raise objection on the grounds of traffic impact.

Travel Plan

The Transport Statement also included a Travel Plan Statement. Having reviewed the document the Highway Authority is of the opinion that this is not of sufficient standard to be considered acceptable. As a consequence the applicant will need to provide an amended Travel Plan Statement. Furthermore the applicant is advised to read Somerset County Council's guide to Travel Planning which can be found on our web site. This will be able to provide information on what we would expect from any further submission.

The Local Planning Authority is also required to secure the Travel Plan Statement via a S106 agreement.

Drainage

From the submitted Flood Risk Assessment it would appear that the proposal is to collect all surface water run-off into a new surface water sewer connected to the existing sewer network at the western boundary of the site. This being the case then it is anticipated that the Highway Authority will be requested to adopt gullies and gully connections only.

Internal layout (Estate Roads)

The details shown on drawing 1133/01 B have been passed to the Estate Roads Team for comment and their observations are set out below.

Firstly it is considered that the some parts of the internal layout 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.

At the point where the proposal will tie into the existing carriageway allowances shall be made to resurface the full width of Ellicombe Meadow where it has been disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. It may be necessary to excavate core holes to ascertain the thicknesses of the existing bituminous macadam layers.

Turning to the internal layout it appears from the submitted drawing that the proposed carriageway serving plots 15-33 appears to have no footways provided. Therefore, it takes the form of a shared surface block paved carriageway. If it is the applicant's intention for this length of carriageway to be a 5.0m wide type 4 bitumen carriageway then at least one footway will need to be provided throughout its length. However, if it is to take the form of a 5.0m wide shared surface then 500mm wide adoptable service margins will be required in lieu of footways. The length of carriageway currently being shown as shared surface (extending between plots 4 and 14) could take the form of a type 4 bitumen carriageway with footways with a shared surface carriageway extending from plot 14 onwards. The provision of adoptable footways or service margins may result in repositioning of garages as there will be a need to provide unobstructed 6.0m drives between the back edge of the highway and garage doors.

The block paved shared surface carriageways should have longitudinal gradients no steeper than 1:14 and no slacker than 1:80. Furthermore an adoptable turning head will be required at the end of the carriageway between plots 20 and 23. The dimensions of the required turning head are set out in Somerset County Council's 'Estate Roads in Somerset – Design Guidance Notes' guidance documents.

In addition to the above no doors, gates, low-level windows, utility boxes, down pipes or porches are to obstruct footway/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vents pipes, meter boxes (including wall mounted), steps etc.

The applicant should note that an adoptable 17.0m forward visibility splays will be required across the inside of all carriageway bends. There shall be no obstruction to visibility within these areas that exceeds a height greater than 600mm above adjoining carriageway level and the full extent of splays will be adopted by Somerset County Council.

The proposed footpath link that runs between the Public Open Space and plots 18-20, should have direct links onto the prospectively maintained public highway. Drawing No. 1133/01/B indicates that the footpath will discharge pedestrians onto private drives. In addition an adoptable 1.0m wide margin will be required around the perimeter of the Public Open Space. The applicant will also need to advise as to the future maintenance liabilities of the grassed verges within the application site.

Planting within adoptable areas will require a commuted sum payable by the developer.

Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by Somerset County Council will be required for all trees that are to be planted either within or adjacent to the prospective public highway. Planting either within or immediately adjacent to the prospective public highway must be supported by the submission of a planting schedule for checking and approval by Somerset County Council.

Turning to drainage where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from the Streetworks Co-ordinator who is contactable on 01823 483135.

Finally any retaining wall or sustaining structure (to be adopted or remain private) that will be within 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary, will require the submission of an Approval in Principle (AIP). The AIP submitted shall be signed by a Chartered Engineer (Civil or Structural) and submitted before commencement of the detailed design.

Construction Access

The applicant has stated that it is their intention to have construction traffic utilise Ellicombe Lane. Having visited the site, it is the opinion of the Highway Authority that this is not a viable solution. Ellicombe Lane can be described as being single width with high hedges on either side interspersed with residential properties. It is noted that there is a ditch that runs along side the carriageway for the first part of the lane. Furthermore there are no formal passing places along the length of the lane.

Therefore taking into account the above the Highway Authority is of the opinion that Ellicombe Lane is not suitable to serve as an access for construction traffic. As a consequence the applicant is urged to look at alternatives for the construction access. The most likely solution would be for construction traffic to utilise Ellicombe Meadow, although this would require the submission of a Construction Management Plan and also a condition survey of the current status of the highway.

Conclusion

To conclude the level of vehicle movements is considered to be acceptable and the capacity of the junction is considered to be appropriate to accommodate the additional movements. The submitted Travel Plan will need to be amended and the applicant is urged to visit Somerset County Council's web site for suitable Travel Plan guidance. Furthermore the drainage information is considered to be acceptable.

The internal arrangements are considered to be broadly acceptable, however the main concern relates to the construction period and specifically the proposed route on Ellicombe Lane. The Highway Authority would urge the applicant to find alternative, the most likely of which would be via Ellicombe Meadow, as it is our opinion that the lane is not sufficient to serve as a point off access.

Therefore taking into account the above the Highway Authority raises no objection to this proposal subject to the applicant amending the construction access. As a consequence if the Local Planning Authority were to grant permission the Highway Authority would require a S106 to secure the Travel Plan and appropriate conditions.

Exmoor National Park Authority

Thank you for consulting Exmoor National Park Authority on the proposal described above on 3 and 10 September 2013.

The National Park Authority, as a consultee to West Somerset Council, wishes to raise

concerns regarding the potential impact of the development on the setting of Exmoor National Park.

The application site slopes typically northwards down from Combeland Road and the steeper ground from within the National Park boundary, which is to the south of the application site.

From the details available I am not convinced that the impact upon the National Park landscape would be acceptable and further details showing the existing and proposed levels across the site are required, particularly at the southern extent of the application site. It is notable that as the land rises up to Combeland Road it is visible from Seaward Way in Minehead, where it sits in the foreground of views into the National Park and of Alcombe Common. This part of the application site is also higher than the land of the adjoining housing estate development at Ellicombe Meadow. A further notable point is that the housing alongside Combeland Road and within the housing estate development at Ellicombe Meadow (namely Deer View) consists of single storey dwellings.

In order to consider the potential impact of the proposed development on the Exmoor National Park further, I would welcome the submission of further level details as set out above. The level details should show the content of Combeland Road and show the proposed housing in relation with to height of the neighbouring dwellings at Deer View. Further details of the boundary treatment and measures to protect the existing hedgerow along Combeland Road would also be encouraged.

The developer may wish to consider only single storey development along the southern extent of the application site.

Environmental Health Officer

During the pre-app consultation (PRE/21/13/023) the report, including the historic maps have been assessed. The report indicates that there is little risk of any man made contamination other than from normal agricultural activities. It appears that the use has been agricultural type activity until the current time. There is a pond in one corner of the site. It is considered that the risks are low. The report noted that there may be elevated arsenic levels due to natural occurrence.

In terms of the received application (3/21/13/084) there has been an additional site investigation report prepared by Jubb Consulting (P9789/G202/A), which has included the arsenic analysis referred to above.

Soil samples (5) were taken from trial pits between 0.25m and 0.35m. Geology has been confirmed comprising as superficial head deposits underlain by Mercia Mudstone or Otter Sst/Hangman Sst on southern tip of site. According to BRE-211, the site falls in an area where no radon protection is needed.

- The 5 shallow soil samples taken for analysis showed max. arsenic concentration 16mg/kg and Benzo-a-Pyrene (can be used for surrogate for hydrocarbon contamination) 0.01mg/kg (considered ACCEPTABLE).

In terms of advice because this site investigation report (P9789/G202/A) did not assess areas considered inaccessible, such as the made ground (beneath buildings), should undiscovered contamination be encountered during the site works, appropriate advice should be sought from a suitably qualified engineer with Building Control approval to determine the appropriate course of action.

Housing Enabling Officer

The Planning Application proposes to deliver 37 dwellings in total with 8 of them to be affordable. A financial contribution to assist in delivering additional affordable housing elsewhere is also offered in the s106 Agreement.

Housing Need

Minehead is, without doubt, the area of highest housing need in West Somerset. As at today's date there are a total of 1,259 households registered on the Somerset Homefinder Choice Based Lettings system for re-housing within the District and 546 of them have chosen Minehead as their First Option for Re-housing. Of these, 369 applicants (68%) are single people/couples who have an assessed one-bedroom housing need.

There has been a significant amount of negotiation with the developer to ensure that proposals match the high level of need shown by single people/couples. Original draft proposals were amended at our request.

It is anticipated that these homes will be delivered via a Registered Provider and crucially, will be let at social rent levels rather than the new Affordable Rent Model. To the eventual occupier this will have the benefit of their rent being approximately 60% of the market rent rather than up to 80%.

There is clearly a need for this type of affordable housing in West Somerset. There is an historic under provision of one bedroom homes throughout the District and, with continuing changes to the Welfare Benefit Programme, this demand will only increase.

The 8 proposed affordable homes equate to 21% and fall short of the starting requirement of 35% affordable housing provision. This number and type is designed to fit in with existing commitments of the Registered Provider and compliments other new-build affordable housing in the area.

The proposed off-site financial contribution, ascertained using the Council's Supplementary Planning Document, takes the affordable housing provision to the required 35%.

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

Somerset Wildlife Trust

We have noted the above mentioned Planning Application from Strongvox as well as the Extended Phase 1 Habitat Survey, the Reptile report and the Great Crested Newt report produced by First Ecology. In general we would support the findings of the Survey and reports. We would also support the recommendations in the various reports, particularly with regard to the management of the site. However we note that it was recommended that a Dormouse survey should be carried out and as far as we can tell, this has not yet been provided. We would request that this is provided as soon as possible so that we can make an accurate assessment of the possible impact of the development. We were also disappointed that there did not seem to be any other recommendations for the enhancement of the environment for the benefit of wildlife as required under current Planning Legislation. At the very least we would expect that the developers should be required to provide bat and bird boxes, plant native species rich in nectar, fruit and nuts and ensure that any external lighting schemes should be designed so as to minimise light pollution. We would also ask that the internal layout of the development should incorporate wildlife corridors where possible. We would request that all of these recommendations should be incorporated into the Planning Conditions if it should be decided to grant Planning Permission.

Updated comments

Thank you for sending through the Dormouse report which is very helpful. In view of the findings in that report there would not seem to be any impact on dormice as a result of the development. However we would still request the provision of ecological enhancements in line with the other recommendations.

West Somerset Watchdogs

Having studied the plans regarding the above application we are astounded that this proposal is being seriously considered by the planners as it institutes yet another concrete blot on the rapidly diminishing countryside in this area.

From whence cometh the buyers of 29 houses and 8 apartments? We already have two new - unnecessary - developments in the course of construction and the head of one of these developers to whom I spoke admitted that they were restricting further building to see "how the market responded".

The Ellicombe Meadow proposal will cause chaos if passed as heavy vehicles will need to traverse Combeland Road and Ellicombe Lane, both totally unsuitable for such transport as they are very narrow.

There is little or no employment opportunities in Minehead and it is blatantly obvious that developers are seeking to make a lot of money out of what they assume will be new residents engaged in the Hinkley Point nuclear industry. This is fallacious as, only this week, a member of the coalition cabinet stated on television that it was extremely doubtful whether this project would ever go ahead. Ergo, this latest application is yet a further example of a land-owner and developer making substantial profits at the cost of defiling the countryside motivated by sheer greed. The Council, in initially processing this application, is obviously influenced by the amount of council tax it will accrue to swell its coffers.

There is an Agricultural Tie on this land and this has, in the past, prevented development being granted on several occasions. This tie is still in effect and must in itself preclude any possibility of granting this injudicious application.

I trust you will make the foregoing observations available to the councillors when they discuss and decide on this proposal at the next planning meeting.

Dunster Parish Council

Dunster Parish Council feel strongly that they should have been informed of this application as the access road for the new building site comes within our parish and we have also had numerous letters of complaint from residents in our parish.

We feel this road is definitely not suitable for heavy traffic, especially for a building site of this size, and the idea of heavy traffic using this Lane on a regular basis is totally unacceptable. We therefore feel another access route should be found.

CPRE Somerset

CPRE Somerset objects to this proposal for the following reasons:

Loss of Open Space: The site is outside the current developed area of Minehead and will involve building on greenfield land. West Somerset Council Local Development Panel in fact decided to priorities future development on Key Strategic Site A6, not this site, when it met in April 2013. CPRE recently published its Countryside Charter which to date has more than 12000 signatures, and the first point on that charter is a plea to protect our open spaces. This is upheld by the National Planning Policy Framework which recognises that previously developed brownfield sites should be re-used first.

Loss of Agricultural Land: We understand that there is an existing agricultural tie on this land which would have to be removed for this development to go ahead. To remove this tie would go against West Somerset DC's Policy EC5 which states "sites & premises with existing commercial activities will be safeguarded against change of use to residential or other non-employment generating uses". It would also contravene Policy NH5 which aims to protect best & Most Versatile Land. CPRE Somerset is deeply concerned about the potential loss of BMV land from the diminishing number of hectares along the West Somerset coastal plain. The land in question is good quality farmland and should remain available for the growing of food, not to be developed as land for building plots.

Visual Impact: The land in question is adjacent to the boundary of Exmoor National Park and we are concerned that any further building in this area will detrimentally affect the views

out from the park and the landscape setting of the park boundary. We believe this area should be left as a green buffer zone between the town and the National Park. WE would support the concerns raised by Exmoor Park Planning Authority in relation to this proposal.

Access: We understand from conversations with local residents that there is great concern about access and traffic issues. Any measures taken to alleviate this which would lead to damage to existing hedges and pathways will be unacceptable in this setting so close to a nationally important landscape.

Public Consultation

The local planning authority received 23 objections following the initial consultation and 21 objections following the second consultation.

The following comments were received in respect of the initial consultation (summarised):

Planning Policy

- The proposal does not appear to meet the planning policy in respect of local distinctiveness, design and landscape character
- The existing development at Ellicombe Meadow is a 50/50 mix of bungalows and two storey dwellings, the proposal is not in keeping with this mix
- The site is out side of the development limits of the current Local Plan and it is not a key strategic site in the draft new Local Plan.
- The proposal fails to comply with various Local Plan and draft Local Plan policies (inc. SP/5, LC/1, LC/3, BD/1, BD/2)
- Other sites identified for development within the Development Plan have not yet been developed
- The proposal would result in the development of Green Belt farmland

Sustainability

- There is no existing public transport to the site, the steep access via Ellicombe Meadow will deter pedestrians and cyclists. This would encourage car use against sustainability principles
- The proposal does not comply with the definition of sustainable development: "meeting the needs of the present without compromising the ability of future generations to meet their own needs"
- Those commuting from the new dwellings will add to the carbon profile of the district

Housing Need

- There does not appear to be a need for additional houses
- There are numerous properties on the market in and around Minehead which are not selling
- The new Development Plan states that much of the housing need is for affordable housing, this proposal is mainly for market dwellings
- Uncertainty surrounding the Hinkley Point project would reduce the need for new dwellings
- The demand for family homes is low, resale seems painfully slow so there does not seem to be a market for these new homes
- The proposal is contrary to policy requirements to provide 35% affordable housing
- The commuted sum for the provision of affordable housing off-site does not seem to be sufficient to make up for the shortfall in on-site provision
- The housing need is likely to fall
- There is limited employment opportunities in the district and the average wage is low, this implies there is limited demand for these properties from locally employed people
- There is already an over supply of three and four bed roomed houses, but a shortfall in one and two bed roomed properties. There is no attempt to comply with draft policy SC3 of the new Local Plan

- The scheme should have more bungalows
- This is not a suitable development for affordable housing, however if this is to be included it should be limited to residents over 60
- Increasing the number of larger houses will depress prices reducing the wealth of the town

Highway considerations

- Parked cars at the bottom of Ellicombe Meadow create a safety hazard, increased numbers of vehicles using the access will exacerbate the issue
- The traffic survey is not representative, there can be long delays exiting from Ellicombe Meadow
- Concerns expressed over the accuracy and credence of the traffic survey
- There is currently difficulty in exiting Ellicombe Meadow at peak times
- Additional traffic will exacerbate existing congestion on the A39
- Suggest that the construction access (on to Ellicombe Lane) is made the permanent access, Ellicombe Lane could be widened and improved
- Accidents have occurred at the junction of the A39 and Ellicombe Meadow due to the difficulties from parked cars at the bottom of Ellicombe Meadow
- Recent/planned development and the expansion of the college will increase traffic in the local area
- The highway authority report should be made available to residents
- The T junction at the top end of Ellicombe Meadow can become icy during the winter preventing access to the top of Ellicombe Meadow and Deer View
- The application should be refused until such a time as an access road can be built of Bircham Road/ Seaward Way roundabout through land currently occupied by the rugby club
- It may be necessary to introduce traffic control on the A39

Construction Access

- Ellicombe Lane and Combeland Road are unsuitable for heavy vehicles
- Ellicombe Lane is narrow (only 2.75m in places)
- Ellicombe Lane is regularly used by cyclists, pedestrians, dog walkers and horse riders, there is no pavements and no passing places, this is a major safety issue
- The construction access from Ellicombe Lane may be closed half way through the build process to allow for the affordable houses to be provided, this would require the remainder of the construction traffic to be routed through Ellicombe Meadow which is unsuitable for heavy traffic.
- Construction vehicles would make access from/to Ellicombe Meadow much worse and could result in accidents/injury
- The use of Ellicombe Meadow for construction traffic would result in noise, dust etc. causing stress for existing residents
- There is a tight turn at the top of Ellicombe Meadow which is unsuitable for heavy vehicles
- Construction vehicles will cause wear and tear to the roads requiring costly repair
- If the application is approved all construction traffic should be routed from Ellicombe Lane until the whole development is completed
- Development has been rejected in the past due to the inadequacy of Ellicombe Lane
- There is no visibility allowed for at the construction access
- The construction access does not appear to be wide enough to allow for large vehicles to turn into the access
- There is no impact assessment for vehicles on Ellicombe Lane
- One proposal is to concrete in the stream on Ellicombe Lane, this is within the National Park and belongs to Ellicombe Manor
- The use of Ellicombe Lane for construction traffic would breach the Health and Safety Executive guidelines

- Recently a HGV delivering to the rugby club got stuck on the bend at Ellicombe Meadow for two hours
- The impact of contractors parking on Ellicombe Meadow needs to be taken into account
- Construction access from Ellicombe Lane shows a lack of concern or thought for residents and users of Ellicombe Lane
- Ellicombe Lane should not be altered
- large lorries using Ellicombe Lane may require trees to be removed or pollarded, which would have a detrimental impact on Ellicombe Lane
- Due to the restricted nature of Ellicombe Lane, vehicles have to reverse up or down the lane
- Ellicombe Lane suffers from flooding, with associated debris and can become icy and difficult to use in winter months, the mud and slush caused by lorries would make the lane more hazardous
- Snow can collect on Ellicombe Lane making use of the lane hazardous

Biodiversity

- Felling of two trees is not environmentally friendly
- Loss of a section of hedgerow to provide construction access would harm ecology
- Concerns that the existing, important, hedgerows, that act as screening and provide habitat, will be removed
- Concerns that the dormice survey may be inaccurate
- The impact of the loss of the hedge from the provision of a construction access does not appear to have been taken into account
- The Wild Orchid "Lady's Tresses" has been identified in the grounds of Ellicombe Manor it is therefore likely to be on the development site
- Impact on wildlife including protected species
- Query who would be responsible for the upkeep of the conservation area
- Concern over the possibility of future planning applications within the conservation area
- Query whether there has been an ecological impact assessment of the area
- There is a thriving badger colony on the site
- Many species of birds have been spotted at site

Landscape Impact

- The site forms a green barrier between Minehead and the National Park
- A precedent has been set by the existing development for bungalows along the boundary with Combeland Road to minimise the visual impact, the proposed two storey development would detract from views towards the National Park
- Views from Ellicombe Lane and the National Park will be dominated by the development especially in winter months
- Query whether the National Park Authority have been consulted
- Views from Minehead towards Grabist Hill and vice versa will be spoilt
- Encroachment on the hamlet of Ellicombe

Impact on Listed Buildings

- There are several listed buildings on Ellicombe Lane in close proximity to the proposed construction access
- The affordable housing would dominate Old Chapel Cottage, a listed building, impacting on the setting of the building, views of North Hill and Grabist Hill would be lost affecting the setting of the listed building
- As the construction access is within the curtilage of a listed building surely listed building consent is required
- Old Chapel Cottage, the nearest building to the proposed access, is Grade II listed. This has had recent collapses from being hit by a lorry on Ellicombe Lane and during renovation works
- Heavy vehicles using the construction access are likely to cause damage to Ellicombe

Manor, a Grade II listed building of cob wall construction. Cob walls cannot withstand vibration from large vehicles so close

- The listed buildings on Ellicombe Lane have been missed of the plans

Amenity

- Impact on residents during construction (noise, dust, vibration, mud)
- Construction over a three year period would have a devastating effect on the holiday cottage business, which would have to close during the construction period and possibly lead to permanent closure
- Through the construction period there could be a loss of income for the holiday let business at The Barns, Ellicombe Lane, this would result in less people visiting Minehead and Exmoor
- The proposed dwellings are too close to properties in Deer View (nos. 1, 3 and 5)
- Plot 27 will cut out light to 7 Deer view
- Overlooking from plots 29 and 30 into 7 Deer View
- Plot 30 is extremely close to the boundary of 5 Deer View
- Suggest that one bungalow replaces the house and bungalow on plots 30 and 31 to reduce impact on residents of Deer View
- Little consideration has been given to the privacy for residents of Deer View
- Discussions are required between the developer and residents of 1, 3, 5 and 7 Deer View in respect of boundary fences and hedges. All boundaries must be dog proof
- There should be a restriction on when work is carried out on site

Flooding and Drainage

- Developing this site could exacerbate existing flooding problems

General

- This is an example of an landowner and developer making profits at the cost of the countryside
- The Council appears to be influenced by the amount of council tax that will accrue as a result of the development
- There is an agricultural tie on the land which has prevented development being granted in the past and must preclude granting of this application
- A bungalow on plot 37 would be preferable
- If planning permission is granted, the development should be subject to bylaws matching those of the existing development (no caravans or boats to be parked, no extension, alterations or out buildings for a minimum of three years, no business to be conducted from the dwellings)
- If planning permission is granted a substantially shorter development time needs to be set
- A pedestrian/cyclist access onto Ellicombe Lane or Combeland Road would be beneficial
- Various queries have been made in respect of the applicants planning statement
- Temporary jobs and profits from the construction will not necessarily stay in Minehead
- Retired people occupying the dwellings will become dependant on the district's social services
- Previous applications have been refused due to access concerns
- The first application for the development which became Ellicombe Meadow was rejected due to the number of properties. The number of dwellings was reduced and the planning application was granted. The proposals will raise the number of dwellings to the level of the rejected application
- Planning permission for development of the site has been turned down in the past
- The application is contrary to the Strategic Housing Land Availability Assessment which notes that suitable access is not available from the highway and notes that the site has to be developed with the rugby club land providing access
- There are other available sites that do not have access issues

- No decision should be taken until the long term future of the rugby club site is determined
- Plot 27 should be a bungalow
- The play area in the application is not needed
- Ellicombe Manor is incorrectly shown as a hotel on the submitted plans
- This is unnecessary development of a greenfield site
- Residents have paid a premium for properties overlooking green fields
- The proposal would put increased pressure on health facilities
- There would be a negative impact on businesses in Ellicombe Lane
- Impact on tourism through harm to views
- Impact on views will reduce house values
- Loss of agricultural land

A petition containing 63 signatures of residents from Ellicombe Meadow and the associated cul-de-sacs has been received. The petition states:

"We the undersigned suggest that the proposed "temporary access" from Ellicombe Lane be made permanent and the proposed access via Ellicombe Meadow be restricted to use by pedestrians: thus providing a safer and potentially more expeditious way for additional traffic generated by the development, using Seaward Way roundabout, to access the A39."

Due to concerns raised by the highway authority in respect of the use of Ellicombe Lane for construction traffic a second consultation was undertaken to alert local residents to the possibility that all or some construction traffic would be routed through Ellicombe Meadow rather than a construction access being formed off Ellicombe Lane. The following comments were received in respect of the second consultation (summarised):

- Exit from and entrance to Ellicombe Meadow is aggravated by vehicles parking close to the junction with the A39.
- Ellicombe Meadow is steep and there is a tight turn at the top of Ellicombe Meadow making access for HGV's difficult
- It is unreasonable to subject residents to construction traffic for a two/three year period
- If construction access from Ellicombe Lane is not acceptable the application should be refused in its entirety
- Construction traffic would create unacceptable levels of noise, dirt, disruption and congestion for residents of Ellicombe Meadow
- During construction the value and saleability of properties in Ellicombe Meadow will be compromised
- Construction vehicles will cause serious delays on Bircham Road particularly during peak times and during the main holiday season, impacting on teachers, students and local coach companies
- Many residents of Ellicombe Meadow are elderly/retired and the disruption will have a serious impact on their health
- Allowing the use of Ellicombe Meadow for construction traffic could be seen as an infringement of the human rights of residents
- The application should be refused and only considered if access can be achieved from land currently occupied by the rugby club, the access for construction and subsequent residents can then be made from the Bircham Road/ Seaward Way roundabout
- The use of Ellicombe Meadow instead of Ellicombe Lane for construction traffic will effect near on 200 people as opposed to a handful of residents in Ellicombe Lane
- Ellicombe Lane is ideal to use as it already has a roundabout for easy access
- Lorries exiting Ellicombe Meadow will not be able to turn directly left into the road, but will have to go onto the other side of the road
- Many college students cross the road at this point so a serious accident may occur
- The rugby club has offered their land for construction traffic so very few people, if any, would be affected by the construction traffic

- If cars are parked on Ellicombe Meadow lorries will not be able to enter the site, the road will be blocked as it is not wide enough
- There will be no parking facilities for building staff other than Ellicombe Meadow
- Access via the rugby club makes good sense
- There can be significant delays when waiting at junctions to join Bircham Road
- The use of Ellicombe Meadow for construction traffic could result in a fatal accident
- Concerns that damage may occur to Ellicombe Meadow and query who would be responsible for the cost of repairing damage
- Concerns in respect of mud and debris being carried onto the highway and query who would be responsible for clearing this up
- Concerns in respect of the accuracy of the traffic survey
- For the College Gardens development, construction traffic did not use the estate roads through the Shires
- Collection lorries are often having to reverse in certain areas of Ellicombe Meadow
- Disruption is caused by builders lorries reversing into the College Gardens site
- Students who park in The Shires may no longer be able to do so increasing parking potential in Ellicombe Meadow during term time
- Children can play in the road without fear of speeding traffic, to develop this area will make the road unsafe
- The development may increase the risk of flooding
- The development will be a further drain on facilities
- Loss of tranquillity and green open spaces
- There have been several near misses at the junction
- There should be restrictions on the hours the builders can operate

Photographs have been submitted showing vehicles parked on Ellicombe Meadow, close to the junction with the A39 and a recycling lorry on Ellicombe Meadow. Photographs have also been submitted showing a lorry in Ellicombe Lane.

Planning Policy Context

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

The following Policies are considered relevant to this application:

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

NC/4 Species Protection
 TW/1 Trees and Woodland Protection
 SP/2 Development in Minehead and Rural Centres
 LC/1 Exmoor National Park Periphery

The Supplementary Planning Document (SPD) in respect of Planning Obligations (adopted December 2009) is relevant to this proposal.

The Somerset County Council Parking Strategy was adopted by the County Council in March 2012 and is a material consideration in the determination of this proposal.

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

Planning History

There is a significant amount of planning history related to this site and the adjoining sites following planning history is most relevant to this application:

3/21/74/024	Part residential/art small holding	Refused	23/09/1974
3/21/80/204	Erection of agricultural bungalow	Granted	22/06/1981
3/21/83/072	Erection of bungalow	Refused	02/06/1983
3/21/83/148	Erection of bungalow	Granted	15/07/1983
3/21/89/258	Erection of small bungalow	Refused	23/11/1989
3/21/05/011	Removal of agricultural tie	Refused	29/03/2005
3/21/13/083	Erection of a single dwelling with access from Ellicombe Lane	Granted	14/10/2013

Site Description

The application site is located in the south western portion of Minehead. The site is located adjacent to the development know as Ellicombe Meadow and the rugby club. The application site is located adjacent to the dwelling known as The Maples. The Maples is accessed of Ellicombe Lane. The site consists of an agricultural field of around 1.8 hectares. The site is roughly L shaped and surrounded by hedging and some tree planting to all of its boundaries, although there are gaps within this planting in a number of areas. The site slopes upwards from north to south increasing in steepness in the southern portion of the site. In the south eastern portion of the site the land levels begin to fall away. The south eastern corner of the site (to the south of The Maples) has a verdant character with denser vegetation. There is a pond in this section of the site.

There are several listed buildings located on the eastern side of Ellicombe Lane. The land to the eastern edge of Ellicombe Lane is located within Exmoor National Park.

Proposal

The application seeks planning permission for the erection of 29 dwellings and 8 flats. The majority of the dwellings are proposed to be two storey in height. The building containing the apartments (plots 5 - 12) is also two storey in height. Three plots (28 - 30) are proposed to be single storey dwellings, with no accommodation within the roof space. The majority of the dwellings are detached, with two pairs of semi-detached dwellings and two dwellings linked via their single storey garages. The dwellings are designed to have a traditional appearance, with mix of render, brick and stone with a mixture of brown tiles and state style tiles for the roofs. The flats are contained in a single building designed to have the appearance of a single large dwelling. All of the proposed dwellings have garages (some single, some double) The flats are provided with a parking court and a separate bicycle and bin store. Access is proposed from the A39 through Ellicombe Meadow. The applicant has proposed to provide a construction access from Ellicombe Lane (through land associated with the adjoining dwelling, The Maples). Due to the location of the construction access this could only be used for a portion of the build as this would have to be closed of by the time 50% of the market dwellings are occupied.

All the apartments are proposed to have one bed room. Eight of the dwellings are three bed roomed dwellings and 21 of the dwellings are four bed roomed dwellings.

Ten parking spaces are proposed for the flats (one space per flat and two visitor spaces). For the 29 dwellings all properties have at least two parking spaces between the drives and the garages with some of the plots able to accommodate six vehicles. Four pull in visitor parking spaces are proposed around the site.

The application also includes an area of open space of a approximately 700 square metres. The extreme south eastern portion of the site is not proposed to be developed.

Planning Analysis

Principle of Development and 5 year land supply

Overview

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

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

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

When dealing with sites outside of the development limits Policy SP/5 of the Local Plan is the relevant settlement policy. SP/5 requires that development on sites outside of the development limits is strictly controlled and limited to development that benefits social or economic activity, maintains or enhances the environment and does not significantly increase the need to travel.

However Paragraph 49 of the Framework identifies that Development Plan policies that specifically deal with supply of housing should not be considered up to date where a local planning authority cannot demonstrate a 5 year land supply. In this scenario the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Five Year Land Supply Implications

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

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

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

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

Principles of Sustainable Development

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

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

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

The site is located a little under 3/4 of a mile from the centre of Alcombe, about 1 mile from a supermarket and over 1 mile from the centre of Minehead. Collectively there is a good range of services and facilities in these locations. Although 3/4 of a mile to 1 mile is beyond what is considered to be easy walking distance it is a relatively easy cycling distance. The site is located around 500m from a bus stop. The distance to the town centre and other services and facilities is such that the site is not the most ideal in terms of transport sustainability. However services facilities and employment can be reached relatively easily without the need to use a car. It is noted that several other parts of the town located within the development limits are equally as distant from the town centre etc. In reality new sites to meet the housing need are likely to come forward on land that is similarly distant from the town centre and other service areas. Travel plan measures (which can be secured through a planning condition) would help to maximise opportunities for the use of sustainable modes of transport. Overall it is considered that the location of the site is acceptable in transport sustainability terms.

Housing supply

In considering a proposal against sustainable development principles the provision of a supply of housing to meet the needs of present and future generations is an important factor. This development would make a relatively significant contribution to the housing need in West Somerset. There is a mix of house types and tenures with 8 one bed roomed affordable units for rent and a range of three and four bed roomed dwellings, three of which are bungalows. There has been some concern that the weighting of the development is towards larger (three and four bed roomed) units rather than smaller properties. Although this is a material planning consideration, within the existing Local Plan there is no policy that seeks to secure a mix of housing. Within the draft emerging Local Plan Policy SC3 seeks to provide a mix of housing sizes, tenures and types to meet the needs of the areas communities. In view of the very early stages of the emerging Local Plan very little weight can be applied to this Policy. Also as currently drafted the Policy is relatively vague. Although the development is weighted towards 3 and 4 bed roomed properties, there is a mix of type, tenure and size of dwellings and it is considered that the mix of house types is acceptable.

Affordable Housing

Policy Overview

Policy H/4 of the local plan requires that affordable housing is provided on sites where 15 or more dwellings are proposed in Minehead. The Policy sets out that the provision should be based on the level of identified need in the area and sets out a number of factors to be taken into account in considering proposals where an affordable housing contribution is required.

The Council's planning obligations SPD provides up to date policy in respect of the provision of affordable housing. The SPD reduces the threshold when affordable housing should be provided to eight or more dwellings and sets the provision at 35% of the total number of dwellings.

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

On-site Provision

Having regard to the comments from the Housing Enabler, for this site, the provision of 1 bed roomed units would be a suitable solution. Primarily this is due to the recent increase in demand for these types of units. Recent applications for affordable housing within Minehead have not contained any 1 bed units. The provision of 1 bed roomed units as flats is considered to be acceptable. The current local need indicates that the affordable homes should be provided on a social rent basis, this is the tenure proposed and this would be secured through a Section 106 agreement.

The proposal is for eight affordable units which amounts to 21.6% of the overall dwellings, where as 35% of the dwellings would equate to 13 units. As such the on site provision is below the percentage required by the SPD.

Off-site Contribution

The Council's SPD allows for financial contributions for affordable housing in lieu of on-site provision. The Housing Enabler has confirmed that the number and type of units provided on-site is designed to fit in with the existing commitments of a Registered Provider. The applicant is proposing to make up for the shortfall in the on-site provision through a contribution towards the provision of off-site affordable housing. The Housing Enabler is supportive of this approach.

For off-site contributions the SPD sets out that contributions should be provided on the basis of the following calculation:

$$\text{Contribution} = N \times (\text{OMV} - \text{SP})$$

N = Number of affordable units provided

OMV = Open market value of units provided

SP = Notional affordable housing sale price of units to be provided

In order that a 35% provision of affordable housing is achieved the development should provide 12.95 affordable dwellings. There is a shortfall of 4.95 dwellings (N = 4.95). In considering this proposal the Housing Enabler has used a figure of £90, 000 which is derived from the average value of 1 bed roomed properties advertised for sale in Minehead (OMV = 90, 000). The Notional affordable housing sale price has been calculated as 75% of the Open Market Value which equates to £67, 500 (SP = £67, 500).

$$4.95 \times (90, 000 - 67, 500) = \pounds 111, 375$$

The applicant is proposing that £111, 375 is provided through the Section 106 Agreement. Having regard to the SPD and taking account of the information provided by the Housing Enabler this proposal will result in the provision of affordable housing at a rate equivalent to 35% of the market dwellings proposed.

Provision

In respect of the provision of the affordable housing contribution, 50% of the payment is to be made prior to the commencement of the development and the final 50% of the contribution is to be paid prior to the occupation of 50% of the dwellings.

The on-site affordable housing is to be completed and the ownership transferred to a Registered Provider prior to the occupation of no more than 50% of the open market dwellings at the site.

Conclusion

It is considered that the affordable housing provision falls within the requirements of the Council's SPD and complies with policies within the Framework (paragraphs 47 and 50). The trigger points for the provision are considered to be appropriate. The provision of a policy compliant proportion of affordable housing is a significant factor that weighs in favour of this proposal.

Economic implications

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

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

Character and Appearance of the Area

Planning Policy Overview

Policies BD/1 and BD/2 of the Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments. The Framework places a strong emphasis on design and states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" (paragraph 56).

Impact on Ellicombe Meadow and the surrounding built development

The application site is relatively well contained with hedging to the periphery which would limit views of the site from the surrounding land, although there are wider, more distant views, of the site.

The application site is contiguous with the built edge of Minehead. The site would appear as an extension to Ellicombe Meadow. There would be a buffer of undeveloped and sparsely developed land between the built up edge of the new development and Ellicombe Lane.

The proposed development is a mixture of one and two storey development. This scale of development is common in the locality and as such generally, in terms of scale, it is considered that the development is sympathetic to the surrounding built development. The

southern portion of the Ellicombe Meadow development (Deer View) is formed by single storey bungalow development. Bungalows form a portion of the proposed dwellings and these are located adjacent to the dwellings in Deer View. However the southern portion of the proposed development (i.e. plots 18 - 27) are all two storey development. It is noted that there are concerns about this and some have observed that single storey development may be more appropriate in this location. In viewing the development from within the site and the immediate adjoining land, two storey and single storey sitting alongside each other is not uncommon. On sloping sites, two storey dwellings on higher land is also common and not out of keeping with the general character of the surrounding area. Whether it is appropriate for there to be two storey dwellings on the higher land at the south of the site is a more significant issue in respect of wider views/ landscape impact. This is considered in detail below.

It is considered that the layout of the proposed development is in keeping with the character of the surrounding area. In general the buildings front the road, providing appropriate street schemes. The layout, with the provision of small front gardens to the plots and the provision of the open space, would create a pleasant spacious environment. The dwellings are provided with sufficient parking so that there should not be significant on-street parking.

The design of the proposed dwellings is traditional in appearance. The dwellings are proposed to be a mix of brick, render and stone, which are all materials common to the locality. A mixture of brown tiles and state style tiles are proposed. Many of the dwellings contain porches, bay windows, exposed purlins to the gables and brick or stone detailing around the windows. These design details reinforce the traditional design approach.

The eight flats are proposed in a single block. This building is sited so that it forms a terminating view from the access to the site off Ellicombe Meadow and as such is a key part of the development. The building has been designed to appear as a single large dwelling with two projecting gable features either side of a central entrance door. The gable features are proposed to be of stone with the addition of bay windows. Although this is a large building it is considered that, due to the height, design and detailing, this would not appear out of character with the proposed dwellings.

The design of the dwellings in Ellicombe Meadow (and the associated cul-de-sacs) is suburban in appearance. The proposed dwellings are much more traditional in appearance. At the transition between the existing development and the proposed development there would be a reasonable gap between the dwellings. It is considered that this gap will help with the transition of design styles. Although the design style will change the general scale of the dwellings are similar and this will allow the existing and proposed development to sit comfortably alongside the neighbouring housing.

Impact on the setting of Exmoor National Park and Landscape Impact

This application site is in close proximity with the boundary of the Exmoor National Park and as such Local Plan policies LC/1 and LC/3 would be applicable, which state:

- "Development proposals in areas bordering Exmoor National Park, which may harm the landscape character of the Park, will not be permitted".
- "Where development is permitted outside development limits, particular attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development, which does not respect the character of the local landscape will not be permitted".

Paragraph 115 of the Framework is clear that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONB's. The Framework confirms that these areas have the highest status of protection in relation to landscape and scenic beauty.

The National Park boundary is located to the eastern side of Ellicombe Lane. There are views of the site from within the National Park and as such there is potential to impact on the setting of the National Park.

There is currently a buffer between the edge of the National Park and the built edge of Minehead. There is relatively loose knit development along either side of Ellicombe Lane, both within and outside of the National Park. On the western side of the lane there is a single dwelling (The Maples) and a small array of barns/out buildings to the north of the Maples. Outline planning permission has recently been granted for a single dwelling on land to the north of the Maples. A single dwelling in this location is in keeping with the loose knit pattern of development and the spacious site would result in this buffer on the edge of the National Park boundary being maintained, preserving the setting of the National Park. The application site is an undeveloped field and provides a wide buffer between the edge of the National Park and the urban fringe of the town. The proposed development would be contiguous with the built up area of Minehead and forms a natural extension of the developed fringe of the town. Wider views of the site from the National Park would be in the context of the built edge of Minehead. It is considered that the development would appear as appropriate built development on the edge of the Minehead. An area of land in the south eastern portion of the site is to be retained as undeveloped land. This area of land contains an woody/scrubby area, the vegetation within this area provides some screening. The retention of this undeveloped section of the land, with the vegetation would maintain this buffer of limited development along the boundary of the National Park.

The application site rises with the higher land in the southern portion of the site. Although some bungalows are proposed within the development, the dwellings in the southern portion of the site are all two storey dwellings. Combeland Road (to the south of the site) is located on higher land than the application site. There is a degree of cut and fill proposed across the site. This would result in the floor levels for the dwellings at the top (south) of the site being set down quite significantly below the height of Combeland Road (circa 3m). Combeland Road is bounded by a bank and hedge. This degree of set down from the land beyond the site will reduce the impact of the dwellings when viewed from land to the north of the site and from wider views, including views from within the National Park. The roofs of the dwellings in Deer View (the cul-de-sac at the south of Ellicombe Meadow) are visible from Combeland Road. Due to the levels across the site and the degree of set down proposed the impact of the proposed dwellings (plots 22 - 27) would be similar to that of the existing dwellings in Deer View, with the roofs visible above the hedge line. Views of the development from the north will be off dwellings on the fringe of the town, with the landscape rising steeply beyond. It is considered that two storey development, set down into the site would appear as appropriate built development on a site which has gently sloping land.

It is considered that the development would be assimilated well within the landscape and appear as an appropriate extension to the built up edge of Minehead. It is considered that the scenic quality of the local landscape and the setting of the National Park would not be harmed.

The applicant has provided detailed levels information and cross sections, this information has been passed to the National Park Authority.

Impact on the Setting of the Nearby Listed Buildings.

When considering development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the listed building or its setting (Section 66 of the Planning (Listed Building and Conservation Area) Act 1990).

The Framework cites “contributing to protecting and enhancing our ... built and historic environment” as a key element of sustainable development (Paragraph 7). Chapter 12 of the Framework states that “when considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation".

The proposed development is separated from the Listed Buildings in Ellicombe Lane by a considerable distance (40m from the boundary of the proposed dwellings and the boundary of Ellicombe House and around 70m from the boundary of the development and Ellicombe Manor). The proposed development would be separated from Ellicombe Lane by the sparse residential development on the western side of the lane (The Maples and the dwelling granted outline consent under application reference 3/21/13/083) and the area of land in the corner of the site is to be left undeveloped. This land gives a buffer between Ellicombe Lane and the more dense development proposed as part of this scheme. Due to the vegetation the proposed development would not be easily visible from Ellicombe Lane or the listed buildings. It is considered that the degree of separation from the listed buildings and the built development proposed is such that the setting of the listed buildings would not be harmed.

A concern has been raised that the flats (plots 5 - 12) are in a building that is significantly taller than the nearby listed building (Old Chapel Cottage, which forms part of Ellicombe Manor). There is also concern about the pitch of the roof of this building and the impact this building would have on the setting of Old Chapel Cottage as well as the impact through the change to the view from this building. Plots 5 - 12 are located about 70 metres from the Listed building which is a significant distance. This building is about 9.5m tall which is not significantly above the height of the two storey dwellings proposed as part of the scheme (around 8.5m). It is considered that, due to this distances involved and the existing and proposed landscaping between the listed building and these plots, the setting of the listed building would not be harmed.

It has been suggested that the construction access from Ellicombe Lane would go through the curtilage of a listed building and it has been queried whether listed building consent is required. The works to provide a construction access from Ellicombe Lane would not be within the curtilage of a listed building and an application for listed building consent would not be required.

Highway Safety

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

Junction Capacity and Access to the A39

Access to the site is proposed off the A39, through Ellicombe Meadow. The proposed estate road for the new development is a continuation of the existing road layout within Ellicombe Meadow. The highway authority has confirmed that there is no issue with the proposed level of trip generation or its impact on the surrounding highway network. There is capacity for the junction of Ellicombe Lane with Bricham Road to accommodate the additional traffic associated with the development. The level of additional traffic would not result in any significant additional queues. The junction of Ellicombe Meadow and the A39 is a well made access of appropriate width to accommodate two-way vehicle movements. There is appropriate visibility at the site junction. This access can accommodate the additional traffic associated with the proposed dwellings.

It is noted that there is some concern in respect of the traffic surveys carried out to inform the transport statement. The highway authority has not raised any objections to the information supplied in the transport statement. The A39 is a major route through the district and surveys are carried out regularly. As such the highway authority is aware of the likely traffic flows and any significant issues with the information provided would be obvious to the highway authority.

Estate Road Layout

Subject to agreement of details, the Highway Authority has confirmed that the internal layout of the estate road is broadly acceptable. There were a few small areas of concern that required minor alterations to the road layout. These alterations do not have a significant impact on the layout of the site and the applicant resolved these minor issues and provided a revised site layout plan. The detail of the estate road construction is a matter for the County Council to deal with through the adoption process (and associated legal agreements). It is not necessary to also agree this detail through a planning condition.

Travel Plan

Having regard to the County Council's Travel Plan Guidance, as the site is for the provision of greater than 10 but fewer than 50 dwellings, a measures only travel plan is considered to be necessary. Travel plans are a management tool to help reduce the reliance on car use and promote sustainable transport modes. The travel plan would introduce an number of measures and initiatives to promote the use of sustainable transport modes. Achieving a positive model shift in transport use is an important element of sustainable development. As such it is necessary to secure a travel plan as part of this proposal.

The application is supported by a travel plan statement. In its current form this is considered to be insufficient. The applicant is seeking to resolve these issues and supply a robust travel plan statement. Although it is noted that the County Council would prefer to that the travel plan be secured via a Section 106 agreement, it is possible to secure this through a planning condition. In this case, given the relatively small scale of development, it is considered to be appropriate to secure this via a planning condition. Although it would be beneficial to have a robust statement prior to the issuing of planning permission it is possible to secure a sufficient level of detail though the condition.

Parking

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

Having regard to the parking strategy, in zone B, the following is considered to be the optimum parking provision:

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

In terms of visitor spaces, where less than half the parking is unallocated the Parking Strategy suggests visitor parking should be provided at 0.2 spaces per dwelling.

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

The Parking Strategy also seeks the provision of 1 cycle space per bedroom.

Over the whole site there are proposed to be eight, 1 bed roomed units, eight 3 bed roomed units and twenty-one, 4 bed roomed units. As such the optimum parking sought for the development would be 95 parking spaces.

Some of the driveways are quite long. The double width drives that are 12m or greater in length could easily accommodate 4 parking spaces and leave room to access any garage. Where there are also double garages the plots with the long drives could accommodate 6 parking spaces. In respect of the 29 dwellings the drives and garages could accommodate parking for at least 100 cars. There are eight dedicated parking spaces for the flats and two visitor spaces, with a further four visitor spaces across the site. In total the development proposes 114 spaces. This is above the optimum parking provision sought by the Parking Strategy.

The dimensions of the parking spaces and garages are in line with the requirements of the strategy. The parking spaces in the parking court for the flats are 4.8 x 2.4m. The visitors parking spaces parallel to the kerb are 6.0m x 2.0m with an additional splay. All the drives are a minimum of 6.0m long which is sufficient to accommodate a parked car and allow access to a garage. The internal dimensions of the garages are in accordance with the Parking Strategy. Where the garages form an integral part of the parking provision (i.e. on plots where there are not two or more spaces on the driveways) it is considered to be necessary to ensure that those garages are retained for parking.

The flats do not have any garages or any garden area. A cycle storage building is proposed with space for at least 8 cycles. As such the proposal complies with the requirements of the Parking Strategy for the provision of cycle storage. All of the dwellings have garages and gardens and as such there is ample room for cycle storage to be accommodated within the development. The details of the cycle storage can be secured by condition.

As all plots, except the flats within plots 5 - 12, have garages, providing electric vehicle charging points is a straight forward exercise and a charging point within parking court for plots 5 - 12 would be simple to provide. The provision of the charging points can be secured as part of a travel plan condition (20).

Construction Access

The impact of construction traffic on residents of Ellicombe Meadow (and the associated cul-de-sacs) was raised as a significant issue during the public consultation carried out by the applicant prior to the submission of the application. In seeking to respond to this concern the applicant proposed the use of Ellicombe Lane as a construction access for some of the construction traffic. Through the application process concerns have been expressed in respect of the use of Ellicombe Lane for construction vehicles by local residents. These concerns relate to the narrow nature of the lane and the potential for conflict between vehicles, pedestrians and other highway users. There are also concerns in respect of potential damage to property, including the listed buildings (and associated walls and out buildings) located close to the lane.

The applicant's proposal is that Ellicombe Lane be used for some of the construction traffic. It must be borne in mind that it would not be feasible for all construction traffic to utilise a construction access from Ellicombe Lane. At the point of the access into the site operational development is proposed in the form of a bin and cycle store and a parking court. These are an integral part of plots 5 - 12 which provide the 8 flats which would be the affordable dwellings. The provision of the affordable dwellings would be secured through a Section 106 agreement to ensure that these dwellings are provided in a timely fashion to meet identified needs and alongside the market dwellings. The point at which the affordable housing is to be provided (ready for occupation and transferred to a Registered Provider) is before any more than 50% of the market dwellings are occupied as such the access could not be used throughout. The majority of the HGV movements would be associated with the early phase of the build, the groundwork's, drainage and provision of the roads. Also a significant portion of the dwellings could be begun (having had materials delivered etc.) prior to the point where it becomes necessary to close the construction access to allow plots 5 - 8 to be completed and ready to be transferred to the Registered Provider. As such the reality is that access through Ellicombe Meadow would be necessary for the later phases of the build, which would include some HGV movements.

The Highway Authority has raised significant concerns in respect of the suitability of Ellicombe Lane for construction traffic. This concern is in respect of both the narrow nature of the lane (and thus the potential for conflicts) and also in respect of the suitability of the lane to accommodate heavy traffic without significant damage taking place to the road surface and edges. To seek to address these concerns the applicant suggested an alternative proposal to introduce two points of access, with Ellicombe Meadow used for access for smaller vehicles such as contractors vans and cars and Ellicombe Lane used for HGV deliveries and servicing. The applicant proposed that the HGV access via Ellicombe Lane be carefully managed to avoid conflicts. The management could include co-ordination by the site manager with requirements that drivers call a head and utilising banks men to control the movements over the 160 m stretch of Ellicombe Lane between the Rugby Club entrance and the construction access thus avoiding vehicles meeting on the lane. The applicant has estimated that there would be approximately 80 - 100 HGV movements for the delivery of construction materials and groundwork, roads and servicing. With these relatively small numbers of HGV movements it is the applicant's view that suitable management can be put in place to minimise risk of conflict.

The applicant's proposal to split the movements over the two accesses and carefully manage the HGV movements could minimise the risk of vehicles, pedestrians and cyclists meeting on the lane. However the potential for damage to the highway remains a significant concern to the Highway Authority. It remains the view of the Highway Authority that the use of Ellicombe Meadow for all construction traffic is the appropriate option. Ellicombe Meadow was constructed relatively recently. It is a well made, dual width road, built to adoptable standards. As such there is not the same concern in respect of construction traffic damaging the road. Any damage is likely to be limited, easily identifiable as a result of construction vehicles (rather than other vehicles) and simple to repair. Condition surveys prior to and then post the development would identify any damage and then any damage can be rectified by the developer, this can be secured by condition (10).

Residents of Ellicombe Lane were contacted to inform them that the use of Ellicombe Meadow for the construction access was being considered, a summary of the additional comments received in respect of this have been set out above.

In view of the above it is considered that the applicant's proposal to utilise Ellicombe Lane for some of the construction traffic is not acceptable. Planning permission should not be refused where a condition can be put in place to overcome the objection to the scheme. In this case the use of Ellicombe Meadow is a suitable alternative for construction traffic and as such it is recommended that Ellicombe Meadow is utilised for construction access and a condition is recommended to prohibit an access being created onto Ellicombe Lane (9).

Good site management practices can be put in place to help minimise the impact of construction traffic on local residents and the highway network. Such measures can include avoiding peak times for deliveries and ensuring that deliveries occur at appropriate times of the day. Ensuring that vehicles leave the site in a clean condition would avoid mud and debris being carried onto the highway. These matters can be secured by planning condition (11 and 12). The applicant has provided a draft construction management plan and this is being reviewed by the Highway Authority.

Alternative Construction Access

The northern portion of Ellicombe Lane is wider up to the point where there is access to the Minehead Barbarians rugby club. Beyond the rugby club access, heading south, the lane narrows to single width. A query was raised with the applicant in respect of the possible use of the entrance to the rugby club for construction traffic. The applicant has investigated this option and stated that in order that sufficient safe passing space is provided to the front of the building vehicles would need to cross the playing surface. In addition, due to the gradient of the site, a suitable ramp to negate the change in level would be required for vehicles. Both of these measures would have an unacceptable impact upon the running of the rugby club and this option is therefore not feasible.

Existing Parking Concerns

There has been some concerns expressed in respect of injudicious parking of vehicles in Ellicombe Meadow close to the junction with the A39 which can make access into and out of Ellicombe Meadow less convenient. This concern is understood, however it is an existing situation and it is not a situation that is brought about by the proposed development. The additional traffic that would arise as a result of the proposed development is relatively modest and there is sufficient capacity at this junction to cope with the increased traffic. Where imprudent parking takes place on a regular basis the Highway Authority can seek to impose traffic regulation orders to address such issues (i.e. double yellow lines). This is not an issue that needs to be resolved to allow this proposal to proceed, but rather a separate matter for residents to take up with the Highway Authority.

Residential Amenity

Policy Overview

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

Impact on Ellicombe Meadow and Deer View

The dwelling on plot 1 is located 8m from the Gable of 11 Ellicombe Meadow. This is a generous separation distance between the side gables of the dwellings and the dwelling on plot 1 (and the associated garage) would not result in any undue overlooking to the neighbouring dwelling. No windows are proposed at first floor level in the gables.

Plot 37 is located to the rear of 1 Deer View. 1 Deer View benefits from a relatively long rear garden (around 15m). The garage on plot 37 is 18 m from 1 Deer View and the gable of the dwelling is around 28m from the rear of 1 Deer View. At these distances there would not be any significant overbearing impact from plot 37. There are no windows in the gable facing 1 Deer View and as such there will be no overlooking. There would be an outlook, at an oblique angle, towards 3 and 5 Deer View from the rear first floor windows of plot 37. At the closest, there is a distance of 13 metres from the windows to the boundary. Such a separation distance is common in a residential setting and any overlooking is not considered to be harmful.

Plots 28 - 30 are proposed to the rear of 5 and 7 Deer View. Plots 28 - 30 are bungalows and no accommodation is proposed in the roof space. There are good levels of separation between these plots and the properties in Deer View (around 14m). As such there would not be any substantive overlooking or over bearing from these plots to the properties in Deer View. It is considered necessary to restrict some of the permitted development rights for the insertion of dormer windows and roof lights into the rear of plots 28 - 30. More substantive alterations to these dwellings (i.e. raising of the roof height) would require planning permission and the impact of such changes would be assessed at the time any such applications were made.

Plot 27 is located near to the very end portion of the garden associated with 7 Deer View. Plot 27 is proposed to be a 2 storey dwelling. This plot is located 13m from the boundary of 7 Deer View and is orientated so that it does not face towards the garden. Any overlooking would be at a very oblique angle and only towards the very end of the garden. There would therefore not be any significant loss of amenity associated with this plot.

There has been some concerns raised in respect of losses/impact on views from existing dwellings and gardens. As these views are over third party land this is not a material planning consideration and cannot be taken into account in reaching a decision on this application.

Impact on The Maples and the Adjoining Building Plot

Plots 15 - 21 are located close to the boundary with The Maples. Some of these plots are relatively close to the boundary (as little as 7m). At this distance the overlooking can be significant. However The Maples benefits from an extensive garden area and significant portions of the garden would be much further away from the proposed dwellings and thus not as affected. The distance to the dwelling itself is over 18 metres. This degree of separation is sufficient for there to be an acceptable level of amenity to for The Maples.

Plots 5 - 15 are located close to the boundary with the site where outline planning permission has recently been granted for the erection of a single dwelling. The dwellings (plots 13 - 15) are located about 7m from the boundary and the flats in plots 5 - 12 are located very close to the boundary (as little as two metres). However at first floor level the rooms in the rear of the flats are served by roof lights and as such there will not be overlooking to this plot. Although siting was not considered through the outline application on the adjoining plot, the plot is generous in size so that a dwelling could be located sufficiently far from the boundary to provide an acceptable level of amenity for the flats and dwellings in this application and the dwelling on the land to the north of The Maples.

Impact on the Dwellings in Ellicombe Lane

The proposed dwellings are located a significant distance from the dwellings in Ellicombe Lane (in excess of 50m) and there is significant vegetation screening in between. There would not be any substantive impacts on residential amenity of properties in Ellicombe Lane.

Impact of Additional Traffic Through Ellicombe Meadow

There have been significant concerns expressed in respect of increased traffic utilising Ellicombe Meadow. There are potentially amenity issues associated with such movements. It is accepted the increased vehicular and pedestrian traffic through Ellicombe Meadow will alter the living environment currently enjoyed by the residents of Ellicombe Meadow to an extent. However the change to the environment brought about by increased traffic is not out of the ordinary for residential areas and the number of houses that would be served of Ellicombe Meadow is still relatively modest. There are many examples where a much larger number of dwellings are served by a single access route. Those residential areas function well and the living conditions afforded to residents is acceptable and the environment is not unpleasant.

Planning Policies SP/1 and SP/2 of the Development Plan envisage the development of sites within Minehead. The emerging policies define Minehead as the major settlement for the district where the majority of new housing development will be provided within and adjacent to the town. Such development is in reality always going to create more traffic and a consequent increase in noise and disturbance. The application site is of a relatively significant size (particularly in the context of West Somerset). This proposal would result in a relatively significant amount of housing to meet the current need identified as well as bringing about other benefits, such as the provision of affordable housing. It is considered on balance that the adverse effects do not outweigh the wider benefits that the development will bring, to that end it is worth noting that the planning system is not in place to protect exiting residents from change, but rather to manage development appropriately.

Impact on Amenity During the Construction Period and From Construction Traffic

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

Amenity for the Proposed Dwellings

The layout of the site is such that there is a reasonable separation distance between

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

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

There is no garden area for the flats, however it is not uncommon that flats do not benefit from outside space. The provision of an area of open space within the development would allow for outside space to be utilised by occupants of the flats.

The overall layout of the site, with the area of public open space, is such that a pleasant environment would be created.

Proximity of the Development to the Rugby Club

Policy PC/3 of the Local Plan does not permit noise sensitive development (such as housing) if unacceptable noise nuisance arises from existing sources, unless suitable mitigation can be provided. The Framework recognises that protection from pollution (which includes noise pollution) is an important aspect of sustainable development.

The development is located in relatively close proximity to the rugby club. There would be a degree of noise associated with the rugby club, such as on match days and when events are held within the club building. Some of the dwellings within Ellicombe Meadow (and the associated cul-de-sacs) are located within similar proximity to the rugby club. The use of the rugby club site seems to function without undue harm to the existing residents. It is not uncommon that sporting facilities are located close to residential properties and disturbance associated with such facilities is relatively time limited. It is also not uncommon that buildings used to hold various functions are located within close proximity to residential dwellings and such uses can co-exist without undue impact on residential amenity.

Flood Risk, Drainage and Utilities

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

This site is located within flood zone 1, which are areas at lowest risk of flooding. However, as the site area is greater than 1 hectare a flood risk assessment is required. The Environment Agency has been consulted on the flood risk assessment and has not raised any objections. The Environment Agency has recommended a condition to secure details of the drainage scheme. It is noted that the Environment Agency has queried whether the on-site attenuation in the drainage strategy is sufficient. Ensuring that there is sufficient attenuation will form part of the approval of the condition. The query from the Environment Agency has been passed onto the applicant. It is noted that the Drainage Board initially raised a concern that the information submitted was not sufficient. The applicant has been in contact with the Drainage Board and supplied additional information and clarification. An appropriate drainage scheme can be provided for the site and securing the detail of the scheme by condition is an acceptable means of dealing with this matter. The Environment Agency and the Drainage Board can be consulted on the details submitted. Wessex Water has agreed that the rate of discharge from the attenuation system is acceptable for their systems to cope with.

It is necessary to ensure that the drainage scheme is maintained. The Environment Agency has expressed a preference for this to be secured by a Section 106 Agreement. In view of the relatively small scale of the development it is considered that arrangements for future maintenance can be secured via a planning condition.

A number of advice notes have been recommended by the Environment Agency, which can be included on the decision notice.

Initially Wessex Water stated that water supply network modelling was required. The applicant has been in contact with Wessex Water and it is understood that this issue has been resolved. Formal confirmation of this from Wessex Water is awaited.

Ecological implications

Policy Overview

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

The application is supported by four ecological surveys. These include an extended phase 1 habitat report, a retille report, a Great Crested Newt report and a Dormouse report.

Impact on International Designation, National Designations and County Wildlife Sites

Exmoor Coastal Heaths Special Area of Conservation (SAC) lies about 2.8 km to the north west of the application site, part of the Dunster Park and Heathlands Site of Special Scientific Interest (SSSI) is less than 250 metres of the application site (to the south west) and there are three County Wildlife Sites (CWS) within 1 km of the application site. There is a possibility of in-combination effects of additional housing on the fringes of Minehead, but the SAC would not be significantly affected by this particular application. Having regard to the advice from the County Ecologist a full appropriate assessment of the proposal is not considered to be necessary. It is not anticipated that there would be a noticeable impact on the SSSI hydrology or through emissions due to the location of the site and the distance of the site from the SSSI. The additional housing may result in increased recreational use of the SSSI but there is no strong evidence to suggest that the SSSI will be significantly impacted upon. Similarly there is little likelihood of the development causing any significant direct impact on a CWS.

Loss of Semi-improved Grassland

Initially there was a concern that the loss of a relatively large area of semi-improved grass land had not been adequately mitigated. The applicant has been in contact with the County Ecologist to discuss means of addressing this issue. The planting of appropriate species in the area of public open space can provide improved species mix to the current situation and mitigate the impact of the development. This can be secured by planning condition (27).

Impact on Hedgerows

The majority of the hedgerows around the site are to be retained. A section of vegetation is to be lost in the creation of the access to the site from Ellicombe Meadow. This is a relatively small length of hedge and the County Ecologist has not raised any objections to this. The applicant's proposal is for the creation of a construction access off Ellicombe Lane. This would involve the removal of approximately 10 metres of hedgerow. There is currently a gap in the hedge, where the construction access is proposed in the north east corner, between the application site and the adjoining land (to the north of The Maples) and another small gap between the application site and The Maples. It is proposed to infill these gaps with locally native woody species. Ultimately there would be a net increase in hedgerow provision across the site and this would mitigate the loss of a small section of vegetation to create the access road. Having regard to the comments above in respect of the construction access, it is recommended that the planning permission be subject to a condition that the construction traffic utilises Ellicombe Meadow and that a new access is not created from Ellicombe Lane. In such circumstances there would not be a loss of a section of hedgerow on Ellicombe Lane through the creation of an access. However, having regard

to the advice from the County Ecologist, there was no objection to the loss of this relatively modest section of hedgerow subject to the gap being filled by locally native woody species. Protection of the sections of hedgerows which are to be retained and the provision of the infilling of the existing gaps can be secured by conditions (21 and 25). The County Ecologist has also requested that the rear of the gardens are fenced off with close boarded fences to prevent the hedges forming the rear boundary of the gardens to protect the vegetation and avoid over pruning. The boundary hedges would be managed by the management company who would also be responsible for the management of the public open space. The management company is proposed to be secured through the Section 106 Agreement and the wording of this has been updated to reflect this additional responsibility.

Pond and Associated Wooded/Scrubby Area

There is a pond and a woody/scrubby area located in the south eastern portion of the site. This area of the site is not proposed to be developed and the applicant has confirmed that this area will be retained. This section of the site probably contains the most important habitat features for biodiversity. Planning conditions can be put in place to ensure this area of the site is protected during the construction phase (22) and on-going management is secured through the Section 106 Agreement.

Great Crested Newts and Other Amphibians

The surveys submitted with the application indicate that great crested newts are absent from the site. The pond in the south eastern portion of the site is important for local populations of other amphibians. The County Ecologist considers that the mitigation measures proposed are all reasonable. These can be secured by planning condition (23).

Dormouse

The County Ecologist considers that the Dormouse survey was adequate. It appears that Dormice are not using the site's boundary hedges.

Reptiles

The records of Slow-worms and Grass snakes show that they were found in the portion of the site which is not to be developed. The County Ecologist suggests that any reptiles encountered during construction ought to be released into this area to minimise risk of their being injured or killed. A planning condition is recommended to deal with this issue (condition 24).

Nesting birds

Only small sections of hedgerows are to be removed as part of the proposal. Having regard to the advice from the County Ecologist, such removal should only take place outside of the bird nesting season unless the work is supervised by an ecologist. An appropriate condition is recommended (25). With such measures in place, alongside the proposed measures to ensure that the hedges are protected during construction and maintained appropriately, the development would not have a significant impact on nesting birds.

Badgers

There are no known setts on the application site, but it appears that the site is part of the foraging habitat for a family group. A condition requiring a resurvey, if the development is delayed for more than a year, would monitor whether any setts have become established and if so ensure that mitigation is provided (26).

Conclusion

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

Land Contamination

Policy PC/4 of the Local Plan requires that development proposals on or close to land which

may be contaminated will include measures to prevent risk to public health and the environment. The Framework states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The application is supported by a ground contamination report. This has been reviewed by the Council's Environmental Health Officers and no objections have been raised. The Environmental Health Officers recommend that an advice note is added stating that should undiscovered contamination be encountered during the site works, appropriate advice should be sought from a suitably qualified engineer with building control approval to determine the appropriate course of action.

It is considered that the site can be developed without risk to public health.

Archaeological Implications

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

This application is supported by a historic environmental assessment and the County Archaeologist has been consulted on the application. Although the assessment concludes that the potential for archaeology is low, having regard to the comments made by the County Archaeologist, a condition (32) to ensure that any remains are recorded is recommended. With this condition in place it is considered that the development can proceed without significant archaeological implications.

Section 106 Agreement

Planning Policy Overview

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

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

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

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

Affordable Housing

As set out above the Section 106 Agreement will secure a mixture of on-site provision and an off-site contribution for the provision of affordable housing. The affordable housing contribution is to be secured on the basis of 50% of the contribution prior to the commencement of the development and the final 50% of the contribution prior to the occupation of 50% of the dwellings. The on-site affordable housing is to be completed and the ownership transferred to a registered provider prior to the occupation of no more than 50% of the open market dwellings at the site.

Value of Planning Obligations

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

For residential development in Minehead, this range is suggested to be between £5, 000 - £10, 000 per plot although individual applications are assessed on their own individual merits and circumstances. Where a developer is able to demonstrate that necessary contributions would result in the scheme becoming unviable, the local planning authority should seek to take a flexible approach in securing any obligations (as advocated by paragraph 205 of the Framework).

Community Infrastructure

As the scheme is for less than 50 dwellings, having regard to the SPD, there is no requirement for the provision of a contribution towards education. The Highway Authority has not identified any necessity for off-site highway improvements.

West Somerset Council's Sport and Recreation Facilities Assessment identifies a need for the redevelopment of the football club building and identifies the lack of a public swimming pool in Minehead as a significant issue. There has also been an identified need for additional multi-use games areas, allotments and provision for teenagers. Minehead Town Council has identified a number of priorities and these include improving and developing recreational and play facilities for children of all ages and to develop a community resource building which encompasses recreational and sporting facilities. The evidence available at present demonstrates that new residential development will result in a need for community infrastructure. As such this proposal must mitigate its impact on the existing community facilities.

Policy R/5 of the Local Plan seeks the provision of public open space for sites providing more than 25 dwellings. The Policy allows for on-site provision and/or a contribution towards the provision of open space elsewhere. The Policy sets out that the provision should be on the basis of 1 hectare per 173 dwellings. For a scheme of 37 dwellings this would equate to 2100 square metres. Having regard to the relatively modest scale of development proposed it is considered appropriate that some on site open space is provided and there is a contribution towards the provision or enhancement of community infrastructure else where which is reasonably related in kind and scale to the development.

The on-site open space is around 660 square metres and the applicant has proposed a contribution towards off-site provision of £160, 000. This equates to c. £4, 300 per dwelling. The SPD acknowledges that proposals which do not provide affordable housing are likely to be more profitable and warrant larger planning obligations within the ranges. This proposal (through a combination of on-site provision and a contribution) provides a policy compliant provision of affordable housing. As such it is expected that other contributions would fall at the lower end of the range. Taking account of the on-site provision it is considered that the commuted sum proposed is acceptable and reasonably related in kind and scale to the development proposed. The wording of the Section 106 agreement would allow the

contributions to be spent on projects that are local to the application site, the allocation of the contribution would be managed through the Council's Planning Obligations Group process. The applicant has expressed a desire to see the contribution spent on local projects, such as the Alcombe Activity Area and associated cycle track link. The wording of the Section 106 agreement would allow for this.

The Section 106 agreement would secure 50% of the contribution prior to the commencement of development and the remaining 50% prior to the occupation of 50% of the dwellings. The open space is to be laid out prior to the occupation of 50% of the dwellings and arrangements are to be put in place to secure the management of the open space to an appropriate standard.

Section 106 Monitoring and Administration

The SPD requires the provision of £100 per dwelling (£3, 700 for this proposal) as a contribution towards the monitoring and administration of the Section 106 agreement. The trigger for payment is proposed to be upon completion of the Section 106/ issue of permission.

Emerging Local Plan Policies

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

- Policy SC1 which envisages that new development will be concentrated in Minehead, Watchet and Williton, with limited development in some villages.
- Policy SC2 envisages the provision of 2,900 dwellings over the plan period, of those 1,450 would be provided on key strategic allocated sites of over 250 dwellings at Minehead, Watchet and Williton.
- Policy MD2 envisages 750 dwellings on land to the south of Hopcott Road as the key strategic development site for Minehead.
- Policy OC1 strictly controls development in the open countryside which is defined as land not adjacent to or in close proximity to the major settlements and villages.

Having regard to the above the new Local Plan continues the designation of Minehead as the primary settlement where the majority of new housing will be focused. The housing need for the plan period is 2, 900 dwellings. The key allocated sites will only provide for approximately 50% the housing need. Currently it is proposed that 26% of the housing need would be met on strategic allocated sites in Minehead. This application site is not one of the recommended key strategic sites in Minehead. The strategic sites should be capable of accommodating at least 250 dwellings. As this site could not provide this amount of housing it will not form part of a strategic allocation as the new Local Plan progresses. The remainder of the housing need will be met through windfall sites. Land that is adjacent to or within close proximity to major settlements and designated villages will not be subject to the strict controls for development in the open countryside. As such, the emerging Policy provides that, in principle, sites close to the built up edge of these settlements is acceptable for development.

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

Community Consultation

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

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

Prior to the submission of the planning application the applicant has engaged with local residents through letters, holding public meetings and inviting written comments. The applicant subsequently provided a newsletter detailing the changes to the scheme which had been made as a result of the feedback which had been received.

The applicant has responded to the comments received in a number of ways. Additional information has been provided in respect of traffic data and the applicant has sought alternative means of dealing with construction traffic. There have been several alterations to positions of dwellings and three properties, originally proposed as two storey dwellings, have been amended to be bungalows.

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

Other Implications

Agricultural Occupancy Condition (The Maples)

The Maples, the bungalow adjoining the application site, is subject to an agricultural occupancy condition. When permission was granted for the dwelling it appeared to be the intention to operate a horticultural business from the land which included the land subject to this application. Permission was sought for the removal of the agricultural occupancy condition in 2005. That application was refused on the basis that the applicant had not demonstrated that there was no need for accommodation for agricultural workers in the locality. Concerns have been expressed that the erection of dwellings on the land associated with the bungalow would undermine the reason permission was granted for the dwelling. Over time planning policy changes and evolves and additional land is required for housing and other development. In view of the location of the site, adjacent to the built up edge of Minehead, and the conclusions reached above in terms of housing need and the land supply, in principle sites such as The Maples in this type of location are likely to be acceptable for housing development. Overall it is no longer tenable to protect this land for agricultural use. The dwelling is still subject to an agricultural occupancy condition and could still be used to accommodate an agricultural worker who worked in the locality. The loss of the agricultural land associated with this dwelling is not considered to be sufficiently harmful to outweigh the benefits associated with the provision of housing on this site.

Planning History (Previous Refusal of Permission for Residential Development)

The planning history for the site and the adjacent land (The Maples) includes applications for residential development. Aside from the applications related to the agricultural workers bungalow, there are two proposals for residential development (3/21/74/024 & 3/21/89/258). Although other issues were raised in the refusal of those applications, the key issue related to the principle of the residential development on land beyond the edge of Minehead, and therefore not in accordance with policies in respect of the location of new development. These planning decision were made a long time ago (circa 25 and 40 years ago), as stated above, the planning policy landscape has changed significantly over the years. As such these previous decisions have very little weight in the overall consideration of this application. The 1974 application included land that now forms part of the Ellicombe Meadow development demonstrating that, over time, planning policy shifts and more land is considered suitable for housing development.

The planning history relating to Ellicombe Meadow has also been raised and it has been suggested that an application for a larger number of dwellings was refused and ultimately only a smaller number of dwellings were permitted. It was suggested that this was due to the access issues and the associated impact of increased traffic. An application for 50

dwelling was granted in 1991 (ref: 3/21/91/251). Subsequently permission was sought for an increased density of development (ref:3/21/94/239), initially this was for 93 dwellings but later reduced to 72 dwellings. The application was refused and an appeal was subsequently dismissed. The reason for refusal and for the appeal being dismissed related to density issues and associated impact on the landscape and built character of the area. The proposal was not refused on the basis of traffic generation from the 73 dwellings, in the appeal decision the Inspector specifically commented that the evidence does not suggest any significant highway danger on the A39.

Density, Housing Need and Infrastructure

The Town council has raised a number of concerns. The concern in respect of construction access has been addressed above.

There is a concern that the number of homes is unsuitable for the site. This proposal is on a site of around 1.8 hectares which equates to a density of about 21 dwellings a hectare. Although there are no local or national minimum density targets for housing development, commonly around 30 dwellings a hectare is considered to be a relatively low density development (this was the minimum density stated in the original publication of Planning Policy Statement 3, the previous national policy in respect of housing provision). If account is taken of the area of land in the south east of the site that is to remain undeveloped and the area of public open space, the site size is reduced to about 1.4 hectares. This would equate to a density of 26 dwellings per hectare. Ensuring that land is used effectively is a material planning consideration. In some circumstances this low density may be considered to be inappropriate as the land is not being used efficiently. However in this case the site is on the fringe of the town close to the boundary with the National Park and as such a lower density is considered to be appropriate. This scheme is for low density housing and as such the Town Council concerns that the scale of development is unsuitable for this site could not be substantiated.

The Town Council also considers that there is no need for the houses, however this is at odds with updated strategic housing market assessment, which forms part of the evidence base for the new Local Plan, and identifies a housing need of at least 2400 dwellings with a previous study at the height of the market indicating a need for 3,500 dwellings within the District.

The Town Council is also concerned that the infrastructure is not suitable for the development. No specific details in respect of this concern were provided by the Town Council. The Council's planning policy team has approached the various infrastructure providers to ascertain the need for infrastructure as a result of the scale of development that would be proposed in the emerging Local Plan. There has not been any significant need identified that would result in it being appropriate for the Council to secure infrastructure provision through the Community Infrastructure Levy. Any site/development specific mitigation can be secured through on-site provision or contributions towards off-site provision or enhancement of infrastructure/facilities. In this case the scheme falls significantly below the threshold where the County Council seeks contributions towards education provision. In terms of open space and community infrastructure, as set out above, provision would be made through a mixture of on-site provision and contributions towards off-site provision. The level of contribution is considered acceptable having regard to the relevant policies and the SPD.

Restrictions on the Development if Planning Permission is Granted

It has been suggested that, in the event that planning permission is granted, various limitations should be imposed on the development. These include a restriction on extensions, alterations and outbuildings for a three year period, that no caravans or boats can be parked on the driveways and ensuring that no business is operated from the dwellings. It is suggested that the similar limitations are imposed on the existing Ellicombe Meadow estate. Such restrictions on the existing development are not usually imposed

through planning condition and it is assumed that these are imposed by a legal covenant. When imposing planning conditions they must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects in order that planning permission can be granted. It is considered that there is no sound planning reason to impose these types of restrictions through a planning condition and that they are not necessary to make the development acceptable. The operation of a business from a dwelling would require planning permission unless the business use was modest and ancillary to the use of the building as a dwelling house.

It has also been suggested that the site is not suitable for affordable housing, but in the event that planning permission is granted, there should be an age restriction to only allow the affordable housing to be occupied by residents over 60 years of age. There is no sound planning reason to impose such a restriction in this case, this site in general, and the type of properties proposed, is appropriate for affordable housing. Imposing such a restriction would inhibit the ability to meet housing needs.

Impact on Local Businesses

There have been concerns raised that the proposed development would have an impact on the operation of two holiday cottage businesses on Ellicombe Lane. This concern relates to the use of Ellicombe Lane for construction traffic and also general disturbance associated with the construction process. This concern is understood, however the impact of the construction process which is for a relatively short period of time, must be balanced against the benefits of the proposal as a whole. Good site management would mitigate any significant impacts and this can be secured through a condition (11). It is considered that the impact is not so great as to warrant refusal of the planning application. Having regard to the concerns expressed by the highway authority it is recommended that construction access does not utilise Ellicombe Lane. In the event that Ellicombe Lane were used for construction traffic, management procedures could be put in place to minimise disturbance and the numbers of HGV movements associated with the build is relatively small. With appropriate measures in place it is considered that the harm to the nearby businesses would be limited and not sufficient to outweigh the positive aspects of the proposal identified within this report.

Loss of Agricultural Land

This proposal would result in the loss of about 1.8 hectares of agricultural land. This land is classed as Grade 2 under the agricultural land classification. Policy A/2 of the Local Plan seeks to protect the best and most versatile agricultural land from development (grades 1, 2 and 3a). Planning permission for the development of high grade land should only be granted in exceptional circumstances and where sufficient land of a lower grade is not available. The Framework requires that planning authorities take into account the economic and other benefits of the best and most versatile agricultural land and seek to use areas of lower quality land in preference to higher quality land. This site is relatively small in scale and as such the amount of higher grade land lost to development would be relatively limited. Having regard to the lack of sufficient housing land availability it is considered that the benefits associated with the provision of housing outweighs the harm associated with the loss of the agricultural land.

Other Matters

Reference has been made to comments within the Strategic Housing Land Availability Assessment (SHLAA). The comments within this document suggest that the site needs to be developed with the rugby club to provide suitable access. The purpose of the SHLAA is to provide part of the evidence base to inform the local plan process. The SHLAA is not planning policy. The comments within the SHLAA carry little weight in the context of considering this application which needs to be considered on its own merits. Suitable access to the site can be provided through Ellicombe Meadow and the site can be developed independently from the land associated with the rugby club. This proposal would not prejudice consideration of development of the rugby club site in the future and the site

layout makes provision for a potential access point into the rugby club between plots 4 and 5-8.

It has also been suggested that this application is premature on the basis that the site should only be considered for development with a comprehensive scheme to develop the rugby club site as well. Each development must be considered on its own merits, and in this case a suitable scheme has been proposed and in this context resisting planning permission on the basis that the development is premature and requires consideration alongside the rugby club site would be untenable.

It has been suggested that this site is located within the green belt. The application site is not located within the green belt, there is no designated green belt located within West Somerset. The site is a green field site and the acceptability of the use of this site for housing development is discussed above.

Conclusion on the Suitability of the Site for Development

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

Environmental Impact Assessment

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

Conclusion and Recommendation

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

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

Reason for Approval:

Although the application site is located outside of the development limits for Minehead, as the local planning authority is currently unable to demonstrate a 5 year housing land supply, the proposal should be judged on sustainable development principles. Having regard to the location of the site, adjacent to the development limits of Minehead, it is considered that the site is suitably located in transport sustainability terms. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. The setting of adjoining Listed Buildings and the National Park would not be harmed. The proposal, by reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users. The means of access and parking are acceptable and will ensure the free flow of traffic on the highway. The proposal makes adequate arrangements for the protection of biodiversity. Suitable drainage arrangements can be secured to ensure there is no increased risk of flooding. Suitable protection for archaeology can be secured. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal constitutes sustainable development and is acceptable:

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

Planning Permission is subject to the following conditions:

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.

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

1305.01 Rev A (site layout plan), 1305.02.01 (street elevations sheet 1), 1305.02.02 (street elevations sheet 2), 1305.04 (context plan), 1305.05 (fence and wall details), 1305.06 (storey height plan), 1305.07 (housing association plan), 1305.08 (materials layout), 1305.09 Rev A (external works sheet 1), 1305.10 Rev A (external works sheet 2), SK007 Rev A (site sections), 1305.HTA.20.01 (house type A ground floor plans), 1305.HTA.20.02 (house type A first floor plans), 1305.HTA.20.10 (house type A plots 15 and 25 elevations), 1305.HTA.20.11 (house type A plot 17 elevations), 1305.HTA.20.12 (house type A plots 22 and 35 elevations), 1305.HTB.21.01 (house type B ground floor plans), 1305.HTB.21.02 (house type B first floor plans), 1305.HTB.21.10 (house type B plot 2 elevations), 1305.HTB.21.11 (house type B plot 18 elevations), 1305.HTB.21.12 (house type B plot 32 elevations), 1305.HTB.21.13 (house type B plot 37 elevations), 1305.HTC.22.01 (house type C floor plans), 1305.HTC.22.10 (house type C plot 27 elevations), 1305.HTC.22.11 (house type C plots 23 and 31 elevations), 1305.HTC.22.12 (house type C plot 33 elevations), 1305.HTD 23.01 (house type D floor plans), 1305.HTD 23.10 (house type D plot 28 elevations), 1305.HTD.23.11 (house type D plot 29 elevations), 1305.HTD 23.12 (house type D plot 30 elevations), 1305.HTE.24.01 (house type E ground floor plans), 1305.HTE.24.02 (house type E first floor plans), 1305.HTE.21.10 (house type E plot 3, 4, 13 and 14 elevations), 1305.HTF.25.01 (house type F ground floor plans), 1305.HTF.25.02 (house type F first floor plans), 133/25/10 (house type F plot 36 elevations), 1305.HTG.26.01 (house type G ground floor plans), 1305.HTG.26.02 (house type G first floor plans), 1305.HTG.26.10 (house type G plot 20 elevations), 1305.HTG.26.11 (house type G plot 34 elevations), 1305.HTH.27.12 (house type H plot 24 elevations), 1305.HTH.27.01 (house type H ground floor plans plots 1, 16, 24), 1305.HTH.27.02 (house type H ground floor plans plots 19, 21 and 26), 1305.HTH.27.03 (house type H first floor plans), 1305.HTH.27.10 (house type H plot 16 elevations), 1305.HTH.27.11 (house type H plot 19 elevations), 1305.HTH.27.12 (house type H plot 24 elevations), 1305.HTH.27.13 (house type H plot 26 elevations), 1305.HTH.27.14 (house type H plot 21 elevations), 1305.HTB.27.15 (house type H plot 1 elevations), 1305.1BF 28.01 (1 bed flats plots 5 – 12 floor plans), 1305.1BF 28.02 (1 bed flats plots 5 – 12 elevations), 1305. 29.01 (bin and cycle stores plans and elevations), 1305.30.01 (triple garage plots 19 and 20), 1305.30.02 (single garage plots 3, 4, 13 and 14), 1305.30.03 (double garage plots 25 and 26), 1305.30.04 (double garage plots 2 and 15), 1305.30.05 (double garage plot 24 and 37), 1305.30.06 (double garage plots 16, 17 and 18), 1305.30.07 (double garage plot 34), 1305.30.08 (triple garage plots 35 and 36), 1305.30.09 (double garage plot 21 and 22), 1305.30.10 (double garage plot 32), 1305.30.11 (double garage plot 1).

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

- 3 No works shall be undertaken on site unless a hard and soft landscape scheme has been first submitted to and approved in writing by the local planning authority. Such a scheme shall include details of all trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatments and finished

ground levels; a planting specification to include positions, species and size of all new trees and the location of grassed areas and areas for shrub planting; details of the hard surface treatment of the open parts of the site; and a programme of implementation. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme agreed in writing with the local planning authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

- 4 No works shall be undertaken on site unless a planting specification for the infilling of the existing gaps within the hedgerows (located on the eastern boundary and the north east corner of the site) has been first submitted to and approved in writing by the local planning authority. Such a scheme shall include details of the species, mix, density, method and timing of the planting and a programme of implementation. The planting shall be carried out in accordance with the approved details and programme of implementation. Any plants/shrubs 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 the provision of and implementation of an appropriate landscape setting to the development and to provide biodiversity enhancements having regard to the provisions of Saved Policies BD/1, BD/2 and NC/4 of the West Somerset District Local Plan (2006) and Policies within the National Planning Policy Framework.

- 5 No works shall be undertaken on site unless a schedule of materials and finishes and samples of the materials (to include sample panels of the walling materials) to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out only in accordance with the details so approved.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1, BD/2, BD/3 of the West Somerset District Local Plan (2006).

- 6 No works shall be undertaken on site unless details for the proposed boundary treatments on the application site have been first submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown on a scaled plan, the existing and proposed site and floor levels and details of the height, type, materials, finish and colour of the proposed boundary treatments. The works shall be carried out in accordance with the approved details, prior to the occupation of the dwelling to which the boundary treatments are related.

Reason: To safeguard the amenities of the occupiers of nearby properties and future occupiers of the new dwellings having regard to Saved Policy BD/2 of the West Somerset District Local Plan (2006).

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, roof light, or other opening shall be constructed in the rear roof slope of plots 28, 29 and 30 without obtaining planning permission from the local planning authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to

comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or other opening, other than those expressly authorised by this permission, shall be constructed, above ground floor level, in the side (west) elevation of plot 30 without obtaining planning permission from the local planning authority.

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

- 9 Notwithstanding the submitted details, vehicular access to the site, including access during construction, shall only be provided from Ellicombe Meadow. No vehicular access shall be provided from Ellicombe Lane.

Reason: In the interests of highway safety, having regard to the nature of Ellicombe Lane it is not suitable to be utilised for construction traffic.

- 10 No works shall be undertaken on site unless a condition survey of Ellicombe Meadow (from the junction with the A39 up to the access to the application site, excluding the associated cul-de-sacs) has been submitted to and approved in writing by the local planning authority. Within two months of the completion of the development the section of highway shall be resurveyed and the results submitted to the local planning authority. Any damage to the highway which occurred as a result of the development shall be remedied in accordance with a scheme and programme agreed by the local planning authority.

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

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

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

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

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

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

- 13 The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10.

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

- 14 The proposed roads, including footpaths and turning spaces, where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway (including the relevant section of the service road) to at least base course level between the dwelling and existing highway.

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

- 15 No dwelling or flat shall be occupied unless the driveways or parking court associated with that dwelling or flat has been provided. The parking court and driveways shall thereafter be available for the parking of vehicles associated with that dwelling or flat.

Reason: To ensure adequate parking is provided for the dwellings and flats having regard to the provisions of Policy T/8 of the West Somerset District Local Plan (2006).

- 16 No flat within plots 5 – 12 shall be occupied unless the bin/recycling store and bicycle parking has been provided and is available for use. Once provided the bin/recycling store and the cycle store shall be retained and available for use for the storage of bins, recycling and bicycles.

Reason: To ensure the adequate provision bin/recycling and bicycle storage in the interests of the appearance of the development and to encourage the use of sustainable modes of transport having regard to Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006) and policies within the National Planning Policy Framework.

- 17 No works shall be undertaken on site unless details for the provision of cycle storage for the dwellings (plots 1 – 4 and 13 – 37) has been submitted to and approved in writing by the local planning authority. The cycle storage shall be provided in accordance with the approved details and each dwelling shall not be occupied unless the cycle storage has been provided for that dwelling and is retained thereafter.

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

- 18 The parking spaces in the garages within plots 3, 4, 13, 14, 20, 25, 26, 28, 29, 30 and 36 shall at all times be kept available for the parking of vehicles and shall be kept free of permanent obstruction for such use.

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

- 19 Where any driveways, located to the front of a garage, are less than 6m in length (as measured from the nearside edge of the highway to the face of the garage doors) only roller shutter garage doors rather than side hung or up-and-over type doors shall be provided.

Reason: In the interests of highway safety to ensure that the drive way is of sufficient length to accommodate parked vehicles and allow access to the garages to prevent vehicles being parked over the highway edge.

- 20 No works shall be undertaken on site unless a travel plan has been submitted to and approved in writing by the local planning authority. Such travel plan should include

soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. The travel plan shall also include details for the provision of electric vehicle charging points for the dwellings and flats and a programme of implementation for the provision of the electric vehicle charging points. There shall be a timetable for implementation of the measures and for the 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 long 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.

- 21 No works shall be undertaken on site unless a scheme for the protection of hedgerows, within and adjoining the site, during construction has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the type and location of proactive fences. The protective fences shall be erected prior to any other works commencing on site, or in accordance with a programme agreed as part of the scheme. The protective fences shall remain in place until works are completed within the vicinity of that section of fence. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the existing hedges to be retained within the site having regard to the provisions of Saved Policies BD/1, BD/2, TW/2, NC/4, LC/1 and LC/3 of the West Somerset District Local Plan (2006).

- 22 No works shall be undertaken on site unless a scheme for the protection of the pond and wooded area in the south eastern portion of the site, during construction, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the method of protection and a programme of implementation. The protective measures shall be put in place and retained in accordance with the approved scheme and programme. The protected area shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved ecological or landscape works.

Reason: To safeguard the existing habitat to be retained within the site having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006) and policy within the National Planning Policy Framework.

- 23 No works shall be undertaken on site unless a scheme for the mitigation of impacts on Great Crested Newts and other amphibians and a programme of implementation, having regard to the recommendation within section 7 of the Great Crested Newt Report June 2013 submitted with the application, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and programme of implementation.

Reason: To mitigate impacts on amphibians having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006) and policy within the National Planning Policy Framework.

- 24 No works shall be undertaken on site unless a scheme for the implementation of appropriate working practices, should reptiles be encountered during construction, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the location for the release of reptiles. The development shall be carried out in accordance with the approved scheme.

Reason: To mitigate impacts on reptiles having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006) and policy within the National Planning Policy Framework.

- 25 Hedgerow removal works shall not take place between 01 February and 31 August unless a scheme for the surveying of vegetation for the presence of active nests prior to shrub clearance and details of working practices, to ensure active nests are not disturbed during vegetation clearance, has been submitted to and approved in writing by the local planning authority. Any vegetation clearance works that take place between 01 February and 31 August shall be carried out in accordance with the approved scheme.
Reason: To ensure there are no adverse impacts on species protected by law, and to ensure biodiversity is maintained/enhance having regard to the provisions of Policy NC/4 of the West Somerset District Local Plan 2006 and policy within the National Planning Policy Framework.
- 26 Should the development not commence within one year of the date of this decision, no works shall be undertaken on site unless the site is resurveyed for the presence of badger setts, the survey along with any necessary mitigation measures has been submitted to and approved in writing by the local planning authority. In the event that mitigation is necessary, the development shall thereafter precede in accordance with the approved mitigation measures.
Reason: To ensure there are no adverse impacts on species protected by law, having regard to the provisions of Policy NC/4 of the West Somerset District Local Plan 2006.
- 27 No works shall be undertaken on site unless a planting scheme for the public open space has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed planting specification and a programme of implementation. The public open space shall thereafter be planted in accordance with the approved details and programme.
Reason: To mitigate the loss of semi-improved grassland having regard to Policies within the National Planning Policy Framework.
- 28 The dwellings and flats on plots 1 - 30 and plot 37 shall not be occupied unless the boundary treatment adjacent to the site boundary hedge for that dwelling has been erected in accordance with the details shown on the external works drawings (1305.10A and 1305.09A).
Reason: To separate the curtilage of the dwellings from the boundary hedges to ensure the habitat is retained in an appropriate form having regard to the provision Saved Policies TW/2 and NC/4 of the West Somerset District Local Plan (2006).
- 29 No works shall be undertaken on site unless a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, and a programme of implementation has been submitted to and approved in writing by the local planning authority. The scheme shall include details of gullies, connections, soakaways, and means of attenuation. The scheme shall be implemented in accordance with the approved details and programme.
Reason: To ensure the adequate provision of drainage infrastructure and prevent increased risk of flooding having regard to the provisions of Saved Policies W/1 and W/5 of the West Somerset District Local Plan (2006).
- 30 No works shall be undertaken on site unless a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the local planning authority. The drainage system shall be maintained in accordance with the approved scheme.
Reason: To ensure the adequate provision of drainage infrastructure and prevent increased risk of flooding having regard to the provisions of Saved Policies W/1 and W/5 of the West Somerset District Local Plan (2006).
- 31 No work shall be undertaken on site unless an appropriate right of discharge for surface water has been obtained and details of which shall be submitted to and approved in

writing by the local planning authority.

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

- 32 No works shall be undertaken on site unless details for the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been submitted and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme.

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

Notes

1 **STATEMENT OF POSITIVE WORKING**

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

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

- 3 The applicant's attention is drawn to condition 29. The Environment Agency had difficulty in ascertaining whether or not the on-site attenuation shown in the Drainage Strategy drawing (Project ref C9789, drawing no. 500 rev C) is sufficient based on the calculations provided with the drainage strategy document.

The drainage strategy drawing shows 2 attenuation ponds with a total storage of 350m³. Reference could not be found to any storage totals or calculations within the submitted documentation, to determine whether or not the 350m³ is sufficient. Such information must be provided as part of the details required under condition 28.

- 4 The applicant's attention is drawn to condition 29. The surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to the maximum allowable rate, so there is no increase in the rate and/or volume of run-off, and preferably it should be reduced.

2. The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).

3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a

drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used.

4. The adoption and maintenance of the drainage system must be addressed and clearly stated.
5. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.
6. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.
7. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs.co.uk>
8. Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett.
9. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the trees and hedges should be checked for nesting birds before work begins.
10. Should undiscovered contamination be encountered during the site works appropriate advice should be sought from a suitably qualified engineer with Building Control approval to determine the appropriate course of action.



Application No 3/21/13/084
 Erection of 29 dwellings, 8
 apartments and associated parking
 and landscaping
 Land at Ellicombe Meadow,
 Minehead
 02/09/2013

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

West Somerset Council
 Licence Number: 100023932



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Easting: 298067 Northing: 144966
 Scale: 1:2,500

Application No:	3/37/13/031
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Michael Hicks
Grid Ref	Easting: 306687 Northing: 143391
Applicant	Mr Elliott-Ogden Regal Heritage Ltd
Proposal	Variation of condition 2 on planning permission 3/37/13/015 in order to make minor amendments to the seven houses
Location	Lorna Doone Park, West Street, Watchet, TA23 0BJ
Reason for referral to Committee	This planning permission will be subject to a S106 Agreement

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:

Lorna Doone Park, West Street, Watchet, TA23 0BJ

Description of development:

Variation of condition 2 on planning permission 3/37/13/015 in order to make minor amendments to the seven houses

Consultations and Representations:

The Local Planning Authority has received the following representations:

Watchet Town Council

No comments received. Committee will be updated through late correspondence if comments are received.

Highways Liaison Officer - No observations

Wessex Water Authority

Adequate capacity exists in the public sewer to accommodate the proposed marginal increase in flows in respect to surface and foul water.

Somerset Drainage Board Consortium - No comments received.

Public Consultation

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

Planning Policy Context

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

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- W/1 Waste Water, Sewage Management and, Infrastructure
- W/5 Surface Water Run-Off
- PO/1 Planning Obligations
- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- W/1 Waste Water, Sewage Management and, Infrastructure
- W/5 Surface Water Run-Off
- PO/1 Planning Obligations

National Policy

The National Planning Policy Framework is a material planning consideration

Planning History

The following planning history is relevant to this application:

C/37/13/004	Approval of details relating to condition 3 (materials), condition 5 (hard landscaping scheme) and condition 6 (surface water drainage) in relation to planning permission 3/37/13/015.	Under consideration	
3/37/13/015	Construction of seven linked town houses in lieu of five linked town houses as previously approved by 3/37/06/007 and 3/37/06/051.	Granted	07/08/2013
3/37/06/051	Construction of 21 houses & 16 flats with associated site works as amended by: revised phased programme of construction/working method statement received on 11/01/07; revised drawing no. 06048-41a received on 1/2/07 and revised drawings no. 06048-01a, 04a, 05a, 10a, 11a, 30a and 40a received on 29/1/07	Granted	02/03/2007
3/37/06/007	Residential development of 37 residential dwellings, new access road.	Granted	28/11/2006

Proposal

This application seeks consent for a modest change to the previous scheme, approved under reference 3/37/13/015. The application is made under section 73 of the Town and Country Planning Act (as amended) to vary the condition relating to the approved plan numbers. This consent would therefore result in a new grant of planning permission which requires the previous supplemental agreement to be updated and re-signed. The amendment relates to the minor alterations to the proposed dwellings set out as follows:

- Re-siting of plots 17 and 18 by 300mm and plots 19 and 20 by 800mm.
- Lower ground floor levels amended in accordance with the following: Plot 17 raised by 200mm, plot 21 raised by 150mm, plot 38 raised by 300mm.
- Reduction ridge height of all dwellings in accordance with the following: Plot 17 lowered by 100mm, plot 21 lowered by 150mm, plots 18, 19, 20 and 39 lowered by 300mm.
- Omission of external steps adjacent to plot 17.

Site Description

The proposed site measures approximately 31 metres in width with a maximum depth of 12 metres and is located on the southern side of Lorna Doone. Ground levels within the site rise from the front to the rear of the site. There is a parking court directly to the west of the site and a completed terrace of 5 dwellings located directly to the east.

Planning Analysis

There have been no substantive changes to planning policy since the previous application was considered. As such this report will assess the development in relation to the minor amendments only. All other matters relating to the development have already been considered through the previous application (3/37/13/015).

1. Character and Appearance of the Area

The re-siting of the dwellings to the rear of their plots, away from the highway and alterations to the ridge heights and amendments to floor levels at the garage would not have a material impact on the appearance of the development. The amendments would therefore have an acceptable impact on the character and appearance of the area and the streetscene.

The removal of the steps to the north east elevation of plot No. 17 is acceptable in principle subject to appropriate landscape treatment of the surface of the resulting bank. Under the previously approved scheme, the steps would have provided pedestrian access to the rear of plot 17. Under the current proposal the resulting bank would not be enclosed into the immediate curtilage of the dwelling and therefore an appropriate low maintenance planting scheme would be acceptable in this location.

2. Residential Amenity

There would be no material impact on residential amenity as a result of the amendments.

3. Planning Conditions

There is an existing, associated application to discharge pre commencement planning conditions relating to the previous consent under reference 3/37/13/015. These relate to details of materials, hard landscaping including boundary treatment and surface water drainage. To avoid the inclusion of further pre commencement conditions the applicant has submitted these details for negotiation under the current application. Overall the details relating these matters are acceptable. It is requested that delegated authority be granted to the Planning Manager to negotiate this detail and make any necessary amendments to the schedule of conditions.

4. Planning Obligations

This revised scheme requires the signing of an updated supplemental agreement similar to that signed as part of the previous consent. The supplemental agreement relates to the payment of £37000 for community infrastructure. Delegated authority is therefore requested for Planning Manger to issue planning permission following the compilation of the revised agreement.

Environmental Impact Assessment

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

Conclusion:

For the reasons discussed above, the proposed development is considered to be acceptable and it is recommended that planning permission be granted. Delegated authority is sought for the Planning Manager to negotiation the details in respect of the planning conditions and amend the schedule of conditions as appropriate and to issue planning permission following the completion of the revised Section 106 agreement.

Conclusion and Recommendation

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

Reason for Approval:

The proposal accords with the Council's settlement strategy for the location of new development and would safeguard the amenities of neighbouring residents and adjoining land users. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. The means of access and parking arrangements meet the required safety standards and will ensure the free flow of traffic on the highway. The lack of additional onsite affordable housing or contribution towards offsite affordable housing is considered appropriate due to the proven lack of viability for additional contributions on the site. A contribution towards the provision / enhancement of community infrastructure off site pursuant to the extant planning permission for the site is considered to be appropriate. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:-

Saved Policies SP/1, SP/2, BD/1, BD/2, W/1, W/5, T/3 and T/8 of the West Somerset District Local Plan (adopted December 2006).

Planning Permission is subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 10034-02 Rev. B10034-01 Rev. B.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The windows within the development hereby approved shall be recessed a minimum of 50mm from the face of the wall.
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 garage hereby approved shall only be fitted with a roller shutter door, no up and over or side hung doors shall be fitted to the garage at any time.
Reason: To ensure that the garage door does not impinge on the parking space to the front of the garage, in the interests of highway safety, having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).
- 5 The parking spaces in the garages hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use.
Reason: To retain adequate off-street parking provision having regard to the provisions of Saved Policies T/3 and T/8 of the West Somerset District Local Plan (2006).
- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works forward of the front elevation of the dwellings hereby approved shall be permanently retained in accordance with the approved

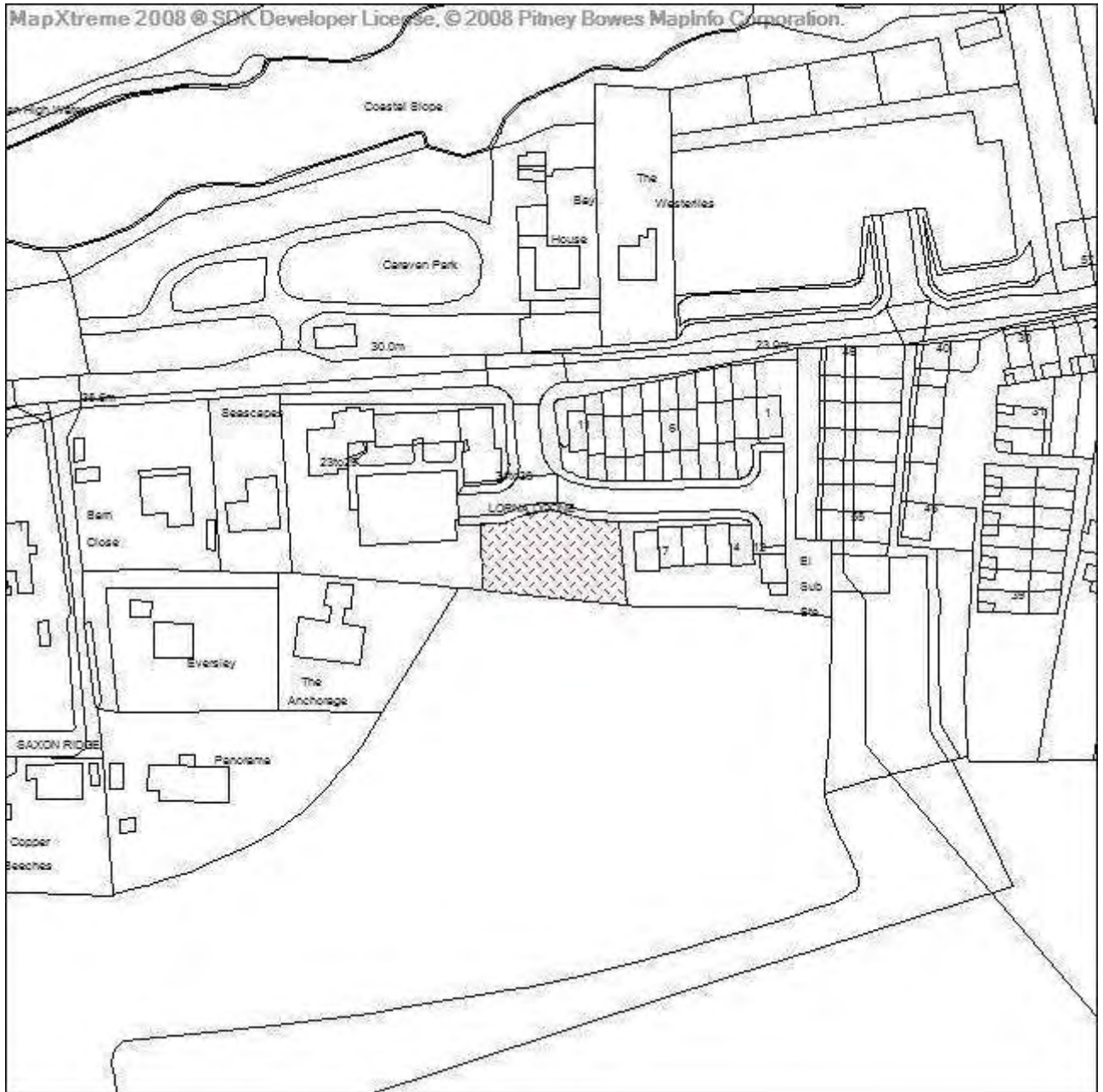
details.

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

Notes

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

- 2 **STATEMENT OF POSITIVE WORKING**
In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. 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 concerns were raised regarding the proposed landscaping. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue 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.



Application No 3/37/13/031
 Variation of condition 2 on planning
 permission 3/37/13/015 in order to
 make minor amendments to the
 seven houses
 Lorna Doone Park, West Street,
 Watchet, TA23 0BJ
 27 September 2013
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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 1:1250

Application No:	3/39/13/029
Parish	Williton
Application Type	Advertisement Consent
Case Officer:	Michael Hicks
Applicant	Mr Dwyer West Somerset Council
Proposal	The display of one non-illuminated locational and directional business directory sign
Location	Roughmoor Industrial Estate, Williton
Reason for referral to Committee	West Somerset Council is the Applicant

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:

Roughmoor Industrial Estate, Williton

Description of development:

The display of one non-illuminated locational and directional business directory sign

Consultations and Representations:

The Local Planning Authority has received the following representations:

Williton Parish Council

Members unable to comment due to being inquorate. Other members consulted and comments returned by 28/10/2013.

Highways Liaison Officer

I refer to the above mentioned planning application received on 26th September 2013 for which I have the following observations to make on the highway and transportation aspects of this proposal.

The proposal relates to the erection of one non-illuminated locational and directional sign for the Roughmoor Industrial Estate. The Highway Authority has no objection in principle to this proposal but have the following detailed comments to make.

From the detail provided on the submitted plan it appears that the font size is too small and does not meet the requirements for a sign that would be located on the adopted highway. This would therefore need to be amended prior to the proposal being implemented. Furthermore the applicant would need to apply for a licence from the Highway Authority before they can position a sign on the adopted highway.

Therefore taking into account the above information the Highway Authority raises no objection to this proposal and if planning permission were to be granted the following condition would need to be attached to the permission certificate.

Prior to the commencement of development hereby permitted details of the proposed sign shall be submitted to and approved in writing by the Local Planning Authority.

The proposed sign shall be fully constructed in accordance with the approved plan and to an agreed specification.

NOTE:

The proposal will require a structure to be located on the adopted highway. This will require a licence from the Highway Service Manager for West Somerset, West Somerset Area Highway Office, West Somerset Area, Mart Road Industrial Estate, Minehead, Tel No. 0845 345 9155. They will be able to advise upon and issue the relevant licences, necessary under the Highways Act 1980.

Public Consultation

The Local Planning Authority has received 3 letters of objection making the following comments (summarised):

Three letters have been received from nearby neighbours objecting to the application. The following objections are raised:

- There are already three signs advertising the Williton Industrial Estate. These are in the following locations:
 1. At the junction of Long Street and Station Road.
 2. Junction of Station Road and Roughmoor.
 3. Near the waste recycling centre.
- I feel the industrial estate is already well enough indicated and most drivers are equipped with a 'sat-nav' these days anyway.
- Station road is not part of the Industrial Estate. A direction should therefore be located within the industrial estate, not Station Road.
- I strongly object to another attempt by our local representatives to force their so called solutions on people whose opinion they consider is of no value.
- Why ask us a question when they have already decided where the sign is to be located.
- The proposed sign will be unsightly and intrusive.
- What provisions have been included to keep the list of names updated?
- Traffic, including articulated lorries may be tempted to stop on Station Road, blocking the highway.
- Traffic enters Station Road up to 27 mph.
- The sign will impair motorists visibility, particularly fast moving vehicles approaching from Long Street.
- The proposed sign is mere window dressing and a waste of taxpayers money.

The alternative locations should be considered:

- Replace the existing sign between the junction with Station Road and the electricity sub-station.
- Site the sign on the grass verge opposite Edward Martin Computer Services (to the north of No. 1-4 Quantock View).

Planning Policy Context

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

The following Policies are considered relevant to this application:

BD/7 Advertisements

National Planning Policy

National Planning Policy Framework 2012, states that the display of outdoor advertisements can be controlled in the interests of amenity and public safety, and should have regard to the visual amenity in the immediate neighbourhood and seek to ensure the proposal would not result in cumulative visual clutter (paragraph 67).

Planning History

There is no relevant history for this site.

Site Description

The site is located within a grass verge to the north of the junction between the A39 and Station Road. The entrance to Roughmoor Trading Estate is located to the north of the site. There is a dwelling to the north east of the proposed sign, No. 2 Station Road. The edge of the grass verge is defined by a stone wall which encloses the garden of the adjacent dwelling, No. 2. There are detached dwellings to the northern side of Station Road.

There are various highway signs already located on the verge consisting of the following:

- Blue weight limit sign.
- A39 directional sign.
- Four local directional signs located on a single pole.

Description of Proposal:

- The proposed sign would measure 2.03 metres in width by 1.58 metres in height. The base of the sign would be located 0.35 metres from adjacent ground level.
- The proposed sign would be mounted on two aluminium supporting posts.
- The proposed sign would include a business directory consisting of approximately 20 businesses.
- The proposed sign would not be illuminated.

Analysis

The impact of the advertisement on amenity

It is considered that the proposed advert would be in keeping with the amenity of the surrounding area by reason of the design, scale, colour and proposed use of materials. The proposed sign would be located close to a range of existing directional signs. The existing signs are of standard highway design and are non illuminated. The spacing between the existing signs is such that the proposed sign will not result in advert clutter. In addition the proposed sign is non illuminated and the proposal would therefore not cause undue harm to the visual amenities of the area.

The proposed sign would be located a minimum of 20 metres from the nearest residential properties, No. 2 Station Road and flats 1-4 Quantock View. Having regard to this distance and the modest overall size of the sign it is considered that there would be no harm to the amenities of these occupiers in terms of loss of outlook.

The impact of the advertisement on public safety

The Highways Authority do not object to the application in principle. However the sign would be located on highway land and therefore in the interests of highway safety the precise font and size of the lettering would have to accord with Highway Authority standards. The original submitted scheme does not accord with these standards as the font is too small. Delegated authority is therefore requested to negotiate these details with the Highways Authority prior to the expiry of the application and to make any alterations to conditions as necessary. In the event that an acceptable design cannot be agreed by the expiry of the application, delegated authority is requested to agree these details through a condition. Subject to approval of these details, it is considered that the proposed sign would not have an adverse impact on highway safety.

Conclusion and Recommendation

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

Reason for Approval:

The proposed signage would be in keeping with the amenity of the surrounding area, would preserve the character and appearance of the area and would not adversely impact upon public safety in accordance with Paragraph 67 of the National Planning Policy Framework. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

Saved Policy BD/7 of the West Somerset District Local Plan (adopted December 2006).

Advertisement Consent is subject to the following conditions:

- 1 This consent shall expire at the end of a period of five years from the date of this approval.

Reason: In accordance with the provisions of regulations 16(2c) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour, or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(iv) Any structure of hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the provisions of Regulations 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Notes

- 1 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.
- 2 This decision relates to Drawing Numbers: Site Location Plan, Unnumbered Block Plan received on 09th October 2013, Unnumbered plan showing proposed sign received on 15th October 2013.
- 3 The proposal will require a structure to be located on the adopted highway. This will require a licence from the Highway Service Manager for West Somerset, West

Somerset Area Highway Office, West Somerset Area, Mart Road Industrial Estate, Minehead, Tel No. 0845 345 9155. They will be able to advise upon and issue the relevant licences, necessary under the Highways Act 1980.



Application No 3/39/13/029
Erection of non-illuminated
directional sign.
Land at Roughmoor
24/09/2013



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

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Easting:
Northing:

Scale: 1:1250

Delegated Decision List

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/01/13/004	<p>Quantock Moor Farm, Bicknoller, Taunton, TA4 4ER</p> <p>Lawful Development Certificate for the existing use of existing buildings, manege and associated land and facilities for equestrian uses including stabling, livery, breeding and keeping horses, the use of the associated land for grazing and production of fodder etc. in addition to agricultural uses.</p>	07 October 2013	Refuse
3/02/13/003	<p>Lower Stone Farm, Brompton Ralph, Taunton TA4 2RT</p> <p>Lawful Development Certificate for the siting and use proposed use of temporary mobile poultry unit and two feed bins</p>	26 September 2013	Grant
3/05/13/004	<p>1 Townsend Cottage, Main Road, Carhampton, Minehead TA24 6NH</p> <p>Re-roofing of single storey extension at rear of property, plastering of internal walls and replacement guttering.</p>	19 September 2013	Grant
3/05/13/008	<p>Rockleaze, Blue Anchor, Minehead, TA24 6LB</p> <p>Replacement Balcony</p>	17 September 2013	Grant
3/07/13/009	<p>Triscombe Farm, Bishops Lydeard, TA4 3HE</p> <p>The conversion of two barns to provide holiday let accommodation; the conversion of a Grade II listed Barn for ancillary use and the conversion of a Piggery for ancillary use to the holiday lets and Triscombe Farmhouse. Also formation of proposed manege.</p>	24 September 2013	Grant
3/09/13/005	<p>The Old Livery, Andrews Hill, Dulverton, TA22 9HS</p> <p>Lawful Development Certificate for existing use of land for one residential caravan and for the following ancillary uses thereto; (a) parking of vehicles and plant, and (b) for storage.</p>	25 September 2013	Grant
3/21/13/071	<p>Oakwood, Martlet Road, Minehead, TA24 5QE</p> <p>Erection of a small observatory at the bottom of</p>	16 September 2013	Grant

the garden

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/13/072	Ground Floor Flat, The Old Forge, Summerland Place, Minehead, TA24 5BT Replacement UPVC windows	07 October 2013	Grant
3/21/13/074	54 Summerland Avenue, Minehead, TA24 5BN Conversion from dual use as a dentist surgery with residential accommodation over (D1/C3) to single dwellinghouse (C3).	17 September 2013	Grant
3/21/13/076	Peri, 11A The Avenue, Minehead, TA24 5AY Display of externally illuminated fascia signage (retrospective). As amended by drawing received on 1/10/13.	03 October 2013	Grant
3/21/13/080	D,O,P Plantation Quay, Butlins Minehead Resort, Warren Road, Minehead, TA24 5SH Provision of french doors, balconies, terraces and 4 extensions forming access porches. Blocks D, O, P Plantation Quay	04 October 2013	Grant
3/21/13/081	117 Cher, Minehead, TA24 5EL Proposed rear extensions	15 October 2013	Grant
3/21/13/082	Land at Lynch's Field, Seaward Way, Minehead, TA24 6US Erection of extendible, lattice mast 15m to the top with required linked microwave dishes to provide communication links to existing sites in the area plus a mobicell cabin to provide the electronic operation of the site, a silenced generator and 2m Herras fencing. Erected until 30 September 2013.	09 October 2013	Grant
3/21/13/085	10 Wellington Square, Minehead, TA24 5NH Display of new fasica sign	15 October 2013	Grant
3/21/13/087	Butlins, Warren Road, Minehead, TA24 5SH Variation of condition 16 in relation to planning permission 3/21/13/039 to change the wording to:	14 October 2013	Grant

"No work, *except demolition*, shall commence on the development hereby permitted until details of the construction access shown on drawing 2012/1589/005 have been submitted to and approved in writing by the LPA. The construction access shall then be fully constructed in accordance with the approved plan to an agreed specification before the works commence".

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/13/089	9 Higher Park, Minehead, TA24 8AP Flat roof extension to front of property to form a utility room	04 October 2013	Grant
3/21/13/091	Block K, Plantation Quay, Butlins Minehead Resort, Warren Road, Minehead, TA24 5SH Erection of two extensions and two staircases renewing access arrangements to Block K	17 October 2013	Grant
3/26/13/009	Cherry Trees, Warren Bay Caravan Park, CLEEVE HILL, WATCHET, TA23 0JR Extension to existing bungalow	16 September 2013	Grant
3/32/13/023	Northern side of junction at Clayland Corner, Cockwood, Stogursey Display of directional sign for Acland Hood Arms Hotel, village & services of Stogursey	19 September 2013	Refuse
3/32/13/024	Southern side of junction at Clayland Corner, Cockwood, Stogursey Display of directional sign for Acland Hood Arms Hotel, village & services of Stogursey	19 September 2013	Refuse
3/36/13/001	Easterdown, Upton, Taunton, TA4 2JB Demolition of existing timber dwelling and construction of one replacement dwelling and associated works.	23 September 2013	Grant
3/37/13/020	21 Helwell Green, Watchet, TA23 0EL Formation of hardstanding to front of dwelling	14 October 2013	Grant
3/37/13/021	7 Mariners Way, Watchet, TA23 0EZ Infill walls and windows to existing open porch	20	Grant

September
2013

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/37/13/022	Bridge Garage 1 Swain Street, Watchet, TA23 0QE Lawful development certificate for the following existing building operations: Two dormer windows on the south west elevation and two storey extension to the north east elevation.	01 October 2013	Grant
3/37/13/023	Resta, 43 Brendon Road, Watchet, TA23 0HX To demolish existing single garage and store and build a double garage with store over.	19 September 2013	Grant
3/37/13/024	The Croft, Anchor Street, Watchet, TA23 0BY Construction of two semi-detached two bedroom dwellings within the Croft courtyard, together with the provision of associated garden areas and the reformation of the access and parking arrangements within the courtyard, including provision of new boundary walls. Also demolition of the existing raised planter at the site access position and the formation of a new access, together with the demolition of existing timber fences and the felling of existing trees within the courtyard.	25 September 2013	Grant
3/37/13/025	The Croft, Anchor Street, Watchet, TA23 0BY Demolition of the existing raised planter at the site access position together with the demolition of existing timber fences.	25 September 2013	Grant
3/37/13/026	West Bay Caravan Site, West Street, Watchet, TA23 0BJ Retrospective permission for existing storage sheds for Park Homes and permission for storage sheds yet to be sited for new Park homes.	07 October 2013	Grant
3/37/13/027	21 Ramon Avenue, Watchet, TA23 0EJ Provision of new pitched roof canopy to front elevation	14 October 2013	Refuse

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/37/13/028	5 Whitehall, Watchet, Taunton, TA23 0BD Two storey rear extension to provide improved living room and additional bedroom (resubmission of 3/37/13/003)	17 October 2013	Grant
3/38/13/006	Landshire House, West Quantoxhead, Taunton, Somerset, TA4 4DX Erection of single storey rear extension and extension to dormer	17 October 2013	Grant
3/39/13/021	16 Half Acre, Williton, Taunton, TA4 4NX To construct a double garage	17 September 2013	Grant
3/39/13/022	39 Townsend, Williton, Taunton, TA4 4RB Erection of a front porch	18 September 2013	Grant
3/39/13/024	15 Shutgate Meadow, Williton, TA4 4TJ Single storey extension	11 October 2013	Grant
3/41/13/001	Withycombe Farm, Withycombe, Minehead, TA24 6PZ Erection of barn for the storage of hay and straw	26 September 2013	Prior approval not required
CA/21/13/008	Clanville, Clanville Road, Minehead, TA24 5PD Works to trees, in Area A and Area B.	01 October 2013	Raise No Objection
CA/21/13/009	Mayfair Residential Home, 25 The Avenue, Minehead, TA24 5AY To remove Almond tree	15 October 2013	Raise No Objection
CA/21/13/011	17/19 Bancks Street, Minehead, TA24 5DJ Fell Sorbus tree	18 October 2013	Raise No Objection

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
HPN/37/13 /001	10 Alamein Avenue, Watchet, TA23 0TY To extend the property from the rear wall of the original dwelling house by 4m with a maximum height of 3.5m and an eaves height of 2.4m as specified by the following submitted details: Application form and Plans DK/001 & DK/002	18 October 2013	Prior approval not required

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
T/18/13/00 2	Great Beats, Kilve, Bridgwater, TA5 1SS To fell one Monterey Cypress	17 October 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
T/38/13/00 3	Shenjela, Staple Lane, West Quantoxhead, Taunton, TA4 4DE Removal of one lower limb of Copper Beech that is touching the front bedroom window at the northern end of the building.	07 October 2013	Grant

Appeal Decision

Hearing held on 5 September 2013

Site visit made on 5 September 2013

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 18 September 2013

Appeal Ref: APP/H3320/A/13/2197662

**Lime Street Buildings, Shurton Lane, Stogursey, Bridgwater, Somerset
TA5 1QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Plowright against the decision of West Somerset Council.
 - The application Ref 3/32/12/060, dated 24 August 2012, was refused by notice dated 9 November 2012.
 - The development proposed is erection of new essential agricultural workers dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. A written application for costs made before the hearing by Mr J Plowright against West Somerset Council was withdrawn by his agent at the hearing.

Main issue

3. From my inspection of the site and its surroundings, and from the representations made at the hearing and in writing, I consider that the main issue in this appeal is whether the enterprise justifies the permanent residential accommodation proposed, having regard to national and local planning policies and guidance which aim to restrict new development in the countryside.

Reasons

Background

4. The *National Planning Policy Framework* (Framework) explains that new isolated homes in the countryside should be avoided unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. The relevant policies of the *West Somerset District Local Plan* (LP) are broadly in line with the Framework. LP Policy H/2 aims to only permit dwellings for agricultural workers outside the limits of settlements where 5 criteria are satisfied.
5. The appeal site is in mainly open countryside outside any settlement limits defined in the LP. It is reached from the narrow Shurton Lane, roughly 250 m from the edge of the village of Stogursey. It is at the farmstead that is central to the mainly beef and sheep enterprise, M J and C Plowright, which includes a

number of scattered parcels of land up to about 8 miles away. It is mainly run by Mr Michael Plowright, and his son, Mr John Plowright, with assistance from other family members from time to time. Operations such as silage and hay making are mostly carried out by contractors. The enterprise has been developed from Mr and Mrs Michael Plowright's home, which is about 600 m away in Stogursey. That dwelling is not subject to an agricultural occupancy condition, it is not part of the enterprise, and it is not within sight and sound of the farm buildings where the livestock are housed.

6. The enterprise has been built up from a few acres since about 1967. It now includes roughly 117 hectares of owner-occupied land and 281 hectares of common grazing rights and annual grass keep. The roughly 139 suckler cows and their offspring, and up to 150 bought-in calves, can amount to about 400 head of cattle at any time. The appellant's representative said that the sheep flock now includes roughly 1300 breeding ewes, plus their lambs.
7. A temporary mobile home next to the site was granted planning permission for a period of 3 years expiring in December 2013. The Council says that the mobile home was granted because the then applicable functional test for a permanent dwelling in Annex A to Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) was considered to be met at the time, but the financial test was not. The tests in PPS7 Annex A are no longer government policy. However, the main parties' agricultural advisers' representations generally reflect that approach. As the PPS7 Annex A tests provide an objective basis for considering the essential need for a permanent dwelling, I shall take them into account in this appeal.
8. The proposed 4-bedroom house would include an attached double garage. Because the design of the dwelling would respect its rural context, its siting would be well related to the existing farm buildings, and soft landscaping around its garden could reasonably be controlled by planning conditions, criteria ii), iii) and iv) of LP Policy H/2 would be satisfied. Improvements to the access, in the interests of highway safety in Shurton Lane, could also reasonably be controlled by planning conditions.

Essential need

9. The appellant's evidence shows that the livestock-related element of the enterprise currently demands about 3 full-time workers, so the need for the dwelling would relate to a full-time worker. As I saw, there is no dwelling at the farmstead or building suitable for conversion to a dwelling. From the evidence put to me at the hearing, there is no suitable and available existing accommodation within sight and sound of the farmstead.
10. The livestock are usually brought back to the farmstead for calving and lambing. Calving and lambing were said to mainly occur from November to the end of May, but both could take place throughout the year. Bought-in and sick or injured livestock are also brought to the farmstead at any time. So, as well as the twice daily checks and routine activities, livestock at the farmstead could require swift attention at any time of the day or night on any day of the year. Due to the nature of the enterprise, the numbers of livestock, and because the welfare of the livestock is essential to the viability of the enterprise, there is an essential need for a suitably-skilled stock person to be available within sight and sound of the farm buildings at most times to deal with the livestock-related emergencies and out of hours occurrences that could arise.

11. For all of these reasons, I consider that there is an essential need for a rural worker's dwelling at the site. It would satisfy Criterion i) of LP Policy H/2 which requires there to be a proven need for the dwelling on the holding.

Permanent

12. Whilst there is an essential need for a dwelling, to allow a permanent dwelling that need should also be sustainable. So, the enterprise, including the cost of the proposed dwelling, should be financially viable, and it should have a reasonable prospect of remaining so. This is broadly in line with criterion v) of LP Policy H/2 which says that the dwelling should be commensurate with the established functional requirement of the holding.
13. At the hearing the Council confirmed that it is not the floor area of the proposed dwelling that is at issue, but the ability of the enterprise to sustain its cost. So, the scale of other occupancy dwellings in the locality is not a relevant matter.
14. The appellant's commitment to the long established enterprise is not in dispute. There has been significant investment in buildings and machinery at the farmstead, and most of the recently approved farm buildings have been built. Although it was stated that the loans for these would be repaid within a few years, this has currently placed a financial burden on the business. The Council's evidence shows, on the basis of the information available to their present agricultural adviser, that the farm business profit levels appear marginally sustainable for the family. This is without the additional cost of the proposed dwelling.
15. The appellant's agricultural adviser had previously advised the Council when the permission was granted for the temporary mobile home. His advice then was that the profitability would have to increase in order to substantiate the need for a permanent dwelling in the future, and that the labour required for the enterprise would need to be fully costed in the budgets and accounts. However, the appellant's single sheet of profit and loss data for financial years 2007 to 2010 mainly relates to the period preceding the grant of permission for the mobile home, and accounts for more recent financial years were not put to the hearing.
16. Instead, the appellant's financial appraisal includes assumptions based on 1992 former MAFF guidance. There was little explanation as to why this data would be preferable to actual farm accounts, or relevant in the light of current national and local policy, so it attracts little weight. Figures given verbally for profits in recent years also attract little weight because they cannot be related to the overall financial context. There was also little evidence of up to date labour costs for the enterprise and there was no detailed estimate of the cost of the dwelling.
17. However, from the Council's agricultural adviser's undisputed assessment, even if a mortgage for the cost of the proposed dwelling could be achieved, this would leave insufficient income for the workers' reasonable livelihoods. Thus, the enterprise would no longer be financially viable. Whilst the appellant has access to other funds, it is an established principle that it is the needs of the enterprise, rather than those of the appellant, that would be relevant in determining the size of dwelling that would be appropriate to a particular holding.

18. I consider that the enterprise would not sustain the cost of the proposed dwelling and remain financially viable with a reasonable prospect of remaining so. It would be contrary to criterion v) of LP Policy H/2 and the Framework.

Special circumstances

19. I have found that there is an essential need for a rural worker's dwelling. However, the cost of the specific dwelling proposed would unacceptably compromise the financial viability of the enterprise and, thus, its sustainability. Therefore, the special circumstances to allow the proposed dwelling in the countryside would not be met. It would be contrary to LP Policy H/2 and the Framework.

Conclusion

20. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Michael Plowright	Partner, M J and C Plowright
Cynthia Plowright	Partner, M J and C Plowright
John Plowright	Appellant
James Venton BSc(Hons)	Appellant's agent, Tamlyns Chartered Surveyors

FOR THE LOCAL PLANNING AUTHORITY:

Elizabeth Peeks MRTPI	Principal planning officer, West Somerset Council
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DOCUMENTS PUT IN AT THE HEARING

- 1 Appeal decisions ref APP/C1625/C/12/2171928 and 2172069, and APP/C1625/A/12/2171046, put in by the Council.
- 2 Planning permission ref 3/32/10/035 dated 9 December 2010, and plan numbered 2010-STOG-001, put in by the Council.
- 3 Maps showing land farmed by M J and C Plowright, put in by the Council.

Appeal Decision

Site visit made on 3 September 2013

by Julie German BSc(Hons) BTP MRTPI

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

Decision date: 14 October 2013

Appeal Ref: APP/H3320/A/13/2190094

Land at Trendle Lane, Bicknoller, Taunton, Somerset TA4 4EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Kathleen Collier against the decision of West Somerset Council.
 - The application Ref 3/01/12/003, dated 2 May 2012, was refused by notice dated 31 July 2012.
 - The development proposed is erection of barn, re-siting of field shelter and use of land for grazing of horses (amended scheme).
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. I have noted the appellant's comments with regard to the planning status of the field shelter and the use of the land for the grazing of horses. However, whether or not planning permission is required is not a matter for me to determine in the context of an appeal made under Section 78 of the above Act.

Main Issues

3. I consider that there are two main issues:
 - i) the effect on the landscape and scenic beauty of the Quantock Hills Area of Outstanding Natural Beauty, and;
 - ii) highway safety.

Reasons

4. The appeal site is a large, broadly rectangular field on the east side of Trendle Lane, and beyond any settlement boundary identified in the West Somerset District Local Plan. There are dwellings along the west side of Trendle Lane but the east side is largely undeveloped. The field slopes up away from the road and a hedge forms the roadside boundary. There is a field shelter at the end of the field adjacent to the lane. This measures 7.2m by 3.6m, with a ridge height of 2.9m, and is built on skids.
-

5. The proposal entails the repositioning of the field shelter in order to allow the siting of a storage barn which would measure 9.15m by 13.72m, with a ridge height of 3.6m. Both buildings would be timber clad. There would be a small reduction in the existing ground level in order to provide a flat surface for the construction of the barn. The barn would be used for the storage of tack and feed, together with a tractor and equipment including a paddock vacuum cleaner, a roller, a topper, and a harrow. The proposal also entails the change of use of the 2.4 hectares of land to allow the grazing of horses. I understand that the appellant acquired an additional 1.2 hectares of adjoining land subsequent to the submission of the planning application.

Landscape

6. The National Planning Policy Framework states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in this respect. This aim is echoed in Policy LC/3 of the Local Plan which states that where development is permitted outside development limits, particular attention will be given to the protection of the scenic quality and distinctive local character of the landscape, and that development which does not respect the character of the local landscape will not be permitted. In addition, Policy SP/5 indicates that in the countryside areas outside settlement limits development will only be permitted where it maintains or enhances environmental quality.
7. I understand that it is proposed to allow the roadside hedge to increase in height. A new hedge would be provided at the access, and to the north of the field shelter. Fruit trees would be planted to the east of the barn and field shelter. I appreciate, therefore, that the development would be largely screened from the road and entrance, and from the north. Nevertheless, it would be visible from other viewpoints including from higher land to the east where there is a footpath. From here, the quality of the landscape can be readily appreciated.
8. The development would occupy land within a designated landscape and the barn would be a large and utilitarian structure. I have noted the appellant's argument that the roadside hedge would serve as a backcloth to the development. I consider, however, that the barn would be clearly visible from the east and would appear as an overly large and intrusive feature which would detract from the natural beauty of the landscape. Further, the visual impact of the barn would be compounded by that of the field shelter.
9. In any event, I consider that the argument that visibility would be limited is not a good one as it could be repeated too often. The cumulative effect of a number of similar developments could be considerable.
10. I conclude on the main issue that due to its size and siting the proposed development would result in significant harm to the landscape and scenic beauty of the Quantock Hills Area of Outstanding Natural Beauty. It would thereby conflict with Policies LC/3 and SP/5 of the Local Plan.
11. I saw at my site visit that the land is carefully maintained. I am not convinced, however, that the small acreage involved necessitates the storage on the site of the full range of equipment proposed, some of which might be used infrequently. I note that the appellant has engaged agricultural contractors in

the past but the arrangement has not proved satisfactory. To my mind, however, other arrangements such as the hiring of equipment as and when required might be explored. Even if this were to prove unsatisfactory I believe that the cost in terms of the visual harm to the landscape resulting from the proposed built development would outweigh the benefit in respect of the maintenance of the land itself.

Highway safety

12. I understand from the highway authority's response to consultation that vehicle speeds on Trendle Lane are about 20mph. As such, visibility splays of 2.4m by 25m are required at the access in both directions in order to comply with nationally adopted standards. These visibility splays are not currently available.
13. The appellant argues that the land is of poor agricultural quality, only suited to the grazing of livestock. On this basis it is argued that there would be little difference between the traffic generated by the equestrian use of the land and that which might otherwise be generated by its agricultural use. I am not persuaded by this argument. In my view, the owner of horses would visit the site to care for their animals, but might also visit simply to enjoy their hobby and to take the horses out on local roads and bridleways or to events, the latter potentially requiring the use of a horsebox or lorry. On the other hand, a farmer managing the land on a commercial basis would be likely to restrict the number of visits to those purely necessitated by the welfare of the stock. Given that the access is severely substandard I believe that the difference between the traffic generated by equestrian and agricultural use would be sufficiently great to result in material prejudice to highway safety.
14. If I were minded to allow the appeal a planning condition requiring the provision of visibility splays could be attached to the permission but this would add to the visual harm to the Area of Outstanding Natural Beauty. The appellant suggests that trimming of the roadside hedges would provide an acceptable level of visibility. Whilst this would provide a welcome improvement it would not meet the standard demanded by the proposal and I am concerned that it might not endure in the longer term.
15. I conclude on the second main issue that the proposal would result in unacceptable harm to highway safety. It therefore conflicts with Policy R/10 of the Local Plan which refers to equestrian establishments and precludes activities which would adversely affect highway safety.

Conclusions

16. The appellant has pointed to other nearby development in support of the appeal but I do not know the full details of the cases or the policies which were in place at the time of their construction. In any case, it is well established that every planning application and appeal falls to be considered on its own merits. I recognise that the proposal is for a recreational facility that would have economic and social benefits but they do not outweigh my concerns in respect of the main issues. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Julie German INSPECTOR