

Public Document Pack

Members of the Planning Committee
(Councillors)



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Date 30 January 2019

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 7 February 2019
Time: 2.00 pm
Venue: Council Chamber - West Somerset House

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

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Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Yours sincerely

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

BRUCE LANG
Proper Officer

WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Thursday 7 February 2019 at 2.00 pm

Council Chamber - West Somerset House

AGENDA

1. **Apologies.**
2. **Minutes of the previous meeting of the Planning Committee held on 13 December 2018** (Pages 7 - 16)

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.

6. **3/32/18/037** (Pages 17 - 26)

Change of use to caravan site for touring caravans, motor homes and tents (retention of works already undertaken) Lawson Farm, Shurton Lane, Burton, Stogursey, TA5 1QB

7. **3/26/17/027** (Pages 27 - 60)

Change of use of land from agricultural for the erection of a garage to include service bays, MOT facility, showroom and office with installation of solar panels to the roof and

formation of access. Brendon Service Station, Station Road, Washford, TA23 0PN

8. **3/39/18/009** (Pages 61 - 92)

Outline planning application (with all matters reserved except access) for the erection of approximately 90 dwellings, creation of vehicular access, provision of open space and other associated works. Land to the East of Aller Mead, Doniford Road, Williton TA4 4RE

9. **3/07/18/014** (Pages 93 - 98)

Reroof the main roof in clay double roman tiles and the rear extensions in natural slate. 1 and 2 Rose Cottages, Crowcombe Road, Crowcombe

10. **3/16/18/006** (Pages 99 - 110)

Erection of an agricultural building with a twin wall flue pipe and associated earthworks (retention of works already undertaken) as amended by plans received 20 December 2018. Strawberry Fields, Combe Lane, Holford, Bridgwater, TA5 1RZ

11. **3/24/18/005** (Pages 111 - 118)

Variation of condition 6 on planning permission 3/24/18/002 to extend the time period for the works being completed from six months to 11 months of the date of the planning permission (ie, to 3 July 2019). The Blade Mill, Woodford Road, Monksilver, Taunton, TA4 4HW

12. **3/21/18/081** (Pages 119 - 132)

Installation of sculpture pole with 2 downward pointing projection lights. The Esplanade, Minehead

13. **3/21/18/078** (Pages 133 - 140)

Variation of Condition No. 02 (approved plans) of application 3/21/15/026 Variation includes; minor alts to the internal & ext lay appearance of proposed dwelling, including raising ridge line and lower roof by 1m and adding a dormer window to south elevation to replace rooflights. Replace dwgs; 140101/2A, 140101/3A, 140101/4B with 1826/200 prop site plns, 1826/201 prop floor plns & 1826/202 prop elevations. Pemswell Lodge, Pemswell Road, Minehead, TA24 5RS

14. **3/37/18/019** (Pages 141 - 150)

Erection of dwelling. Land at West Street, Watchet, TA23 0BQ

15. **Exmoor National Park Matters**

Councillor to report.

16. Appeals Lodged.

Appeal against the refusal of planning permission for the replacement of timber single glazed windows with upvc double glazed windows at Flat 2, 19-21 Bancks Street, Minehead, TA24 5DJ (application 3/21/18/039).

Appeal against the refusal of planning permission for the replacement of two wooden sash windows on the north elevation with UPVC sash windows at 7A Park Street, Minehead (application 3/21/18/066)

Appeal against the refusal of planning permission for the retention of existing structure and change of use into a two bedroom holiday unit at White Horse Inn, Washford (application 3/26/18/004)

Appeal against the refusal of planning permission for the erection of a 2m closed boarded fence along the eastern boundary at 1 Cowdray Close, Minehead (application 3/21/18/048)

Appeal against the conversion of light industrial to dwelling house and light industrial (resubmission of LID/32/18/001) at Lawsons Burgage, Shurton, Stogursey (application LID/32/18/002)

Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66 at Paddons Farm, Stogursey (application 3/32/17/012)

17. Appeals Decided. (Pages 151 - 154)

Appeal against outline application with all matters reserved, except for means of access, for the erection of 2 No. dwellings within the garden (resubmission of 3/21/17/026) at Maples, Ellicombe Lane, Alcombe, Minehead (application No. 3/21/17/125) – Appeal dismissed.

18. Reserve Date for Site Visits -

Reserve date for a site visit should we need it is Monday 25 February

19. Next Committee Date -

Next Committee date Thursday 28 February

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

PLANNING COMMITTEE

Minutes of the Meeting held on 13 December 2018 at 2.15 pm

Present:

Councillor S J PugsleyChairman

Councillor I Aldridge
Councillor S Goss
Councillor A Hadley
Councillor B Heywood
Councillor I Jones

Councillor C Morgan
Councillor P Murphy
Councillor J Parbrook
Councillor K Turner
Councillor R Woods

Officers in Attendance:

Planning Officer (Conservation) – Liz Peeks
Tim Burton Assistant Director Planning and Environment
Sue Keal – Planning Officer
Alex Lawrey – Planning Officer
Nick Hill, Legal Advisor Shape Partnership Services
Democracy and Governance Case Manager – Tracey Meadows

P50 Apologies for absence

There were apologies for absence from Councillors S Dowding, K Mills and T Venner

P51 Substitution – Councillor Hadley for Councillor K Mills

P52 Minutes

Resolved that the minutes of the Planning Committee Meeting held on the 8 November 2018 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor C Morgan, seconded by Councillor K Turner

The **Motion** was carried,

P53 Declarations of Interest or Lobbying

Councillors C Morgan and S Goss declared an interest on application 3/32/18/037, as they were members of Stogursey Parish Council where the application was considered. They stated that they would keep an open mind on the application. Councillor P Murphy declared that he had received a letter from the Town Clerk at Watchet on application 3/37/17/007.

P54 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P55	3/39/17/028	Variation of Condition No. 10 (opening hours) of application 3/39/14/002. Doniford Farm Park, Doniford Road, Watchet, TA23 0TQ	Yolanda Roberts (also be speaking on behalf of Janet & Gareth Philips) Keith McConnell Christopher Baggott Annabel Cottrell	Local residents Applicant	Objecting in favour
P55	3/05/18/009	Outline planning permission with some matters reserved, except for access, for the erection of 3 dwellings. Land to the south of Garlands, Withycombe Lane, Withycombe TA24 6RF			
P55	3/32/18/037	Change of use of land with installation of 13 No. additional hook up points (8 with hardstanding) for touring caravans, motorhomes and tents (retention of works already undertaken). Lawson Farm, Shurton Lane, Burton, Stogursey, TA5 1QB	Mr David Hilling Mrs Kirsty Hilling Mr Adam Hilling Stuart Cambridge	Applicants Local resident	In favour In favour

P55	3/37/17/007	Change of use of land from residential to the siting of two caravans for tourism use. Land to the west of West Bay Park, West Street Watchet, TA23 0BJ	Clara Mann Jan Martin Shelia Pont Phil Gannon Mr D Davies Lesley Norris	Local residents	objecting
P55	3/37/18/026	Installation of roof window to rear elevation. 8 Swain Street, Watchet, TA23 0AB	Chris Mitchell	Mitchell Architects	In favour

P55 Town and Country Planning Act 1990 and Other Matters

Report seven of the Planning Team dated 5 December 2018 (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:

Councillor S Pugsley nominated Councillor K Turner to take the Vice-Chairman seat for this meeting

Reference Location, Proposal, Debate and Decision

Application No. 3/39/17/028 Variation of Condition No. 10 (opening hours) of application 3/39/14/002, Doniford Farm Park, Doniford Road, Watchet, TA23 0TQ

Comments by members of the public;

- No the right venue for this quiet and rural area;
- There would be increased traffic to the area;
- The applicants did not reside on the premises;
- Applicants had a total disregard for planning regulations;
- Light and noise pollution would be detrimental to wildlife;

- The proposal would not benefit tourism;
- No evening bus service so private cars would need to be used;
- The rural area has a predominantly retired population;
- Anti-social behaviour of customers;
- Concerns with the noise and disruption to nearby neighbours;
- Business employed local people;
- Only local produce used;
- Venue accessible for all walks of life;
- Excellent local views;
- Friendly and helpful staff;
- The venue is regularly used by Car boot sellers;
- Brings tourism to the area;

The Member's debate centred on the following issues;

- Noise issues with people leaving the venue at night;
- Impact on the local neighbours and residents;
- Impact on the local wildlife;
- Concerns that this would change that nature of the business;
- Impact on the historic setting;
- The business was good for tourism;
- Business employed local people;
- Concerns with the increased traffic;
- Concerns on the impact on Bats;
- Concerns that private parties were happening on the site without planning permission;

Councillor B Heywood proposed and Councillor S Goss seconded a motion that the application be **REFUSED** that motion failed.

Councillor R Woods proposed and Councillor S Goss seconded an amendment to the motion for the application to be approved as per Officer recommendation for the use hereby approved shall not be carried on outside the hours of 9am-8pm Monday to Sunday inclusive. No customer shall be served or remain on the premises outside of these hours. There shall be a maximum of 10 live/amplified music events per calendar year. That amendment failed

Councillor P Murphy proposed and Councillor C Morgan seconded a motion that the application be **APPROVED** as per Officer recommendation with an amendment to the opening hours from 9am-11pm. Councillor K Turner proposed and Councillor J Parbrook seconded a proposal for an amendment to the proposal for the opening hours to be between 8am-10pm

The **Motion** was carried

Reference Location, Proposal, Debate and Decision

Application No. 3/05/18/009 Outline planning permission with some matters reserved, except for access for the erection of 3 dwellings. Land to the south of Garlands, Withycombe Lane, Withycombe TA24 6RF

The Member's debate centred on the following issues;

- Concerns that there were no affordable housing coming forward on the site;
- Disappointment that there were two separate applications for the site;
- Highway safety;
- Impact on residential amenity;

Councillor K Turner proposed and Councillor J Parbrook seconded a motion that the application be **Approved**

The **Motion** was carried

Reference Location, Proposal, Debate and Decision

Application No. Application No. 3/32/18/037 Change of use to caravan site for touring caravans, motorhomes and tents (retention of works undertaken). Lawson Farm, Shurton Lane, Burton, Stogursey, TA5 1QB

Comments by members of the public;

- The area was a safe environment for the parish school children to fish;
- The camping field had been successful;
- A Centre of Excellence had been received for the site;
- This was an enhancement of the area;
- Letters of support had been received from local businesses;
- Small businesses like this need to be encouraged;
- Business employed local people;
- Promoted tourism in the area;
- Young families need to be encouraged to move to the Parish;
- The campsite was important to the village;

The Member's debate centred on the following issues;

- Concerns that this was a substantial development in a rural community;
- Concerns that access to the site was on a bend;

Councillor C Morgan proposed and Councillor S Goss seconded a motion that the application be **DEFERRED** for a site visit to examine issues including access to the site.

The **Motion** was carried

Reference Location, Proposal, Debate and Decision

Application No. 3/37/17/007 Change of use of land from residential to the siting of two caravans for tourism use. Land to the west of West Bay Park, West Street, Watchet TA23 0BJ

Comments by members of the public;

- Unauthorised earth works were taking place on site;
- West Park Bay was protected under the Mobile Homes Act;
- Increased traffic movement;
- Site unsafe for visitors due to sheer drops;
- Planning process ignored;
- This would set a precedent;
- Geological report of the site was needed;
- Drainage, water and power would expedite the already costal erosion of the site;
- The site was a residential park for the over 50's, people have bought properties on this understanding;
- There was no Warden on site to ensure good behaviours from tenants;
- Access through West Bay Park would be needed to access the town;
- Security issues for West Bay residents;

The Member's debate centred on the following issues;

- The site was dangerous for Tourists;
- Site was unsuitable and unstable for development;
- Vehicles emerging from the site would encounter difficulties;
- This was a residential site for the over 50's;
- More data was needed on the status of the land;
- Concern with bringing more vehicles onto the land;

Councillor P Murphy proposed and Councillor C Morgan seconded a motion that the application be **REFUSED**

The **motion** was carried

Reason

In the opinion of the Local Planning Authority the proposed use of the land for the siting of two caravans for tourism use together with the access road to the caravans will be on land that forms the cliff top and is known to be unstable due to cliff erosion (as outlined in the risk assessment attached to the submitted geotechnical inspection dated 20 July 2018). The proposal is therefore not in accordance with policy NH9 of the West Somerset Local Plan.

Reference Location, Proposal, Debate and Decision

**Application No. 3/37/18/026 Installation of roof window to rear elevation. 8
Swain Street, Watchet, TA23 0AB**

Comments by members of the public;

- Installation of a roof window would benefit the appearance of the building;
- The Officers recommendation did not comply with the NPPF;

The Member's debate centred on the following issues;

- Application was in a Conservation area;
- The roof light was off centre to the roofs of the surrounding buildings;
- The room could be used quite adequately without the roof light;

Councillor P Murphy proposed and Councillor J Parbrook seconded a motion the application be **REFUSED**

The **Motion** was carried

Reasons

1. In the opinion of the Local Planning Authority the installation of a conservation roof light in the position proposed would lead to visual clutter to the uniform character and appearance of the roof and the adjoining roofs and would jar with the uniformity of the roof due to the position of the proposed roof light between two dormers. This would cause less than substantial harm to the significance of the listed building but the minimal public harm does not outweigh the harm. The proposal was therefore not in accordance with policies NH1 and NH2 of the West Somerset District Local Plan and the National Planning Policy Framework in particular Chapter 16.
2. In addition the installation of a conservation roof light in the position proposed would lead to visual clutter to the uniform character and appearance of the roof and the adjoining roofs and would jar with the uniformity of the roof due to the position of the proposed roof light between two dormers. This would not preserve the character and appearance of Watchet Conservation Area. The proposal was therefore not in accordance with policy NH2 of the West Somerset District Local Plan and the National Planning Policy Framework, in particular Chapter 16.

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting on 4 December 2018 of the Exmoor National Park Planning Committee. This included;

6/14/18/104 - Proposed change of use of agricultural land to site one shepherd's hut for private leisure use. Retrospective (Full) – Land West of Larkbarrow Corner, Exford, Minehead, Somerset; Resolved that the hut could stay for the lifetime of the applicant in the same place and in the same colour and then to be removed; Approved;

6/42/18/110 proposed removal of a single earth bank running from Sparrow Lane to the east side of High Leys field. Retrospective. Re-submission of application 6/42/17/106 (Full) – Foxtwitchen House, Sparrows Lane, Withypool, Somerset; Approved

62/11/18/012 - Proposed replacement of timber fascia's and windows with UPVC alternative (Full) – Brendon & Countisbury Village Hall, Brendon, Lynton, Devon; Approved

Land formally part of Higher Woolcotts Farm, Brompton Regis – to inform the Authority of the planning position with untidy land and to authorise prosecution in respect of the non-compliance with the Section 215 (Untidy Land) Notice. The recommendation was to authorise Officers to commence Court proceedings through the Authority's Solicitor to seek to remedy the harmful effect on the area caused by the untidy land, in the interests of the character and appearance of this part of the National Park landscape, by prosecution for non-compliance with the Notice. Approved to go ahead with Court proceedings;

Application on pink papers to approve the sale of two parcels of land at Weddon Cross which the Authority owned and wished to dispose of much discussion took place on the smaller of these two pieces as a possibility of a site for two houses. Having being alerted that there was an existing plot close by and movement's were underway to build on it, Members were reassured and agreed to the recommendation.

No appeals lodged or decided upon

P57 Delegated Decision List

Questions were raised and answered

P58 Appeals Lodged

No appeals lodged

P59 Appeals Decided

Appeal against the refusal of the erection of a music workshop, display facility kitchen/server, toilets and entrance hall with one two-bedroom first floor flat (resubmission of 3/21/16/030) on land to the rear of 15 and 15A Quay Street, Minehead (application No. 3/21/17/125) – appeal dismissed.

The meeting closed at 5.20pm

DRAFT

Application No:	3/32/18/037
Parish	Stogursey
Application Type	Full Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	Easting: 319569 Northing: 144056
Applicant	Mr A Hilling
Proposal	Change of use to caravan site for touring caravans, motor homes and tents (retention of works already undertaken)
Location	Lawson Farm, Shurton Lane, Burton, Stogursey, TA5 1QB
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council.

Recommendation

Recommended decision: Grant

Recommended Conditions

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

(A4) LOCATION PLAN

(A4) SITE PLAN Rev A

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

- 2 The caravans and pitches shall be occupied for tourism purposes only. The site shall be limited to a total of 25 pitches sited as detailed on the approved site plan.

The caravans and pitches shall not be occupied as a person's sole or main residence or for any form of residential occupation.

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

Reason: To prevent permanent occupation of the residential units within the

open countryside, in the interests of amenity including the character of the area and to ensure that the pitches are for tourism use only.

- 3 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.
- (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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

Proposal

The proposal is to change of the use of land for touring caravans, motor homes and tents together with the installation of 13 additional hook up points (8 with hardstanding) This is for the retention of works already undertaken.

The site plan shows 5 electric hook ups (approved under application 3/32/16/016) which are proposed to have hard standings, 8 proposed hook ups with hard standings, 4 proposed electric hook ups on grass pitches and 8 proposed grass pitches.

Site Description

The site comprises the main dwelling and 3 fishing lakes, a stock pond, a camping/caravan area and includes existing buildings used for a reception and toilet block. The site is accessed via a private track that leads to a parking area adjacent to the caravan/camping area. The site is screened by hedgerow and tree planting along the boundary of the lakes and the wider site has hedgerows and trees along the road boundary. The site is fairly level and has no immediate residential neighbours as it is bordered by open fields. It is outside of the hamlet of Burton and in an open countryside location.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/32/99/005	Creation of two amenity lakes, fishing hut and fishing	Grant	27 May 1999
3/32/98/016	Certificate of lawfulness - existing	Grant	10 September 1998
3/32/10/039	Creation of new triangular stock pond, division of existing alder pool and enlargement of alder pool, enlargement of willow pool (spoil to be used to level areas around pools), replacement of fishing hut with log cabin, addition of 3 disabled parking spaces & spaces for motor cycles and cycles.	Grant	14 February 2011
3/32/16/016	Erection of 7 No. movable fishing pods, ancillary shower block and 5 No electrical hook ups (retention of work already undertaken)	Grant	21 December 2016

Consultation Responses

Stogursey Parish Council - Consider the application to be excessive development within the countryside and as such would be opposed to such development taking place within the Parish

Office of Nuclear Regulation - I have consulted with the emergency planners within Somerset County Council, which is responsible for the preparation of the Hinkley Point off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPIR) 2001. They have provided adequate

assurance that the proposed development can be accommodated within their off-site emergency planning arrangements. The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.

Tree Officer - Regarding this application's effect on existing trees and hedges, I can see no reason to object. Could we gain a few new trees around the boundaries – native oak, small-leaf lime or field maple?

Planning Enforcement - no comments received

Rights of Way Protection Officer - no comments received

Highways Development Control - Standing Advice applies

Hinkley Point C - planning - I understand that you are the case officer for the above referenced application. As the Planning Manager for Hinkley Point C New Nuclear Build, I would be grateful if you could take the following comments into account.

The following constitutes my formal consultation response to the application and I am happy for it to go on-line as such. I am fully aware of this proposal because I helped Sarah Wilsher deal with the initial enquiry and when it became clear that the caravans were already in situ and being used (believed to be used by Hinkley workers) without planning authorisation, I passed the matter on to our planning enforcement team. It is their investigations which have led to the application. Best practice tells us that we should invite an application for due consideration first. It is clear to me that the permission we gave for the 'pods' for accommodation for those using the fishing facilities was specific and does not cover what the owner is now in fact doing (providing accommodation for Hinkley workers). On top of this, you will be aware of my opinion (from previous conversations) that we do not need any more Hinkley accommodation 'in the community'. The new accommodation campus at Hinkley Point main site is now open and being used but currently with only 75% occupancy rates. This does of course fluctuate, but my understanding is that it has never reached full occupancy since it opened in June. It is a 510 bed facility and so currently has approximately 130 spare bedrooms for Hinkley workers. It is also the case that the Bridgwater campus will be opened for use soon. I understand that the operators are hopeful of having some bedrooms available for use before Christmas (2018), with the rest coming on stream early in the New Year (2019). These two facilities between them will provide 1500 bedspaces for Hinkley workers, with approximately 1000 bedspaces actually being available for use. That is more than enough, at least until the peak demand for workers materialises, probably this time next year at the earliest.

I am sure you will want to take on board the planning policy position when you consider this application. The West Somerset Local Plan to 2032 was adopted in November 2016 and so is relevant and up to date. It should therefore be accorded significant weight in your considerations. Policy OC1 is quite clear in stating that development is not generally appropriate in the open countryside. This application

is open countryside. Bullet point three allows tourism uses where they are provided through the conversion of existing, traditionally constructed buildings, but this clearly does not apply here. Bullet point four allows for new-build where it would benefit existing employment activity that could not be easily accommodated within or adjoining a nearby settlement. However, I do not think that this applies either as the required accommodation for Hinkley workers is clearly provided for already on site and in Bridgwater. In my view, the proposal is totally contrary to the provisions of policy OC1 and so should be accordingly refused as such.

In addition to this, I trust you will note that there is not a single policy within the adopted Local Plan that actually states that we will look favourably upon new accommodation in the countryside where it is required for Hinkley workers. This Council is quite clear on how we should consider accommodation in open countryside. This proposal should be considered as any other application for residential accommodation in the countryside – i.e. a refusal on policy grounds. Although the proposal is for 12 additional hook up points (8 with hardstanding) for touring caravans, motorhomes and tents, I do not consider that the proposal is acceptable on the grounds of tourism either. The applicant has simply not made the case that West Somerset needs this amount of new tourism spaces or that there is a demand for such a facility. In any event, the proposal would still not meet the rigorous tests imposed by policy OC1. Besides which, the unauthorised caravans currently on site are clearly being used by Hinkley workers. This has been made clear to me by local residents. So the intended use is not for holiday purposes. I should just also add that the accommodation team at EDF are doing their utmost to ensure that all new workers at Hinkley are encouraged to stay at either the two accommodation campuses or in existing authorised premises elsewhere, This matter was raised at the Main Site Forum last Wednesday evening and I was assured that EDF did not and would not sanction or agree to any unauthorised accommodation. They want new workers to take up their bedspaces within the accommodation campuses first and are doing all they can to ensure this occurs.

There may also be highways reasons for refusal and so you would be well advised to seek an opinion from the Highway Authority. It is clear that Hinkley workers are using the unauthorised caravans because I am told by local residents that the Hinkley bus (operated by Somerset Passenger Services [SPS]) now stops at the entrance to the site. It has not been authorised to stop in this position and I am told by local residents that it causes unsafe conditions on the highway when it does and therefore interferes with the free flow of traffic causing conditions of danger to all road users. I will be taking this up with the Hinkley Point C Transport Review Group when it next meets on Monday 22nd October and I doubt that this 'new stop' will be authorised. I suspect that Hinkley workers would not be attracted to stay at this site without a nearby bus stop.

My strong advice to you is that there are no reasonable grounds for approving this current application. I can see no evidence to persuade me that this proposal is anything other than a refusal. Given that a refusal would be likely to result in enforcement action to get the existing caravans removed, I would expect that the Planning Enforcement Team would want to take the matter to the Planning Committee for authorisation of potential enforcement action. This could be done via

a dual recommendation on your officer report - recommendation to Committee that (1) planning permission be refused, and (2) enforcement action be authorised.

Representations Received

Five letters of support have been received noting that the facilities are very good, the proposal is bringing in economic benefits to the local area and encourages tourists to visit the area and local facilities. In addition, the owners should be allowed to develop the site and the Parish Council should support the application.

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

EC9	Tourism outside settlements
NH13	Securing high standards of design
NH10	Development in proximity to Hinkley Point Nuclear Power Stat
OC1	Open Countryside development

Retained saved polices of the West Somerset Local Plan (2006)

T/7	Non-Residential Development Car Parking
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Determining issues and considerations

Principle of development

This application, which is partially retrospective, is for 13 additional electric hook-up points for touring caravans, motorhomes and tents for a site that has an existing use as a fishing centre (with lakes and ponds). The site is within the outer ring for consultation with nuclear authorities due to its proximity to Hinkley Point. There has

been some involvement from the planning enforcement team after allegations were made that the tourist accommodation at the site was being used by Hinkley Point workers.

There are then two central issues in regard to the current application, with lesser and greater weight attached to them:

- Firstly an alleged breach of conditions in relation to the holiday occupancy condition imposed on the 2016 permission, for the unauthorised use as temporary (but regular) workers' housing for the nearby Hinkley Point development;
- Secondly the proposed development as set out in the description of development which does not directly or indirectly reference any proposed use as housing for Hinkley Point workers.

The first is a related but separate planning enforcement issue. This is a material consideration but it does not, and should not, determine the approach to assessing the planning merits and dis-benefits of the current application, which will be assessed solely on its own merits. More significant material considerations are the extant permissions (and certificate of lawfulness), which confirm that the site can be lawfully used for fishing and tourist accommodation. The application is therefore assessed as a proposed intensification in the use of an existing and lawful tourism facility.

For the proposed development to be acceptable in principle it should be in conformity with relevant (adopted or retained) Local Plan policies, the NPPF 2018, and any related NPPG. Relevant Local Plan policy EC9 'Tourism outside of settlements', supports the development of tourist facilities if the 'proposed location is essential to the business and ...it could not be located elsewhere' and the proposed developments do not generate 'new unsustainable transport patterns'. The policy encourages 'the consolidation of existing facilities' provided that proposals are viable and the environment is safeguarded. The proposal, as a tourist development, is therefore supported 'in principle' in terms of the Local Plan and is further supported by the NPPF (2018) paragraph 83 (c).

It is considered that whilst there may have been issues related to the use of the facilities by Hinkley Point workers this should be addressed through the planning enforcement process and should not indicate a recommendation to refuse the current application. The owner has shared the register of visitors (in redacted form) with officers from the Local Planning Authority and it is clear from this register that the overwhelming majority of visitors to the site are not Hinkley workers and are staying on a temporary, holiday-maker basis. However any permission granted for this current application would be subject to enforceable conditions related to holiday use of the accommodation facilities.

Design and landscape impacts

The site is well screened from public views and has an existing lawful use as a fishing and tourism facility. The proposal affects an area located away from the road

and is already subject to a landscaping condition imposed on the 2016 permission, with new planting around the boundaries to the plot used for camping and caravanning. The submitted drawings include a small children's play area, which, given its scale, is not considered to have a detrimental landscape impact. It is therefore concluded that the proposal would not have any significant detrimental impacts on the landscape although a scheme to add further planting is considered to be appropriate and a condition is suggested to be imposed on any permission granted.

Highways, parking and pedestrian access

The proposal would represent a minor increase in the use of the site, including that by cars towing caravans and by motorhomes. However the scale of the proposed increase is relatively minor and it is not considered to be significantly detrimental to highway safety or to create unacceptable highways impacts in terms of trip generation. The road outside of the site is within a 30mph speed limit and has reasonably good visibility splays. Somerset County Council's Highways officer has not objected to the proposal. Adequate parking exists within the site to cater for a small increase in visitors and motor vehicles.

Amenity

The proposed development would be unlikely to create significant detrimental impacts on residential amenity given the distance (over 100m) to the nearest residential properties.

Proximity to nuclear facilities

Policy NH10 requires that any new development within the consultation zones be referred to the Office for Nuclear Regulation (ONR). They have advised that they do not have in principle objections to the proposed development.

Other matters

Three letters of support for the proposal have been received during the public consultation period (and further correspondence in support after this date).

The Parish Council has objected to the application on the grounds that it would be 'excessive development in the countryside'. Whilst their views are noted it is considered that the proposal is in compliance with policy EC9, and the NPPF paragraph 83 (c), and is within a site which is inevitably constrained by its size, meaning that it could not develop to the scale of caravan/camping facilities such as at Doniford, and, as such, is not considered to be 'excessive'. The comments from the (West Somerset Council) Planning Manager at Hinkley Point are duly noted, however as stated above these primarily relate to planning enforcement issues and do not provide for substantive reasons to garner a recommendation for refusal.

A planning condition to ensure that the development must be commenced within three years of the date of the permission is not proposed to be imposed as works have already commenced on site.

Conclusion

The proposed development is acceptable in principle, and impacts on traffic, landscape and amenity are not considered to warrant grounds to refuse the application. The proposal is in accordance with local plan policies and the NPPF. It is therefore recommended that planning permission be granted subject to appropriate conditions restricting the use of the site for tourism purposes only.

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



Application No 3/32/18/037
Installation of 12 No. additional
hook up points for touring
caravans, motorhomes and tents
(retention of part works already
undertaken)

Lawson Farm, Burton Springs,
Burton

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



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Easting: 319603
Northing: 144014

Scale: 1:1250

Application No:	3/26/17/027
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 304501 Northing: 141077
Applicant	Mr N Priddy
Proposal	Change of use of land from agricultural for the erection of a garage to include service bays, MOT facility, showroom and office with installation of solar panels to the roof and formation of access
Location	Brendon Service Station, Station Road, Washford, TA23 0PN
Reason for referral to Committee	The application is of a controversial nature.

Recommendation

Recommended decision: Grant

Recommended Conditions

- 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:

(A3) Location plan

(A3) DRNO 161102/1B proposed site plan

(A3) DRNO 161102/2A Proposed general layout plan

(A3) DRNO 161102/3B Proposed garage building floor plan

(A3) DRNO 161102/4B Proposed garage building elevations

(A3) DRNO 161102/5A Sections through site

(A3) DRNO 161102/6A Extended section A-A and C-C

(A3) DRNO 161102/8A Retaining wall, fence and gate details

(A2) DrNo 161102/9D Proposed Parking Layout Plan

(A3) DrNo 161102/10 Renovation of existing workshop/office to showroom and office

(A3) DrNo 161102/101 Proposed access road - visibility

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

- 3 No work shall commence on the development hereby approved until a comprehensive site surface water drainage scheme and programme of implementation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also specify the future maintenance regimes for the various drainage works on site. The scheme shall be constructed and maintained in accordance with the approved details.

Reason: To ensure that the proposal does not exacerbate the surface water flooding and to ensure that water does not enter the highway.

- 4 No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that water does not enter the highway.

- 5 No part of the development hereby permitted shall be brought into use until the access works (included closure of the existing private access) have been carried out in accordance with a design and specification that will be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used and shall thereafter be retained in the approved form.

Reason: In the interests of highway safety.

- 6 The area allocated for parking and turning on the submitted plan, drawing number 161102/9D , shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety.

- 7 At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (161102/11). Such visibility splays shall be constructed prior

to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interest of highway safety.

- 8 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from 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: In the interest of highway safety.

- 9 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of j h ecology's submitted report, dated November 2017 and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for the species
 4. Details of lighting

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 bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented

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

- 10 Prior to the installation of the boiler, details of the boiler shall be submitted to and approved in writing by the Local Planning Authority. Only the approved

details shall be used.

Reason: To safeguard the amenities of the neighbours.

- 11 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include hedgerows around the site and trees, details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 12 There shall be no external storage of tyres.

Reason: To safeguard the appearance of the area.

- 13 The use hereby approved shall not be carried out outside the hours of 8am - 6pm Monday to Friday, 9am - 3pm Saturdays and no opening on Sundays or Bank Holidays. No customer shall be served outside of these hours.

Reason: To safeguard the amenities of neighbours.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application certain elements of the proposal were deemed to be unacceptable. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address the concerns and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 2 The applicant will be required to enter into an appropriate legal agreement for the access works that will be within or adjacent to the public highway and are

required as part of this development. They are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting. (HighwaysDevelopmentControl@somerset.gov.uk).

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

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 permission) must comply with the appropriate wildlife legislation

Proposal

The proposal is for the change of use of land from agriculture and the erection of a garage to include service bays, a MOT facility, 5 visitor parking spaces plus 4 staff parking spaces and 10 MOT parking spaces on land behind the existing garage. Two secure cycle parking spaces are also proposed within the workshop area. The existing garage is to be used as a showroom (for 3 cars) and office together with 16 sale spaces for cars on the fore court plus one visitor parking space.

The proposed garage building will accommodate a Class 7 MOT bay, 3 general service/repair bays, a reception/display area, toilets and store/mess room. It will be 30m long and 15m wide (at its widest point). The pitched roof will be at three different heights; 5.2m (5m in length), 5.8m (19.7m in length) and 6.5m (5.5m in length). There will be a dark grey wood pellet silo on the north side of the proposed building together with a dark grey metal flue on this elevation. The roof will be covered in dark grey corrugated sheeting and the walls will be multi red brick to the top of the windows with timber cladding above. Solar panels are proposed on the roof of the southern elevation (ie facing the adjoining field). There will also be sections of translucent sheet lights along both elevations of the roof positioned near the ridge of the roof and four anthracite grey roller shutter doors on this elevation. 5 shielded security down lights will be positioned on the walls of the building. These lights will be fitted with PIR's. The signs proposed on the east elevation will be black open lettering fixed to the cladding.

As the proposed building will be positioned within the hillside the site will need to be levelled. This will involve excavation of a maximum depth of approximately 3.5m at the rear of the site. A rendered block wall will delineate the excavated boundary from the site. The levels will be raised by a maximum of 1m on the northern part of the site between the hedge that borders the track and the proposed building.

The main part of the existing rendered garage building is to be timber clad (stained grey) and the flat roof extensions are to be light grey render. The pitched roof will be clad in corrugated grey sheeting and the flat roof will be covered in bitumen felt. The signs will be black open lettering fixed to the cladding. The building will accommodate a showroom which will be able to house 3 cars together with a disabled toilet and office which will be in the existing single storey side extension. The windows will be powder coated aluminium (anthracite grey). The existing canopy and pumps are to be removed. A post and rail fence, 1.2m high will be positioned to the rear of the 1.2m pavement that is proposed to the front and side of the fore court. Access to the fore court will be to the rear of the fore court off of the proposed access road.

Access to the site will be located to the east of the existing garage. The access point will be to the west of the existing access track which is also a public right of way. The right of way is proposed to be diverted to run along the edge of the proposed access road. The proposed new access will ensure that access to the existing dwellings and field that use this access is still available. The existing access into the garage will be stopped up and a 1m wide raised path along the frontage of the existing garage and fore court will be provided. A raised path along the southern side of the new section of the proposed access is to be provided. The proposed access road will be tarmaced.

The hedge along the track is to be reinforced or if found necessary replaced and the bank is to be raised by approximately 0.6m. A new row of hedge plants is proposed with a 1.8m palisade fence between the existing and proposed parts of the hedge. The reinforced hedge would consist of holly, rowan and whitebeam. A 1.2m timber post and rail fence is to be erected on the inside of the hedge. To the rear and along the eastern boundary of the site a bund with a hedge on top is proposed. The hedge would comprise of hawthorn, honeysuckle, dog rose, wayfaring trees and guelder rose.

The proposed opening hours are 8am - 6pm Monday to Friday and 9am - 3pm on Saturdays. No working on Sundays or Bank Holidays is proposed. 5 full time employees and 2 part time employees are proposed compared to the current 2 full time and 1 part time employees .

The proposed building will not be used for body work repairs or spraying of vehicles.

Site Description

Brendon Service Station adjoins the A39 which runs through Washford. Access to the existing building is via two entrances onto the fore court and a third unmetalled access that is used by adjoining properties and to gain access to adjoining fields, is located to the east of the site. This track is also a public right of way. There is no pavement that runs in front of the garage or the dwellings to the west of the site. There are dwellings on the opposite side of the A39.

To the rear of Brendon Service Station are fields that rise up from the track. These are currently used for grazing animals. There are hedges along the field boundaries

but there are gaps in places.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/26/87/049	Pump canopy	Grant	22 October 1987
3/26/96/009	Workshop extension	Grant	20 May 1996

Consultation Responses

Old Cleeve Parish Council - Old Cleeve Parish Council held an extra-ordinary meeting on Tuesday 2nd January 2018 to discuss the above planning application.

Old Cleeve Parish Council does NOT support the planning application, in its current format, until some of the following issues raised have been addressed.

1. Full site specific Flood Risk Assessment is a priority
2. Drainage and water management plan should be drawn up for the construction phase
3. Traffic Management plan during construction, with full access to properties at the rear
4. A turning space to be provided at the end for the proposed access road.
5. Ecology issues addressed with provision for bats in the building and improved screening with the planting of a higher and denser hedge with native hedgerow mixes.

Please also find attached our comments regarding the Flood Risk and flood report in connection with the above site.

We formally request that this application to go before the Planning Committee.

Report on flood risk
Teresa Bridgeman

This development has the potential to improve drainage from a very problematic site but, without a site-specific flood risk assessment, it is impossible to know whether the provisions are adequate.

Washford as a whole has problems with surface water drainage and sewer surcharging. The village is situated around a bowl and the existing combined drainage infrastructure, which has been constructed in an ad hoc fashion over many years, is already over-capacity and repeatedly floods, sometimes filling the school (at the bottom of the basin) with surcharging sewage. As a consequence, new development on the hills above the existing infrastructure is both an opportunity to improve surface water drainage by holding back the flow, but also has the potential to increase flood risk elsewhere.

THE SITE: ISSUES

There are two sets of surface-water management issues for this site:

1. The small attenuation scheme in the field to the West of the site. As the applicant states, the clearance of this ditch and the fitting of a trash screen by SCC have reduced the blockages in culverts and gullies that have contributed to flooding in the past. The culvert that runs under the proposed development site is part of this alleviation scheme. There are, however, still issues with silt build-up in the culvert, especially where it splits into two smaller culverts. The scheme can get very near capacity (see photo).

NB given that this culvert constitutes part of the field alleviation scheme, should additional permission be sought from WSC/SCC to discharge into this? Who does the scheme belong to now?

2. Surface water flows onto and across the site. The site is located at a surface-water runoff hotspot recorded as part of the FWAG SW Highways SRA-funded project in 2016. The Defra surface-water map also shows the direction of flow from this site to areas at risk of surface-water flooding. These maps only show water over a depth of 100mm. SCC Flood and Water Management holds information on the issues at this site.

The site is located on current flow-paths to two high-risk locations (Station Road and Huish Lane see directional arrows) and, has the potential to alleviate flood risk to these locations. However, if insufficient provision is made to accommodate surface water, it has the potential to increase risk to the existing locations and put a third location at risk (Abbey Road) by creating a new flow path down the access road and the A39.

The high sensitivity of this location to surface-water is also demonstrated by the fact that, in Winter 2015/2016, two vehicle ruts on the site were all that was required to cause significant run-off towards the properties below.

PLANNED PROVISION FOR SURFACE-WATER MANAGEMENT:

The provisions for water storage made in the plans and the proposal to conduct a CCTV survey of existing gullies demonstrate the applicant's awareness of these issues.

Two water storage tanks are indicated in the plans, one of which takes surface water from the site itself, including water from the washdown area, while the other takes the surface water from the existing track and the proposed new road spur. Controlled discharge is proposed from each (presumably at standard greenfield rates). One will discharge into the culvert that flows from the attenuation scheme mentioned above, while the other will apparently discharge directly into the highway drains.

NEED FOR A SITE-SPECIFIC FLOOD RISK ASSESSMENT

While sensible provision is being made to control surface water flows, no information is given on tank volumes or discharge rates. Equally, no site-specific flood risk assessment has been provided, making it impossible to ensure that the specified water storage provisions meet the requirements of this particular site as

set out above.

I propose that we ask for a full site-specific flood risk assessment to be provided, mapping the flow paths from the land above, giving details of infiltration rates for the soil in the location, and calculating the run-off rates onto the site and access road from the fields above. This is of particular importance, not least because it is obvious that some storage capacity will be taken up by water from the washdown area.

Given that the applicant states his intention to build a number of dwellings behind the site, this assessment would benefit both applications and help protect the site from the potentially negative effects of uphill development in future.

Amended plans

Our previous comments were still raised, in particular the surface water discharge due to the topography of the site

Highways Development Control -

I refer to the above planning application received on 19th December 2017 and following a site visit have the following observations on the highway and transportation aspects of this proposal:-

The application proposes to change use of land from agricultural to erect a garage that will include, service bays, an MOT facility, showroom, office, toilets and the formation of a new access.

Access and Traffic Impact

The existing garage has direct access to A39, and a separate existing track runs behind the garage to provide rear vehicular access to a small number of properties. An existing Public Right of Way (WL 18/22) runs along the line of this access track, but it is understood that the owner of the private track is unknown.

The proposal site sits off the classified A39 in Washford. The posted speed limit on the immediate A39 is 30mph and observed vehicle speeds appeared to be at or around this. Therefore appropriate visibility splays of 2.4m x 43m would be applicable from the proposed access with no obstruction to visibility greater than 600mm above adjoining road level in line with Manual For Streets (MFS). However, the applicant will need to provide detailed further information regarding proposed visibility splays onto the highway as it is unclear whether these visibility splay can be achieved in practice for the new access, and what arrangements are proposed for access to the retained garage fronting the A39.

It is likely that the proposal would generate a material increase in vehicle movement onto the local highway network including larger vehicles, and it is recommended that the applicant provide further information to detail the expected traffic generation of the proposed development to enable the Local Planning Authority to determine the likely traffic impact of this proposal.

Internal Layout

It is difficult to assess how larger vehicles will access and manoeuvre around the site. For clarity the applicant will be required to demonstrate if a suitable swept path in and out the proposed access is achievable for the largest vehicle likely to use the site.

The proposal includes a new access road, but no development to be served by this road is included within this application except the erection of the garage and the existing 3 dwellings (the latter would appear to remain private). The applicant should be aware that the Highway Authority would not seek to adopt such an access road, and the suitability of the access for any possible further development would need to be assessed as part of the related planning application.

Drainage

Surface water from all private areas, including drives, must be intercepted prior to it discharging onto the prospective public highway. Bearing in mind that the proposed access road is likely to remain a private street, this would include surface water drainage off this road.

Parking

Please note that the level of proposed vehicle and cycle parking should be in guidance with the Somerset Parking Strategy. At present whilst a parking area has been designated, the arrangement of parking spaces has not been specified.

Recommendation and Conclusion

To conclude in traffic impact terms the proposal will result in an increase in traffic movements onto the A39, however further information is required from the applicant as stated above. Full visibility splays are required and should be provided to the nearside carriageway edge, the achievability of which should be demonstrated by the applicant. The proposed means of access to the existing garage (which is to be retained) should be confirmed.

Therefore with this in mind the Highway Authority is not in a position to make a decision on this proposal until this information has been submitted.

Additional Comments

I refer to the above-mentioned planning application received on 19 December 2017 and further amended plans received in relation to the proposal. The Highway Authority have the following observations on the highway and transportation aspects of this proposal. I apologise for the delay in our response. It is important to note that the ownership of the existing track is unknown. The following is on the basis that the applicant has suitable vehicular rights and the ability to carry out the development as proposed.

Access and Traffic Impact

The Highway Authority stated in our previous comments that *'the applicant will need to provide detailed further information regarding proposed visibility splays onto the highway as it is unclear whether these visibility splay can be achieved in practice for the new access, and what arrangements are proposed for access to the retained garage fronting the A39'*

Whilst the applicant has not demonstrated proposed visibility splays on a suitably scaled topographical drawing, they have stated that visibility splays from the proposed point of access would improve the current access arrangement from the existing garage. Based on the information submitted a 'y' distance of 43m is to be provided to the right when exiting the development but a 'y' distance of 28m can only be achieved to the left due to the boundary of the adjacent property, less than the desired visibility for a posted speed limit of 30mph. The submitted supplementary planning statement claims that the oncoming traffic speed from the Minehead direction will be lowered. Whilst this is accepted, no speed survey data has been provided to support this. A 24hr/7 day period to confirm 85th percentile speeds would be acceptable. The applicant has since submitted anticipated traffic generation the proposal is likely to produce. It would appear that the proposal would generate approximately 339 vehicle movements a week from the site in comparison to the approximate 278 vehicle movements it does at present. However based on the information received, this material increase in vehicle movement isn't considered severe in terms of traffic impact.

The proposal is for a simple T junction for means of access into the proposed development which in this instance is considered acceptable. However, should the proposed access point be subject to a material increase over and above what is anticipated from this proposed development, mitigation measures may be required on the A39 (e.g. a right turn lane) to accommodate any additional vehicle movements to and from the highway network into the site. No swept path analysis has been provided at this time. Swept path drawings should be provided based on the largest FTA Design Vehicle expected to use the access at a scale of 1:200. It is noted from the drawing provided that the proposed access road will have a width of 5m which is likely to be acceptable to the Highway Authority. No dimensions have been provided for the entry and exit radii at the junction of the realigned access although it would appear from measurements taken that they are 6m. This is likely to be acceptable to the Highway Authority subject to a swept path analysis of the largest vehicle likely to visit the development.

It is noted from the drawing provided that a footway will be provided along the frontage of the development. No details have been provided at this time for its width but it would appear to measure 1-1.2m. The footway should be an absolute minimum of 1.2m for its entire length however this would still present concerns with regards to passing large goods vehicles on the A39. It is recommended that this is widened to 1.8m.

It would also appear that bollards are to be provided behind the footway (and the visibility splay for the junction). The applicant should confirm that this is the case as there are concerns that vehicles parked behind the footway on the fore court will

overhang the footway restricting access for pedestrians. An uncontrolled crossing should be provided across the A39 Station Road with appropriate tactile paving and suitable and sufficient visibility splays to link the public footpath (No. WL18/22) with the bus stop on Station Road. The applicant is advised to contact the SCC Rights of Way team at the earliest opportunity to discuss the proposed diversion and construction details.

Carriageway cross section drawings for each chainage across the frontage of the site would need to be submitted to show appropriate features such as channel line levels, tops of kerbs, centre line of the carriageway etc. whilst encompassing the full width of the adopted highway. Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards. These details will be needed at the detailed design stage prior to any works commencing on site.

The approach gradient for the access road to the A39 Station Road should be a maximum 2% uphill gradient over 15m where it connects into the channel line of the A39 Station Road. This will ensure that surface water drains back into the site and not out onto the highway. It will also provide a level section of carriageway for vehicles to pull out safely. Full construction details including spot levels and locations of gully pots will be required at the detailed design stage for consideration. Planting or floral displays must in no way compromise visibility or safety. The Designer/Client is advised to contact the SCC Streetworks Co-ordinator at the earliest opportunity to discuss the proposed works and required notice periods.

Internal Layout

The applicant has not demonstrated a suitable swept path to include safe manoeuvrability within the internal layout is achievable for the largest associated vehicles likely to use the site that would allow all vehicles to enter the public highway in a forward gear, which is required. For clarity the applicant should be aware that the Highway Authority would not seek to adopt such an access road, and the suitability of the access for any possible further development would need to be assessed as part of the related planning application.

Please note that a public rights of way access is located off the internal private track that serves the existing dwellings. Our Rights Of Way Team need to be consulted to provide further comment prior to any decision being made.

Drainage

No further drainage details have been received and therefore our previous comments apply which are as follows. Surface water from all private areas, including drives, must be intercepted prior to it discharging onto the prospective public highway. Bearing in mind that the proposed access road is likely to remain a private street, this would include surface water drainage off this road.

Parking

The applicant has proposed a total of 41 vehicle spaces to accommodate the proposal, which is higher than the anticipated proposed number for such a proposal. Whilst this is not considered a reason to warrant an objection, it is noted that not all vehicles spaces are technically accessible in the fore court of the

proposed show area.

Summary

On balance of the above, there is no objection to the principle of this development in terms of traffic impact subject to design detail, conditions and a suitable legal agreement however the Highway Authority would recommend that the applicant provide additional information on the following:

- Speed survey data to justify the proposed visibility splay of 28m to the left of the access.
- A swept path analysis of the largest associated vehicles that would utilise the proposed access point.
- A swept path analysis demonstrating the largest associated vehicles can safely manoeuvre within the internal layout and enter the public highway in a forward gear.
- Detailed information of a suitably located uncontrolled crossing to include sufficient visibility splays for all users and tactile paving.
- Clarification of the consistent width of the proposed footway across part of the site frontage.
- Clarification that the bollards do not infringe with the proposed visibility splays to the left upon exit onto the highway and that no internal vehicles would overhang onto the proposed footway.

Final comments:

I refer to the above planning application and the additional information submitted on behalf of the applicant on 28 November 2018. The Highway Authority has the following additional comments to make.

To establish clarity, the Highway Authority do not object to the proposal of this planning application on the basis that the existing Petrol Filling Station is replaced by the car show room and the existing vehicle repair centre is relocated within the site. Both areas within the site and associated traffic will be served off the proposed access along with the private residential dwellings currently utilising the existing substandard access/PRoW. The existing private access will need to be permanently closed to all vehicle traffic and appropriately treated.

The applicant has not proposed to provide a pedestrian crossing, having undertaken further assessment following our previous highway comments. Whilst the Highway Authority would of liked a suitable pedestrian crossing point of the A39, it is considered unreasonable to object in this instance should no pedestrian crossing be provided.

The applicant should note that the access will not be adopted by the Highway Authority however a suitable legal agreement will be required to secure the works on and adjacent to the public highway. Subject to planning consent it is essential that the applicant demonstrate that it is within their legal right to carry out the necessary works prior to any works commencing.

If the LPA are minded to grant planning permission the following conditions are recommended to be attached.

- No part of the development hereby permitted shall be brought into use until the access works (included closure of the existing private access) have been carried out in accordance with a design and specification that will be submitted to and approved in writing by the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- The area allocated for parking and turning on the submitted plan, drawing number 161102/9B , 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.
- At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (161102/11). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Note

The applicant will be required to enter into an appropriate legal agreement for the access works that will be within or adjacent to the public highway and are required as part of this development. They are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting (HighwaysDevelopmentControl@somerset.gov.uk).

Following on from our previous comments dated 4 January 2019, please also note an additional recommended condition for planning application 3/26/17/027 as below:

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

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;

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

Biodiversity and Landscaping Officer

Biodiversity:

The application is for the change of use of land from agricultural for the erection of a garage at Brendon Service station, Washford. The proposal involves the removal of the existing garage canopy, an infield shed and the removal of 30 m of hedgerow.

Jh ecology carried out an Ecological survey report of the site in November 2017. Findings were as follows

Badger

The surveyor found no setts but noted three badger snuffle holes in the northern grass margin.

Bats

The surveyor found no evidence of bats on the garage canopy or in the field shed. However bats are likely to be within the area and so the development of the site has potential to increase light spill from the new garage which may deter light sensitive bats. I support the recommendation to erect bat boxes.

Birds

The field shelter and hedgerows provided nesting and foraging habitat for birds. An old wren nest was noted on a roof timber in the shed.

I agree that clearance of the hedgerow should take place outside of the bird nesting season, ideally in October.

Dormice

The site's hedges provided low potential for dormice. I agree that a precautionary approach should be made to clearance. In the event of a dormouse being found works must cease immediately and advice sought

Reptiles

The short grass and hardstanding provided negligible potential foraging opportunities and lacked cover suitable for reptiles although the field margins did offer some potential.

To avoid harm to any individual reptiles present clearance of the hedgerow place in October, ideally on a mild sunny day

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of j h ecology's submitted report, dated November 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of lighting

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 bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented

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

Informative Note

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

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

Landscape

Due to the steeply sloping nature of the site this proposal will involve a lot of excavation works. This, along with the construction of the new garage, the construction of a massive retaining wall, the erection of security fencing and the increase in lighting, I consider, will have an adverse impact on the landscape character of the site as well as upon the amenity of the nearby dwellings. I therefore cannot support the proposal.

Amended plans

On consideration of the proposed amendments to this application, my original comments still apply and I cannot support the proposal

Environmental Health Officer - This area was subject to a flooding event with a

number of calls to this office during previous significant flooding episode in this area. The applicant proposes to connect the additional surface water (roof and wash-down via an oil interceptor tank) from this proposed garage to connect to a Wessex Water surface water drain. Paving is proposed to be permeable to allow water in paved areas to drain to ground (Mercia Mudstone).

Wessex Water have confirmed ownership but suggested responsibility should pass to the LLFA of the surface water drain.

Further comments

Environmental Health have no objection in principle to this development proposal on condition that there is evidence of adequate maintenance as part of this drainage scheme for the life time of this development at the SCC grill / ditch and also to the Wessex Water drain / culvert, to allow these additional flows (subject to the LLFA and water company's agreement). A schedule of the maintenance of these assets should be submitted including the identification of the SCC grill and drainage ditch.

Further to my comments made (09 Jan 2018) additional information has been submitted by the applicant and I would like to make the following comments:

1. Noise: It has been explained by the applicant in a supplementary statement (dated 28 March 2018) that by re-locating the garage workshop activities to the new MOT facility (further away than the existing), there will be a reduction in noise impacts to the nearest noise sensitive dwelling. The design also incorporates a landscaping scheme. The existing garage is to become a showroom.

With a reduction in noise levels as proposed when compared to the existing garage, it is unlikely there will be unacceptable risk of an adverse impact. Therefore, as long as hours of operation remain the same, which could be conditioned I would have no objection in terms of noise as long as the design remains in its current format i.e. without additional equipment installed on the exterior like an extraction system. A noise assessment in such an instance should be carried out.

2. Air Quality: In addition, the plans submitted since my initial comments show a large wood fired boiler to heat the building with flue positioned on the northern wall facing the neighbour's dwellings. For wood fired boilers in non-domestic premises over the building regulations threshold (45kW) they require an assessment of the emissions by principal pollutants (PM and NO₂) which will form part of any planning permission for this part.

The general advice when switching to, or installing large capacity solid fuel heating systems is to follow best practice and therefore, where possible to position the flue away from nearest receptors or seek alternative more efficient fuel. Wood fuel quality is thought to be key, and yet there is no standard adopted in UK on the moisture content for wood fuel. Additional information is sought on the capacity (Kw) of this boiler, emission factors (g/GJ), internal diameter of the flue (mm) and fuel type (wood pellet / log / chip) and any storage facilities located outside of the silo. Once received we can estimate the emission rates.

Additional comments

In terms of my comments dated 01/11/18, the agent has confirmed that there is no intention to install extraction system on the exterior of the building and to vary the plans as submitted. Therefore, my comments still stand in that should there be a need to vary the design of the building with such equipment then a noise assessment would be required.

In terms of the boiler capacity if the boiler is greater than 45 kW in this non-domestic premises then planning permission will be required and an assessment carried out of the emissions.

The general advice when switching to, or installing large capacity solid fuel heating systems is to follow best practice and therefore, where possible to position the flue away from nearest receptors or seek alternative more efficient fuel. Wood fuel quality is thought to be key, and yet there is no standard adopted in UK on the moisture content for wood fuel. Additional information will be sought on the capacity (kW) of this boiler, emission factors (g/GJ), internal diameter of the flue (mm) and fuel type (wood pellet / log / chip) and any storage facilities located outside of the silo.

Rights of Way Protection Officer - Thank you for consulting us on the above application. I have not visited the site.

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (public footpath WL 18/22). I have attached a plan for your information.

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

1. DIVERSION REQUIRED -

The current proposal will obstruct the footpath WL 18/22.

The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order.

The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

Please include the following paragraph as an informative note on the permission, if granted.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping

up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

2. General Comments

Any proposed works must not encroach on to the width of the PROW.

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

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

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

If the work involved in carrying out this proposed development would:

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

Economic Regeneration and Tourism - This is an extension to an existing business and I am aware that it is something that the owner has been working toward for some time. The proposals support job creation and there is clearly a need for this type of service in the area, as such we'd be supportive.

Wessex Water

Sewerage

Foul Water and Surface Water discharges must be drained separately from the site.

Points of connection on the public network are to be agreed in consultation with Wessex Water. Lateral connections to public sewers would be subject to formal agreement with satisfactory engineering proposals constructed to current adoptable

standards. Please see Wessex Water's guidance note 'DEV016G - Sewer Connections' for further guidance.

The proposal is located in an area where there is a high risk of foul sewer inundation by groundwater during periods of prolonged wet weather leading to sewer flooding. It is noted that the proposals will result in a minimal increase in domestic foul discharge to the public sewer via existing private drains. The applicant must ensure that the new foul drains are completely water tight. Guidance for construction of sewers in areas at risk of groundwater inundation will shortly be available to view on Wessex Water's website.

The applicant has indicated that surface water will be attenuated on site and discharge to the existing surface water culvert which crosses the northern border of the site. The culvert is currently marked on the public sewer record as a Wessex Water asset. We are currently discussing this with Somerset County Council as we believe the culvert serves a function which is more aligned to their responsibilities. Irrespective of "ownership" we do not wish to allow this issue to delay the planning process and can advise acceptance of the surface water proposals in principle subject to the LLFA's agreement. We also recommend the LLFA provide draft planning conditions to ensure details of the surface and highway water drainage strategy can be agreed prior to construction on site.

There must be no building or structure or changes to ground levels within a minimum 3 metres either side of the existing sewer / culvert. Wessex Water acting as Statutory Undertaker require 24 hour unrestricted access to public apparatus for the purposes of maintenance and repair. The developer should accurately locate and plot the line of this sewer on site and ensure that proposed buildings are located outside of the protection easement band.

Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Water Supply

A water supply can be made available from the existing network in Station Road by application to Wessex Water. The applicant should consult the Wessex Water website for further information.

www.wessexwater.co.uk/Developers/Supply/Supply-connections-anddisconnections

Flood Risk Management Team (SCC)

As this is not a Major development we would not ordinarily comment on this application which is likely to be why no response has been received from Ann. In other LPAs in Somerset the district would use their own drainage consultee to review the proposals and agree suitable conditions for those where the LLFA is not a statutory consultee.

While this vacancy and others within the team places us in a difficult position regarding resources we understand there to be surface water flooding problems in this area. I will see what information we hold that may be of use to you. This

information may help you determine whether it would be appropriate to ask the developer for a flood risk assessment.

With regard to the comments from Wessex Water I am not aware of any approach regarding the ownership of this asset. I will contact them to establish with whom they are speaking and to understand the nature of the conversation.

Environment Agency - no comments received.

Representations Received

46 residents have made representations.

16 residents object on the following grounds:

- There have been 15 reported accidents on the highway between Washford Railway Station and Washford Post Office including 1 fatality and 5 serious accidents
- The lane is the only access to a number of dwellings and is used by the residents of the properties and by fuel providers. Three of the properties have indemnity policies relating to the lane.
- The Highway Authority has declined joining Castle Mead on to the A39 due to the hazard of entering the A39. This must be the same for the proposed access which would have more potential traffic than Castle Mead.
- A pedestrian access was declined by the Highway Authority because of line of sight problems.
- The new position for the track will affect the access opposite
- The applicant can not gift the land along the A39 is not adopted so it can not be gifted.
- Water has flooded the road in the past
- Vibrations from the traffic has caused damage to the roadside banks.
- Adverse effects from construction traffic - noise, dust, smells and vibration
- Proposed building is out of context in respect of adjoining buildings and are more akin to an industrial estate.
- Loss of views and sense of openness.
- Devalue nearby properties.
- Loss of privacy
- Proposed building will be 1.5m taller than Oak House
- The proposed building will be visually overbearing to nearby properties
- The proposed development will weaken the defined economic centres and take business a way from other local garages currently used by the applicant so contrary to policies SC5, SD1 SV1 and SC1
- The location of the proposed development is not essential to the business, it weakens 3 other local garages and will double traffic to the site so the proposal is contrary to policy EC3
- The Council should work with the applicant to find a more suitable site
- Users of the lane do not want improvements to the lane if they are affected by all

the disadvantages of the scheme

- The track is looked after by an adjoining neighbour but the culvert is maintained by the applicant.
- Mitigation needs to be looked at such as flooding, ecology, noise, light pollution, overlooking, maintenance of the retaining walls, traffic, pedestrian crossing required, limiting size and illumination of signs, materials and effects of the construction phase, clarity on the allocation of the proposed parking, storage of tyres, screening
- The rain runs down the hill and saturates the lane making it impossible at times to walk on
- Brightly coloured exterior, unattractive security fencing
- Loss of land for cows to graze. Creating a few jobs does not make up for a farmer possibly losing his livelihood and residents, their quality of life
- Adverse effect on wildlife and their habitat including lights affect bats
- Crossing the road is difficult and dangerous and adding a new road will make this worse
- Where will the excavated soil be moved to?
- The applicant could expand elsewhere and allow another local business person use the site so that the village continues to benefit.
- A nearby property will be overshadowed
- A large garage is not required in this location
- The field is used for children and dogs to play
- Will adversely affect the character of Washford
- Adverse effect on health due to increased fumes and dust
- Traffic travel over the 30mph
- Not against the applicant but he is out for his own gain and has not consulted us over the plans.
- The application site is outside the local plan growth areas of Minehead, Watchet and Williton
- The new garage should be built on brown field land such as on the Watchet paper mill site or on existing industrial sites
- There will be limited parking for construction workers meaning there will be a shortage of parking for local residents.
- The applicant does not own the track
- The proposed donated footpath would not connect to another road and would possibly not be used due to the distance from the main village. the Parish Council will not pay for or maintain such a path. (NOTE: This no longer forms part of the application)
- The field adjoining the applicant's field can be waterlogged.
- If permission is granted 3 houses will be at high flood risk as soon as construction commences. The risk will continue due to the uncertainty that the storm tanks and drainage are adequate
- An architect has looked at the plans and advised an objector that the storage tanks is for storing land from the specified land only, the size of the tanks are based on an estimated rainfall and as it on manual release, what happens if it over flows?
- The proposal may affect nearby residents already high risk properties and contents insurance.
- A full bat survey is required
- A number of wild animals including badgers, foxes, sparrow hawks, grass

- snakes, hedgehogs, Hazel dormice and owls are in the area
- The hedgerows, it is believed, are protected under the Hedgerow Regulations .
 - Holly is not naturally found in the local hedges and takes many years to establish.
 - Concerned that the applicant is known to Parish Councillors and probably Councillors on the Planning Committee so is it local application for locals only?
 - The proposal could lead to an employee at Roadwater Garage moving to Washford which could possibly force the garage to close.
 - Hinkley Point as the largest employer in West Somerset will offer higher salaries to those leaving college than a garage at Washford
 - Poor visibility when exiting on to the A39 from the proposed access.
 - Headlights will dazzle those leaving the property opposite the new access and lights will shine directly into their property.
 - Can not hear any noise from the existing garage and do not wish to hear any noise from the new building.
 - The proposed opening hours is unacceptable.
 - There is no sound insulation
 - Light pollution
 - The garage should be open on Saturdays rather than expanding.
 - Should security fencing be erected at the field's current entrance I will not be able to reverse my car to enable egress from the lane.
 - Vehicles sometimes have to back down the lane especially fuel tanks.
 - The economic development officer has no comment on the need for the development. There is no analyse of the availability of alternative sites.
 - The diversion of the right of way should not be conditioned but resolved before any permission is granted.
 - The comments from the landscape officer makes no comment on the acceptability of the landscape and visual impact. This is not acceptable.
 - Should not condition surface water and disposal to the highway drainage network. This should be resolved prior to permission being granted.

28 have made representations in support of the application stating:

- Provision of jobs in an area where they are badly needed
- The applicant is an asset to the area
- Should support small businesses to grow and thrive rather than closing with building stood dormant
- Will be an asset to take car locally to be MOTed instead of having the hassle of driving elsewhere and having to arrange to collect the car
- The current premises are too small for the demand and have to turn work away which is not good for the local economy
- An improved track is welcomed
- The premises will tidy up a slightly tatty area/eyesore
- As an ex flood warden this will result in significantly smaller amounts of water
- Improvements to the access point will benefit those using the garage and the road
- Will provide extra funding for the local community through business rates and extra employment
- Visually improve the area as you drive through the village

- Currently the lights from the existing garage shine into my property and can hear the noise . This will be reduced as the building will be further away
- The proposed cladding of the existing building will be an improvement
- The garage used to be a petrol station where there was considerable car movements. An improved access will make it safer
- Why shouldn't Washford benefit rather than having to constantly drive elsewhere
- You do not have a right to a view and landscaping will help
- The field is a 5 acre field so the cows will not be ejected from it
- Concerned that some objectors have not read the plans correctly
- No one will be able to look into the adjoining properties
- Reduction in car journeys from the garage as cars will no longer need to be taken to Williton saving over 1000 journeys a year and reducing carbon emissions
- Utilises an underused piece of land
- Contributes to 'village life and soul of Washford'
- Maintains the village's infrastructure
- The proposal has considered the need to minimise flooding/runoff problems
- Washford has lost a garage/petrol station, the cattle market and the retail units at Washford Mill so this proposal helps to remedy the job opportunities in the village

2 residents have made comments

- A flood risk assessment is required as the site is at risk of flooding but also because the development can affect flooding elsewhere
- Surface water flooding is a material planning consideration
- The existing alleviation scheme does not drain the land either on the site or the land above the site

Amended plans and additional information

4 objectors and comments received on behalf of 6 residents reiterating their original objections relating to:

- size of the proposal, contrary to policy and the development would result in a dangerous new junction.
- There is no new information on flooding, ecology, noise or mitigation during construction
- The proposed visibility splays are still unacceptable
- No traffic figures on heavy construction vehicles on and off the A39 or on the weekly Council collection, landscape and gardening, window cleaning, maintenance etc
- The applicant is causing a nuisance by using the lay by and having cars for sale at a particular property
- Noise can be heard from the garage
- The height has been reduced by 0.5m but will still be taller than the existing houses
- Contrary to policy - SD1, SC1, SC5, SC6, EC1, EC3, CC2, NH1, NH6 and NH9
- The current garage is not working to capacity
- Inadequate trip generation information has been supplied

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
SC5	Self containment of settlements
SV1	Development at primary and secondary villages
EC1	Widening and strengthening the local economy
EC3	Greenfield employment generating development
CC2	Flood Risk Management
NH6	Nature conservation & biodiversity protection & enhancement
NH9	Pollution, contaminated land and land instability
NH13	Securing high standards of design
NH8	Protection of best and most versatile agricultural land

Retained saved policies of the West Somerset Local Plan (2006)

TW/2	Hedgerows
T/7	Non-Residential Development Car Parking

Determining issues and considerations

The main issues in the determination of this application are, the principle of development, highway safety, amenities of neighbours, flooding, biodiversity and landscape.

Principle of development

There are three main strategic local plan policies that need to be taken into account.

Washford is classified as a primary village under local plan policy SC1 where limited development will be permitted where it can be demonstrated that it will contribute to wider sustainable benefits for the area. It is considered that the diversification of the

garage to enable MOTs especially of Class 7 vehicles (motor homes and vehicles up to 3.5 tonnes) will contribute to the sustainable benefits of the area due to the fact that vehicles will no longer need to be taken to Williton to have their MOT carried out as currently 8 - 10 vehicles a week are taken to Williton. There would equate to four car movements per vehicle as the mechanic returns to Washford while the car is being tested and the number of vehicle movements may be more if the car fails its MOT and has to be returned to Washford for repairs before being retested in Williton. It is likely that the new MOT bay will be used to test approximately 30 vehicles per week and that this will generate extra repair work on those vehicles which fail their MOT. Data from the Driver and Vehicle Standards Agency (2017) shows that in 2015/16 the initial failure rate of Class 3-4 vehicles was 36.8% and for Class 7 - 46.8% which illustrates that having an MOT bay will generate extra on site work. In addition as the MOT bay will be able to cater for Class 7 vehicles this will mean that some owners of such vehicles will not need to travel as far as they currently do for MOT tests and will provide a new facility within Washford which will help the economy of Washford and the surrounding area.

As part of this policy development within 50m of the contiguous built up area will only be considered where it can be demonstrated that it is well related to existing essential services and social facilities within Washford, there is safe and easy pedestrian access, it respects the historic environment and complements the character of Washford and does not generate significant additional traffic movements over minor roads to and from the primary and county highway network.

With regard to being well related to essential services and social facilities the application site is within the village and is within a short distance to the public house, churches, school and village hall. These are all easy to reach by car but by foot the A39 needs to be crossed. The Highway Authority had originally requested that a pedestrian crossing be provided but this does not form part of the application and the Highway Authority have no recommended refusal based on there being no pedestrian crossing. In addition as the proposal is for a business use rather than a residential use, access to essential services and social facilities is not so important.

As has already been mentioned above pedestrian access to the application site is not always easy as crossing the road can be difficult mainly due to the amount of traffic using the road. A pedestrian crossing would have helped this. A 1.2m footpath along the front to the show room building will however improve access to and from the application site as will the improved junction onto the existing track.

The impact the proposed building will have on the character of Washford is discussed below (under policy SV1) but with regard to the historic environment it is considered that the historic part of the village will still be easily read and that the proposed building will not adversely affect the historic environment. The setting of any listed building in Washford will not be harmed due to the distance from and location in relation to the application site. It is therefore considered that this policy has been complied with.

Under local plan policy SC5, it states that development which improves the balance of land uses within a settlement in terms of minimising overall transport use will be encouraged. The proposal ensures that the employment generating business is

retained and will be able to offer extra facilities as well as additional employment through the creation of 3 full time employees and one part time employee. It is likely that there will be a material increase in traffic due to the increase facilities available but as the garage is on a main arterial route it is considered that this is preferable to a number of facilities located in different locations as this may increase vehicle journeys. In addition as the repairs required for an MOT can be carried out on site this will help minimise additional journeys compared to currently. There is also a regular bus service that uses the A39 and as the bus stop is close to the garage there is a possibility that users of the garage can use the bus service after they have left their cars or use the bus when they need to return to collect their cars. On balance it is considered that this policy is complied with.

In addition, proposed development under local plan policy SV1 should be designed to form an integral, harmonious addition to the settlement's existing character and help to maintain or enhance their existing level of service provision and help create balanced communities at a level commensurate to their role and function. The proposal for the new building, whilst large in size, has been amended through the course of the application by reducing the proposed ground levels by a further 0.5m to help lower the building into the landscape together with amending the colours (blue and yellow) to grey, changing the type of fencing to be used from security fencing together with a retaining wall along the track to the creation of a bank and hedge along the track and security bollards and post and rail fencing. The proposed new hedgerows will also help screen the building and the deletion of the security fencing and rendered retaining wall will help soften the appearance of the area and will help to maintain the existing character of the area. This will help to assimilate the building in to the landscape. Whilst the building is large there are other large buildings within Washford such as buildings at Babcock and Evered, the West Somerset Railway and the two church buildings and as such part of the character of the Washford is the differing sizes including large buildings. The proposed provision of additional facilities will enhance the existing level of service provision, will help maintain the vitality of Washford and will be commensurate to the size and function of Washford. It is therefore considered that the principle of this policy has been complied with.

Highway Safety -

There has been on going detailed discussions with the Highway Authority and a number of amendments and additional information has been submitted. The Highway Authority do not object to the proposal on the basis that the existing petrol filling station is replaced by the car show room and the existing vehicle repair centre is relocated within the site and both areas within the site and associated traffic will be served off the proposed access along with the private residential dwellings currently utilising the existing substandard access/PRoW. There will be an increase in traffic to the site (according to the applicant from 278 per week to 339 per week) but this material increase in vehicle movement isn't considered severe in terms of traffic impact. There is also a reduction of access points on to the A39 from three to one. A number of conditions as outlined in the consultation responses section has been recommended and it is proposed that these are imposed.

The proposed visibility splays from the proposed new T junction for the proposed access road will measure over 2.4m x 70m in a south easterly direction (towards Williton) whereas a 2.4m x 43m splay only is required. Only a 2.4m x 28m however is achievable in a north westerly direction (towards Minehead) . The current visibility splay is only 8m for the access to the northwest of the site so the proposed visibility splay is a significant improvement. The reason for a reduced visibility splay of 28m is due to the adjoining properties boundary fence. The Highway Authority has however concluded that this is acceptable

39 vehicle parking spaces are proposed. 19 of these are for the display of cars together with 4 staff spaces, 10 MOT spaces and 6 visitor parking spaces. This is higher than what is required for the proposal but the Highway Authority does not consider that this would warrant an objection but it is noted that not all vehicles spaces are technically accessible in the fore court of the proposed show area. It is considered that as these are cars that are on display for sale that not all are easily accessible due to double parking this is not a highway safety concern.

As the existing track is a public right of way the safety of pedestrians using it needs to be taken into account. The public right of way will be retained but it is proposed to divert the 20m section that will no longer be on the track, onto the proposed access road. This will require a Diversion Order and Somerset County Council do not object to the principle of rerouting this section of the public footpath.

A number of residents have raised the issue of construction traffic that will be required and how much of the excavated soil will need to be removed on site. As construction traffic will be using an access that is used by near by properties as their sole vehicular access and as the removal of approximately 50% of the excavated soil will increase the amount of traffic movements onto the A39, it is considered that a construction management plan is required requiring details on:

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

Concern has been raised over the loss of being able to use the track at the field entrance as a turning area. It is not proposed to change the access into the field and in addition there are other places where turning of vehicles could be done.

It is considered that highway safety issues have been addressed and that the proposed access where it joins the A39 will be improved with regard to users of the existing track and as such it is considered that the proposal is acceptable from a

highway safety point of view.

Amenities of neighbours

Concern has been raised by local residents concerning noise, dust, smells, vibrations from traffic, light pollution, affect of fumes and dust on health and dazzling car head lights.

With regard to noise, Environmental Health consider that as any noise emanating from the proposal will be from the new building and as this building will be further away from the existing dwellings than the existing building and faces away from these dwellings, provided the opening hours remain as existing (and this is conditioned), they have no objection in principle. A condition relating to opening hours is therefore proposed.

In relation to dust and fumes this has not been raised by Environmental Health as being a reason to refuse the application. There should be no smells as no body work or paint spraying is proposed. Dust during construction will be controlled by the recommended construction management plan condition. A condition relating to the boiler is also proposed as it needs to be ensured that the emissions (particulates) from the proposed boiler will not be detrimental to nearby residents.

Light pollution will be kept to a minimum with external lighting only being operational during business hours as there will be a high reliance on internal security systems. The 5 shielded security down lights on the proposed building will minimise light pollution and light spillage onto neighbouring properties. The amount of lighting will also be reduced with the removal of the under lighting on the canopy as the canopy is to be removed as part of the proposal. No external lighting is proposed on the existing building.

It is known that car headlights can cause dazzle to properties when the road is opposite where the cars exit. It is considered that due to the distance, changes in levels and landscaping that this will not so adversely affect the dwellings opposite the application site, that the application could be refused on these grounds.

Vibrations caused by passing traffic can not be controlled as part of this application.

Concerns have also been raised over loss of views and sense of openness, loss of privacy, overshadowing of a nearby dwelling, the proposed building being visually overbearing, together with the eyesore of the storage of tyres externally.

The proposed building is approximately 17m from the nearest dwelling, Oak House. Meadstone, the next nearest dwelling is 24m away from the rear wall of the proposed building. The windows that look towards the track and these dwellings adjacent to the existing garage building are at ground floor level. These windows are to light the toilet and store/mess room and will have top hung casements with restrictors and be obscure glazed. As the proposed building will however, be approximately 2.5m above the ground floor level of the adjoining properties, the windows will be near the eaves height of Oak House and the adjoining dwelling.

The proposed hedge and 2m high horizontal boarded palisade fence and the design of the windows will help ensure there is no overlooking from the proposed building or loss of privacy to the adjoining properties. In addition, overlooking and loss of privacy from the area between the proposed building and the track that is to be used for staff parking will be limited due to the proposed use of this area of land.

Due to the distance and orientation of the proposed building from the nearest dwellings (Oak House is 25m away from the highest part of the proposed building) it is considered that these dwellings will not be significantly overshadowed or visually overbearing. The retention and planting of a new hedge along the track will also help to reduce the impact of the building on the neighbouring properties.

Both new and used tyres are to be stored within the proposed building. No outside storage is proposed. A condition to ensure that the appearance of the area is not adversely affected by such storage is proposed.

The objections relating to loss of views is not a planning reason that can be used to refuse the application.

Overall it is considered that the amenities of the occupiers of nearby properties will not be significantly affected.

Flooding

The application site is located within flood one and is under 1 hectare in size and as such a flood risk assessment is not required. It is recognised however that there have been issues with surface water in the vicinity. The application site and track is shown to be a very low flood risk on the Environment Agency's flood risk map from surface water. Very low risk means that each year this area has a chance of flooding of less than 0.1%. The A39 from Oak House running in the direction of Minehead however has a high flood risk from surface water as do the row of houses adjoining Oak House. High risk means that each year this area has a chance of flooding of greater than 3.3%. Some of the land behind these houses is at a low risk for surface water flooding.

There has been surface water flooding to the houses in the past as mentioned by residents and the track behind the houses is known to be subject to surface water flooding. This issue has been investigated in the past and a screen has been added to the culvert on the attenuation scheme in the field to the west of the application site to reduce blockages in the culvert which has contributed to the flooding in the past. The fitting of this screen has helped to alleviate the surface water flooding. The culvert does run through the application site, near the northern boundary of the area of land to be used for the proposed building and splits into two before reaching a manhole in the A39, to the east of the proposed access road's junction with the A39.

It has recognised that there is a need to ensure that the proposal does not exacerbate the existing situation and as part of the proposal is to provide an underground water storage tank to the north of proposed building and to reuse the

existing petrol storage tank on the existing fore court. The proposed new tank will have a restricted outlet and will cater for roof water and washdown runoff. There will also be a french drain running around the boundary of the site and permeable paving will be used on the area to the south of the proposed building. The french drain and permeable paving will help reduce the greenfield runoff rate.

Wessex Water accept the surface water proposals in principle subject to the LLFA's agreement. The LLFA however have not made any comments because as they have pointed out they are not a statutory consultee. Wessex Water has also stated that the proposed building must not be built within 3m of the culvert. The distance will be 7m.

As the greenfield run off rate has not been submitted as part of the application it is considered that this information is required to inform the size of the tank required and the surface water drainage system. As such it is considered that this information is required and conditions to cover this are recommended.

It is considered that subject to conditions being imposed in relation to drainage to ensure that there is no exacerbation in surface water flooding due to this proposal that policy CC2 has been complied with.

Biodiversity

As part of the application an ecological survey was carried out which found that there were no badger setts, bats are likely to be within the area, the field shelter and hedgerows provide nesting and foraging habitat for birds but the hedgerows provide a low potential for dormice. There are also negligible potential in the areas of short grass and the hardstanding for foraging for reptiles but there is some potential along the field margins. Recommendations are also included relating to the retention and protection of the boundary hedgerows with replanting of hedgerows, safeguard measures to prevent badgers and hedgehogs being trapped in excavations during the construction phase, lighting so as not to affect bats, timing of works, planting of new hedgerows and incorporating a batbox/brick or tube into the proposed building. The report has been assessed by the Council's Biodiversity Officer who has suggested that a condition be imposed regarding a strategy to protect wildlife that is based on the advice contained in the ecology report. It is therefore concluded that policy NH6 is complied with as the biodiversity of the area will be maintained.

Landscape.

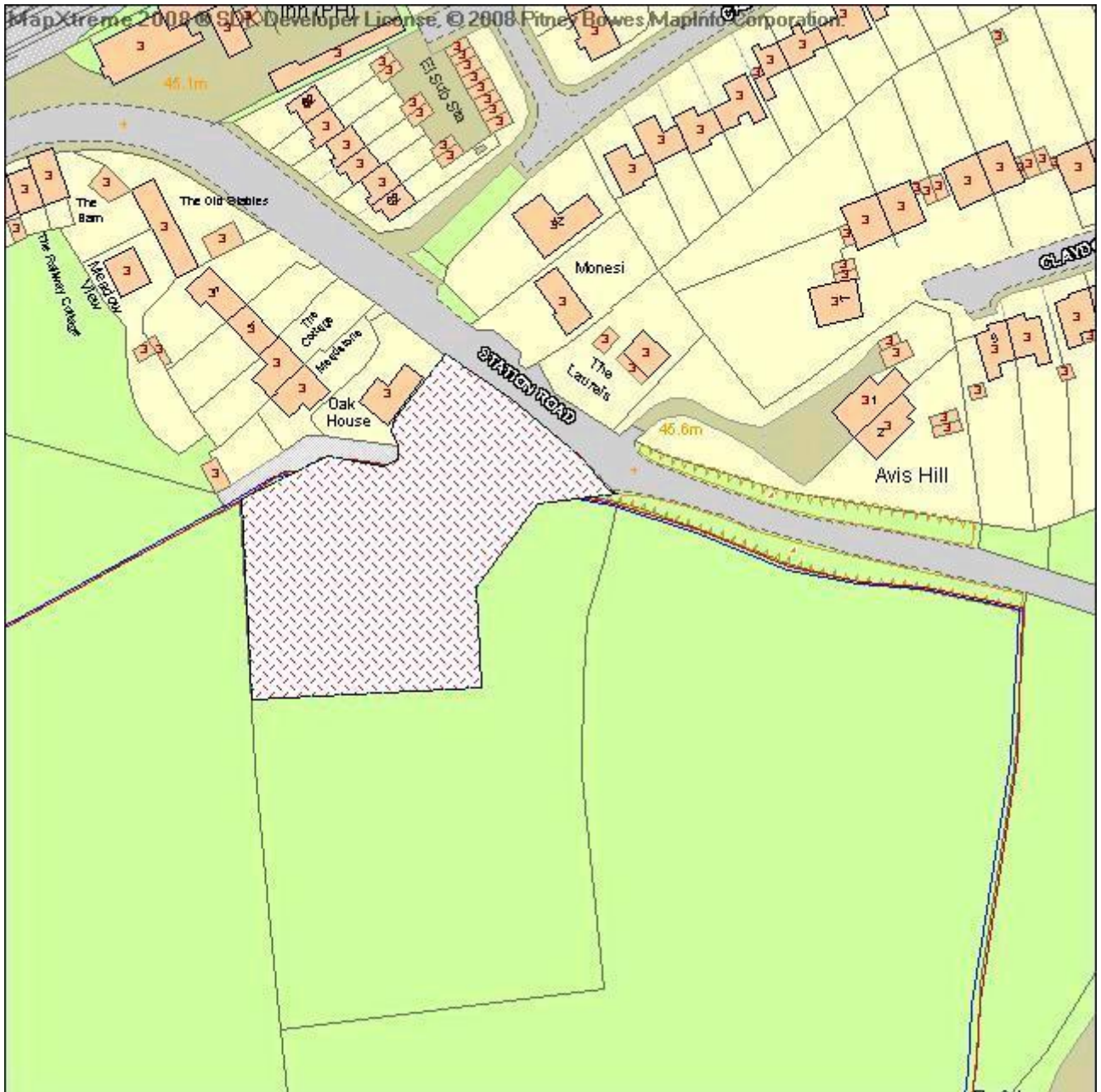
It is acknowledged that there will be a significant removal of soil from the application site up to a depth of 3.5m at the rear (south) of the site as the proposed building is to be located on a sloping site. The area of land to be excavated measures 48m -54m (north - south direction) by approximately 50m (east- west direction) . The Council's Landscape Officer does not support the proposal due to the amount of excavation works together with the proposed building, retaining wall, security fencing and increase in lighting and considers that this will have an adverse impact on the landscape character and the amenity of nearby dwellings. The security lighting has

been removed from the application, the building will be 0.5m lower as the land is to be lowered a further 0.5m compared to the original plans. The lighting is shown to include 5 lights and will be controlled by condition, partly due to the effect the lighting could have on bats and the amenities of the adjoining properties.

The physical loss of part of the hillside will change the character of this part of the hillside and will be visible largely from the access to the site and the public right of way. When viewed from the west and east this will be mitigated through the planting of hedgerows. A balance needs to be taken however on whether the harm due to the amount of excavation outweighs the benefits of the scheme. The benefits include the retention of a business within Washford, safeguarding the vitality of the business and Washford, improved access to the application site and to the properties that use the track, the provision of a footway along the front of the existing building and the provision of additional employment, the provision of a new facility and drainage works to help keep the status quo or improve the existing surface water flooding problems. It is considered that these benefits outweigh the harm from the excavation works.

In conclusion, the proposal will provide improved facilities which will help to safeguard the vitality of Washford and West Somerset, provide employment, maintain biodiversity, improved vehicular and pedestrian access but that there will be some harm to the landscape which will be mitigated by new landscaping. It is considered that the proposal complies with local plan policies and the NPPF. It is therefore recommended that planning permission be granted.

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



Application No 3/26/17/027
 Change of use of land from agricultural for the erection of a garage to include service bays, MOT facility, showroom and office with installation of solar panels to the roof and formation of access
 Brendon Service Station, Station Road, Washford
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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 Easting: 304510 Scale: 1:1250
 Northing: 141077

Application No:	3/39/18/009
Parish	Williton
Application Type	Outline Planning Permission
Case Officer:	Bryn Kitching
Grid Ref	Easting: 307932 Northing: 141777
Applicant	The Wyndham Estate
Proposal	Outline planning application (with all matters reserved except access) for the erection of approximately 90 dwellings, creation of vehicular access, provision of open space and other associated works.
Location	Land to the East of Aller Mead, Doniford Road, Williton TA4 4RE
Reason for referral to Committee	The application is for a significant development

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A3) DRNO 41064/5501/SK02 PROPOSED PRIMARY SITE ACCESS JUNCTION

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

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

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

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

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

- 5 No dwelling shall be occupied until such time as the works to extend the 30mph limit as identified in the Transport Assessment and shown on Drawing Number (A3) DRNO 41064/5501/SK02 PROPOSED PRIMARY SITE ACCESS JUNCTION have been carried out.

Reason - In the interests of highway safety.

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

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

- Wheel washing facilities for construction vehicles leaving the site.

Reason - In the interests of highway safety

- 7 The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling/building before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

- 8 No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Detailed drainage layout drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drainage calculations that demonstrate there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Consideration of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- Demonstration of how the first 5mm of rainfall (or 'first flush') will be managed to promote infiltration/evaporation/evapotranspiration, and with focus on the removal of pollutants;
- Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Demonstration of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water drainage system;
- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent

- phases.
- Demonstration that appropriate access is available to maintain drainage features, including pumping stations.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

If the results of infiltration testing indicate that infiltration will provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

- 9 The details submitted in accordance with condition 1 of this planning permission shall include Finished Floor Levels of each dwelling and shall be no lower than 22.39 metres AOD

Reason - To limit the impact of flood risk on the development.

- 10 The development hereby permitted shall not be commenced until a dormouse nest tube survey has been undertaken between April and November

Reason - To ascertain an estimation of the population of dormice on site and to inform the dormouse licence application.

- 11 The development hereby permitted shall not be commenced until an otter and water vole survey and badger survey has been undertaken no more than 6 months prior to construction works.

Reason - To ascertain accurate and up to date usage of the stream by, otters and water voles and accurate use of the site by badgers.

- 12 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental's submitted reports, dated February 2018 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of habitat and places of rest for wildlife
4. A Construction Ecological Management Plan (CEMP) and a
5. Landscape and Ecological management plan (LEMP)
6. Details of lighting
7. Arrangements to secure the presence of a licenced dormouse worker to be present to monitor the removal of hedging on 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 dormice, bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new dormice, bird and bat 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.

- 13 The details submitted in accordance with condition 1 of this planning permission shall include full details of the proposed children's play area including the layout of the area and the equipment to be installed. The approved details shall be implemented and made available for use by the public prior to the occupation of the 40th dwelling hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that adequate children's play facilities are provided as part of the development.

- 14 The planting details submitted pursuant to condition 1 of this permission shall include a phasing programme for the implementation of the landscaping 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

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application issues were raised. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address the issue and further information was 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.

Proposal

Outline planning application (with all matters reserved except access) for the erection of approximately 90 dwellings, creation of vehicular access, provision of open space and other associated works.

The application includes an illustrative master plan which shows:

- A mix of detached and semi detached dwellings at single and two storey,
- Main vehicular access off Doniford Road,
- Opportunity for pedestrian/vehicular access through Aller Mead,
- Footpath/cycleway connections through the site including a link through to Watery Lane,
- Surface water attenuation on the northern boundary of the site,
- Public open space and equipped play area in the meadow to the south,
- Landscape screening along the eastern site boundary,
- Green space throughout.

The application is accompanied by the following reports and documents:

- Illustrative Masterplan (Thrive drawing SAVI170105 IMP-01 Rev D)
- Junction design (Peter Brett Associates drawing 41064-5501-SK03)
- Topographical Survey (Lewis Brown drawing X16369_B_2D_SX)
- Design and Access Statement (Thrive)
- Statement of Community Involvement (Savills)
- Transport Assessment & Travel Plan (Peter Brett Associates)
- Flood Risk Assessment (Peter Brett Associates)
- Landscape and Visual Impact Assessment including a Representative Views and Maps Report. (Richard Sneesby Landscape Architects)
- Ecological Survey Report (Blackdown Environmental)
- Biodiversity Mitigation and Enhancement Plan (Blackdown Environmental)

- Ground Conditions Desk Study (Gown Engineers)
- Archaeological Desk Based Assessment (Savills)

Site Description

The application site extends to 4.04 hectares located to the north of the village of Williton and accessed from Donniford Road at the point where it becomes Liddymore Lane.

This parcel of land includes and extends beyond the confines of land allocated for mixed development under West Somerset Local Plan 2032 (Policy W12) and is situated immediately to the east of Aller Mead, a residential development that similarly forms part of the Allocated provision under Policy W12.

To the south of the application site is the public footpath WL 28/3 (Watery Lane). Watery Lane connects with Donniford road to the west, via Aller Mead and to the housing developments served by Long Lakes and Whitecroft to the south and in turn the Williton Industrial Estate.

Relevant Planning History

There is no relevant planning history to the application site. The adjoining development at Aller Mead was approved under planning application reference 3/39/12/025.

The site is allocated in the West Somerset Local Plan 2032 by Policy W12 as one of the 3 key strategic development allocations for sites for mixed use development. The policy states:

“Within the areas identified on the policies map to the west and north of Williton, mixed development will be delivered subject to an indicative masterplan incorporating:

- approximately 406 dwellings, and;
- approximately 3 hectares of appropriate and compatible, non-residential uses.
- enhancement of the designated heritage asset Battlegore Barrow Cemetery and its setting should take place. The site should be enhanced to ensure its use as a communal asset and contribute positively to the community. This should be achieved through landscaping, public access, appropriate use of the site and the implementation of a management plan agreed with Historic England.

The development must be facilitated by the appropriate integrated provision of transport, community and flood risk management infrastructure to include walking and cycling links connecting the new development with the village centre.

Consultation Responses

Williton Parish Council –

Further to our conversation, please find below a copy of the comments that Williton Parish Council would request regarding planning application 3/39/18/009

- Extend pedestrian access to Casino Road
- Consider flooding issues, with proper consideration at planning stage
- Access on and off the site – for emergency and public vehicles
- Visibility needs to be properly maintained, with line of sight
- Would not want the adoption of roads to become an issue
- Would like a good proportion for local and first time buyers

Highways Development Control –

Initial Comments - 10 July 2018

I refer to the above-mentioned planning application received on 15 May 2018 and have the following observations on the highway and transportation aspects of this proposal. I apologise for the delay in our response.

The outline application with all matters reserved except for access is for the development of up to residential 90 dwellings. The proposal sits off a classified Liddymore Lane on the northern edge of Williton.

It is accepted that the proposed visibility splays of 2.4m x 43m in both directions is appropriate subject to the extension of the 30mph speed limit as proposed by the applicant. The proposal would generate a substantial increase in vehicular movement onto the local highway, between 540-720 movements per day.

Transport Assessment

The submitted application included a Transport Assessment in support of this application. This has since been assessed which has raised significant concerns which can be found below.

A 2011 census was used to determine development traffic which is deemed suitable in this instance. For auditing purposes, the trip distribution/assignment should usually be displayed on a traffic flow diagram figure. This TA has included a table that has displayed the distribution however has not included a flow diagram.

Should a revised TA be produced, distribution should be illustrated on the traffic flow diagram features.

The TEMPro Growth Factor for the PM Peak in the period 2017-2019 has predicted a growth on the local highway network of 11%. A review of this has found the expected growth factor to be approximately 2.5%. Due to this issue, the PM peak

junction capacity assessment results are not considered robust. Therefore it is considered that the results of the junction capacity assessments in the PM peak period are unrealistic. The applicant should note that TEMPro v7.2 is the most recent and up-to date version which should be used.

The TA has shown that in the year 2024 without the development, that the A39 Long Street / North Street / Fore Street junction and A358 High Street / Fore Street / Bank Street junction will already be operating at or slightly over capacity, however, evidently traffic generated by the proposed development will worsen the operation of these two junctions. The TA has not mentioned any mitigation or improvements to lessen the traffic impact on these junctions.

The junction capacity assessment results for the A39 Long Street / North Street / Fore Street junction and the operation of the A358 High Street / Fore Street / Bank Street junction are predicted to significantly exceed their theoretical Ratio-of-Flow Capacity (RFC) and will result in increases to the Max PCU Queue on some of the junction arms. The result of this may lead to 'rat-running' on streets that are unsuitable to significant increases in traffic due to their residential nature and on-street parking.

The TA has noted that queue length surveys were conducted at the three existing junctions. The raw data from these surveys were not included in the Appendix and therefore the auditor was not able to validate the base survey year capacity assessment results. The AM & PM peaks were also unable to be correctly identified.

The TRICs database has been used to derive trip rates. Locations of large populations have better public transport links and amenities/employment opportunities that are with walking & cycling distances. Therefore the trip rate derived from TRICS is considered unrepresentative of Willton and the surrounding area. Therefore the applicant would need to revise the trip rates from the TRICs database that show a better representation of the proposed development site.

Access

The proposal put forward is for a simple priority junction arrangement on Doniford Road which in this instance is considered acceptable.

It is also noted that there is a desire to link Aller Mead creating a secondary access for the development that will reduce the number of turning vehicles. It is to our understanding that our Public Rights Of Way team have provided comments on this application which should be considered within the planning balance.

A basic swept path analysis has been provided on drawing 41064/5501/SK03 for the internal estate roads which is not to scale. No swept path analysis has been provided at this time for the proposed new simple priority T junction. Swept path drawings should be provided based on the largest associated vehicle expected to use the junction at a scale of 1:200. This is required to ensure that refuse, delivery and other vehicles can safely and adequately access the dwellings.

The proposed 6m swept path drawings and 5.5m access road to be provided are acceptable to the Highway Authority subject to the swept path drawings.

It is noted from the drawings provided that a footpath will be provided continuing on from the existing footpath that goes through the adjacent development. This is likely to be acceptable to the Highway Authority. Further detail will be required on how it will re-join Doniford Road to the north.

An uncontrolled crossing should be provided across the access with appropriate tactile paving and suitable and sufficient visibility splays.

There is an open drainage channel to the eastern side of Doniford Road over which the proposed footpath will have to cross at the northern end of the site. It is also noted that the proposed new footpath will run parallel to this open watercourse. A suitable and sufficient pedestrian restraint system alongside the proposed new footpath and on either side of any structure being provided to link the footpath at the northern end of the site back in to the existing public highway will be required.

No details of the proposed carriageway have been provided to demonstrate that suitable gradients, surface water, drains/gullies, etc can be achieved. Additional drawings would be required for this purpose, especially if there is a desire for this to become adopted public highway.

Drawings will be required at the detailed design stage indicating the location of all signs and road markings along with a signs schedule to indicate the size of signs, posts, mounting heights etc.

The designer must submit a comprehensive set of traffic management drawings and sign schedules for approval by the SCC area traffic engineer.

It was noted from the site visit that there is an existing open water course running alongside Doniford Road on the same side as the proposed development. This is likely to require culverting along with the appropriate headwalls etc. to allow the free flow of water in the channel. Suitable and sufficient battered verges with level grass margins will also be required to support the construction of the new access road and minimise the potential for errant vehicles to enter the watercourse. Full construction details will be required at the Detailed Design stage along with a typical cross section and long section.

The design of landscaping within the highway limits shall be carried out in consultation with appropriate specialists. Somerset County Council will consider that maintenance implications and where the responsibility for maintenance is passed to a third party, maintenance standards must be agreed. The enhancement of the standard of planting through the use of floral displays and shrubbery must be through agreement with the Highway Authority and must in no way compromise visibility or safety.

Drawings will need to be submitted at the Detailed Design stage showing the location and depth of all public and private services affected by the works.

As a consequence, no works will be able to commence until such time where the Highway Authority are satisfied that all necessary utility works have been secured.

Estate Roads

An indicative layout has been provided, but this has not been assessed at this time. The proposed estate road layout will require detailed review as part of any future reserved matters application. The suitability of the estate roads for possible future adoption cannot be taken at this time however the Highway Authority would advise the applicant to consult Estate Road design guidance for Somerset.

Parking

The applicant has proposed 225 parking spaces to accommodate the proposed development, however the number of bedrooms per dwellings have not been specified at this stage.

The optimal parking provision for developments is set out in the adopted Somerset County Council Parking Strategy (SPS).

In addition, safe and secure cycle parking will be required, at a rate of one space per bedroom. The applicant should ensure that the appropriate facilities are provided within the design submitted at the reserved matters stage. The provision of motorcycle parking and suitable facilities for electric vehicle charging should also be addressed in any future detailed application.

Drainage

A Flood Risk Assessment (FRA) prepared by Peter Brett Associates was submitted in support of this application, and has been reviewed by the Highway Authority's drainage engineer in terms of the possible effect on the existing and prospective public highway.

It will be necessary to culvert the existing minor watercourse running along the eastern side of Liddymore Lane to accommodate the provision of the proposed vehicular access junction serving the development. The length of the culverting will be determined as part of the technical approval of the junction. It should also be noted that there is a water main running within the development land parallel to the boundary with Liddymore Lane which may need to be permanently lowered, protected or diverted to enable the access road to be constructed.

Wessex Water sewer records indicate the presence of a 300mm diameter Combined Sewer Overflow routed through the south eastern corner of the development land which may be encountered when constructing the on-site sewers or the internal estate roads.

Travel Plan

An Residential Travel Plan was submitted as part of the application, and this has been reviewed and there are a number of issues identified as below but not limited to, that will require addressing to achieve an acceptable Travel Plan (TP).

The key points that require addressing are:

- A Travel Plan fee must be included, in accordance with the adopted SCC Policy.
- A list of measures must be included within the Travel Plan. Cycling has been mentioned, which needs to be safe, secure, sheltered and accessible. Green Travel Vouchers should be made available for up to 3 tenures over 5 years. The applicant should note Car Share Somerset no longer exists. Please refer to liftshare.com.
- Whilst some measures have been included, the following also need to be added and discussed: Electric Vehicle Charging points; ATC's; Travel Plan
- Management Fund (for promotional events); Website; Car Parking; Motorcycle Parking; Visitor Parking.
- The Travel Plan Coordinator (TPC) or manager function has been identified but only the basic responsibilities identified and committed to. This must be enhanced and included within the TP.
- The TPC function must be in place from 3 months prior to first occupation for a monitoring period of 5 years after 80% occupation.
- The hours and budget of the TPC must be a commitment within the TP, as this will be secured via s106.
- Targets will be agreed and secured as part of the TP and secured by s106.
- A safeguard sum must be secured within the TP, in the event that targets are not achieved.

It is therefore anticipated that an amended TP will be provided to address these issues.

Conclusions

On balance of the above the results from the assessed junctions are likely to significantly exceed their capacity, will result in stacking on the junction arms and encourage 'rat-running' on nearby streets that are considered unsuitable to deal with significant increase in traffic due to their residential nature.

The applicant should therefore be requested to provide a revised TP and TA to include mitigation measures to address the concerns raised above. Should the information not be forthcoming from the applicant it may be necessary to recommend refusal for this proposal at this stage on lack of information.

Further comments dated 25 October 2018

Following on from our previous comments dated July 10th 2018 and in light of the submitted document by the applicant dated August 10th 2018, the Highway Authority have a clearer understanding on how the proposed development will impact on the local highway network.

However, the Transport Assessment would indicate that the A39 Long Street /

North Street / Fore Street junction and A358 High Street / Fore Street / Bank Street junction will already be operating at or slightly over capacity by the year 2024 without the proposed development. The proposed development will increase the queue lengths at these points and exacerbate the operation of these junctions.

The Highway Authority are satisfied with the proposed visibility splays of 2.4m x 43m in both directions (to the nearside carriageway edge) from the proposed access on the basis that the existing speed limit is appropriately relocated to the north of the site access junction as proposed by the applicant.

If the LPA are satisfied with the proposed development and in the event of planning being approved, the Highway Authority would require that a suitable Travel Plan is agreed and secured under a S106. It is also recommended that the following conditions are attached at this stage:

- There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced brought into use and shall thereafter be maintained at all times.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.
- The development hereby permitted shall not commence until the developer has applied for a Traffic Regulation Order (TRO) to relocate the existing 30mph speed limit boundary. The TRO shall then be advertised and, if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to commencement of the development.
- The applicant shall ensure that all vehicles leaving the site are in such

condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to works commence and thereafter maintained until the completion of the construction.

- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Note

The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

Housing Enabling Officer –

Further to the application above, I would comment as follows.

I am pleased to see that the application provides for 35% Affordable Housing. On a scheme of 90 dwellings, this would equate to the provision of 31 affordable homes which will be sought on site.

I look forward to negotiating the detailed provision in due course. In principle, in terms of bedroom size and design, I would expect to see a broad range of provision which meets the locally assessed housing need and reflects the proposals of the development as a whole.

In terms of tenure, again I would expect to see a broad mix of tenures to meet assessed local housing need. I would anticipate that this would comprise a mix of Shared Ownership, Discounted Open Market sale, Affordable Rent and, most importantly, an element of rented housing offered at social rent levels.

Somerset county council flooding and drainage –

The FRA has not taken account of new climate change guidance issued by the Environment Agency in 2016 when assessing the 1%, 1% (+cc) and 0.1% year flood levels, depths and extents. Once these have been re-assessed, they should be used to inform the masterplanning of the site to ensure “more vulnerable development” is located within the area of the site identified as Flood Zone 1, as well as finished floor levels for the residential units.

The current masterplan shows that area in the north of the site has been set aside for the creation of attenuation to be used as a part of the Surface Water Drainage strategy. We agree in principle with the approaches that have been taken but as stated above the full extent of the floodplain areas onsite need to be confirmed before the layout of the site can be approved.

Due to discrepancies in the FRA, the Applicant should resubmit their calculations and ensure that proposed discharge rates for all events with an annual exceedance probability between 1 in 1 and a 1 in 100 (+40% allowance for climate change) are no more than the equivalent Greenfield rate. Though the applicant has provided detailed calculations for runoff rates, they have not considered runoff volumes. We confirm that the Applicant will not need to demonstrate they are maintaining the existing runoff **volume** if the existing QBar runoff **rate** is maintained for all events up to and including the 1 in 100 year event with 40% allowance for climate change.

In addition to the comments made above, the attenuation volume in the calculations is approximately 2270m³. This is larger than the 863.5m³ stated in the FRA. The Applicant should ensure that their calculations tie up with the statements made in their FRA and should confirm that they have enough space within the site to accommodate their proposed attenuation basin.

Should the Council be minded to grant planning permission, we recommend that the Applicant submits the information requested above, in addition to the following information, within any subsequent reserved matters application:

- Demonstration of how proposed flood risk and resilience measures have been incorporated into the proposed development, including provision of safe access and egress;
- Detailed drawings that demonstrate the inclusion of SuDS, where

appropriate, and location and size of key drainage features;

If the results of infiltration testing indicate that infiltration will provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Somerset County Council Education – No comments received

Wessex Water Authority –

Thank you for consulting us on this outline application. Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

Existing Foul Sewerage Infrastructure

The site is crossed by public sewers as indicated on the sewer records. The developer must accurately locate all sewers on site and mark on deposited drawings. The foul sewers have minimum 3m easements either side of the pipe. There must be no building or structure within the statutory easements (including changes to ground levels) and no tree planting within 6 metres. Subject to application and engineering agreement it may be possible to divert sewers (satisfactory hydraulic conditions and network capacity must be maintained). Diversions of public apparatus are at the developer's cost and the applicant should refer to our guidance note DEV014G and our website <https://www.wessexwater.co.uk/Developers/Sewerage/Building-near-sewers/> for further guidance and contacts.

Proposed Sewerage Infrastructure

The proposal is located in a groundwater flood risk area where there is a risk of foul sewer inundation during periods of prolonged wet weather leading to sewer flooding. We are looking to work with the Local Lead Flood Authority to implement a groundwater management strategy and Wessex Water will be seeking higher levels of design and construction to ensure that the proposed drainage is resilient to the impacts of groundwater infiltration when the water table rises.

The site shall be served by separate systems of drainage constructed to current adoptable standards.

Foul Drainage - A foul connection to the 150mm public sewer crossing the site can be agreed. The point of connection to the public sewer is by application and agreement with Wessex Water, who can adopt sewers through a formal agreement subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the local development engineer development.west@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction. For more information refer to Wessex Water's

guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections'.

Surface Water Drainage - Surface water flows to be disposed of in accordance with Suds Hierarchy and NPPF Guidelines. The applicant proposes on site surface water attenuation with restricted discharge to the local watercourse, which will require the approval of the Lead Local Flood Authority with supporting flood risk measures. Elements of the surface water can be adopted by Wessex Water. Surface water proposals to be agreed at detailed design stage with Wessex Water local development engineers in consultation with LLFA.

Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Water Infrastructure - The site is crossed by a 6” water main to the south and a 3” main to the north west, as indicated on the attached record. The developer must accurately locate all water mains on site and mark on deposited drawings. The mains have minimum 3m easements either side of the pipe. There must be no building or structure within the statutory easements (including changes to ground levels) and no tree planting within 6 metres. Subject to application and engineering agreement it may be possible to divert water mains. Diversions of public apparatus are at the developer’s cost and the applicant should refer to our guidance note DEV002G and our website <http://www.wessexwater.co.uk/Developers/Supply/Building-near-a-water-mains/> for further guidance and contacts.

A water supply can be made available to the proposed development with new water mains installed under a requisition arrangement. The point of connection and any necessary network reinforcement will be reviewed upon receipt of a Section 41 Requisition Application. The applicant should consult the Wessex Water website for further information.
www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections

Environment Agency –

Thank you for referring the above application, which was received on 11 May 2018.

Provided the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met the Environment Agency would have no objection, in principle, to the proposed development subject to the inclusion of conditions which met the following requirements:

CONDITION: Residential development to be located within Flood Zone 1 only.

REASON: To limit the impact of the development on the floodplain.

NOTE: Although the site is located within Flood Zones 1, 2 and 3, at low, medium and high flood risk, the applicant has used a sequential approach for the layout of development locating all residential development in Flood Zone 1 at a low flood risk.

CONDITION: Finished Floor Levels (FFL) to be set no lower than the 1 in 100 year flood level plus 600mm freeboard for Climate Change. A FFL of 22.39 mAOD.

REASON: To limit the impact of flood risk on the development.

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

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

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Biodiversity and Landscaping Officer –

The application is outline for the erection of approximately 90 dwellings on land to the east of Aller Mead, Williton.

The site comprises of a field grazed by horses approximately 3.3ha in size.

Two 7m stretches of hedgerow will be removed to facilitate the development as well as sections of hedge requiring translocation.

Landscape

Richard Sneesby carried a photographic survey of the site but did not consult the LPA on viewpoints. A viewpoint looking directly east into the site looking towards the Quantock hills would have been valuable to the assessment.

I would like to see a buffer of tree planting on the eastern boundary of the site, rather than a hedge maintained to the height of 1.5 metres, in order to soften the raw edge of the development.

The planting should remain accessible for maintenance purposes. A full planting plan will be required.

Can the site just be accessed from the housing area to the south only, thus avoiding the need to remove 7m of hedge bank on Doniford road?

Biodiversity

Blackdown Environmental produced an Ecological survey report dated February

2018 and a Biodiversity mitigation and Enhancement Plan Report, also dated February 2018. Findings were as follows

Designated sites

Exmoor and Quantocks Oakwoods SAC lies 5.5km to the south of the site. The SAC is primarily designated for a maternity colony of barbastelle bats that utilises a number of tree roosts in an area of predominantly oak woodland.

Doniford Stream Local wildlife site is present at the base of the northern and western hedgerows.

To ensure that any works undertaken within or adjacent to Doniford stream would not affect the watercourse construction works should be undertaken in line with the CIRIA 'Control of water pollution from construction sites' (2001) guidelines. In addition, night working adjacent to the stream should be avoided to ensure that wildlife including bats and otters can continue to use the stream for dispersal.

A lux contour plan will be required showing light levels down to 0.5 lux on all retained and created hedgerows, trees or grassland.

Bats - In addition to three walked transects undertaken by surveyors, a single Anabat Express bat detector was installed on site

No bat roosts were identified on site but eleven species of bats were noted foraging through the site, including barbastelle.

The lost foraging habitat will be compensated for by providing replacement habitat comprising of meadow, and new hedgerow planting.

Net loss of foraging habitat has been quantified in line with the metric provided in the Exmoor and Quantocks Oakwoods SAC draft guidance (SCC, 2017).

Using the metric, 0.55ha of habitat would need to be created and managed on site for the purposes of providing suitable barbastelle foraging habitat.

I understand that the County ecologist is carrying out a test of likely significance to determine if the development will have an impact on barbastelle bats.

I support the erection of bat boxes on site.

Dormice - A search for gnawed hazelnuts was undertaken beneath all hazel shrubs in the hedgebanks surrounding the site in January. One gnawed nut was found so I agree that a dormouse nest tube survey should be undertaken between April and November to provide a dormouse population estimate which will be used to determine the proposed impact of the development on dormice. Removal of two 7m wide sections of hedgebanks along the western boundary (and associated visibility splays) to facilitate vehicular access is likely to result in an impact to dormice so an EPS licence is required.

Badgers - No setts were identified on site although the surveyor found evidence of

badgers passing through the field.

Otters - Evidence of otters using the Doniford stream was identified.

Water Voles - Water voles are likely to commute along the watercourse.

I agree that an updated otter and water vole survey should be undertaken no more than six months prior to the commencement of development

The stream will be retained and left open post construction and it is likely that a bridge will be constructed over the stream to enable access off the western boundary. The updated otter and water vole survey shall focus on the area around the bridge to ensure that there are no water vole burrows or holts/laying-up site. A clear-span bridge should be used which protects the streambanks underneath and allows water voles to potentially access the banks for burrowing.

Nesting Birds - Hedgerows on site are suitable for nesting birds I support the erection of bird boxes on site.

Reptiles - The site is dominated by closely grazed species-poor semi-improved grassland which is considered unlikely to provide the cover and foraging habitat required by reptile species. A small fenced off area owned by Western Power Distribution is present adjacent to the western boundary. This area supports unmanaged species poor grassland and tall ruderal vegetation and this together with the hedgerows may be suitable for foraging and dispersing reptiles. It is understood that the fenced off area and the majority of the hedgerows will be retained.

I suggest the following conditions

Condition for a Dormice survey

The development hereby permitted shall not be commenced until a dormouse nest tube survey has been undertaken between April and November

Reason - To ascertain an estimation of the population of dormice on site and to inform the dormouse licence application.

Condition for submission of a further surveys

The development hereby permitted shall not be commenced until an otter and water vole survey and badger survey has been undertaken no more than 6 months prior to construction works.

Reason - To ascertain accurate and up to date usage of the stream by, otters and water voles and accurate use of the site by badgers.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a

strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental's submitted reports, dated February 2018 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of habitat and places of rest for wildlife
4. A Construction Ecological Management Plan (CEMP) and a
5. Landscape and Ecological management plan (LEMP)
6. Details of lighting
7. Arrangements to secure the presence of a licenced dormouse worker to be present to monitor the removal of hedging on 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 dormice, bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new dormice, bird and bat 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.

Informative Note

The condition relating to wildlife requires the submission of information to protect wildlife. The Local planning Authority will expect to see detailed method statements clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for dormice, bats and birds that are affected by the development.

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
Dormice are present on site.

The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2017. Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

Tree Officer –

Re this application, no objection from me. There are few significant trees on the

site, and those that do exist, particularly the large oak to the north and the one in the hedge to south west, can be easily retained and given plenty of space as part of the scheme.

Environmental Health Team – No comments received

Planning Policy – No comments received

Housing and Community Project Lead – No comments received

Police Architectural Liaison Officer –

Crime Prevention Design Advisor's (CPDA) working in partnership within the South West region, have a responsibility for Crime Prevention through Environmental Design projects within the West Somerset District Council area. As a Police Service we offer advice and guidance on how the built environment can influence crime and disorder to create safer communities addressing the potential of the fear of crime and anti-social behaviour.

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

“Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”

Guidance is given considering ‘*Crime Prevention through Environmental Design*’, ‘*Secured by Design*’ principles and ‘Safer Places’.

Comments:-

Crime Statistics – reported crime for the area of this application (within 500 metre radius of the grid reference) during the period 01/05/2017-30/04/2018 is as follows:-

Burglary – 8 Offences (comprising 4 dwelling burglaries & 4 business/community burglaries)

Criminal Damage – 11 Offences (incl. 7 criminal damage to vehicles)

Sexual Offences - 2

Theft & Handling Stolen Goods - 3 Offences (incl. 1 theft from a motor vehicle)

Violence Against the Person – 30 Offences (incl. 3 assault ABH, 10 common assault & battery, 7 causing harassment, alarm, distress and similar)

Total - 54 Offences

This averages less than 5 offences per month, which is classed as a low level of reported crime.

Layout of Roads & Footpaths – vehicular and pedestrian routes appear to be

visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features within the development i.e. rumble strips and road surface changes by colour or texture helps reinforce defensible space giving the impression that the area is private and deterring unauthorised access.

Orientation of Dwellings – the majority of the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. A substantial proportion of dwellings are also back to back, which is also recommended, as this restricts unauthorised access to the rear of dwellings where the majority of burglaries occur.

Communal Areas – have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. In this regard, the proposed Equipped Play Area at the southern edge of the development appears to be overlooked by four dwellings but children using it are potentially vulnerable from the potential offender in the vicinity of the adjacent proposed new footpath and wooded area. From a safeguarding children perspective, I recommend that the Play Area be relocated to a more central location e.g. the central open space with good all round surveillance opportunities from dwellings.

Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. Generally speaking, this appears to be the case, with dwelling frontages being mainly laid to lawn and other low level planting interspersed with trees. Vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable.

Car Parking – the DAS indicates that the majority of parking will be on-plot, which complies with police advice that cars should be parked in a locked garage or on a hard standing within the dwelling boundary. Where communal car parking areas are necessary, they should be in small groups, close and adjacent to homes and within view of active rooms in these homes.

Landscaping/Planting – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. Open branched, columnar trees are suitable for use in such locations. On personal safety grounds and to reduce the potential fear of crime, this is particularly relevant in respect of areas adjoining the Equipped Play Area, Attenuation Basin and proposed public footpaths.

Street Lighting – all street lighting for adopted highways and footpaths, private

estate roads and footpaths and car parking areas should comply with BS 5489:2013.

Physical Security of Dwellings – in order to comply with **Approved Document Q:**

Security - Dwellings of building regulations, all easily accessible doorsets, ground floor and easily accessible windows and rooflights providing access into a dwelling must be tested to PAS 24:2016 security standard or equivalent.

Secured by Design - if planning permission is granted, the applicant is encouraged to refer to the '**SBD Homes 2016**' design guide available on the police approved Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

Rights of Way officer

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

1. Specific Comments

Consideration should be given to the provision of new pedestrian connections to path WL 28/3. We would expect the proposed pedestrian paths to be of an appropriate surface (to be agreed). The connecting link to Aller Mead Way should be for all non-motorised users, as far as possible. Subject to a site visit, surface improvements may be required to footpath WL 28/3 to ensure it is suitable for the additional traffic that will be generated by the development. Works or a contribution may be required in this respect and need to be captured within a suitable legal agreement and secured by a condition. I shall confirm as soon as possible in this respect, but please contact me should you or the applicant wish to discuss further.

2. General Comments

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

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

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

- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

Representations Received

Letter received from solicitors acting on behalf of neighbouring land owner which raises the following issues:

- Claim that appropriate legal notices have not been served by the applicant on the neighbouring land owner and tenant.
- The application does not cover the full extent of the allocation set out in policy WI2.
- The application site extends to both the north and the south of the allocation.
- The application is not for a mixed development as required by the policy – each part of the allocation should include its own element of residential and employment.
- The masterplan does not show any access through to the land to the east and would effectively land lock it and create a ransom strip.

Somerset Wildlife Trust (16.7.18):

We have noted the above mentioned Planning Application as well as the various Ecological Surveys and similar documents. We have also noted the comments of the Authority's Landscape and Biodiversity Officer. We would fully support all of her comments and proposals in respect of Mitigation and Enhancement. We would also fully support all of her proposals for Planning Conditions.

It is essential that all of these proposals are included in the Planning Conditions if it is decided to grant Planning Permission. There may also be additional requirements once the County Ecologist has carried out the TOLSE in respect of possible development on Barbastelle bats.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that

applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SC5	Self containment of settlements
SV1	Development at primary and secondary villages
WI1	Williton Development
WI2	Key strategic development allocations at williton
TR2	Reducing reliance on the private car
CF1	Maximising access to recreational facilities
CF2	Planning for healthy communities
CC2	Flood Risk Management
CC5	Water Efficiency
CC6	Water Management
NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement
NH7	Green infrastructure
NH8	Protection of best and most versatile agricultural land
NH11	Bat Consultation Zone
NH13	Securing high standards of design

Retained saved policies of the West Somerset Local Plan (2006)

TW/2	Hedgerows
T/8	Residential Car Parking
T/9	Existing Footpaths
R/5	Public Open Space and Large Developments

Determining issues and considerations

1. Principle of Development

The application is in outline with all matters reserved save for access. The proposal is for a residential development of approximately ninety dwellings (a mix of 1, 2, 3

and four bedroom dwellings to include bungalow units) sustainable drainage, internal roads and footpaths and provision for a local play area. The Illustrative Masterplan demonstrates a fixed access off Doniford Road and a potential second vehicle access through Aller Mead.

The site lies to the north-eastern edge of the village of Williton, identified in Policy SC1 as a rural service centre where development will be on a scale generally proportionate to the settlements role and function. The application site forms (in part) a wider Allocation identified in the West Somerset District Local Plan 2032 (Policy WI2) which provides for mixed development including approximately 406 dwellings and approximately 3 hectares of appropriate and compatible, non residential use. However the application site exceeds the Allocated boundary to the north and the south. In the north this does not conflict with field patterns and allows for sustainable drainage to be provided in the northern aspect of the site. To the south, the element exceeding Allocation takes in an additional paddock, to optimize connectivity with the existing settlement via Watery Lane public footpath also delivering open space.

Given the fact of the allocation under Policy WI2, the principle of development is established. To the extent that the WI2 Allocation is exceeded and having regard to the justification and benefits arising from providing open space and surface water attenuation, this too is considered to be acceptable.

2. Character and Appearance of the Area

The application site is located to the north of the village of Williton. The site's western boundary is adjacent to Doniford Road and its south-western boundary shared with Aller Mead, which is accessed off Doniford Road. The northern and eastern boundaries comprise native hedgerow and fencing and beyond overlook open countryside. The southern boundary (taking in the paddock outside of the allocation) is similarly bounded with native hedgerow and fence. The site is adjacent to the Doniford Stream Local Wildlife Site, designated for the presence of key protected species otter and water vole. The Exmoor and Quantock Oakwoods Special Area of Conservation is approximately 5.5km to the east of the application site and is designated primarily for its maternity colony of barbastelle bats.

The character of the site is rural in appearance, native hedging sharing a boundary with Aller Mead and meeting the rear gardens of that residential development.

The proposal is illustrative only. However the Illustrative Masterplan demonstrates a grain of development and greening commensurate with the new edge of settlement setting and marginally looser to that adjoining in Aller Mead and the northern fringe of the village. As identified below the Landscape Officer makes recommendations to include tree planting to create a buffer and to soften the edge of development to the eastern boundary. It is considered that a sensitive landscaping scheme that follows the principles of the masterplan and Landscape and Visual Impact Assessment could be secured as part of the reserved matters - and this would also provide for mitigation against any impacts on biodiversity. The Landscape and Biodiversity Officer has suggested a number of planning conditions that would be required as

part of any outline planning consent.

3. Highway Safety

The proposal provides that two 7m stretches of hedgerow will be removed to facilitate access with other sections of hedge requiring translocation to achieve visibility splays. Highways Development Control confirm that the visibility splays of 2.4 x 43m in both directions are appropriate subject to the extension of the 30mph speed limit as proposed by the applicant. Proposed pedestrian links forged through the inclusion of land to the south and linking to Watery Lane provide for appropriate pedestrian connections to the village and Williton Industrial Estate and linking to the south and south-east via Aller Mead to First and Middle Schools to the south west. A further footpath connection is illustrated within the site to the western boundary.

Having regard to Highway comments, it is considered that the access arrangements are satisfactory insofar as they are part of this planning application and they can be secured through an appropriate legal agreement.

Initial comments from the County Highway Authority raised queries about the Transport Assessment to which the applicants have responded to. The proposals are likely to result in additional queuing at the A39 Long Street / North Street / Fore Street junction and A358 High Street / Fore Street / Bank Street junction. These junctions are expected to be operating at over capacity by the year 2024 (without this proposed development) but any increase in queuing is not considered to result in a severe adverse impact and the Highway Authority have not raised an objection.

The applicants have confirmed that a Travel Plan can be secured through a planning obligation and have agreed to the travel plan fee of £2,000 + VAT. The level of parking for each dwelling would be agreed at a reserved matters stage and the applicants have stated that this would be in line with the SCC parking guidelines. The applicants have also committed to providing Travel Vouchers which could be secured through the legal agreement.

In regard to highway issues, the proposals are considered to be acceptable and would not result in any significant harm to the local highway network.

The Parish Council have requested that a footpath link is made to Cassino Road which is approximately 600m to the north. It is considered that this is not possible under the planning legislation as off site works can only be secured to mitigate the impact of development or where the works are related to the development proposed.

4. Flood Risk

The Parish Council sought consideration of flooding issues with proper consideration at planning stage. The application site is predominantly in Flood Zone 1 with an area within Flood Zone 3 in the far south-eastern section of the site. The Illustrative Masterplan locates residential development away from the areas identified at risk of

flooding. The proposed surface water drainage strategy for the site provides for a combination of traditional piped systems conveying surface water run-off towards a strategic attenuation basin to the north of the site. From here surface water will be discharged from the development at a controlled rate. A filter drain running along the eastern boundary will intercept exceedance flows and similarly convey them towards the attenuation basin. Discharge will be limited to existing Greenfield run off rates.

The LLFA has commented to require recalculations to reflect new climate change guidance issued by the Environment Agency in 2016 and to inform the masterplanning of the site. The NPPF's Technical Guidance gives guidance on flood risk. Its guidance includes advice on sequential tests with the aim to steer new development to areas with the lowest probability of flooding i.e. Flood Zone 1 rather than Flood Zones 2 and 3. In the guidance dwellings are classified as being more vulnerable development that is appropriate development in flood zones 1 and 2. The LLFA seeks to ensure that more vulnerable development is located within the area of the site identified as Flood Zone 1 and further requires detail of finished floor levels for the residential units.

The application is in outline only with all matters save access reserved for further consideration and approval under a Reserved Matters application. Subject to provision of relevant detailed calculations and appropriate revisions as identified by the LLFA to be furnished to the satisfaction of the LPA, the proposal is considered acceptable in principle.

5. Affordable Housing

Onsite affordable housing provision is required to be provided as part of the scheme in the minimum ratio of 35 affordable units for every 65 open market (pro-rata) based on the total number of dwellings to be provided. Based upon ninety no. dwellings this equates to the provision of 31 affordable homes with detailed provision and a broad mix of tenures to include shared ownership, discounted open market sale, affordable rent and rented housing at social rent levels to reflect and meet locally assessed need. In view of the comments from the Housing Enabling Officer it is considered the level of affordable housing as proposed is acceptable.

The application commits to provide 35% affordable housing with the tenure to be agreed prior to commencement. An appropriate legal agreement would secure the provision of affordable housing with the size and tenure of each unit to be agreed at a later date (when a detailed housing layout is agreed for the entire site).

6. Biodiversity

The application is supported with a Phase 1 Habitat survey and specific surveys for badger, bat activity, bat roost inspection, dormouse, otter and water vole survey. A separate report considers proposed mitigation. Save for 2 x 7m sections of hedgerow, the existing boundary arrangements are retained. The proposal does not

imply to removal of any trees and those existing will be protected through construction in accordance with details to be submitted for approval at Reserved Matters.

The Habitat survey found evidence of dormice on the application site. Further surveys are recommended to establish dormouse population. The removal of two sections of hedge is likely to result in an impact to dormice and hence hedge removal will be under licence and supervision. The survey identified evidence of badgers passing through the application site with no evidence of setts and evidence of otters and water vole commuting and likely to commute along the watercourse. Further studies have been identified with appropriate mitigation to ensure protection of the identified species through construction. Hedgerows on site are suitable for nesting birds. The majority of hedging is retained and provision is proposed for bird boxes on the site to be delivered as part of the proposal. The site is considered unlikely to provide the cover and foraging habitat for reptile species. Additional mitigation provides for Barbastelle bat roosting boxes, the planting of 150m of species rich hedgerow and or a tree buffer, flowering lawn and lowland meadow as enhancement measures.

Somerset Wildlife Trust supports the observations and recommendations put forward by the Landscape/Biodiversity Officer to include the imposition of appropriate conditions.

7. Planning Obligations

A draft Unilateral Undertaking under Section 106 Town and Country Planning Act 1990 (as amended) has been submitted to secure the delivery of affordable housing, open space and Local Equipped Area of Play (LEAP), footpaths/cycleways to link through to the existing network and a travel plan monitoring contribution.

8. Neighbour Comments

The claim that an appropriate notice has not been served on any tenant is disputed by the applicant who has provided a copy of the notice and recorded delivery acknowledgement slip. It is the responsibility of the applicant to ensure that appropriate notices are served on any other landowners or tenants and make the appropriate declaration that this has been done.

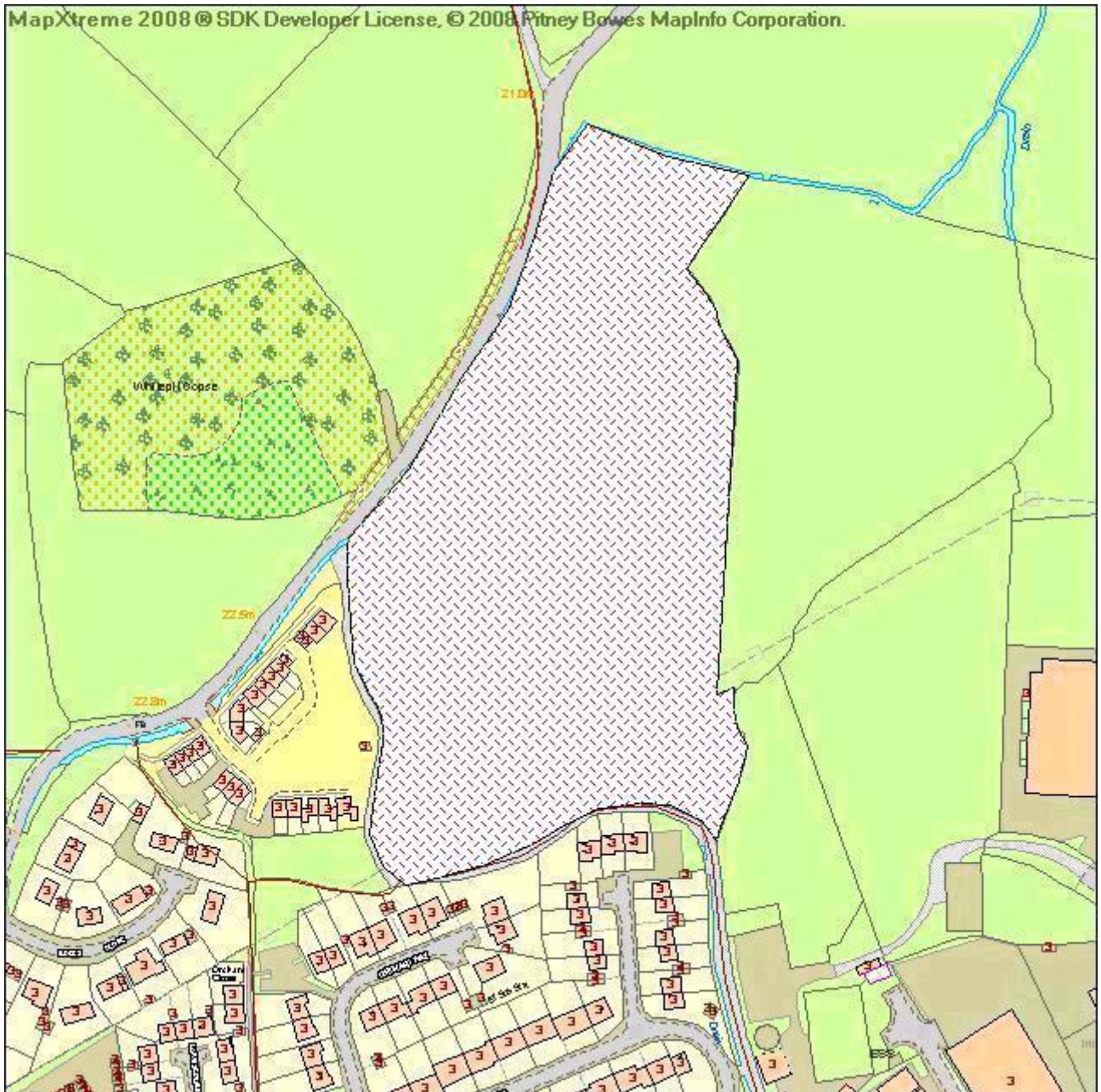
The masterplan does not show any indicative access to the land to the east and it is considered that there is no requirement to do so as part of this application. Whether the land to the east comes forward for development at a later date or not, it is considered that this site coming forward separately does not prejudice the overall allocation of the 3 WI2 sites in Williton.

9. Conclusion and Recommendation

It is considered that this outline proposal is acceptable. It is recommended that delegated Authority be granted to the Assistant Director Planning and Environment (or equivalent chief planning officer) to grant planning permission subject to the completion of an appropriate legal agreement to secure:

- An appropriate mix and tenure of affordable housing at a rate of 35% of the total number of dwellings provided.
- Provision and maintenance of on-site play and open space (including LEAP)
- Provision of footway/cycleway linking the site through to Watery Lane (as shown on masterplan).
- Provision of footway/cycleway from the estate road access to the existing field gate access on Doniford Road. (as shown on masterplan)
- Travel Plan Monitoring Contribution of £13,750

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



Application No 3/39/18/009
 Outline planning application (with all matters reserved except access) for the erection of up to 90 dwellings, creation of vehicular access, provision of open space and other associated works.
 Land to the East of Aller Mead,
 Doniford Road, Williton TA4 4RE
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA



West Somerset Council
 Licence Number: 100023932

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Application No:	3/07/18/014
Parish	Crowcombe
Application Type	Listed Building Consent
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 313822 Northing: 136789
Applicant	MR A TROLLOPE-BELLOW
Proposal	Reroof the main roof in clay double roman tiles and the rear extensions in natural slate.
Location	1 and 2 Rose Cottages, Crowcombe Road, Crowcombe
Reason for referral to Committee	The applicant is an elected Member.

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A3) DRNO 218.03 - 001 REV B SITE AND LOCATION PLANS

(A3) DRNO 218.03 - 002 REV A FLOOR PLANS AND SECTION

(A3) DRNO 218.03 - 004 REV A ROOF PLANS

CREATION "MAXIMA" CLAY DOUBLE ROMAN TILE

PASSARO GREY 100 NATURAL SLATE

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

- 3 Prior to the installation of the replacement roof lights which shall be flush with the roof, full details shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include profiles, materials, working

arrangements, finish and colour. The works shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: To ensure that the proposed development does not harm the character and appearance of the listed building.

Proposal

It is proposed to reroof the two properties with clay double roman tiles on the main roof and replace the manmade slates and corrugated fibre cement sheeting on the single storey rear extensions with natural slate. The two roof lights are to be replaced with metal framed roof lights.

Site Description

1 and 2 Rose Cottages are two rendered Grade II listed buildings located on the main road that runs through Crowcombe and are adjacent to The Carew Arms, a Grade II listed building. The properties have small front gardens that are bounded by a low stone wall. The access to The Carew Arms car park runs along the side of 1 Rose Cottages.

There are double roman tiles on the front elevations of the cottages with manmade slates on the rear elevation, both on the main roof and the single storey extensions. There is corrugated fibre cement sheeting on one of the single storey extensions on 2 Rose Cottages.

Other small cottages within the village have either tiles, thatch or slates on the roof.

Relevant Planning History

There is no relevant planning history.

Consultation Responses

Crowcombe Parish Council - Crowcombe Parish Council has met to discuss this application and have no objection to the application.

Representations Received

None received.

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH1 Historic Environment
NH2 Management of Heritage Assets

Determining issues and considerations

As 1 and 2 Rose Cottages are Grade II listed buildings this application must be determined in accordance with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that the listed building, its setting and any features of historic or architectural interest must be preserved when considering whether to grant listed building consent.

It is known that the cottages were originally thatched but over time the roof covering has been changed to tiles and slate. The slate being man made is not considered to be historic fabric and the double roman tiles are a common tile used in the area. It was suggested that slate would be acceptable on the roof prior to the application being submitted as this is a material found in Crowcombe and on small cottages such as Rose Cottages. The applicant has however proposed clay double roman tiles for the main roof. As this material is already found on the properties it is considered that this type of tile is acceptable and will not adversely affect the character or significance of the buildings. The use of natural slate to replace the man made slate and corrugated fibre cement sheeting is an enhancement and is welcomed. The double roman tiles to the front will also be replaced as these tiles have deteriorated. The two roof lights on the rear of 2 Rose Cottages are also to be replaced with new metal framed roof lights of the same size as the current ones.

The NPPF states that where a development proposal would lead to less than substantial harm to the significance of the listed building (as in this case) this harm should be weighed against the public benefits of the proposal including ensuring the optimum viable use for the building. It is considered that the public benefit of the proposal is the replacement of manmade slate and corrugated fibre cement sheeting with natural slate on the rear of the property will enhance the appearance of the

cottages. The proposal is in accordance with local plan policies and the NPPF and as such, it is recommended that listed building consent be granted.

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



Application No 3/07/18/014
 Replacement of roof tiles/slates
 1 & 2 Rose Cottages,
 Crowcombe Road, Crowcombe



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

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Application No:	3/16/18/006
Parish	Holford
Application Type	Full Planning Permission
Case Officer:	Denise Grandfield
Grid Ref	Easting: 315344 Northing: 140695
Applicant	Mr John Hughes
Proposal	Erection of an agricultural building with a twin wall flue pipe and associated earthworks (retention of works already undertaken) as amended by plans received 20 December 2018.
Location	Strawberry Fields, Combe Lane, Holford, Bridgwater, TA5 1RZ
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council.

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be completed by 1 July 2019 and thereafter retained in the approved form.

Reason: To ensure that the approved changes are carried out to protect the visual amenity of the locality.

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

(A3) BARN AND EARTHWORKS DRAWING - NORTH EAST SIDE

(A3) BARN AND EARTHWORKS DRAWING - PLAN

(A3) BARN AND EARTHWORKS DRAWING - NORTH WEST SIDE

(A3) LOCATION PLAN

(A4) SITE BLOCK PLAN

(A3) DRNO 2118/A PLANS

(A3) DRNO 2118/A/S PLANS

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

- 3 By 1 July 2019, the hereby approved natural coloured window frames shall be installed and subsequently maintained as such.

Reason: To protect the visual amenities of the area.

- 4 The building hereby approved shall be used solely for the storage of machinery and equipment in connection with the use of the holding for agricultural purposes.

Reason: To protect the rural character of the area.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application further information was required. The Local Planning Authority contacted the applicant and additional plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

Proposal

The application submitted in retrospect, proposes engineering works in the form of cut and fill earthworks to provide a level platform and the erection of an agricultural building constructed in timber cladding with a green profile metal sheeting pitched roof. The lower floor elevations would be rendered. A metal flue is also included within the application to be retained. It has been installed for a wood fired boiler and thermal store system to maintain the building above 0 degrees C to prevent stored water and associated pump and pipe work from freezing in the winter months

A prior approval application for an agricultural building was considered by the Council in 2013 and it was determined that further assessment of the siting, design and external appearance was not required. The building was for the storage of agricultural machinery, feed stuffs, rainwater collection and hygiene and welfare.

Amended plans received in December 2018 changed the description of the development to include the erection of a building which is larger than that approved

under the prior notification in 2013.

Site Description

The site lies within an area of open countryside to the south of Holford, within the Quantock Hills AONB and adjoins a SSSI. The holding measures approximately 6.5 hectares including 2 hectares of woodland. Access to the site is via a track near the layby on the A39, through a wooded area owned by the National Trust, then turning north-west over agricultural land.

Relevant Planning History

3/16/13/014 - Prior notification for the erection of agricultural building - Prior approval not required - 10 January 2014

Consultation Responses

Holford Parish Council - The site visit raised the question that the outward appearance of the building resembled something more akin to a dwelling than purely an agricultural building.

The concern was that this might become an opportunity for development by stealth rather than a straightforward siting of a non habitable but functional agricultural building.

- Existing access track has been damaged and widened as a result of use of a heavy military vehicle style truck used to access the site and another track has been made through the gorse in a SSSI and AONB site.

On 29/5/2018 a Public meeting was held at Holford Village Hall, the principal concerns raised by the parishioners that attended were as follows

- Many parishioners view that the building may become a residential dwelling evidenced by large windows, flue pipe and verandah not typical of an agricultural unit.

- There is already considerable damage to the SSSI site with widening of the existing track and a new access track cut through gorse.

Approximately 8 parishioners spoke against this application. Only 1 person spoke in favour who was the applicant, and who addressed all those present to give assurances that this building is in accordance with planning law, is for agricultural purposes only and would not be used as a dwelling place.

Observations received on amended plans:

General Comments

This land lies within the Quantock Hills Area of Outstanding Natural Beauty (AONB) and is adjacent to National Trust (NT) landholding. It is also an area designated as

a Site of Special Scientific Interest (SSSI). No objections to the building of an agricultural feed store were raised by the planning authority in June 2018.

The Site

Extensive groundworks have been undertaken by the applicant without reference to the National Trust (NT) or AONB. In fact the applicant failed to mention to the NT that a building of this scale was proposed and only indicated to them that there was a “Retrospective application for earthworks and flue”.

To quote the letter received from the National Trust (posted on the Planning Portal of the West Somerset Council website)

“Local Plan policy OC1 states that “development is not generally appropriate” in the open countryside, and to be permitted in “exceptional circumstances” it should be “beneficial for the community and local economy”. Again, it is not clear that exceptional circumstances exist and that there appear to be no benefits to the community or the local economy. This development appears to be solely in the interest of the individual applicant and therefore does not comply with this directive.

With reference to the designation of the area as an AONB we quote the guidelines which state “New agricultural buildings need careful consideration of their design and location if they are not to have a negative impact on the landscape”. Quite clearly this development does not comply with this requirement.

The area around the building has already been extensively excavated to some depth to accommodate the building.

Damage to the access routes to the area

There has been an impact on ground conditions, and this affects members of the public using the route in question which is a bridleway and also forms part of the Coleridge Way. The access from the layby on the A39 has been subject to increased use by an ex-military heavy vehicle causing severe damage to the access from the layby on the A39 which is one of the main points of access to the hills for walkers. Vehicle access has also significantly degraded the bridleway. The development on the applicants site of a new access to the property is both unsightly and damaging to SSSI woodland due to this newly created trackway along which are stored a number of vehicles including agricultural equipment and a large ex-army truck.

Vehicle movements appear to be causing damage to the SSSI within the National Trusts landholding as mentioned in its letter to the planning authority.

The Building

Whilst there is, at present, insufficient evidence to suggest that the intention is to use this building as a dwelling there are a number of points which raise concerns. The new application is for a larger building (although not substantially so) which is now in situ with the roof line extended some way outside the building footprint.

The building is of a very substantial, permanent nature and not of the type suggested in the initial planning application for a steel framed and clad agricultural

feed store.

Works to the building

The large door shown on the South East elevation has not been installed.

The applicant appears to have installed a fuel tank outside the building. It was not possible to ascertain if this was for use of the store or for tractor fuel. In the future this may pose a risk of leakage and subsequent pollution of water courses.

A window on the South West elevation which is shown as being removed has in fact been maintained and an inappropriate uPVC white window frame installed. Other windows around the building have also been installed with these type of frames which are entirely out of keeping with a site in an AONB. The application states that these frames are to be removed but there is no indication of when this might happen. Without a final date for completion this unsightly construction site bordering an SSSI and within the AONB could be very prolonged.

There is a platform in place on the North West side which may be simply for use during construction work. However the existing door to enter the building has not yet been removed neither has a window shown on the plans. This may also happen in due course.

Planned use of the site

The Parish Council members were greatly concerned by the proposed development of this site. Holford residents and other visitors to the area greatly value the beauty and unspoilt nature of this area of the Quantocks. Both the National Trust (NT) and The Quantock Hills Area of Outstanding Natural Beauty (AONB) Service, on behalf of its Joint Advisory Committee have raised grave concerns over the application. The primary purpose of AONB designation is the conservation and enhancement of the landscapes natural beauty. The proposal is directly contrary to this aim and has already caused some considerable damage to the area to the detriment of the SSSI. The keeping of pigs on site may further add to the damage to the delicate ecosystem.

The National Framework quotes

“When determining planning applications, local planning authorities should apply the following principles: development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.”

In conclusion

It may be that the National Trust and the Quantock AONB should take up certain issues raised within this application. The Parish Council feels that given the benefits for residents and visitors to the area in protecting the beauty of the site this is an inappropriate development and may be simply a ‘back door’ way of erecting a dwelling.

Quantock Hills AONB - The Quantock Hills was the first landscape in England to be

designated as an Area of Outstanding Natural Beauty (1956). The primary purpose of AONB designation is the conservation and enhancement of the landscape's natural beauty. The Quantock Hills AONB Service, on behalf of its Joint Advisory Committee, undertakes its work according to this primary purpose – to ensure this beautiful and nationally protected landscape remains outstanding now and into the future. Please accept the following within this context.

We are very concerned that this is an intrusive structure in an entirely inappropriate location. It appears to have involved changes to ground levels and earth moving without appropriate permissions and has further resulted in damage to the sensitive SSSI habitats and public enjoyment of the AONB through damage to a bridleway and the creation of a new vehicle access track. We ask that you consult your Landscape Officer in respect of this application as it is essential that potential effects, particularly on visual amenity, are properly considered. This will ensure that approval is only given where it is judged that there would be no adverse effects or that these could be successfully mitigated. New development within the AONB, of any kind, must not be at the expense of the natural beauty of this nationally protected landscape. When considering this application, we ask that consideration be given to the following text from the 2014-2019 Quantock Hills AONB Management Plan:

“The prime objective of the AONB is conservation and enhancement of the natural beauty of the landscape. The Quantock Hills AONB is visually very vulnerable, with much of the landscape having a pronounced physical form - open slopes, prominent ridgeline and exposed summits are visible from considerable distances”.

“New agricultural buildings need careful consideration of their design and location if they are not to have a negative impact on the landscape. These structures are erected when required by farmers for their business and are therefore important to the management of the farmed landscape, however location, size, design and materials need careful consideration to ensure they do not have an adverse landscape impact”.

We trust that the Quantock Hills AONB and impacts on the main Quantock SSSI will be given due consideration during your assessment of the application in line with the revised NPPF which among other relevant sections clearly states that:

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

175. When determining planning applications, local planning authorities should apply the following principles:

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

Landscape Officer - having looked at the plans I would consider that as this new building is isolated and completely unrelated to other buildings in the area it forms an intrusive feature within this AONB landscape . I note concerns about damage to the SSSI .

In addition I agree with the Parish Council that the outward appearance of the building does not look agricultural . I would therefore share their concerns that there may be future applications for change of use to residential.

Highways Development Control - No observations.

Representations Received

Seven representations received from six households objecting to the proposal on some or all of the following grounds:

- The site is within the AONB and adjoining the SSSI which should be protected
- The building should revert back to an agricultural store
- Access is through an SSSI and is disruptive to birds and wildlife
- The building has the appearance of a residential home, with chimney, windows and a first floor
- Earth closet, with no mains water or sewerage
- Building should only be used for storage

Following the receipt of amended plans , three objections have been received:

- The building could be used as a weekend retreat
- A new route has been cut through existing banks, woodland eco systems and SSSI
- Unnecessary construction in the SSSI and AONB
- The applicant should live nearer if it was to be farmed
- The application form information is misleading
- No details of proposed sawmills

Representations have been received from the National Trust, making the following comments:

Procedural:

The Trust received a notification from the applicant dated 19th May 2018. This described the proposed development as “Retrospective application for earthworks and flue”. There was no mention of a building. However, the application seeks planning permission for a building (with flue) and associated earthworks. We are therefore commenting on the fuller description of the development.

Planning merits:

Firstly, we are concerned that development at the application site has involved vehicle movements across our land, and such movements appear to have increased. There has been an impact on ground conditions, and this affects

members of the public using the route in question, which is bridleway and also forms part of the Coleridge Way.

Linked to this, we are concerned that vehicle movements are causing damage to the SSSI within our landholding. On the applicants land, damage appears to have been caused to SSSI woodland due to a newly created trackway.

There are some photos attached; these which relate to the *easternmost* access shown in the applicants plan listed online as “Location plan showing access routes”. We are also concerned about the negative impact of the development on the aesthetic appearance of the application site, and the intrinsic rural character of the area. The site lies within a nationally designated landscape, where great weight should be given to conserving landscape and scenic beauty.

Based on the submitted plans, the size, design and appearance of the building, including its external flue, suggest a residential dwelling. The application documentation does not state why the building might be necessary to support agriculture taking place on the land, and why the earthworks are required in order to create the building.

Finally, Local Plan policy OC1 states that “development is not generally appropriate” in the open countryside, and to be permitted in “exceptional circumstances” it should be “beneficial for the community and local economy”. Again, it is not clear that exceptional circumstances exist and that there would be public benefits resulting.

I trust the above points can be taken into account in the determination of this planning application.

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

OC1	Open Countryside development
NH14	Nationally designated landscape areas

Retained saved polices of the West Somerset Local Plan (2006)

BD/6 Agricultural Buildings
NC/1 Sites of Special Scientific Interest

Determining issues and considerations

The main issue in the consideration of this application is the differences between the building allowed under the prior notification application and what has been built and is the subject of this application.

Prior Notification application

The applicant has indicated that the building has been constructed in accordance with the prior approval and that the current application is for the engineering operation for the earthworks around the site which has been necessary to provide a level platform on which to construct the approved building. The Council is of the opinion that the application description should include the erection of an agricultural building as the building has not been constructed in accordance with the prior notification.

The prior approval was for the erection of a building measuring 5m by 10m with a maximum height of 4m, with timber and box profile cladding walls in green and timber, with a roof in green box profile roofing sheets. The building has been constructed with a slightly larger footprint and height and using different materials. The revised plans indicate that the floor area of the building measures 10.4m by 5.3m. The ridge height of the building is 4.12m at the south east end of the building and is 7.1m at the south west end of the building. It should be noted however that for the prior notification application there is a definition on how the height of a building is determined and this is contained within Article 2 - Interpretation of The Town and Country Planning (General Permitted Development) (England) Order 2015 where height is defined as -

(2) Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph "ground level" means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

This means that had the building been erected with the ridge height being 4m instead of 4.12m at the south east end of the building (and the other dimensions had been 5m x 10m) that this building could have been erected under the prior notification application.

Extensive engineering work has also been carried out in the form of cut and fill in the vicinity of the building which requires planning permission. However the extent of

engineering works has not resulted in a level platform as the building as constructed is in part two storeys high.

The application needs to be assessed in terms of whether the larger building would have any additional impacts beyond those previously considered acceptable.

Following discussions with the applicant's Agent, amended plans were received in December 2018. The revised drawings indicate proposed changes to the building including the removal of a door and window from the north-western elevation and the platform and access removed, removal of a window from the south-western elevation, the insertion of doors in the south-eastern elevation and the insertion of a small window in the north-eastern elevation. The two windows on the lower south-western elevation will have timber shutters installed. The changes help to minimise the domestic appearance of the building. Some window openings are to be retained to provide light to the building and the plastic framed windows are to be replaced with natural colour timber framed windows. Conditions requiring the new window frames to be installed within 6 months together with the removal of the windows, addition of the shutters, platform and access are considered appropriate.

Retained Policy BD/6 relates to agricultural buildings and states that :

Proposals for new agricultural buildings or extensions which require planning permission will only be permitted where:

(i) the siting of the building will be determined having regard to existing landscape features, local land form and tree and hedgerow cover - together with the relationship with other buildings.

(ii) The general design (including form, materials and colour) and mass of the building will be appropriate to the character of the area whilst also meeting the functional needs of the farming business.

(iii) Indigenous landscaping to soften any hard outlines should form an integral part of the development - including the retention of existing trees and hedgerows where their removal would significantly harm the character of the area.

No further information regarding siting, design and external appearance was requested during the consideration of the prior notification. It is considered that the siting and design of the current proposal is not too dissimilar to the prior notification as to warrant a refusal. The external appearance, using timber cladding and a green profile metal sheet roof, is appropriate and consistent with other agricultural buildings in the area. The differences between the earlier approved building and the current proposal are minimal and are not so substantially different that the impacts of the building would have a greater detrimental impact on the important landscape area and the wider rural location.

The size of the agricultural holding is large enough to warrant a functional need for a building of the size proposed.

Issues raised in submissions

The main issue of concern is the potential use of the building for residential purposes. Such a use would be contrary to the relevant policies in the local plan in that it would be in an unsustainable location and would not be supported. A condition requiring the use of the building for agricultural purposes is considered appropriate.

Issues have been raised regarding the impact of the building on the AONB and SSSI. However it is considered that the slight changes to the scale of the building and the materials to be used to clad the building would have no greater impact on these nationally recognised areas.

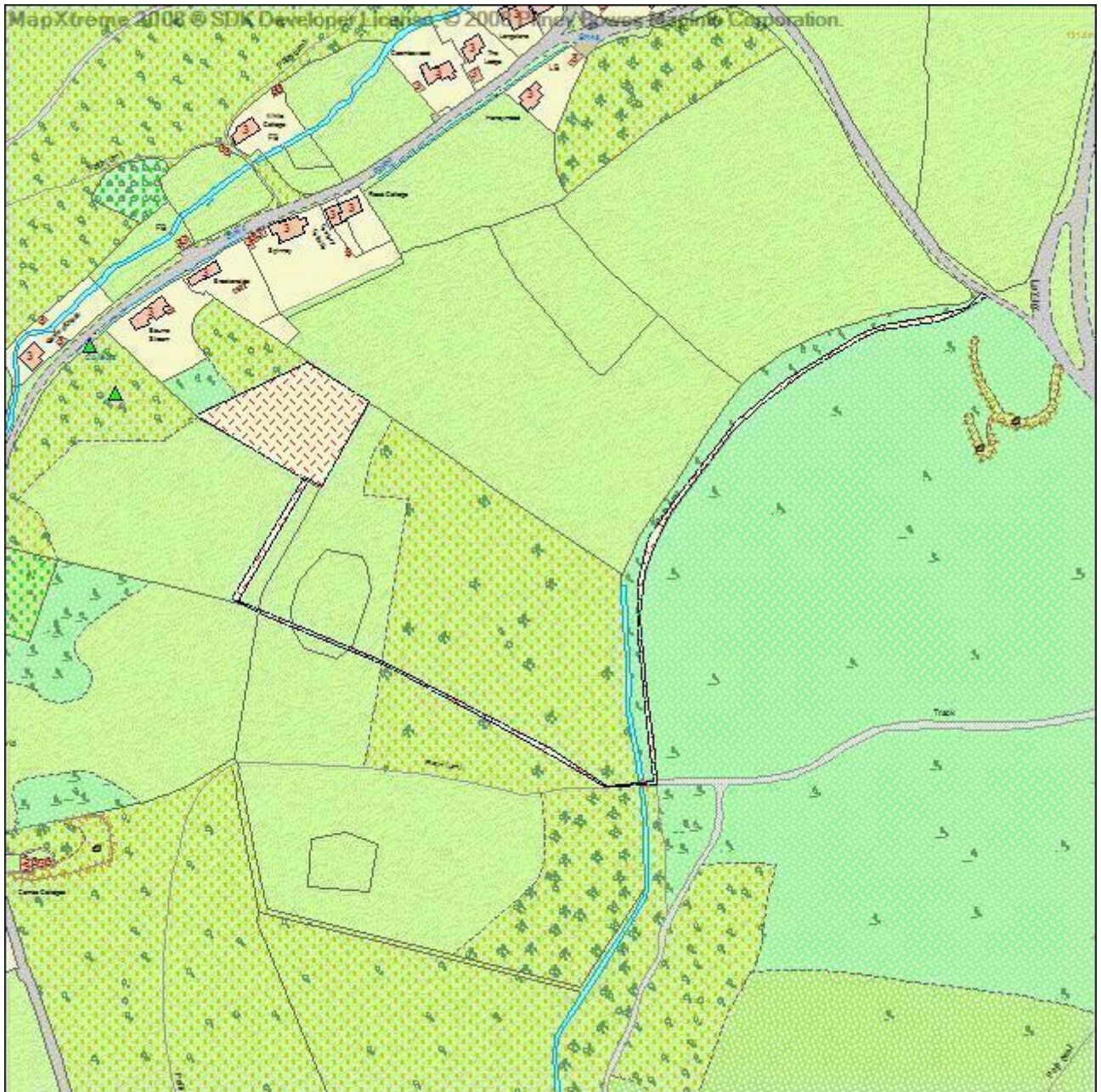
The granting of planning permission does not give rights of access over land not in the applicant's ownership. The National Trust, as owners of part of the application site can if they feel necessary, withdraw permission for the applicant to use their land, in order to protect their assets.

The sawmill referred to in the Planning Statement will be stored in the agricultural building and will be used to manage the woodland in the ownership of the applicant, which is considered an acceptable use of the building.

Conclusion

The proposal complies with the requirements of the relevant local plan policies and approval is recommended.

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



Application No 3/16/18/006
Erection of an agricultural building with a twin wall flue pipe and associated earthworks (retention of works already undertaken)
Strawberry Fields, Combe Lane, Holford, Bridgwater, TA5 1RZ
Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
Licence Number: 100023932



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Easting: 315344 Northing: 140695 Scale: 1:3000

Application No:	3/24/18/005
Parish	Nettlecombe
Application Type	Full Planning Permission
Case Officer:	Sarah Wilsher
Grid Ref	Easting: 305997 Northing: 139192
Applicant	Mr Alexander McTaggart
Proposal	Variation of condition 6 on planning permission 3/24/18/002 to extend the time period for the works being completed from six months to 11 months of the date of the planning permission (ie, to 3 July 2019).
Location	The Blade Mill, Woodford Road, Monksilver, Taunton, TA4 4HW
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council.

Recommendation

Recommended decision: Grant

Recommended Conditions

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

(A3) DrNo 1705/200B Proposed Site Plans
 (A1) DrNo 1705/202B Proposed Elevations
 (A1) DrNo 1705/201A Proposed Floor Plans

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

- 2 The hedge along the roadside shall be maintained at a minimum height of 2m and thereafter retained.

Reason: To ensure that the development does not harm the character and appearance of the area.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no alterations other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 4 The garage hereby approved shall at all times be kept available for the parking of domestic vehicle/s in association with Blade Mill and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

- 5 The building hereby permitted shall only be used as a garage/workshop in association with the residential use of the dwelling currently known as Blade Mill.

Reason: To prevent the building being occupied separately to the main dwelling.

- 6 The works hereby approved shall be completed by 3 July 2019.

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

- 7 No external lighting shall be erected on the garage/workshop or within 10m of the new building without the grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area and adversely affect the dark skies.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application concern was expressed with the lack of commencement of work to date and a schedule of works was requested. The Local Planning Authority contacted the applicant to address this issue and a schedule was submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 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.

Proposal

Condition 6 of planning permission 3/24/18/002 which related to the retention of the garage/store but included a number of alterations to the building states that, 'the works hereby approved shall be completed within six months of the date of the permission', ie by 3 February 2019.

The approved works includes the lowering of the ridgeline by 1.8m and removal of two rooflights, the raising of the ground level by about 200mm and installing an access ramp for the garage so that a vehicle can enter the garage, and replacing one of the windows on the east elevation with a second garage door to the same dimensions as the existing garage door.

Due to the applicant's builder not having the services of a carpenter for three months and the works running into the winter months, the proposal is to vary the condition to extend the time period by five months to 3 July 2019 to allow the works to be undertaken in the spring. A detailed schedule of the works has been submitted by the applicant's builder which illustrates that the works are planned to commence on 18 March 2019 (weather permitting) and end on 20 May 2019.

Site Description

The existing building is 8.6m long and 7.7m wide and has a dual-pitch roof with a ridge height of 6.9m and an eaves height of 3m. There is a 2.35m wide garage door on the east elevation, which is 0.4m higher than ground level, with a casement window on either side of it. On the west elevation there is a pedestrian door and casement window, plus two rooflights. It is constructed of Capton sandstone with red brick quoins on three elevations with exposed concrete blocks on the north elevation, which is situated to the rear. It has a slate roof and timber windows. The building is situated perpendicular to the road with the south elevation facing the highway. It is set back about 1.5m from the B3188 opposite the hamlet of Yarde and the boundary with Exmoor National Park. It is associated with the dwelling, Blade Mill, which is a smaller sandstone property under a slate roof on lower land to the east.

Relevant Planning History

3/24/88/012 - Change of use of former Blade Mill to single person dwelling - granted 15 December 1988.

3/24/94/001 - Two-storey extension to form bedroom and lounge - refused 24 March 1994.

3/24/99/003 - Two storey extension to form bedroom and lounge - granted 27 May 1999.

3/24/03/001 - Construction of garage and workshop - granted 16 June 2003.

3/24/03/002 - Alterations to door and window and addition of chimney - granted 22 January 2004.

3/24/05/001 - Extension to form bedroom and lounge - refused 3 January 2006.
3/24/08/002 - Construction of garage and workshop - granted 7 May 2008.
3/24/08/006 - Erection of two-storey extension - granted 27 January 2009.
3/24/11/002 - Proposed two-storey extension to existing dwelling and construction of garage and workshop - granted 20 April 2011.
3/24/14/001 - Proposed two-storey extension to existing dwelling and construction of garage and workshop - granted 2 May 2014. This allowed a garage/workshop with a length of 8m and a width of 5.6m constructed in sandstone and timber boarding under a dual-pitch slate roof of 4.5m in height with eaves of about 2m plus a parapet wall with natural stone capping on the south elevation. There were to be two garage doors and one window on the east elevation and the structure was to be set back 2.5m from the highway to ensure that it did not appear overly dominant in the street scene. It should be noted that this permission lapsed.
3/24/18/001 - Erection of detached garage/workshop and retaining walls (retention of works already undertaken) - refused 18 May 2018.
3/24/18/002 - Retention of a detached garage/workshop - lowering the ridgeline and removal of rooflights - and retaining walls (resubmission of 3/24/18/001) - granted 3 August 2018.

Consultation Responses

Nettlecombe Parish Council - It is noted the applicant has requested an extension to condition 6 of the existing Planning Consent (3/24/18/002).

The Parish Council cannot support this request. It is noted the applicant claims to have lost the services of his Carpenter but there is no mention of any attempt to employ other Builders to carry out this alteration within the ample 6 month period stipulated in the August Consent. The applicant still has time in which to contact all the local builders in attempt to find an alternative firm.

It is accepted that is unlikely that any new firm would be able to start work immediately but the only time extension the Parish Council would be able to support would be one tied to a specific, named, builders schedule. Under no circumstance could the Parish Council support an extension as long as the 5 months which has been requested. It is also not considered acceptable for the District Council to simply reduce this 5 month request to a shorter period.

This non-compliance has resulted in considerable ill-feeling locally and it is suggested the District Council obtain written confirmation from the applicant of which builder is to carry out the work, when this scheduled and an estimated contract period for the completion of the work.

If this is not forthcoming the District Council is recommended to re-instate the enforcement action against the original structure with a view to ensuring the removal of the building.

Following the submission of the schedule of works:

The Schedule of Works attached to your letter of the 6th December has been read with interest. However it does not alter the views expressed in the Parish Council's

letter of the 29th November 2018. This Schedule is started with 'Winter Weather Impact'. Since the weather is unknown some delays may well be inevitable. Therefore the Schedule should start with the current date and works carried out as the weather permits.

This merely reinforces our opinion that the applicant should have started work immediately upon receipt of the planning consent in August 2018. Indeed since the applicant had submitted the application in June 2018 and therefore was well aware of the non-permitted nature of the structure he should have used the period June to August 2018 to commission a builder for the works outlined in his Schedule. The Schedule is also meaningless since it is not tied to a named builder. None of these comments would have been made by the Parish Council until the end of the 6 month period permitted by the August consent, as any applicant is allowed to utilize the permitted time scale as they see fit. Since the applicant has triggered these additional comments by submitting the current application (to vary the consent) it needs to be stressed that the Parish Council would wish to see the District Council utilize its Enforcement Powers to ensure that either the structure is amended promptly in accordance with the August 2018 consent or the structure removed.

Later Parish Council comments:

Further to the Schedule of Works sent to us in relation to the Blade Mill it is understood that this has been produced by a builder named as Alan Langdon from Bridgwater.

The Schedule does not give any details of the builders company name nor does it indicate that it is The Blade Mill that is the subject of the proposed works. The builder is not known to the Parish Council and it is suggested the District Council obtains written confirmation from the builder that he has been instructed to carry out this work.

The timetable is, as indicated in our letter of the 9th December 2018, not considered acceptable. Since the weather is an unknown factor, simply proposing a start date of the 18th March 2019 is not relevant. The applicant needs to start work before the expiry of the 6 month period granted in the August 2018 consent. Should the weather turn out to be adverse we are sure the planning authority would be willing to accept some small delay in implementing, in full, the August Consent. Simply granting a lengthy extension to the existing consent is not an appropriate course of action.

Representations Received

Comments from two representatives have been received as follows:

- If further time is granted we would wish to know the name of the builder and the date of commencement of the work as the work should not be prolonged indefinitely.
- The reinstatement of the two garage doors is not weather-determined and the

- builder could proceed with this work immediately thus showing goodwill.
- The applicant should comply with the six months originally granted and commence work.
 - To date none of the building adjustments required have been done. The applicant should have evidence from a builder that this work can be fully undertaken by 3 July 2019 before an extension of time is granted.

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
OC1	Open Countryside development
NH14	Nationally designated landscape areas

Retained saved policies of the West Somerset Local Plan (2006)

BD/3	Conversions, Alterations and, Extensions
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Determining issues and considerations

The determining issue is whether the proposal to extend the time period for the works to be completed is a minor material amendment and if so if this is acceptable. There is no statutory definition of a minor material amendment but is likely to include any amendment where its scale and /or nature results in a development which is not substantially different to the one which has been approved (advice contained at paragraph 031 Reference ID: 21a-031-20180615 of the National Planning Policy Guidance document). In deciding the application the Local Planning Authority must only consider the disputed condition. It is not a complete reconsideration of the application. Additional conditions can be imposed provided they do not materially alter the development or the subject of the original permission and are conditions that could have been imposed on the earlier planning permission. Account also needs to be taken account of other minor material amendments that have been granted, if applicable.

In the case of condition 6, this does not materially alter the nature or appearance of the development granted under 3/24/18/002 and purely adjusts the timeline set for the works which need to be carried out in order to comply with the approved plans. The conditions for the 3/24/18/002 permission would be added to the current application to ensure that every other aspect of the permission remained the same. It is therefore considered that the proposal is a minor material amendment. It is noted that no other minor material amendments have been granted on the building in question so there will be no accumulation of such amendments, which could together materially alter the development.

Consideration needs to be given as to whether an extension of time for the works to be completed is acceptable. No remedial works have commenced to date, but a Gantt chart has been submitted by the applicant's builder giving a timeline for the works, so there is a degree of confidence that the works will commence and be completed on time. The applicant will be using the same builder who built the building. He should therefore be familiar with the way it was constructed and be more easily able to alter the building, as required, in accordance with the approved plans. The schedule shows that it is intended to start with the roof and work down to the ground. This being the case, and as no works were undertaken in the early Autumn, it is considered understandable to wait for potential better weather before making a start. The schedule shows the work commencing on 18 March (weather permitting) and being completed on 20 May 2019. It is noted that this is 6 weeks prior to the end of the 11 months requested for the variation and thus allows for enforced slippage, such as in respect of possible poor weather conditions. However, even given this extra time it is considered that, if approved, the progress of the works should be monitored by the Enforcement Officer and a Breach of Condition Notice (BCN) served if the applicant fails to comply with the new time limit of 3 July. If the BCN was then not complied with prosecution action would be instigated.

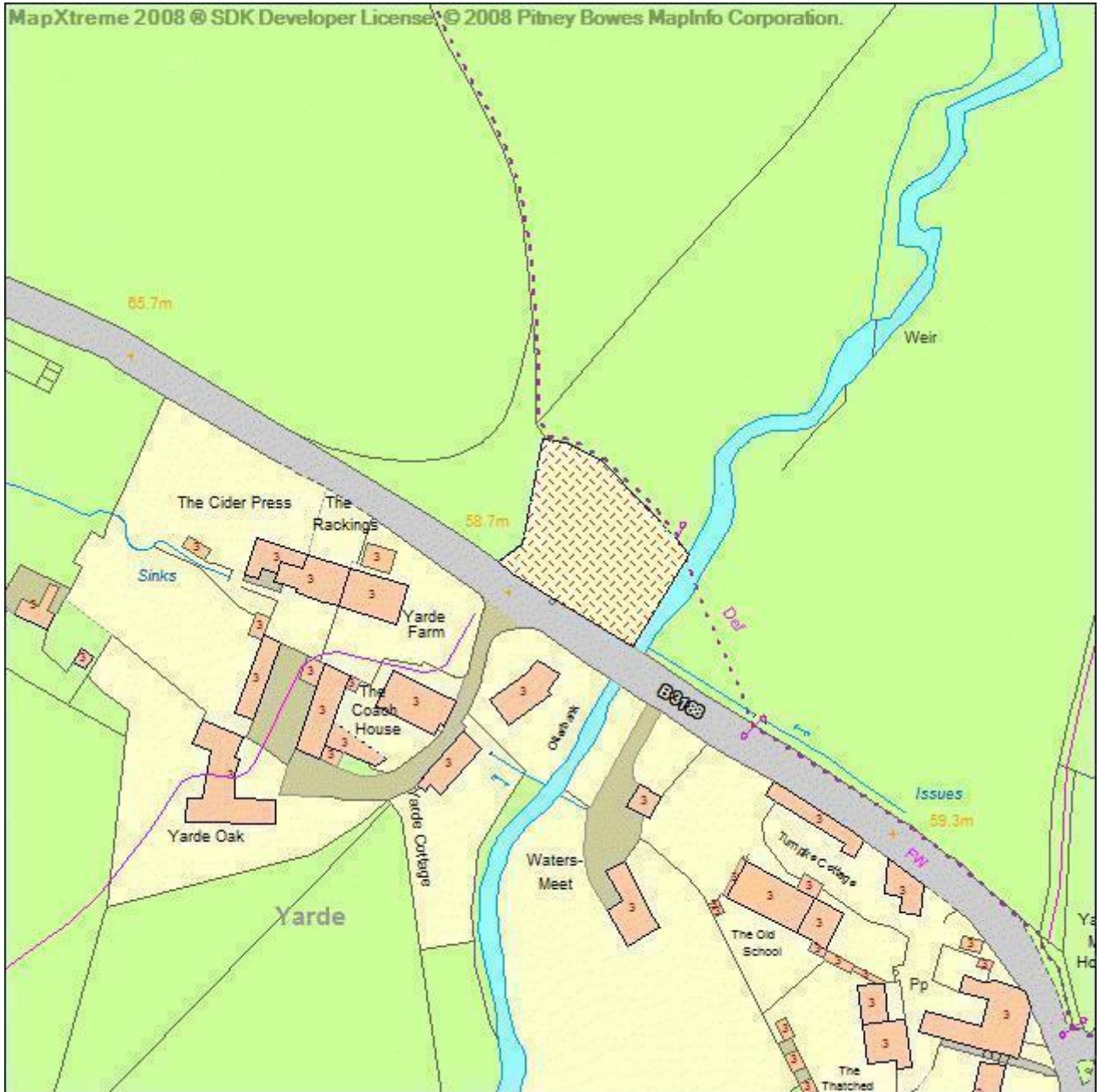
Having liaised with one of the Council's Enforcement Officers, if this application was refused then a BCN would be served, which would require the applicant to comply with 30 days, which would probably be unlikely due to the nature of the work involved. However, if it wasn't complied with it would be an offence and the Council would have to prosecute. Whether to do so would be in the public interest or not is another matter.

Conclusion

Given the above scenarios and the receipt of a schedule of works for the remedial work to be undertaken, it is considered on balance that it would be in the public interest to agree to the variation of condition 6 as a material minor alteration as the proposed extension to complete of the works is considered acceptable. The proposal is therefore recommended for conditional approval and that the wording of the condition be varied to:

'The works hereby approved shall be completed by 3 July 2019.'

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



Application No 3/24/18/005
 Variation of condition 6 on planning permission 3/24/18/002 to extend the time period for the works being completed from six months to 11 months of the date of the planning permission (ie, to 3 July 2019).
 The Blade Mill, Woodford Road, Monksilver, Taunton, TA4 4HW
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Application No:	3/21/18/081
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 297187 Northing: 146626
Applicant	Mrs MacLean
Proposal	Installation of sculpture pole with 2 downward pointing projecting lights
Location	The Esplanade, Minehead
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council

Recommendation

Recommended decision: Refuse

Reasons for refusal:

The proposed erection of a single pole with two downlighting projection units, would lead to additional visual clutter in this area of The Esplanade when added to the recent addition of the new art installations and this will be accentuated by lighting the sculpture.

Whilst it is understood that the sculpture is proposed to be part of a larger project to help improve tourism to Minehead it is considered that the additional visual clutter created does not outweigh the harm to the character and appearance to this part of the Conservation Area and is therefore not in accordance with local plan policies NH1 and NH2 of the West Somerset Local Plan to 2032, retained policy TO/2 and Section 16 of the National Planning Policy Framework.

Informative notes to applicant

1 **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority. During the course of pre-application discussions the applicant was informed that, in the view of the local planning authority, the proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the

Development Plan / policies within the National Planning Policy Framework, as such the applicant was advised that it was likely that should an application be submitted it would be refused. Despite this advice the applicant choose to submit the application. The concerns raised during the pre-application discussions/ correspondence remain and, for the avoidance of doubt, were reiterated to the applicant during the course of the application.

The development would not improve the environmental conditions of the area.

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

Proposal

It is proposed to install a 5m high metal sculpture pole with 2 downward pointing projecting lights that are fixed to the top of the pole to project a wave pattern onto the ground at night. The aluminium pole base has a diameter of 150mm and the head diameter will be 76mm and would be fixed to the current tarmaced surface. The projected wave pattern would be projected through the light fittings onto the ground with a surface area of approximately 2.5m diameter.

Also fixed to the pole is a sculpture of two metal 'eel' features, winding down the pole in a double helix shape. The eels are approximately 2m long and include detail such as fins, scales, eyes and mouth. The pole is proposed to be sited to the north western of the series of 8 gabion art display structures and north east of the concrete letter seats (spelling Minehead).

Site Description

There is an existing open air gallery comprising of 8 gabion baskets that are sited on tarmaced land on an area of open space between Jubilee Gardens Cafe and the adjoining shelters and the gabions which form a ring around the Wessex Water's pumping station cabinet. The proposed pole would be sited to the north east of the gabion ring on The Esplanade. The site area is approximately 750sqm (which includes the pumping station and seating area containing the individual letters 'Minehead').

To the east of the proposal site is the Millennium clock tower as well as the beach front to the north. The site is within the Wellington Square Conservation Area and is also located within Flood Zone 3.

The site does not have vehicular access and is a pedestrian area of the Esplanade opposite the West Somerset Railway. It is noted that this area has previously evolved into a motorbike parking area which has at times obstructed the pedestrian

walkway/pavement.

Relevant Planning History

The Esplanade has a long and varied history, the most relevant are;

3/21/91/109 - Renovate and change roofs of 3 shelters and erect 1 new shelter. Granted on 03/6/91.

3/21/98/098 - Enhancement of seafront - paving, lighting, street furniture, new car park & associated ramps. Granted on 22/7/98.

3/21/11/017 - Erection of a clock tower to a height of 8.50m. Granted on 4/4/2011.

3/21/14/068 - Erection of a clock tower to a height of 5.90m (amended scheme to 3/21/11/017). Granted on 29/8/14.

3/21/17/109 - Change of use of part of shelter to form retail unit and retail storage area. Granted on 05/01/18.

3/21/17/113 - Concurrent applications for interpretation panels on the Esplanade. Granted 31/1/18

3/21/17/114 - Change of use of land and erection of 8 gabion baskets to form an open air exhibition. Granted 31/1/18

Consultation Responses

Minehead Town Council - The committee can see no material planning reason to refuse this application.

Highways Development Control - This application seeks consent for the erection of a sculpture pole with 2 No downward pointing projecting lights on the Esplanade in Minehead.

1. Highway safety

This is a desktop study of the information provided. No site inspection has been carried out in relation the proposed works.

It is assumed that SCC would grant consent under s144 of the Highways Act 1980. As such the District Council (in terms of CDM is the client) and has appointed a designer. Presumably, they (the District Council and designer) retain such CDM roles and associated paperwork throughout the life of the structure.

It is noted that in the s144 legislation it states that the Highway Authority may give their consent on such terms as they see fit. Suggested terms include removal / reinstatement and reasonable costs associated.

The SCC Infrastructure Improvements Group should review the conditions attached to a standard s144 notice to ensure they are inclusive of Road Safety Audit and CDM requirements.

It is difficult to adequately assess the potential impact of illuminated projection on the roads approaching the structure until it is installed. It is further recommended that stages of audit, as defined in HD19/03, be applied to the proposed structure.

In the spirit of co-operation, SCC should provide any pre-construction information (e.g. underground apparatus) that we have available, but it is assumed that the designer will undertake the appropriate stats enquiries and ensure the contractor has the relevant health and safety information prior to the commencement of construction.

It is expected that the designer will ensure the client is aware of their CDM responsibilities; the design should take account of pre-construction information and the principals of prevention, with consideration for H&S risks.

Whilst the Highway Authority does not have a CDM duty holder role, we would expect to be notified of any risks and would need to consider how we secure such information to ensure it is accessible to maintenance operatives etc in the future.

Problem

Location The Esplanade, Minehead

Summary Driver distraction

The lighting of the proposed sculpture may present a distraction to motorists.

The proposed location for the feature appears to be aligned to westbound traffic on the Esplanade. Westbound traffic is travelling around a left-hand bend with a defined uncontrolled pedestrian crossing point. Light distraction may result in vehicle/pedestrian conflict. The sketch below indicates sight lines of approaching traffic; the pedestrian uncontrolled crossing and the approximate location of the feature.

It is assumed that the projection is on to the ground. The projection of light should not impact on approaching motorists.

Recommendation

The lighting designer should ensure that the lighting design does not cause an unnecessary distraction to motorists.

2. Highway lighting

The proposal should not affect the lighting onto the carriageway as the projector is a fixed colour and highly focused beam of light.

Consideration will need to be given to the power supply to the units; it will either need a mini pillar to house the isolation point and metered supply.

The designer will need to ensure the wiring of the unit is to the correct wiring regulations.

For clarity, SCC will not be accepting these units for maintenance and will not

accept any responsibility for them. The maintenance and energy charges will all need to be funded by another party. Somerset County Council do not maintain any architectural or decorative lighting.

3. Structures

Please provide details of the sculpture, loading, pole details and foundation details, preferably with suppliers calculations justifying the design.

Considering the above comments, the Highways Authority has no objection to the principle of the development.

Should the Local Planning Authority be minded to grant consent the Highways Authority recommend the following condition be attached:

- Prior to the erection of the sculpture pole full details of the sculpture, loading, pole details and foundation details, with suppliers calculations, shall be provided to and approved in writing by the Local Planning Authority.

In the event of permission being granted I would recommend that the following notice is attached to the Planning Certificate:

The applicant will be required to secure a licence from the Highway Authority for works on or adjacent to the highway necessary as part of this development, and they are advised to contact Somerset County Council at least four weeks before starting such works.

Conservation Officer - The metal sculpture is proposed to be sited near the junction of The Esplanade, The Avenue and Warren Road on the open space area that accommodates two shelters, seating, a clock and more recently the art installations together with other items of street furniture. A number of buildings at Minehead Railway Station are Grade II listed buildings and The Beach Hotel, 1-4 The Esplanade together with the former bandstand (The Jubilee Café building) are buildings of local interest. These are, according to the Conservation Appraisal, "Buildings of modest quality, which although not meriting listing, are valued for their contribution to the local scene or for their local historical association." The sculpture would also be located within Wellington Square Conservation Area

The character of this area was one of an open area that was and is used for people to congregate either to sit and while the time away, to eat or to meet others. This was recognised by a Planning Inspector on an appeal against the refusal for the siting of a mobile unit (3/21/00/55) on this area. The appeal was dismissed as whilst recognising that there was an accumulation of street furniture the site was part of an attractive well defined space and marks the transition between fast food outlets (eg the ice cream kiosk and the café in the railway carriage and other buildings) and amusement arcades which characterise the approach to Butlins and the more restrained atmosphere of the The Avenue and The Esplanade with their traditional Victorian buildings.

The area is now more cluttered than it was due to the addition of the new art

installations, which, on reflection it is considered that these do not preserve the character of this part of the Conservation Area. The addition of the eel sculpture with down lighting will add further visual clutter and this will be accentuated by lighting the sculpture.

In addition why were eels chosen as these fish are common throughout the country whereas Minehead is known for its breeding grounds of Herring for example. More detail about this can be found in a recent edition of the West Somerset Free Press. The types of fish that are generally caught around Minehead include mullet, bass , sole, rays, smoothounds and cod. Should a sculpture be erected perhaps a fish that is more relevant to Minehead would be appropriate.

In conclusion I consider that whilst it is understood that the sculpture is proposed to be part of a larger project to help improve tourism to Minehead it is considered that this does not outweigh the harm to the character and appearance to this part of the Conservation Area and is therefore not in accordance with local plan policies NH1 and NH2. The sculpture however will not adversely affect the setting of the nearby listed buildings due to the location and distance between the buildings and the listed buildings.

Economic Regeneration and Tourism - No comments received.

Representations Received

None received.

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
MD1	Minehead Development
NH1	Historic Environment

NH2	Management of Heritage Assets
NH13	Securing high standards of design
CC2	Flood Risk Management
EC1	Widening and strengthening the local economy
EC8	Tourism in settlements

Retained saved policies of the West Somerset Local Plan (2006)

TO/2 Tourism Development in Minehead

Determining issues and considerations

The main issues and considerations in the determination of this application are;

- Principle
- Impacts on the character and appearance of the area
- Impacts on residential amenity
- Flooding
- Highway Safety

Principle

The proposed development is to be located within the built development limits of Minehead on The Esplanade, opposite the West Somerset Railway Station. The site is within a designated flood zone and within the designated Wellington Square Conservation Area. The two most relevant local plan policies are SC1 and MD1. SC1 states that development will be concentrated in the main area of Minehead/Alcombe and rural centres and the development is to be on a scale generally proportionate to the role and function of Minehead. Policy MD1 states that development must support and strengthen the settlement's role as a main service and employment centre particularly in terms of the diversity and quality of its historic and natural environment, sustain and enhance the historic environment and maintain and enhance Minehead's attractiveness as a tourist destination.

It is considered that the erection of one 5m pole with a the pair of light projectors and incorporating two eels complies with policy SC1 but does not completely comply with MD1 in relation to sustaining and enhancing the historic environment for the reasons discussed in the next section.

Impacts on the character and appearance of the area

The applicant has submitted a Heritage Assessment to accompany this proposal which reiterates that development within a designated Conservation Area must consider the following;

New development or the change of use in conservation areas, should maintain an areas social and economic functions, however, the development must contribute to the preservation or enhancement of an area's character and conserve all the main elements of architectural and historic importance. It is therefore aimed to retain features other than buildings and structures upon which the designated status is based including trees, hedges, walls, fences, open areas, ground surfaces and historic road patterns.

The current character of the Esplanade has already changed considerably with the recent structures, gabion baskets (art displays), insertion of steel shells into the surface of the Esplanade along the millennium mile, the addition of a millennium wall plaque, millennium clock tower and several non-illuminated lectern and wall mounted interpretation panels, all of which have the benefit of previous planning permissions. The site therefore already has significant cumulative clutter when the aforementioned is added to the Victorian shelters, trees, phone box, letter box and refuse bin and utility cabinets.

Comments received from the Council's Conservation Officer can be seen above in this report. It is considered that the character of this part of the seafront was an open area for people to congregate and that a previous appeal was made for the siting of a mobile unit in the same area in 2000. However, since then several developments have the benefit of planning permission and the site is now cluttered in appearance especially with the addition of the recent art installations, which on reflection, do not preserve the character of this part of the conservation area.

There are a number of buildings in the area such as the Minehead Station that are Grade II listed buildings. The Beach Hotel, 1-4 The Esplanade and the former bandstand (Jubilee Cafe), and the Victorian shelters are buildings of local interest as defined in the Conservation Area Appraisal in 2003.

It is noted that the proposal seeks permission for the erection of a single pole with a pair of downward projecting lights which are to project a wave pattern of approximately 2.5m and would light this area of The Esplanade. The addition of the eel sculpture with down lighting is considered to add further to the visual clutter and be accentuated by lighting the sculpture.

The Agent, has explained the rationale of the development and states that conger eels are regularly caught in the area. The lighting would light a poorly lit area, the lighting being more important than the sculpture which could be removed from the scheme if required. The Agent agrees that the area is increasingly cluttered with the introduction of the gabions (thought to be temporary elements), and that as part of the future public realm resurfacing works the gabions would be taken down and when rebuilt, 2 of the gabions would need to be relocated as they are restricting access to the Wessex Water equipment. The Agent's preference would be to relocate the gabions off from the Promenade (the small public car park behind Channel Adventure was suggested). These alternatives have been raised for the planning committee to consider should they be minded to approve the application.

It is concluded that whilst this single development is part of a large public realm project to help improve tourism to Minehead, it does not outweigh the harm to the character and appearance to this part of the Conservation Area which does not preserve or enhance the conservation area due to additional visual clutter and is therefore not in accordance with local plan policies NH1 and NH2. The sculpture however will not adversely affect the setting of the nearby listed buildings due to the location and distance between the buildings and the listed buildings

Impacts on residential amenity

No comments have been received from members of the local community on this proposal. It is also noted that Minehead Town Council can see no material planning reason to refuse this application.

In terms of residential amenity, the light projection from this single pole is not considered to impact on residential amenity due to the distances involved to the nearest residential properties along the Esplanade or The Beach Hotel and the angle of the projected light.

Flooding

The whole of seafront area is located within flood zone 3 due to tidal flooding.

The Agent has submitted a flood risk assessment (FRA) in support of this proposal. This report also considers other future proposed changes to the Public Realm which may affect flood protection issues. However, in this instance consideration is limited to the erection of this sculpture pole which is to be fixed to the current surface of The Esplanade.

The specified Flood Mitigation Notes within the FRA confirm that;

1. The existing levels and drainage feature across the site are to remain and all surface water discharged as per existing arrangements.
2. Robust water resilient material (marine grade stainless steel) is to be used for the new street furniture (including this pole).
3. The Environment Agency has been consulted during the design process regarding the relationship of the new proposals to the existing sea wall.
4. All new electrical installations are to be run off of existing power sources and have been fully designed by qualified electrical sub-consultants and in conjunction with the input and approval of West Somerset Councils DLO maintenance team who have the responsibility for the maintenance of the electrical equipment along the Promenade.
5. The new planting areas will introduce a small area of permeable surface as

compared to the existing situation, otherwise there is little change.

The flood risk assessment, confirms that surface water drainage will be as the existing arrangements and no foul drainage is required for this development. It is therefore accepted that although fixed to the ground, this new sculpture pole will not have a significant impact on surface water or general flooding events. It is considered that the development accords with local policy CC2 of the West Somerset Local Plan to 2032.

Highway Safety

A detailed response has been received from the Highway Authority on this proposal, whose comments have considered highway safety, highway lighting and structures. They have no objections to the principle of the development and suggest imposing a condition and informative notes to any approval. The condition requests full details of the sculpture, loading and foundation details, and the note advises that a licence would be required for works on or adjacent to the highway.

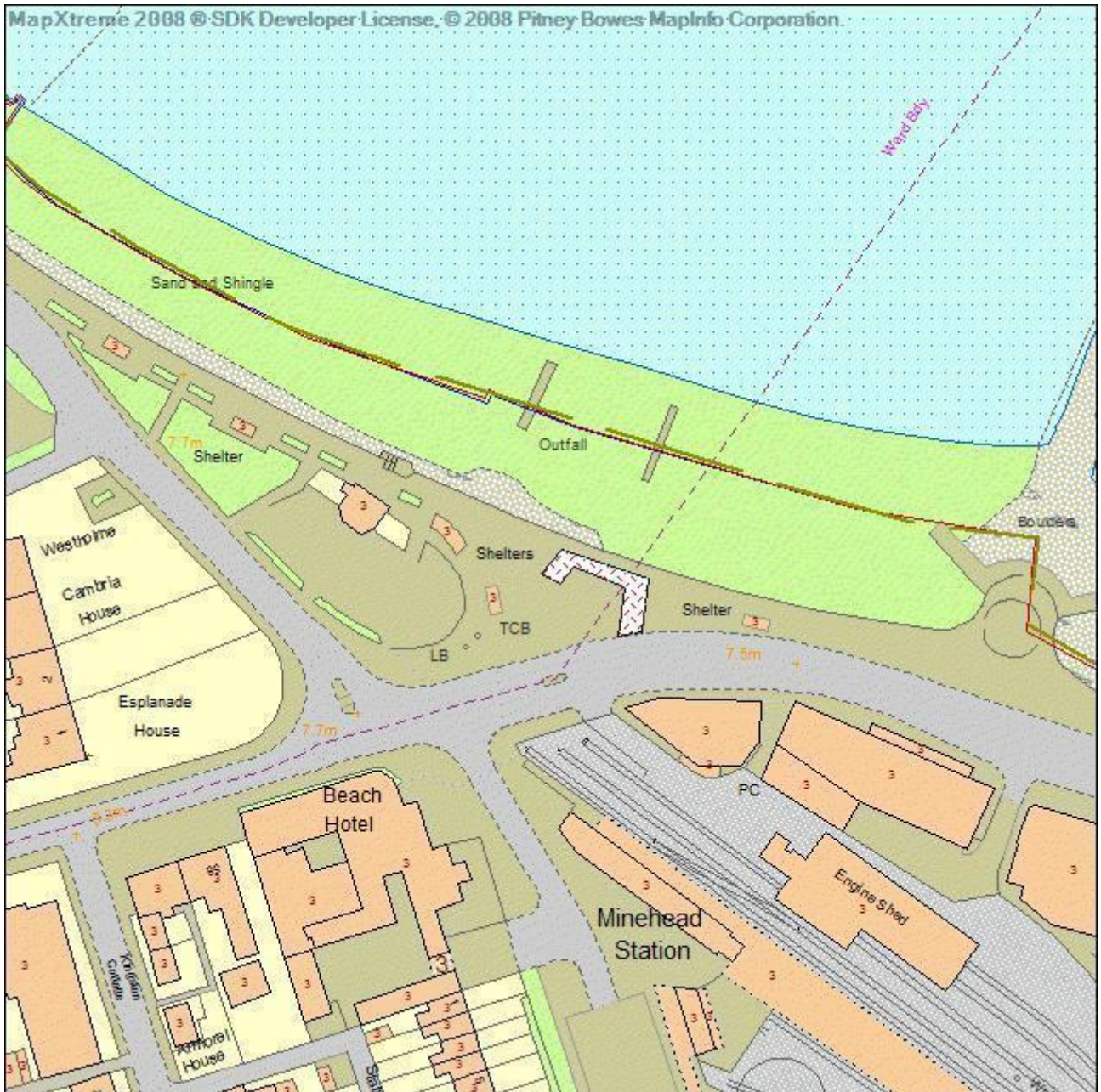
As there are no highway safety issues the development it is considered that this aspect of the proposal is acceptable.

Conclusion

This scheme centres on the erection of one sculpture pole in order to light this area of the promenade as part of a larger Public Realm improvement plan. It is noted that if the pole was no more than 4m in height it would be permitted development. It is important however, to consider that the site is located within a designated Conservation Area which was originally designed for its open space, the convergence of various parts of the town and the visual open appearance of the area and surrounding structures.

It is accepted that previous planning permissions have already meant an increase in the cumulative clutter in this small but prominent area and in order to satisfy all of the relevant local and national policies along with the comments returned from the Council's Conservation Officer, the principle consideration is the balance of conserving and enhancing the historic environment with a desire to improve the appeal to attract tourist to the area and the economy of the town of Minehead. It is considered that the desire to improve the appeal to attract tourists to the area and the economy of Minehead does not outweigh the harm found to the character and appearance to this part of the Conservation Area and is therefore not in accordance with local plan policies NH1 and NH2 of the West Somerset Local Plan to 2032, saved policy TO/2 of the West Somerset District Council Local Plan 2006 and section 16 of the national Planning Policy Framework. It is therefore recommended that the application is refused.

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



Application No 3/21/18/081
 Installation of sculpture pole with
 2 No. downward pointing
 projector lights
 The Esplanade, Minehead



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

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Application No:	3/21/18/078
Parish	Minehead
Application Type	Variation of conditions
Case Officer:	Sue Keal
Grid Ref	Easting: 296569 Northing: 146749
Applicant	Mr J Freeman
Proposal	Variation of Condition No. 02 (approved plans) of application 3/21/15/026
Location	Pemswell Lodge, Pemswell Road, Minehead, TA24 5RS
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council

Recommendation

Recommended decision: Refuse

Reasons for refusal:

In the opinion of the Local Planning Authority the proposed raising of the roof line and the addition of a single dormer on the principle elevation instead of previously approved rooflights will have adverse impacts on nearby residential amenity due to loss of privacy of the rear gardens due to the site constrained location. The amendment to raise the roof and add a dormer will adversely affect the character of the designated Higher Town Conservation Area due to the increase scale and massing of the structure and affect the visual contribution this new building makes to the setting and open space of this important part of Minehead. The proposal is therefore not in accordance with retained policy BD/3 of the West Somerset District Local Plan (2006), NH1, NH2 and NH13 of the West Somerset Local Plan to 2032.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority.

The proposal was considered to be unacceptable in principle because it was contrary to [the strategic policies within the Development Plan / policies within the National Planning Policy Framework] and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw the application.

The application was considered not to represent sustainable development [and the development would not improve the economic, social or environmental conditions of the area].

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

Proposal

The proposal is for the variation of Condition 2 (approved plans) of application 3/21/15/026 which is for the erection of a detached two bedroom dwelling house within the curtilage of Pemswell Lodge. The dwelling is currently under construction.

This variation includes the following amendments;

- To make minor alterations to the internal layout to include; altering the stair arrangement in the main hallway, removal of formerly proposed lobby area into the main hallway, ground floor, first floor smaller landing area, cupboard show in bed 1 (main bed) instead of built-in wardrobe, reduction in size of bathroom to give slightly increased bed 2.
- External appearance of dwelling including increasing the amount of cladding on the north and west elevations with timber cladding rather than marley ceedral cladding.
- External alterations include raising the ridge line of the lower roof by 1m and adding a single dormer window to the south elevation to replace the previously approved set of 6 rooflights.
- Southern elevation previously approved entrance door only, now proposed to have full length glazed windows either side of 1 entrance door
- Northern elevation, previously approved ground floor, 1 single door + 2 pane window, now the door is proposed as a 2 pane window and other window has been removed.
- Eastern elevation, First floor window not shown as obscure as previously. Change of style of windows only.
- Western elevation now shows side wall/roof raised and roof extends past front

elevation.

The original proposal included the erection of a detached 2 bedroom dwelling house within the garden of Pemswell Lodge. The dwelling was proposed to be set over 2 levels and be constructed in white render and Marley Cedral weatherboarding coloured grey, a Brazilian slate roof and have upvc fenestration with four rooflights on the front principle elevation facing the rear of Orchard Cottages nearby.

Site Description

The site is located to the north of Minehead town centre and accessed off Pemswell Road by car and a pedestrian access via the un-adopted road (Pemswell Lane). The main dwelling house, Pemswell Lodge is a detached property sited to the north of the site adjacent to the road with a 0.18 ha garden that falls steeply away to the south and west. The curtilage is heavily planted with maintained lawn, trees and domestic planting to all boundaries.

The area is dominated by residential development, which extends widely across the hillside.

Relevant Planning History

3/21/10/037 - Extensions and alterations to Pemswell Lodge, granted on 22/6/10

3/21/11/068 - Erect double garage, garden room and workshop, granted on 11/7/11

3/21/14/088 - Erection of dwelling at Pemswell Lodge, refused on 21/5/15 but appeal allowed on 8 December 2015

3/21/15/026 - Erection of a detached 2 bed house within curtilage, granted on 24/4/15

Consultation Responses

Minehead Town Council - The Committee can see no material planning reason to refuse this application.

Highways Development Control - Standing Advice applies.

SCC - Historic Environment - No comments received.

Conservation Officer - No comments received.

Representations Received

One letter of objection has been received raising the following;

- Minehead Conservation Society is increasingly concerned about the number of conditions that applicants are seeking to vary on previously granted permissions. Presumably conditions are put on for a valid purpose and therefore should be retained.
- This particular application raised a number of objections in 2015 and the then applicant stated that she wanted to down size and only wanted a small property, which she felt would not be intrusive.
- The proposal is to raise the roof line by a metre which will make the building far more visible, especially as it is sited on North Hill.
- The introduction of dormer windows will significantly alter the design of the house and again make it appear larger and less compact in style.

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
MD1	Minehead Development
NH1	Historic Environment
NH3	Areas of high archaeological potential
NH13	Securing high standards of design
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
NH2	Management of Heritage Assets

Retained saved policies of the West Somerset Local Plan (2006)

BD/3	Conversions, Alterations and, Extensions
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Determining issues and considerations

The determining issue in the consideration of this application is whether the proposal is a minor material amendment and if so are the proposed amendments to raise the lower roof by 1m, the installation of a dormer instead of rooflights on the southern elevation. The internal and other external alterations as listed previously are considered acceptable.

There is no statutory definition of a minor material amendment but is likely to include any amendment where its scale and /or nature results in a development which is not substantially different to the one which has been approved (advice contained at paragraph 017 of the National Planning Policy Guidance document). The principle of development has already been determined and cannot be re-examined as part of this application.

The main issues in considering this application are whether the revisions (material amendments) are acceptable on the impacts on the character and appearance of the area and impacts on nearby residential amenity,

Impacts on the character of the building and area

An objection has been received from the Minehead Conservation Society, which can be seen above in this report.

The changes in particular the raising of the roof and to insert the dormer in this restricted location will affect the character of the permission and the change is considered not to be a minor material amendment.

The raising of the roof of part of the roof by 1m in this confined site is considered to have an impact on the character of the area as it will result in an increase in the scale and massing of the built form.

When considering the single dormer proposed on the (front) southern elevation, (in place of a series of 6 former rooflights). This element on its own is not considered to impact on the character and appearance of the area.

Therefore the cumulative changes to the previously approved scheme will lead to a greater scale and massing of the proposed development would lead to a loss of the simple character of the area and an impact on the visual appearance of the streetscene.

It is considered therefore that the combined proposed changes as noted above will be detrimental to the historic environment and as such the proposed amendments to the approved scheme will be contrary to local plan policies NH1 and NH2.

Residential amenity/Overlooking

The topography of the land means that the rear of the proposed dwelling affords the

occupants of the new house lower levels of light and for this reason the original proposal had large south facing glazing opening to allow good level of light.

To the south of the site Orchard Cottages whose rear garden boundary of Orchard Cottages are located approximately 21m away from the new principle elevations of the new house.

It is noted that the new dormer would allow more head height into the first floor bedroom 1 rather than the formerly proposed set of 6 velux windows. The set of velux windows would allow greater light into the bedroom and would allow occupants of the house the chance to overlook the neighbours. The dual pitched dormer will allow the occupants of the new dwelling more opportunity to overlook the rear gardens of the nearby neighbours and could impact on their privacy. It is noted that there is already floor length windows and a glazed balcony facing towards the rear of the neighbours and the addition of the dormer increases the chances of overlooking. It is therefore considered that there could be an adverse impacts of privacy and light issues for the occupants of the new house and the existing neighbours.

It is noted that no response have been received from members of the local community however the above concerns are still considered to be an issue. It is therefore considered that the proposal is unacceptable in residential amenity terms due to an adverse impact of loss privacy. It is considered contrary to local planning policy NH13 of the West Somerset Local Plan to 2032 and retained policy BD/3 of the West Somerset Local plan 2006.

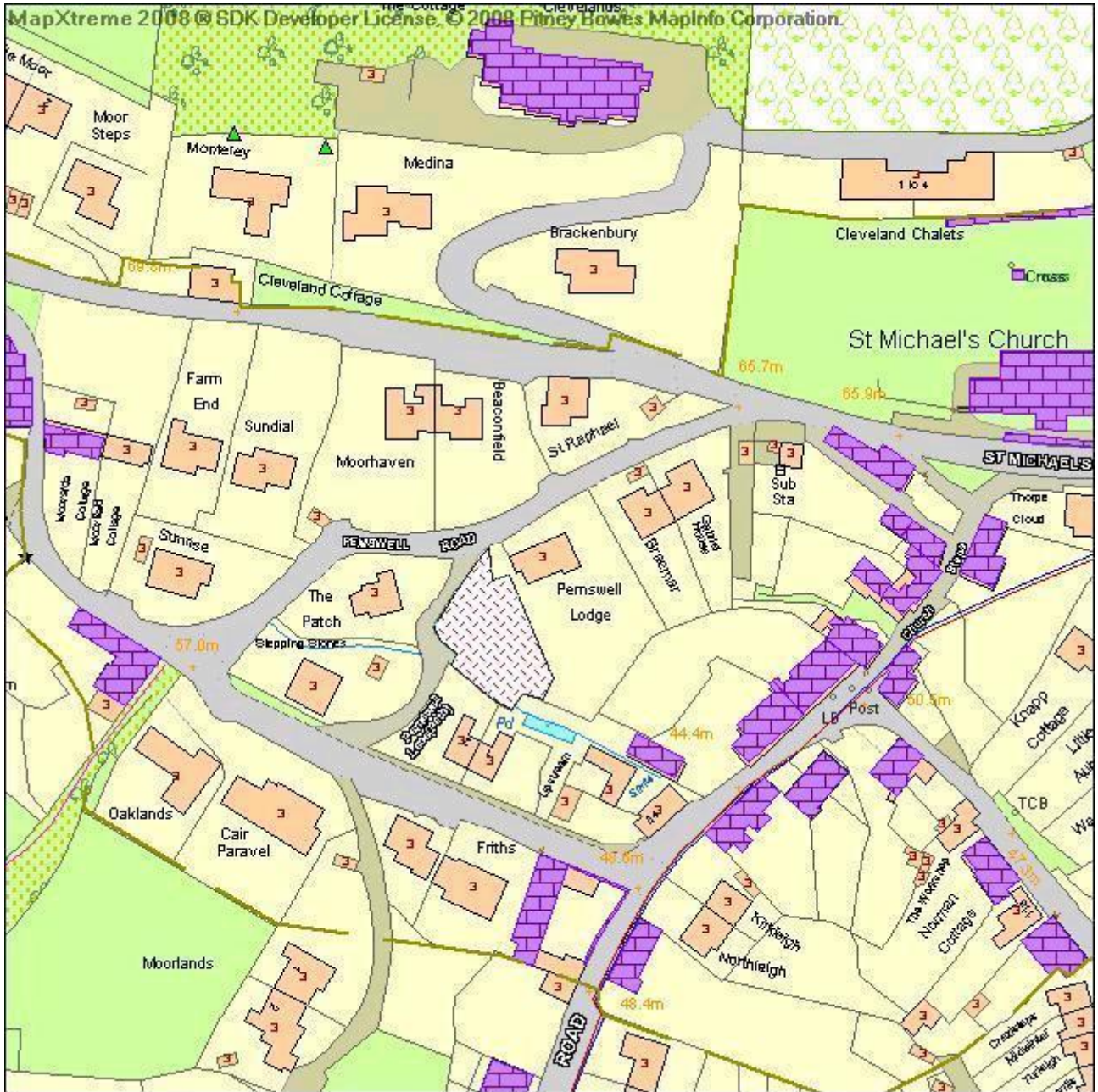
Conclusion

The proposal also seeks to add a new single dormer to the principle roofslope (front) of the new house which would replace the previously approved series of rooflights and it is considered it would result in unacceptable overlooking in the confined site.

This is an application for a change to the previously approved new development, but amendments to a previously approved scheme (ref 3/21/15/026) which is the current fall-back position. It is noted that at the time of the officer's site visit that construction of the new house was well underway. Whilst the raising of the roof and the revisions to the first floor windows of the new dwelling, are considered to be unacceptable for the reasons outlined above. The revisions of the design scale and massing of the building should not be at the expense of the visual appearance of the overall site and the existing open space of the Conservation Area.

The proposal is therefore contrary to local planning policies NH1, NH2 and NH13, of the adopted West Somerset Local Plan to 2032 and saved policy BD/3 of the adopted West Somerset District Plan 2006, and National Planning Policy. Refusal to the amended scheme is recommended on these grounds.

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



Application No 3/21/18/078
 Variation of Condition No. 02
 (approved plans) of application
 3/21/15/026
 Pemswell Lodge, Pemswell
 Road, Minehead



Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
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Application No:	3/37/18/019
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Denise Grandfield
Grid Ref	Easting: 306748 Northing: 143398
Applicant	Shattock Associates
Proposal	Erection of dwelling
Location	Land at West Street, Watchet, TA23 0BQ
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council.

Recommendation

Recommended decision: Grant

Recommended Conditions

- 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 21817 PROPOSED NEW HOUSE
(A4) LOCATION PLAN

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

- 3 The cycle storage facilities shown on the approved plan shall be constructed and fully provided prior to the building being occupied, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport.

- 4 The construction management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the dwelling hereby approved. The approved details shall be implemented in accordance with the management plan.

Reason: To safeguard the amenities of local residents

- 5 (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. The scheme shall include details of the species, siting and numbers to be planted.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.
- (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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 6 No development hereby approved which shall interfere with or compromise the use of footpath WL 30/1 shall take place until a path diversion order has been made and confirmed, and the diverted route made available.

Reason: To ensure that the public right of way is available to use.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Proposal

The application proposes the erection of a dwelling. The two storey three bed dwelling is proposed to be constructed in render with a slate pitched roof. The principal elevation faces east. The development also includes the construction of a small pitched roof stone outbuilding on the northern side of the site to be used for the storage of bins and bikes.

There is no vehicular access to the plot and pedestrian access is via a public right of way from West Street to the north. An existing retaining wall runs along the western boundary and an existing hedgerow along the eastern boundary.

Site Description

It is understood that the application site formerly accommodated a number of dwellings but is now an overgrown garden area which rises up from north to south. The land is terraced at the southern end of the site, demarked by low stone walls.

The site lies to the south of West Street and is sited at the southern end of two terraces of houses that run at right angles to West Street (in a north/south direction). These terraced houses are rendered with slate roofs. To the west of the site are the more modern terraced houses of Lorna Doone (which run in a west/east direction) with a grassed bank adjoining the site. The eastern boundary is delineated by the metalled public footpath. In part, to the east of that public footpath is another terrace of dwellings (numbers 33 to 39 West Street) which run in a north/south direction. On the eastern side of the footpath and to the rear (south) of the site are garden areas. These three rows of terraced properties are a lower level than the application site.

A car park that is used by residents of the terraced houses is located on the northern side of West Street, approximately 60m from the application site. The residents rent spaces in this car park from Watchet Town Council and is controlled by a barrier.

Relevant Planning History

There is significant relevant planning and appeal history on the site which is material to consideration of this application.

3/37/05/022 - erection of two semi-detached dwellings. This outline application (with all matters reserved) was refused on the grounds that it was in a backland location with no independent highway frontage, the site should form part of a comprehensive redevelopment scheme of a larger parcel of land, and would place the occupants at risk during an emergency, particularly a fire. A subsequent appeal in October 2005 was dismissed, the Inspector noting, amongst other things, that the adjoining Lorna Doone caravan park would be redeveloped for housing and that inclusion of the Appeal site within a comprehensive redevelopment scheme offered the best means of ensuring its effective and efficient development without prejudice to the quality

and character of the area.

3/37/06/014 – erection of new cottage, site adjacent to 44 (45) West Street. This outline application was refused on the grounds that the site formed part of a larger plot of land in a backland position no independent highway frontage, where an outline application for the adjacent caravan park allowed for vehicular access to the application site and adjoining land, together with no parking provision or on-site recreational provision or any mechanism to secure a contribution towards off-site provision of community facilities.

3/37/06/025 – erection of dwelling on site of 45 West Street (resubmission of 3/37/06/014). This outline application was refused on grounds similar to those above and including concern for occupants in the case of an emergency, particularly a fire. An Appeal against this decision in March 2007 granted outline permission for a dwelling. Whilst considering the development of the site in conjunction with the caravan site to the west, the Inspector noted that *“the Appeal site, however, is, by the nature of its topography and location, inextricably linked to the existing terrace extending from West Street.”*

3/37/14/002 - outline application (with some matters reserved) for the erection of one 4- bedroom detached dwelling. This application was refused on the grounds that the proposed dwelling faces north/south and runs parallel to West Street did not take account of the locally distinct form of development of terraced houses that face east/west and run at right angles to West Street. The Council considered that the proposed dwelling would visually conflict with the pattern of development and would not be sympathetic to the layout of the existing buildings. In addition, no parking spaces were proposed and it was considered that one dwelling did not optimise the potential of the site.

3/37/14/008 outline application (with some matters reserved) for the erection of one 3-bedroomed detached dwelling (resubmission of 3/37/14/002). Outline consent was refused on the grounds that there were no parking spaces proposed and the site could accommodate more than one property. Outline permission was granted on Appeal in February 2015. The Inspector considered whether the development of the site for one dwelling made optimal use of the site and whether the proposal was acceptable in the absence of on-site parking. The Inspector concluded that *“... given the inherent site constraints, the development of the site for one dwelling would constitute an optimal use of the site...”* In regard parking issues, the Inspector noted that *“... the site is sustainably cited relative to local shops and facilities which would tend to reduce reliance on the private car day-to-day needs...”* In addition, given the double yellow lines along West Street and some on street parking available to the east on West Street, the Inspector concluded that *“...the specific circumstances of this case, most notably the sustainable location of the Appeal site relative to shops and services and the availability of nearby parking provision, rendered the Appeal proposal acceptable.”*

3/37/17/003 - full application for the erection of two detached dwellings was refused on the grounds that the layout was at odds with the prevailing pattern of development, provision of unacceptable living conditions for future occupiers and lack of car parking would have an adverse impact on the safety and convenience of

highway users.

Consultation Responses

Watchet Town Council - Recommends refusal and reiterates its previous comments and would also recognise the unavailability of parking and access.

(The comments made on 3/37/17/003 were: The Committee would recommend refusal due to overdevelopment of the site, concerns raised over parking and vehicular access, and the height of the structure impacting on the skyline.)

Highways Development Control - Standing advice applies. The red line of the site does not extend to the public adopted highway therefore means of access is unclear.

Biodiversity and Landscaping Officer - The site is quite prominent being located on higher land overlooking nearby properties. Access to construct the dwelling would be challenging. Is there available car parking in the resident car park?

Wessex Water Authority - No objection

Somerset County Council - flooding & drainage - No comments received

Rights of Way Protection Officer - No objection, subject to the inclusion of the following condition and informative:

DIVERSION REQUIRED

The current proposal will obstruct the **footpath WL 30/1**. The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order.

The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

A Grampian-style condition will be required in this respect with regard to timing. Recent case law supports the use of conditions in this way. Suggested condition to be:

No development hereby approved which shall interfere with or compromise the use of footpath WL 30/1 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

The section in brackets is not always practical and can be removed following prior discussion with the Highway Authority.

Please include the following paragraph as an informative note on the permission, if granted.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Any proposed works must not encroach on to the width of the PROW. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

A PROW being made less convenient for continued public use.

- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rightsof-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

Representations Received

Ward Councillor:

- No available car parking in West Street car park. There are 11 residents on the waiting list.
- West Street is narrow which gets heavily parked

Six letters of objection have been received making the following comments:

- Concerns regarding parking and deliveries during construction stage
- There is no access via Lorna Doone and the Management Company will not allow access
- No room for construction traffic on Lorna Doone
- Loss of light and views

- Lack of available car parking for new dwelling
- No car parking vacancies in public car park
- No right of access for construction vehicles
- Inadequate construction management plan
- Land is unstable and has suffered landslips
- Possible closure of footpath during construction period

One letter of support received:

- Provision of additional housing stock
- Site is currently an eyesore
- Given its location near to the centre of Watchet no parking is necessary

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
NH13	Securing high standards of design
SD1	Presumption in favour of sustainable development
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
WA1	Watchet Development
TR2	Reducing reliance on the private car

Retained saved policies of the West Somerset Local Plan (2006)

T/8	Residential Car Parking
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Determining issues and considerations

The main considerations in the determination of this application are:

Principle of development

The principle of the development of the site for a single dwelling was established when the outline application was allowed on appeal in 2015.

The current application, submitted in full, will need to consider if there have been any changes in circumstances to override the earlier decision and whether the design of the dwelling is appropriate in this location.

The earlier decision the Inspector cited the following:

“... given the inherent site constraints, the development of the site for one dwelling would constitute an optimal use of the site...” In regard parking issues, the Inspector noted that *“... the site is sustainably cited relative to local shops and facilities which would tend to reduce reliance on the private car day-to-day needs...”* In addition, given the double yellow lines along West Street and some on street parking available to the east on West Street, the Inspector concluded that *“...the specific circumstances of this case, most notably the sustainable location of the Appeal site relative to shops and services and the availability of nearby parking provision, rendered the Appeal proposal acceptable.”*

It is considered that there are no significant changes in circumstances since the previous decision in terms of the availability of car parking within the vicinity of the site.

Design

Policy NH13 requires a high standard of design to be secured for new development. The design of the dwelling is relatively traditional and to be constructed in materials similar to other properties in the vicinity of the site. It is considered that the design is appropriate and in keeping with its surroundings. The design would not adversely affect the amenity or privacy of nearby dwellings.

The outbuilding is proposed to be built into the bank on the northern side of the site and would be constructed in stone with a pitched roof. A condition requiring the submission of details would be appropriate given its location on the boundary.

Public footpath

A public footpath runs across the north-east corner of the site and would require diversion if the development would compromise the use. A condition has been included accordingly.

Construction management plan

Given the constrained location of the site it is appropriate that a construction management plan be submitted to and approved prior to the commencement of works to ensure the development is carried out without detriment to the amenities of the nearby residents or to the users of the public footpaths in the area. Whilst a brief document has been submitted with the application it is not considered detailed enough and therefore a condition requiring the submission of a plan for approval has been included.

Conclusion

The proposal is considered acceptable, accords with local plan policy and approval is recommended.

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



Application No 3/37/18/019
 Erection of dwelling
 Land at West Street, Watchet,
 TA23 0BQ



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

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Appeal Decision

Site visit made on 3 December 2018

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 13th December 2018

Appeal Ref: APP/H3320/W/18/3196600

Maples, Ellicombe Lane, Alcombe, Minehead TA24 6TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs L Gurnett against the decision of West Somerset Council.
 - The application Ref 3/21/17/124, dated 17 November 2017, was refused by notice dated 1 February 2018.
 - The development proposed is outline consent for the erection of two detached dwellings within the residential garden area of Maples (re-submission of 3/21/17/026).
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline, with all matters except for access reserved for future consideration. I have dealt with the appeal on that basis, treating the site layout shown on the drawings as indicative.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on the character and appearance of the area, with particular regard to the effect on heritage assets; and the effect on living conditions of future and neighbouring residents, with particular regard to outlook and overlooking.

Reasons

4. The appeal site lies at the periphery of Minehead/Alcombe in a location that, for planning policy purposes, is classified as being within open countryside. Policy SC1 of the West Somerset Local Plan to 2032, 2016 (LP) makes allowances for development in close proximity to Minehead/Alcombe, provided that certain criteria are met, including that the historic environment and character of the existing settlement would be respected (Criterion 4. C).
5. Ellicombe Lane is a single-track, unlit route that extends southwards off the main route into Minehead, close to the boundary with the Exmoor National Park. Notwithstanding its relative proximity to other residential development, some of which is relatively recent, Ellicombe Lane has a tangibly semi-rural character informed by mature high hedgebanks and the loose-knit, informal spacing of development along its length.

6. The appeal concerns a rectangular parcel of land associated with 'Maples', a detached bungalow dwelling set in substantial grounds. The appeal site is slightly elevated above Ellicombe Lane, bounded by a mature hedgerow, and, other than various dilapidated outbuildings is mainly laid to rough grass. The undeveloped, verdant characteristics of the appeal site serve the important function of filtering the transition between the more concentrated built form of the Minehead/Alcombe settlement and the rural, open countryside beyond.
7. The site benefits from planning permission for the development of a detached two-bedroom dwelling, which would be positioned towards the far right corner of the site and leave a substantial portion of the wider site open and undeveloped. Consequently, the generous garden and overall building-to-plot ratio of the approved scheme would fit well with the loose-knit pattern of development that characterises Ellicombe Lane.
8. The appeal proposal is to introduce two detached dwellings, utilizing the existing access off Ellicombe Lane. While noting that scale and layout are both reserved matters, the illustrative plans show the proposed dwellings as having a shared access driveway, being centrally located within their respective plots and with areas of lawn around them. Considering the size of the amount of land available and the quantum of development being proposed, there is no doubt that the scheme would substantially erode its open, verdant characteristics and diminish the contribution it makes to the wider countryside context.
9. Although the amount of space for gardens and landscaping would be more substantial compared with other recently approved developments nearby, the building-to-plot ratio would be at odds with the more loose-knit and informal development pattern locally. In addition, the parking areas and shared driveway provision would result in a contrived arrangement, more akin to a suburban housing estate than a semi-rural country lane. Furthermore, cutting the hedgerow back to achieve a visibility splay would diminish the sense of verdant enclosure along part of the Lane, to the further detriment of its inherent semi-rural qualities.

Heritage Assets

10. Section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990 (the Act) requires that in considering applications which affect Listed Buildings, special regard must be had to the desirability of preserving the building or its setting. This duty is reflected in the National Planning Policy Framework, 2018. Immediately across Ellicombe Lane from the appeal site is an integrated complex of gardens, structures and outbuildings associated with Ellicombe Manor, a Grade II listed building, some of which are Grade II listed in their own right. These buildings derive their significance in part from their built fabric and their setting. Their settings include the other buildings within their complex, as well as their location within an agricultural landscape on the edge of Exmoor National Park. The mature boundary hedgerows, and the largely open and undeveloped nature of the appeal site reinforces the country-lane character of Ellicombe Lane, which makes a small but meaningful contribution to the setting of the listed buildings.
11. Overall, the proposal would result in an unwelcome encroachment into the intimate countryside context that defines this part of Ellicombe Lane, causing harm to the character and appearance of the area. Likewise, the appeal

scheme would erode an aspect of the bucolic charm that defines Ellicombe Lane and the tangible relationship with the wider open countryside. Irrespective of the set-back a final layout could achieve, and the quality of the individual houses, an aspect that contributes to the special interest and significance of Grade II listed buildings would be harmed through development within the setting. The proposed development would thereby run contrary to the expectations of the Act. Even though the harm would be less than substantial, it carries considerable importance and weight.

12. The appeal site is situated close to where archaeological remains of prehistoric cremations have been identified. Although the appellant has expressed willingness to survey the appeal site, Policies NH2 and NH4 establish that material change to a heritage asset should be accompanied by recording and interpretation. As the outline permission is establishing the principle of development without proportionate up-front assessment and evaluation, it would not be possible to establish the nature of the archaeological resource present within the site or to assess the potential impact on it of the development may have.
13. Overall, I consider that the proposed development would fail to respect the historic environment, character and appearance of the area. As a result, the proposal would result in an unjustified dwelling in the open countryside, contrary to the District's settlement strategy and open countryside development policies, SC1 and OC1. The development would also fail to satisfy the historic environment, heritage, and environmental design aims of Policies NH1, NH2, NH4 and NH13 insofar as these seek to enhance the historic environment, heritage assets and their settings, and the appropriate understanding of archaeological significance; and to protect an area's distinctive character, preserving the significance of heritage assets, including the contribution made to its setting; and to ensure development makes a positive contribution to the local environment.

Living conditions

14. The Council has raised concern that, owing to the density of development on the appeal site, the proximity of dwellings would give rise to harmful overlooking. However, while the outline scheme would be uncharacteristic, in my view there would be sufficient space between existing and proposed dwellings to ensure that there would not be a harmful loss of privacy as a result of overlooking. While the provision of a shared driveway may result in vehicles and movements to passing one dwelling, to my mind, suitable screening or orientation could be dealt with as part of the reserved matters in order to ensure the development would not materially affect living conditions. A lack of harm in this regard, however, does not alter my overall conclusion.

Other matters

15. A condition limits occupation of Maples to a person solely or mainly employed, or last employed, in the locality in agriculture. Occupation of Maples is therefore not related to the use of the wider landholding. Whether or not an application to revoke the condition comes forward in the future is a matter of speculation and one that would be considered by the Council on the balance of the evidence put to it. On the basis of the planning permission already granted at the appeal site, which includes use of its land for residential garden, the

agricultural occupancy tie at Maples would have had very little bearing on my overall decision if I had been minded to allow the appeal.

16. The proposal would require the cutting-back of a stretch of hedgerow running adjacent to Ellicombe lane, as well as part removal of the hedgerow within the site. Interested parties have raised concerns in relation to biodiversity and suggest the hedgerow is of ancient origin. Adopting a precautionary approach in relation to protected species, the potential ecological harm counts against the proposal. However, given my findings on the main issues, this is not a determinative issue.

Planning balance

17. That the matter of Highway Safety was not one of the Council's reasons for refusal, and that I did not find harm in relation to living conditions or the occupancy condition, do not alter the conflict and additional harms found in relation to the Council's settlement strategy, design and historic environment polices. These factors also attract weight against the appeal.
18. In favour of the proposal are the economic and social benefits associated with the provision of one additional open-market dwelling (over and above that already approved) in a national context that seeks to boost housing supply and deliver a wide choice of homes. Other benefits would include the economic benefits associated with the construction phase and future occupiers feeding into the local economy. However, given the contribution that just one house would make, even cumulatively, the public benefits would be modest. Due to the environmental harm that would arise from the proposal's impact on heritage assets and the character and appearance of the area, I conclude that the proposal would be contrary to the development plan as a whole. Furthermore, the public benefits would not outweigh the less than substantial harm to the significance of designated heritage assets.

Conclusion

19. I do not find there to be material considerations sufficient to outweigh the conflict with the development plan taken as a whole. I therefore conclude that the appeal should be dismissed.

H Porter

INSPECTOR