

10/14/0024

MR D COCKCROFT

ERECTION OF A SIX BEDROOM HOLIDAY CHALET WITH ASSOCIATED GARDEN, POND AND PARKING AREAS AT PAY PLANTATION, STAPLEY

Location: PAY PLANTATION, STAPLEY, TAUNTON, TA3 7QA

Grid Reference: 310745.113553 Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 1544/PL/05B Elevations and Sections
(A1) DrNo 1544/PL/01B Location Plan
(A1) DrNo 1544/PL/02B Plans
(A1) DrNo 1544/PL/03B Plans
(A1) DrNo 1544/PL/04B Elevations and Section
(A4) DrNo 1544/PL/06B Location Plan

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

3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent discharge into nearby water courses in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

4. (i) Before any part of the permitted development is commenced, a

landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife in the form of a Construction Method Statement (CEMP) and an ecological management plan has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Tyler Grange LLP submitted report, dated May 2014 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for dormice;
- Details of a lighting strategy; and
- Details of Habitat Management of the site.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat, bird and dormice boxes and related accesses **have** been fully implemented

Reason: To protect wildlife and **their** habitats from damage bearing in mind **these** species **are** protected by law.

6. Details of the external glazing to rooflights and the swimming pool area shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and shall be carried out as agreed and thereafter retained.

Reason: To ensure control of light spillage from the site in the interests of the amenity of the area.

7. There shall be no obstruction to visibility greater than 900millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety.

8. There shall be no removal of the roadside hedgebank to the north of the site at any time.

Reason: In the interests of preserving the character of the area.

9. The chalet shall be occupied for holiday purposes only.

The chalet shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of the building on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in with paragraph 55 of the National Planning Policy Framework.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2, Part 1, Classes A to F of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent harm to the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

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

The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed construction method statement clearly stating how wildlife and their habitats will be protected through the development process and to be provided with a mitigation proposal that will maintain the favourable status for dormice that are affected by the proposal.

PROPOSAL

The proposal is to erect a six bedroom holiday home with indoor pool and games room to the south west of the existing holiday chalets at Pay Plantation, Stapley. The building will be single storey with lime rendered walls and a green sedum roof as well as part corrugated sheet. The accommodation will be set either side of a central core with entrance hall, dining room and swimming pool. There will be two bedrooms in the western wing and four in the east. The construction will involve the removal of part of a conifer plantation and provision of 9 parking spaces as well as ponds to deal with surface water. The application is accompanied by a Planning Statement, Design & Access Statement, Landscape and Visual Impact Assessment, Ecological Appraisal and Commercial viability report.

SITE DESCRIPTION AND HISTORY

The site lies to the south west of the hamlet at Stapley within the Blackdown Hills AONB and is accessed via the existing track serving the two existing holiday chalets. The current chalets were approved in 2005 (10/05/0008). There have been three previous refusals for an additional holiday unit on land to the east, the last in 2011 ref 10/11/0042. There is also an appeal decision on the previous site issued in 2012 which is highly relevant.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHURCHSTANTON PARISH COUNCIL - Object on the grounds of development outside of the settlement limit; the scale, design and a new build in the countryside; high carbon footprint with no transport other than private vehicles; increase in noise and light pollution; lack of biodiversity when account is taken of increased lighting, uniform conifer plantation screening and effect on dark skies in the AONB; no economic justification is provided; greater visual intrusion because of increased cleared areas.

DRAINAGE ENGINEER - I note that in the Design Statement unspecified works are to be carried out to the surface water carriers through this proposal. Also that features and ponds are to be created. However no details have been included in the submission so far. Details should be forwarded for approval before permission is given.

Can the following standard condition be attached to any planning approval given.

“ No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed”

LANDSCAPE - My main concern is the change of use of forestry land to holiday chalet and effect on landscape character within the AONB - CP8 and although relatively well screened with existing vegetation, there will be light spillage especially during the winter and early spring months.

BLACKDOWN HILLS AONB SERVICE - The Blackdown Hills Area of Outstanding Natural Beauty is primarily an agricultural landscape that has retained a sense of remoteness and remains largely unspoilt by modern development. Consequently, the AONB Partnership is keen to limit the introduction of unnecessary and incongruous developments in isolated and remote locations, and such proposals should be given very careful consideration as to their potential impact on the natural beauty of the area, and people's enjoyment of its associated special qualities.

Pay Plantation is located in the upper Culm valley, and forms part of a mosaic of habitats, including dry and wet woodland, unimproved and marshy grasslands, mire and scrub, that is particularly characteristic of the AONB. Indeed the site's mire and scrub habitat was considered as a key feature at the time of the original permission granted in 2004. Furthermore the site is situated in a quiet location accessed by narrow lanes.

The construction of a substantial new building in the woodland, the creation of access, parking and garden area, with associated paraphernalia for large scale holiday accommodation, light spill, together with the intensification of use and the associated noise, activities and comings and goings of visitors and holiday makers would have a detrimental impact on the character of the local area, tranquillity of the surroundings and biodiversity interest and would be bound to generate a number of car based journeys as visitors would need to travel to access even the most basic of facilities and services.

As you will be aware the AONB Partnership supports its local planning authorities in the implementation of national planning policy and their own development management policy framework in order to conserve and enhance the natural beauty of the area. Although the precise location and design of this proposal is different to the last application here, the scale and scope of the proposal has not altered and the policy context remains as then. I note that the appeal inspector in relation to that proposal, less than two years ago, concluded that 'overall, the conservation of the

Blackdown Hills AONB is the prevailing consideration’.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development is located off of Stapley Road a designated classified unnumbered highway to which the National Speed Limit applies past the development access. Stapley Road is not provided with pedestrian footway or street lighting and two way vehicle flow is somewhat problematic given carriageway widths in proximity to the site.

Having consulted Planweb 3.5.5, I can confirm that there have been no recorded accidents with the last five years in proximity to the development site.

I note that this planning application is a resubmission of planning application No. 10/11/0042. The Highway Authority provided observations to the Local Planning Authority on the 12th December 2011, to which suitable conditions were recommended. It is noted that the application was subsequently refused by the Local Planning Authority on the 13th January 2012 in connection with sustainability. I would draw the Planning Officers attention to a recent Appeal Decision 2179423, for a similar proposal whereby there were issues regarding sustainability and access. Please note that the Highway Authority no longer provides observations on site sustainability.

The proposed development seeks planning permission for the of a six bedroom holiday chalet; it is noted that the application site has been relocated. My comments are made from onsite observations and the information submitted supporting the planning application specifically the *Design and Access Statement* and Drawing No. 1544/PL/01B.

Access Arrangements – Paye Plantation, Stapley

Notwithstanding the comments made by my colleague under planning application 10/11/0042 in connection with the site access; I have the following comments based on the information submitted.

The proposal seeks to utilise the existing access which obtains entrance onto Stapley Road, to which the vehicular access is utilised by the existing property known as Willow Lodge/Braken Lodge. On site observations indicate that the existing access is not properly consolidate nor provided with suitable drainage provision. However, the access is currently in use and I do not consider that the proposal would result in a significant impact in traffic generation and therefore it would be unreasonable for the Highway Authority to require the applicant to provide any alterations to the current access arrangements (design/geometry).

However, I would note that the submitted *Design and Access Statement* states the following; ...*The existing access has visibility splays in excess of 120m with a set-back of 2.4m...* yet no drawings have been provided to establish that these coordinates are achievable.

It is clear that vehicular visibility in this location is obstructed by overgrown vegetation encroaching on the existing highway verge. As a result it is considered that this should be dealt with by a suitably worded condition similar to that of my colleagues requirement dated 12th December 2011; 2.4m x 60m with no

obstruction over 900mm to the nearside carriageway edge in both directions. This will need to be maintained to be provided in perpetuity.

Trip Rate Information Computer Systems (TRICS), specify that a use class of Residential J – Holiday Accommodation would generate approximately two vehicle movements per day. However, given that this is a six bedroom unit with the capacity to accommodate up to 12 persons; it is likely that trip rates are to be greater than that of a single unit.

It is the view of the Highway Authority the proposal would not generate a significant level of vehicular movements as there will be an element of share trips with the users of this proposal (day trips). Peak hours are outside that of a standard residential use and a maximum of 1.4 movements within this period is considered negligible. As a result it is not considered that the proposal would result in any detrimental effect on the existing highway in terms of traffic generation.

It is noted, the red-line Drawing No. *1544/PL/06B* encompasses the development site; right off access and vehicular access. It is noted that there are numerous parking spaces outside of the application red-line although situated within the blue-line. The Highway Authority have no comments on the parking shown within the blue-line.

Drawing No. *1544/PL/01 B* details that the proposal is provided with nine vehicle parking spaces. The *Somerset County Council – Parking Strategy* (September 2013) does not provide optimum standards for the specific use of the site as a Holiday Let. As a result the site should be judged on its own merits.

Having dealt with applications of a similar nature, it would not be unreasonable to require one vehicle space per two bedrooms. However, in this instance and the nature of the holiday let it is considered that the onsite provision is acceptable. The site is also provided with an ample turning area allowing vehicles to manoeuvre within the site to exit the highway in a forward gear. A condition should be imposed to keep this area clear from obstruction at all times.

As a result the Highway Authority has no objection to the proposed development and in the event of permission being granted, I would recommend that the following conditions are imposed:-

There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

The area allocated for parking and turning on the submitted plan, Drawing No. *1544/PL/01 B*, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

BIODIVERSITY - The proposals will result in the clearance of an area of low

ecological value. Proposals include the provision of new wetland areas, the installation of a green roof and the provision of bird, bat and dormice boxes which will all maximise the biodiversity value of the site. I agree that a construction method statement will be required to ensure that the nearby retained habitats and Stapley Plantation Local Wildlife Site remain unaffected during the construction period.

NATURAL ENGLAND - Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected landscapes - Having reviewed the application Natural England does not wish to comment on this development proposal.

The development however, relates to the Blackdown Hills AONB. We therefore advise you to seek the advice of the AONB. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected species - We have not assessed this application and associated documents for impacts on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Landscape enhancements - This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

ECONOMIC DEVELOPMENT - As the Council's Economic Development Manager I am in support of the application. The Economic and Commercial Viability Report is well researched and provides evidence of the likely demand for the proposed holiday unit as well as the likely impact and the multiplier effect on the local economy.

Tourism is an important and growing sector of Taunton Deane's economy, creating jobs and stimulating wealth creation. It is important that locations throughout the Borough have the infrastructure to develop this important sector, particularly when faced with the decline of other, traditional rural businesses. The proposal in question would provide high quality accommodation to attract visitors throughout the year to one of the most sparsely populated parts of the Borough.

The importance of a development of this nature to the local economy is difficult to directly quantify, but I have no doubt that it can be significant. The Economic and Commercial Viability Report gives a reasonable summary of the direct and indirect local economic benefits, including an analysis of existing local businesses of relevance in the area. The new accommodation would provide direct spend amongst a wide range of suppliers of services – on site and off site, including retailers, pubs and other service providers in the village.

Representations

Ward Councillor objection - In my opinion , whilst the positioning of the Development has changed slightly there is nothing different about the size , scope and potential impact it will have on the area. Our beautiful AONB , must be preserved at all costs and this sort of Development does not enhance it in any way , quite the contrary. As I said in my previous application, one of my big concerns is that of the infrastructure which comprises of very narrow, windy lanes which can be dangerous at the best of times . The safety of the local people who live in Stapley is another with regard to the potential of increased traffic along these lanes. I would urge the Planning Officers and Councillors who are members of the Planning Committee to refuse this application.

19 letters of OBJECTION raising issues of:

- chalet and parking will diminish local charm of AONB
- proposal is out of character
- outside village boundary,
- NPPF confers great weight to conserving the landscape and scenic beauty of an

AONB,

- the site is not suitable and is prone to flooding which will increase with woodland loss,
 - flooding has occurred around the lane entrance and Stapley Mill opposite,
 - will increase run off and flood risk,
 - no significant policy changes since previous refusal,
 - a grant and licence to replace conifers with broadleaved trees would not occur and another chalet would not enhance the landscape,
 - overdevelopment of holiday accommodation in the area,
 - will be detrimental to the letability of existing chalets,
 - size of development out of keeping with other houses in Stapley,
 - its mass is out of keeping and would dominate and detract from the natural environment,
 - no reference is made to a ground investigation report and the site will be close to the spring line and poor ground conditions,
 - the building lacks green credentials other than green roof and insulation,
 - the scheme does not incorporate sustainable construction techniques,
 - the design pays scant attention to character of properties in the area or existing chalets,
 - the size and use of modern materials will require a specialist contractor probably from outside the Blackdowns,
 - construction will create substantial spoil that will need disposing of
 - it would be contrary to Core Strategy policies CP8, DM1, DM2 and the Blackdown Hills Management Plan,-
 - harm to the heritage and landscape of the area,
 - existing chalets would not get permission under current policy and Council should preserve this special area of countryside,
 - no replanting of deciduous trees,
 - will have negative impact on wildlife,
 - there is more wildlife in the area than the report indicates,
 - will impact butterfly forest plantations,
 - facilities provided (such as swimming pool) are not in keeping with the area
 - chemicals could leak into local wetland,
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- no public transport,
 - Stapley is a hamlet with no services,
 - visitors will come by car contrary to policy DM1
 - increased traffic,
 - will increase risk of accidents as car travel will be only means of access and visitors unlikely to be familiar with local narrow roads,
 - the access lane would need to be improved,
 - clarification of site access required,
 - lane into Stapley is a cycle route for the school children who could be endangered,
 - emergency services will need to travel from towns and would reduce service elsewhere,
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- local disturbance at night from holiday makers
 - noise increase,
 - use for noisy parties,
 - increase in litter,
 - increased risk of fire,

- increased risk of stress to badgers and likelihood of increase in TB affecting nearby cattle,
- increase in light pollution with extensive glazed areas,
- will increase risk of crime increases,
- may lead to increase in police response times,
- lack of local amenities,
- will not benefit local economy,
- any economic benefit will be significantly outweighed by harm to the AONB,
- size of the new chalet will mean cutting a vast amount of the forest area,
- no need - current lodges are not fully booked for even peak holiday season,
- the policy DM2 allows for small scale development but the size of house takes it out of small scale,
- no overriding reason for the chalet to be located here in an unsustainable location,
- Devon bank adjacent to road should not be removed,
- no local community benefit,
- there is no high speed broadband contrary to policy DM1,
- would set precedent and make future permission easier.

12 letters of SUPPORT on grounds of:

- proposal meets needs for high quality accommodation to meet need and shortage of such accommodation
- site is discrete, screened from view and will have little impact on the natural surroundings
- lodge takes account of ecological and environmental issues
- it will preserve and improve ecology transforming a monoculture plantation into a diverse habitat
- the roads are not particularly narrow or dangerous
- scheme well designed
- provides work for local people, businesses and supports local economy
- holiday accommodation will support local facilities
- owner encourages use of local facilities, amenities and attractions.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
 CP8 - CP 8 ENVIRONMENT,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 M4 - TDBCLP - Residential Parking Provision,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is

approximately £61,000

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1,079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
Somerset County Council (Upper Tier Authority)	£1,619

DETERMINING ISSUES AND CONSIDERATIONS

In line with the previous appeal, although related to a site to the east of the current scheme, the main issues are the effect on the character and appearance of the area, bearing in mind the location within the Blackdown Hills AONB; the sustainability of the scheme and how this weighs against any benefits arising from the scheme such as to the local economy from tourism; and whether any identified harm would be outweighed by any positive aspects of the development.

Policy

Since that last refusal the Core Strategy has been adopted and the NPPF has come into existence. Policy CP8 of the Core Strategy seeks to conserve and enhance the natural environment and not to permit development proposals that would harm these interests. It also states that

"Unallocated greenfield sites outside of settlement boundaries will be protected and where possible enhanced. Development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. Development outside settlement boundaries will be permitted where it will:

be in accordance with national, regional and local policies for development within rural areas (including those for protected Natura 2000 and Ramsar sites); and be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements; and protect, conserve or enhance the interests of natural and historic assets; and not exacerbate, and where possible improve, flood risk (fluvial and surface water); and protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and enhance the biodiversity of the Plan Area; and provide for any necessary mitigation measures."

The plantation is a woodland estate within the AONB and the applicant's run two existing chalets off the road that runs through the hamlet. The applicant has sought to reassess the most appropriate location following the last refusal. The current location is set within an area of conifer planting which is not indigenous to the area and character of the AONB and offers limited habitat benefits. The site will not be visible from local rights of way, differing from the previous scheme, and the Landscape and Visual Impact Assessment concludes there will be no significant visual effects arising from the development and that there will be significant and beneficial effects in terms of natural beauty of the AONB landscape through enhancement and diversification of habitats in the locality. In light of the LVIA it is considered difficult to argue that the development would be unacceptably harmful to the character of the area as referred to under policy DM1d. The lack of high speed broadband is not considered necessary for the development, so this is not considered contrary to policy DM1.

Policy DM2 relates to development in the countryside and this policy supports certain uses outside of defined settlement limits and these uses include holiday and tourism. However under 3c the policy refers to "tourist and recreational facilities provided that increased visitor pressure would not harm the natural and man-made heritage." The accommodation is for holiday accommodation and while this has a recreational element in provision of a swimming pool, this is ancillary to the accommodation. The Core Strategy is clear that the policy limits holiday accommodation in permanent structure to the reuse of existing buildings. It can therefore be argued that the development would be contrary to this policy. The view of objectors is clearly that the development would harm the character of the area. The AONB Partnership consider the intensification of use and the associated noise, activities and comings and goings of visitors and holiday makers would have a detrimental impact on the character of the local area and tranquillity of the surroundings contrary to their policy PD5/A. The access to the site will utilise the existing and a further unit will increase traffic to the area and intensify the use. The previous refusal however did not specifically object on noise and disturbance grounds but on need in an unsustainable location. The Inspector accepted the need and economic benefits argument and considered it outweighed the sustainability issue. However the NPPF states great weight should be given to conserving landscape and scenic beauty in Areas Of Outstanding Natural Beauty which has the highest status of protection.

The new chalet would be located approximately 32m back from the road behind a historic bank, deciduous woodland and conifer wood and will be particularly well screened. The building will have lime rendered walls and will have a green sedum roof to the two wings 4.5m high, with the central section extending to 6m in height over the pool section at the rear. The roof over this section will be solid corrugated sheeting not glazing to prevent light spillage. a condition to control glazing and thus light spillage to conserve the area's dark skies is appropriate and in line with AONB guidance. It is considered that the building will blend in with its surroundings better than the previously refused scheme, however it would still be a substantial size with 6 double bedrooms, kitchens, living rooms, games room and swimming pool. The conifer wood to be removed could be enhanced and managed and a condition to this affect is considered necessary if otherwise acceptable. It is considered that this would be sufficient on balance to ameliorate the visual effect of the building on its local setting. No new access through the front hedgebank is proposed and access

would be via the existing gate. A condition to prevent breaching of the historic roadside hedgebank could be imposed.

Drainage

The site lies in a rural wooded location which is not in itself identified by the Environment Agency as an area at risk of flooding. In terms of foul drainage the intention is to utilise a treatment plant in a similar way that the existing holiday chalets are serviced. The surface water attenuation is intended to be via soakaways and drainage ponds around the building and would prevent an increase in surface water run-off as part of the scheme. The Drainage Officer has considered the proposal and recommends a condition to secure a suitable scheme for surface water drainage. It is clear from objections that there has been flash flooding in the area, however from pictorial evidence this would seem to originate from the highway running downhill rather than the application site. Suitable on site flood mitigation can be conditioned to ensure flooding is not worsened by the scheme.

Wildlife

The applicant has submitted an ecological survey with the scheme and this has been assessed by the Biodiversity Officer. The site lies within a conifer plantation which is not indigenous is of low ecological value and the Officer considers that there are opportunities to improve habitat in the area. It is not considered that the site would harm protected species or habitats including the conservation value of dormice. Improvements to biodiversity can be controlled through a wildlife management plan as well as a plan to ensure new broadleaved woodland planting. Control over lighting and glazing details are also considered appropriate to ensure no light spillage from the proposed pool area.

In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of protected habitats, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority as a 'competent authority' must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" ;
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The need for additional holiday accommodation is identified by the applicant as

having a potential economic and social benefit if it were granted. It is considered that such accommodation could be viewed to be in the public interest, and so therefore, if this development is considered on balance to be acceptable, then it would follow that this test would be passed.

(ii) That there is no satisfactory alternative

The need for holiday accommodation has been considered at alternative sites previously and the reason why this site can be considered for development has been considered at length in the policy sections of this report, above. It is considered that if the site is found to be suitable, then there would be no satisfactory alternative in terms of the overall location of development and for these reasons, the test would be passed. In the event of the development being refused the wildlife would not be affected and the test would not be required.

(iii) That the FCS can be maintained

The submitted ecological report outlines proposals for protecting wildlife during construction and for providing mitigation with habitat improvements. In terms of dormice, for which a license would be required, mitigation planting can be controlled within the applicant's ownership, and the Council's Biodiversity Officer believes that, subject to the additional planting and mitigation, favourable conservation status can be maintained with habitat improvements. The proposed development has not been objected to by Natural England and a suggested condition will ensure habitat enhancements are achieved.

I conclude that while the proposal will clearly have an initial impact, given the proposed mitigation, the proposal would not cause harm and would provide benefit in the longer term and therefore, it is considered acceptable and not to conflict with policies DM1c and CP8 of the Core Strategy which includes the aim to conserve and enhance the natural environment. It is also considered to comply with the NPPF (paragraph 109).

Economic Benefits

The application includes an economic and commercial viability report by Sturt & Company and this recognises the lack of swimming pool and accommodation for large families is a limitation to the current business and advises that the new accommodation will help improve occupancy and profitability of existing lodges. The Economic Development Officer is in favour of the scheme and considers the economic benefits to the local economy should be supported. The submitted report indicates that benefits will include a short term benefit of the construction, demand for local services and spending by tourists both on and off site. Based on previous statistics each staying visitor spends approximately £49 per night on accommodation, goods and services. Based on the occupancy of the existing accommodation the accommodation is expected to generate an additional spend of £126,126 per year. On the basis of the construction the development would result in 4 full time construction jobs.

The Inspector at the previous appeal recognised that the new chalet would develop and expand the existing business and was satisfied the investment would see a worthwhile return. He went on to state that the negative sustainability aspects of the proposal in terms of travel would be outweighed by the economic benefits and that

the proposal would accord with economic activity and tourism aims which are in line with a prosperous rural economy aims of the NPPF and so have considerable weight. While the current scheme is for a different design on a different site, the principles of the economic benefits of the accommodation versus the sustainability issues are considered the same.

Sustainability and Highway Safety

Stapley is a rural location where there are no services or facilities that could meet the needs of holiday makers staying in the new chalet and the next nearest settlements at Churchinford and Hemyock only offer basic local amenities. Taunton and Wellington are where holidaymakers might visit for leisure activities or shopping and there is little doubt such journeys would be made by private vehicles. However in determining the appeal the Inspector stated "Nevertheless, the distances involved in such journeys would probably be significantly less than the length of journeys undertaken by tourists coming from further afield to the south west for their holidays. Tourism is also an important part of the national and South West regional economies. The NPPF sets out support for a prosperous rural economy and the Government recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas."

The site lies in a rural location accessed by highways which serve the existing holiday lodges. The Highway Authority consider the proposal would not result in a significant impact in traffic generation and therefore it would not result in any detrimental effect on the existing highway. The access visibility is obstructed by overgrown vegetation however it can be made adequate by a suitable condition to provide visibility. The site has 9 parking spaces proposed and this is considered adequate to serve the development. The Highway Authority also consider there to be ample turning area to allow vehicles to manoeuvre within the site to exist the highway in forward gear. A condition in respect of this is therefore considered unnecessary. The view of the Highway Authority and previous Inspector leads to the conclusion that there would be no adverse highway, parking or traffic impacts contrary to policies CP6 and DM1 of the Core Strategy to warrant refusal of the scheme.

Summary

In conclusion while there is a general encouragement for holiday facilities and accommodation, ideally these should be located in sustainable locations, within settlements and buildings and not within sensitive landscapes where priority should be given to protecting the environment which attracts visitors. However the site is a site of an existing business and the previous appeal Inspector recognised that there were economic benefits here that outweighed the unsustainable nature of the location. The Inspector dismissed the previous appeal because he did not consider that the development conserved the landscape and scenic beauty of the AONB. It is considered that the revised location is better screened from public vantage points and will secure habitat improvements in what is currently non-indigenous conifer plantation and so there are considered to be environmental enhancements to the scheme.

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

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