

SWT Planning Committee

Thursday, 10th June, 2021,
1.00 pm

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white on a teal background with a white swoosh.

[SWT MEETING WEBCAST LINK](#)

Members: Ian Aldridge, Simon Coles (Chairman), Ed Firmin, Roger Habgood, John Hassall, Marcia Hill (Vice-Chair), Mark Lithgow, Janet Lloyd, Chris Morgan, Craig Palmer, Ray Tully, Sarah Wakefield, Alan Wedderkopp, Brenda Weston and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Committee.

(Pages 5 - 8)

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair 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 who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors

debate the issue.

Temporary measures during the Coronavirus Pandemic

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

Following the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), the council meeting rooms will have very limited capacity. With this in mind, we will only be allowing those members of the public who have registered to speak to attend the meetings in person in the office buildings, if they wish (we will still be offering to those members of the public that are not comfortable in attending, for their statements to be read out by a Governance and Democracy Case Manager). Please can we urge all members of the public who are only interested in listening to the debate to view our live webcasts from the safety of their own home to help prevent the transmission of coronavirus (COVID-19).

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|---|--|-----------------|
| 5. 3/37/20/006 | Application for approval of reserved matters following Outline Application 3/37/17/020 for access, appearance, landscaping, layout and scale with additional information on drainage strategy and levels for a residential development of up to 250 No. dwellings at Liddymore Farm, Liddymore Lane, Williton, Watchet, TA23 0UA | (Pages 9 - 36) |
| 6. 3/30/20/004 | Erection of 2 No. luxury canvas holiday lodges (resubmission of 3/30/20/002) Little Haddon Farm, Skilgate to Little Haddon Farm, Skilgate, TA4 2DE | (Pages 37 - 48) |
| 7. 3/21/21/015 | Erection of 54 No. low-carbon affordable homes with associated works at Land at Seaward Way, Minehead | (Pages 49 - 80) |
| 8. Latest appeals and decisions received | | (Pages 81 - 92) |

A handwritten signature in black ink, appearing to read "James Hasset", written in a cursive style.

JAMES HASSETT
CHIEF EXECUTIVE

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting 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.

Following Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will be live webcasting our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting website](#).

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the temporary legislation (within the Coronavirus Act 2020, which allowed for use of virtual meetings) coming to an end on 6 May 2021, the council's committee meetings will now take place in the office buildings within the John Meikle Meeting Room at the Deane House, Belvedere Road, Taunton. Unfortunately due to capacity requirements, the Chamber at West Somerset House is not able to be used at this current moment.

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SWT Planning Committee - 20 May 2021

Present: Councillor Simon Coles (Chairman)

Councillors Ian Aldridge, Mark Blaker, Norman Cavill, Ed Firmin, John Hassall, Marcia Hill, Mark Lithgow, Craig Palmer, Ray Tully, Sarah Wakefield, Alan Wedderkopp, Brenda Weston and Loretta Whetlor

Officers: Rebecca Miller (Principal Planning Specialist), Martin Evans (Shape Legal Partnership), Michael Hicks (Planning Specialist), Alison Blom-Cooper (Assistant Director), Dawn Adey Director of Development and Place, and Tracey Meadows (Democracy and Governance)

Also Present: Councillor Rigby, Marcus Prouse (Specialist, Governance), Clare Rendell (Specialist Governance)

(The meeting commenced at 1.00 pm)

1. **Appointment of Chair**

Resolved that Councillor Simon Coles be appointed Chair of the Planning Committee for the remainder of the Municipal Year.

Cllr Weston abstained from the vote.

2. **Appointment of Vice-Chair**

Resolved that Councillor Marcia Hill be appointed Vice-Chair of the Planning Committee for the remainder of the Municipal Year.

Councillor Weston abstained from the vote.

3. **Apologies**

Apologies were received from Councillors Habgood and Morgan.

4. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 29 April 2021, circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 29 April 2021 be confirmed as a correct record.

Proposed by Councillor Hill seconded by Councillor Lithgow

The **Motion** was carried.

5. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Application No	Reason	Action Taken
Cllr N Cavill	48/19/0065	Personal & Prejudicial	Spoke and left the room for the vote
Cllr R Tully	48/19/0065	Prejudicial	Spoke and did not vote

6. **Public Participation**

Application No.	Name	Position	Stance
48/19/0065	Mrs Horron	Applicant	In favour

7. **48/19/0065**

At this point Councillor Firmin left the meeting.

Change of use of land from agricultural to canine activity training facility, provision of hardstanding, field shelter and alterations to access on land at Cherry Grove Rise, Yalway Road, West Monkton

Comments from Members of the Public included;

- Pets owners suffered with their pets behaviour in the lock down period. A quiet calm place was needed for therapy rather than rehoming or euthanasia;
- There would be a specified facility working with 2 dogs at a time;
- No artificial lighting would be on site limiting the hours of training;
- No other buildings or utilities would be brought onto the site;
- Extensive regrowth of the hedge now conceals a majority of the fence which could be further screened by painting the fence posts green;
- The field had not been used by grazing cattle for decades;
- The development would have a positive effect on the local community with land management and employment;

Comments from Members included;

- Concerns with the number of days/hours this facility can use for training dogs;
- The application site was in a quite location in the open countryside surrounded by Dairy Cattle;
- Concerns with the effects of this business on the agricultural land;
- Concerns with the impact on livestock;

- This is for dogs that need therapy and this was an ideal quiet place for this type of business;

At this point in the meeting Councillor Cavill left the meeting;

Councillor Hill proposed and Councillor Whetlor seconded a motion for the application to be **APPROVED** as per officer recommendation update below.

Delegated powers to be granted for Officers to seek approval from Natural England on the scope of the landscaping to be secured and subject to the following 2 amendments to the original schedule of conditions:

1. Removal of condition 14 (fence removal)

2. Addition of the condition as set out in the report as follows:

The fence to be installed to the Western edge of the parking area as illustrated on plan titled '4A Elevation of Fence and Gates' shall match the existing.

The **motion** was carried.

8. **43/20/0086**

Erection of a Class A1 foodstore with associated parking, landscaping and access works on land north west of the Nynehead Road/Taunton Road/Torres Vedras Drive

Application **WITHDRAWN** from the Committee agenda on legal advice and will be reported back to a future meeting for determination.

9. **Appeals Lodged and decisions received**

Latest appeals and decisions noted.

(The Meeting ended at 1.50 pm)

Application No:	<u>3/37/20/006</u>
Parish	Watchet
Application Type	Reserved matters
Case Officer:	Jeremy Guise
Grid Ref	Easting: 308061 Northing: 142504
Applicant	Mr J Johnson
Proposal	Application for approval of reserved matters following Outline Application 3/37/17/020 for access, appearance, landscaping, layout and scale with additional information on drainage strategy and levels for a residential development of up to 250 No. dwellings
Location	Liddymore Farm, Liddymore Lane, Williton, Watchet, TA23 0UA

Recommendation

Recommended decision: Grant

Recommended Conditions

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

(A1) Drno 0408-PH1-101 Location Plan
 (A0) Drno 0408-PH1-102 Planning Layout
 (A0) Drno 0408-PH1-102-COL Planning Layout
 (A1) Drno 0408-PH1-103 Street Scenes
 (A0) Drno 0408-PH1-104-1 External Works layout
 (A0) Drno 0408-PH1-104-2 External Works layout
 (A0) Drno 0408-PH1-104-3 External Works layout
 (A0) Drno 0408-PH1-105 Vehicle Tracking Layout
 (A3) Drno 0408-PH1-106 External Detailing
 (A1) Drno 0408-PH1-107 Adoption Plan
 (A1) Drno 0408-PH1-108 Materials Layout
 (A1) Drno 0408-PH1-109 Garages
 (A1) Drno 0408-PH1-110 Management Plan
 (A1) Drno 0408-PH1-111 Storey Height Plan
 (A1) Drno 0408-PH1-112 Movement Strategy Plan
 (A1) Drno 0408-PH1-114 Refuse Plan

 (A3) DrNo 0408-PH1-200 Plans & elevations
 (A3) DrNo 0408-PH1-201 Plans & Elevations
 (A3) DrNo 0408-PH1-202 Plans & elevations
 (A3) DrNo 0408-PH1-203 Plans & Elevations

(A3) DrNo 0408-PH1-204 Plans & Elevations
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(A0) Drno 788-11D - Ph 1 Landscape West
(A0) Drno 788-12D - Ph1 Landscape Central
(A0) Drno 788-13D - Ph1 Landscape East
(A1) Drno 8905-DR-001-P02 Phase 1 Drainage Layout
(A1) Drno 8905-GA-001-P03 Phase 1 Planning Levels
(A1) Drno 8905-RP-001-P02 Phase 1 Road Longsections

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

- 2 Prior to the construction of the buildings, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the area.

- 3 The following shall be integrated into or mounted up suitable trees or buildings:
 - a) Provisionally 15 bat bricks and 6 Schwegler 1FF bat boxes (to be confirmed);
 - b) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of 3 plots;
 - c) A bee brick built into the wall about 1 metre above ground level on the east or southeast elevation of the dwelling on 20 plots
 - d) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site;
 - e) Two log piles as a resting place for reptiles and or amphibians constructed. Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of first construction above ground level.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

- 4 No development hereby approved which shall interfere with or compromise the use of footpaths WL 28/20 and WL 28/21 shall take place until a path diversion order has been made and confirmed.

Reason: To ensure that all affected public rights of way are kept available for use and adequately dealt with in the new development.

- 5 No dwellings shall be commenced until details of the surface water drainage scheme flood water exceedance routes both on and off site have been provided. No part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the site boundary without being directed to the watercourse and directed towards designed exceedance routes demonstrated to prevent flooding or damage to properties. Events in excess of this must be controlled within designed exceedance routes demonstrated to prevent flooding or damage to properties

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage throughout the lifetime of the

development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework

Informative notes to applicant

- 1 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

Reserved matters approval is sought for Phase 1, pursuant to the development of up to 250 dwellings at Liddymore Farm, Liddymore Lane, Watchet. In Phase 1 the applicants are seeking reserved matters approval for 75 dwellings (6x1bed [8%]; 18x2bed [24%]; 36x3 bed [48%] & 15x4bed [20%]). The development would comprise a mix of tenures with 47 (63%) market houses and 28 (37%) affordable houses (Mixture of rent and discounted market housing) on 4.5ha of the 11ha site.

The outline permission, ref. 3/37/17/020, has established the principle of residential development upon the land and the quantum of development – up to 250 dwellings – leaving details relating to access, appearance, landscaping, layout and scale to be determined at this reserved matters stage.

Vehicular access to the site is shown off Liddymore Road, as per the outline approval. This then becomes the 'principal road' within the four tier road hierarchy intended for the development. A hierarchy which provides, in ascending order: principal route, village streets, lanes and mews style shared surfaces. The outline master plan shows that, eventually, it is intended that the principal route, will loop around a green, or village 'square', in the centre of the fully developed site, with village roads, lanes and mews accessed in ascending order off it. The loop route is to be completed in later phases. In this first phase, it is shown as a cul-de-sac with village roads and lanes off it.

The entrance to the development utilises the existing primary school access. Plans show the southern section of the school drive widened, with a raised table in blockwork to identify it as adopted as highway in the vicinity of the school - where a 20 mph speed limit applies. A 'T' junction with a driveway running north would provide the only vehicular access to the primary school. Staff, visitors and disabled people would have vehicular access beyond the gate to the school campus, including the new staff car park (12 spaces) proposed in the north west corner of the field, but access, beyond the gate, would otherwise be pedestrian only. The existing parking spaces, arranged perpendicular to the highway, are to be retained and their

number increased to 18. It is envisaged that the parking area will provide a drop off and collection point for parents.

The existing public rights of way, which cross the site laterally from east to west, are shown retained and augmented by new pedestrian links to surrounding estates.

A well-established hedge runs from the site entrance in Liddymore Road, in the north west, to Liddymore Lane in the south east. Currently it forms a field boundary between the smaller fields in the northern part of the site, adjacent to Cherry Tree Way, and the rising land which forms the larger part of the site to the south. The proposal retains the hedge and makes it the focus of a green swathe that runs through the centre of the site with just one break, where the eastern road runs through it. The swathe terminates in a larger area of green space at the eastern end, where it is intended to plant a small copse and create two attenuation ponds, to serve both this first phase of the development and future phases.

The housing in the first phase is shown distributed either side of the green swathe in three areas: a roughly 'square' shaped area, in the north west, adjacent to rear gardens in Grove Close; an area to the north, opposite rear gardens in Cherry Tree Way; and a smaller area, adjacent to the attenuation ponds, in the north east. In terms of character, this reflects the applicant's overall approach to residential density, which is to concentrate the higher density development (circa 36-42 dph) in the centre and western parts of the site and locate the lower density development (circa 30-35 dph) around the periphery, where it adjoins neighbouring residential properties.

Plans for the 'square' shaped area in the north-west show a perimeter block layout divided by a mews street in the centre. This provides for clear delineation between public and private space, with rear gardens backing onto rear gardens, and follows successful established layout principles. Houses on the northern side would face onto the green swathe and have south facing gardens. Those on eastern and southern boundaries would face outwards, where it is intended that they help to create new streets with houses on opposing sides being developed as part of later phases. The mews houses would have the intimacy of a shared surface space, reflecting the County Council's flexible approach to shared surfaces in its recently adopted revised 'Red Book'. On the western side, the rear gardens of the mews houses would back onto the footpath that currently separates the field from the rear gardens of houses in Grove Close. The existing boundary hedge would be kept and retaining walls added to manage the difference in levels. On the eastern side, the mews houses would form part of the perimeter block with rear gardens backing onto rear gardens. A group of four small bungalows are shown in the centre of the perimeter block, arranged in a small cul-de-sac. These are accessed from the principal road to the east.

The northern part of the site is lower density. It is shown as a row of detached and link detached houses backing onto the rear gardens of neighbouring large houses in Cherry Tree Way. Again rear gardens abut rear gardens and, in this case, are separated by a well-established boundary hedge circa 2.5m in height. Whilst the proposal is for two storey houses, the ridge heights have been kept low by providing the upper floors partially within the roof space (styled by the applicant as 1.5

storeys). Smaller semi-detached and mews style housing is also shown in this character area on the opposite side of the road.

The eastern end of the site is shown accommodating a 'set piece' corner block, a pumping station building and 5 large detached houses, some of which outlook onto the larger of the proposed attenuation ponds and provide a degree of passive surveillance over the pond and public walkway around it.

The proposal represents the first phase of a significant urban extension to Watchet. The houses have been designed to reflect local architecture referencing the older buildings in the town, predominantly the Georgian and cottage forms, with traditional pitched gable and hipped roofs in slate and profiled tiles. Details such as, porches, strategically placed chimneys, brick cills and lintels, dormer and bay window features have been added to reflect local vernacular. The proposed materials draw from a wide pallet found in the town, render, red sandstone and brick with roofs from slate and profiled tiles.

During the course of consideration, the applicant's architects and agents have worked closely, in an iterative process, with SWT urban design specialist, landscape consultant and planning officer to improve the detailed design of these area.

Like many developers, the applicant is proposing a 'fabric first approach' to sustainability, meaning high levels of insulation, energy efficiency and sustainable water consumption systems (water efficient taps, water efficient toilets, low output showers, flow restrictors to manage water pressure and water metres) as their main method of addressing issues of sustainability and climate change. This will be supplemented by the provision of cycle storage in garages and sheds where there is no garages, electric vehicle charging points in garages and the provision of water butts, where appropriate to harvest rainwater from roofs for garden use.

The reserved matters application is accompanied by a suite of supporting documents:-

- Design & Access Statement (Statement of Compliance)
- Geophysical Report (archaeology) - Prepared by SUMO Geo Physics Ltd.
- Geotechnical and Geo-Environmental Assessment - Prepared by South West Geotechnical Ltd
- Landscape & Ecology Management Plan - Prepared by Green Ecology
- Updated Ecological Impact Assessment - Prepared by Green Ecology
- Travel Plan - Prepared by LvW
- Flood Risk Assessment Update - Prepared by WSP

Site Description

The reserved matters application site, approximately 4.5ha., forms the northern part of a larger 11ha. development site, located on south eastern edge of Watchet. The larger site currently comprises a series of agricultural fields separated by mature hedges. The northern part, which forms this reserved matters application site for Phase 1 of the development, is relatively flat, but levels rise towards the south west where rolling hills and open countryside separate the site from the village of Williton, further to the south.

Two parallel public rights of way (PROW), ref. WL28/20 and ref. WL28/21, run from the bottom of Liddymore Road through a gate and over a stile into the site. WL28/20 runs in a south easterly direction through the site following the watercourse. Outside the site it branches into two: one branch turns southwards along Liddymore Lane to link up with Doniford Road, the other turns west, where it runs along the southern boundary of the larger development site before linking up with other footpaths (PROW ref. WL30/14 and WL28/23) to provide a pedestrian route to Danesfield Middle School and Williton. PROW WL28/21 runs through the northern part of the site, past Liddymore Farm Cottages, partly skirts Liddymore Farm, before eventually linking up with Alamein Road and Cassino Road at their junction with Doniford Road.

The site currently forms part of Liddymore Farm, whose buildings are located to the east and accessed from Liddymore Lane. Field accesses are located to the north west off Liddymore Road. The Community First School is located indirectly to the north of the site with vehicular access off Liddymore Road and car parking abutting the site. Established residential communities abut the site to the north in Reed Close and Cherry Tree Way and in Risdon Road and Grove Close to the west.

It is worth noting that there is little vehicle connectivity between these roads. Risdon Road is accessed primarily off Woodlands Road, to the north-west, Reed Close off Liddymore Road to the north and Cherry tree Way off Liddymore Lane, via Normandy Avenue and Alamein Road, much further to the east. The centre of Williton is more accessible to vehicles from this location than the centre of Watchet.

The site straddles the boundary between Watchet Town Council and Williton Parish Council areas, with the majority of the site, especially the first Phase, located to the north and west in the town area and only the eastern extremity in the Parish.

The Henry Davey playing field is located to the east, close to the junction with Woodland Road. It contains a skate park and children's play equipment.

A small parade of shops containing convenience stores, is located along Liddymore Road, a short distance from the site.

Primary education is provided at St Peter's, Church of England first school; middle years at the Danesfield Church of England School; both in Williton; accessible and senior education is at the West Somerset College in Minehead.

Relevant Planning History

Ref. 3/37/17/020 – Outline planning application with all matters reserved for a residential development of up to 250 dwellings. Conditional approval subject, to a Section 106 legal agreement, granted 23/03/2020.

The Section 106 legal agreement made provision for:-

- An appropriate mix and tenure of affordable housing at a rate of 35% of the

- total number of dwellings provided.
- A financial contribution to Early Years education for 13 places at £14,175 each (£184,275).
- Provision and maintenance of on-site play and open space (including Biodiversity off-set)
- A financial contribution of £25,000 towards cycling provision, linking the site to Doniford Road to the east.

Consultation Responses

Watchet Town Council – Comments 04/08/2020

- Concern that no further Travel Plan has been submitted.
 - Concern that the 'T' Junction has been chosen as joint access to the site and the school.
 - It is important that a drop off point involves parking a vehicle and escorting a child into school.
 - Requires reassurance on road safety.
 - Questions the safety of the proposed pedestrian access without a new roundabout parents are likely to try and turn a car around resulting in congestion.
- The Town Council's Health and Safety Officer has examined the proposed access and found it wanting (report provided).

Williton Parish Council – Comments 06/08/2020

Object primarily on strategic traffic management plan in relation to the whole area, as there are currently several large development applications and all need to be looked at together to prepare a traffic management plan due to the increase that the developments will cause. Plans are needed to control secondary traffic, both Liddymore Road and Doniford Road are too narrow for construction traffic and would result in an increase in traffic flow. If passed, we would request timed access for construction traffic to site being after 10am and before 3pm, due to the close proximity to the school.

The site must be mindful about possible flooding issues and access roads must be properly maintained and kept clear. We also would like to raise concern regarding lack of parking.

Highways Development Control -

The proposal site, is accessed off the classified Liddymore Lane in Watchet. The application is for the approval of Reserved Matters including access. Outline consent was granted in 2017, where the Highway Authority did not object to the principle of the proposal where, in terms of capacity of the local highway network there weren't sufficient grounds for refusal that the proposal would have a severe impact on the local highway network with consideration of the NPPF.

With the above in mind, the following comments are with reference to the proposed access arrangement from the existing public highway, nearby school and internal layout of the proposed first phase of the consented outline site.

Access and school parking

The Highway Authority are aware of the sensitive issue regarding school parking. There are currently 7 school vehicle parking spaces off Liddymore Road.

As part of this proposal, it would see the removal of these parking spaces and provision of a new, designated private school parking area at the north of the site, currently proposed to accommodate 12 vehicle parking spaces, closer to the school. However, there is scope to provide a larger level of vehicle parking in this area proposed.

It is important to note however, whilst this proposal as a whole would see a likely rise in pupils at the local school, given the close proximity of the site it is anticipated that associated residents of the proposal would walk to the school. Consent of this site as a whole will see a change in the nature of Liddymore Road and pedestrian and vehicle interaction where it is imperative that appropriate pedestrian access is provided.

To reiterate, it is expected that pedestrian traffic will increase as a result of the proposed new development and the additional footway linking the existing development to the south of Liddymore Road. It would appear from the drawings provided that 1.8m footways will be provided. It is recommended that the footways be increased to 2m, the minimum recommended width in the DfT's Inclusive Mobility.

Appropriate crossing areas, complete with tactile paving and dropped kerbs and appropriate visibility splays in line with a suitable design standard need to be provided on Liddymore Road (including the approach road to the school) to allow safe routes to the school and wider network from the proposed development.

It would appear from the information provided that the footway on the eastern side of Road 02 terminates prior to the access to the car park. It is recommended that this is extended northwards and that the access to the car park becomes a vehicle crossover. A continuous safe pedestrian access to the school needs to be demonstrated with consideration of likely desire lines.

The Highway Authority however, would not wish to adopt the approach road to the school as suggested the applicant. The Highway Authority would also not want larger vehicles reversing this approach road onto the access road that is proposed serve the Estate Road. Therefore, the applicant will need to clarify how this concern will be removed. Whilst the immediate approach road to the school will not be adopted as dedicated highway (with exception of the Bellmouth and associated visibility splays onto Liddymore Road) we have a duty of care for the safety for all pedestrians travelling to and from the school. Therefore, it is advised that the applicant converse with third parties (it is presumed the school) regarding how the proposed pedestrian areas will tie into the existing (and any future) proposed pedestrian accesses.

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. Longitudinal or contour drawings haven't been submitted. Suitable approach gradients for the access road to ensure surface water drains back into the site and not the highway whilst ensuring level sections of the carriageway to enable vehicles to pull out safely. Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards.

Estate Road

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

The main access tie in will need a safety overview and alignment may require change through the S38 process should the site be offered up for adoption. This principle also applies to all links to an extent.

The existing track called Liddymore Lane appears to have a link to this development but is not classed as Public Highway and should be restricted to pedestrian use for access to the PROW only.

It is noted that external works drawings have been submitted but none show tie in with Liddymore Road so comments are limited and details to be addressed at technical approval stage.

The annotation on the Movement Strategy Plan shows principle route movement into the blue line land. Other than drainage plan which indicates this is phase 2 there appears to be no other information. If this is to be a future development the annotation this needs to be removed from the current application plans.

There are two PROW affected by this development WL 28/20 and WL 28/21 the applicant will need to discuss details with the Public Rights Of Way Team.

Tracking plots where they utilise private areas for turning, an example being adjacent to plot 29 need to be removed.

The area shown on adoption plan by plot 22 serves no greater public benefit so should be removed, this will be addressed through technical process but as a layout item has been noted.

The shared surface areas with marked visitors spaces (such as vicinity plots 72-73) please note that informal parking is allowed but no dedicated spaces within shared surfaces. Annotations will to be removed in any formal submissions for technical approval.

The grass margins on the proposed adoption plan need to be removed during technical approval process.

Whilst the above comments are for this application, they do not and should not be taken as a full technical audit which would be covered under the relevant legal agreements.

Drainage

With reference to the Phase 1 Drainage Layout ref. 8905-DR-001 Rev. P2 in support of the application, there is no objection in principle to the surface water management strategy proposed as it relates to both the existing public highway and the proposed estate roads serving the development but would make the following observation. A surface water sewer or highway carrier drain should be indicated under or adjacent to Road 1 to act as the means to transfer surface water run-off collected by road gullies to the point of discharge.

Travel Plan

The submitted supporting document is currently being assessed. Once completed our comments will be provided to the LPA.

Parking

ZONE B 1 Bed 2 Bed 3 Bed 4 Bed Visitor TOTAL

SPS 1.5 2 2.5 3 0.2 -

Dwellings*

6 18 36 15 - 75

Proposed parking

12 31 80 66 12 201

Optimum parking

9 36 90 45 15 195

*Parking figures taken from 'Parking Matrix-Issue 1' drawing 0408-PH1-102

Detail of the above shows that the SPS optimum number of parking spaces for the nature of this phase of the development is 195 including visitor parking.

Based on the above, whilst the proposed parking area identifies with the Somerset Parking Strategy (SPS) there does appear to be an under provision of parking for the proposed 2 & 3 bedroom dwellings and a noticeable over provision of vehicle parking for the 4 bed dwellings proposed. It is advised that parking is revised to reflect a fairer balance of allocated, off road parking.

The SPS also sets the optimum provision for motorcycle, cycle parking and electric vehicle charging (EVC) points where access to 16-amp EVC points is to be provided for all residential dwellings in accordance with the SPS (e.g. EVC points within garages). Cycle parking needs to be at a rate of 1 space per bedroom. All spaces need to be safe, secure and sheltered. It is unclear whether this has been committed to for this application. It is advised that garages are designed and built to accommodate all cycle and vehicle parking spaces should no separate suitable cycle storage parking be provided for such dwellings.

As such the applicant will need to clarify their commitment to the above for all dwellings.

Conclusion

With the above in mind, prior to any decision being made it is advised by the Highway Authority that the applicant provide an update on the following information.

- Continuous, safe pedestrian access to and from the school from both the development proposed and the wider existing network with our above comments in mind.

- Clarify the approach road arrangement for all associated vehicles to the school with our above comments in mind.

- Confirm commitment to appropriate levels of cycle parking in line with the SPS and EVCs available to all dwellings.

- Revisit the proposed allocated parking arrangement.

Avon & Somerset Police –

Crime Statistics – reported for the area of this proposed development (within a 500metre radius of the grid reference during the period 01/07/2019- 30/06/2020 is as follows:-

Burglary – 2 offences (both residential burglary)

Theft – 1 offence

Violence against the person - 4 offences (incl. 1 assault ABH)

Total 7 offences

This is classified as a very low level of reported crime, ASB reports for the same area and period total 7, which is also very low level.

Design and Access Statement – the DAS at Section 10 headed 'Community Design and Access statement refers to the police approved 'Secure by Design' award scheme for designing out crime and lists the following areas in which these recommendations have been incorporated into the scheme :-

Layout of Roads and Footpaths ; communal Areas ; Dwelling Boundaries ; Layout and Orientation of Dwellings; Gable End Walls ; Rear access footpaths; Dwelling Identification; Climbing Aids car parking; Planting and Street Lighting.

This indicates to me that the applicant has taken into account crime prevention measures in the design of this scheme. I agree with the comments made and would make the following additional observations in respect of some of the above measures .

Layout of Roads & Footpaths –Vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good residents' surveillance of the street. The use of physical or psychological features i.e. surface changes by colour or texture, marble strips and similar features within the development would help re-inforce defensible space giving the impression that the area is private and deterring unauthorised access.

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

Dwelling Boundaries –it is important that all boundaries between public and private space are clearly defined and it is desirable that delivering 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 1metre, to assist this. More 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 adjacent fencing and lockable. The Planning layout drawing indicates that these recommendations will be complied with . Some dwellings back onto woodland or open fields and it is advisable to increase the height of side and rear fencing for these plots to 2 metres by the addition of a trellis topping.

Communal Areas – have the potential to generate crime, the fear of crime and ASB and should be designed to allow surveillance from nearby dwellings with safe routes for users to come and go. The central green corridor incorporating the road and footpaths appear to be fairly well overlooked, except the area around the Attenuation Ponds , Pump station and nearby woodland Orchard. However, as this is Phase 1, it appears surveillance of this area will be improved in a later phase. The central LEAP and other LAPs will presumably also follow in later phases.

Car Parking- appears to be a mix of on-plot garages and parking spaces, communal on-street parking places and two rear shared parking courtyards , the former being the recommended option . The communal on-street parking places appear to be small in number, close to and well overlooked from owners' homes which is also recommended . Rear parking courtyards are discouraged as they enable unlawful access to the rear of dwellings and parked and unattended vehicles.

Landscaping / Planting – should not impede opportunities for natural surveillance and must avoid 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 of the open branched columnar variety devoid of foliage below 2 metres , so allowing 1 metre clear field of vision . IN this phase, this is particularly relevant in respect of the central green corridor and woodland areas around the pumping station and Attenuation Ponds.

Street Lighting – all street lighting for adopted highway and footpaths, private estate roads and footpaths and car parking areas should comply with

BS5489:2013.

Physical Security of Dwellings – in order to comply with **Approved Document Q: Security - Dwellings**, of Building Regulations, all external doorsets providing a means of access into a dwelling and ground floor or easily accessible windows and roof lights (incl. any communal and flat entrance doors) must be tested to PAS 24:2016 security standards or equivalent.

Secured by Design- if planning permission is granted, the applicant is aware of this scheme and is advised to refer to updated 'SBD Homes 2019' design guide available on secured by design website – www.securedbydesign.com which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

SCC - Ecologist –

Condition 6 of the permission states:-

'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 Green Ecology's submitted report, dated August 2017 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;*
- Details of the timing of works to avoid periods of work when dormice, reptiles and nesting birds which could be harmed by disturbance*
- Measures for the retention and replacement and enhancement of places of rest for bats, birds and reptiles*
- A minimum of 2.12 hectares of long sward grassland and other habitat suitable to produce an abundance of moths will be created that is accessible to bat species*
- Details of lighting*
- A Landscape & Ecology Management Plan (LEMP) that includes:*
 - a) Description and evaluation of features to be managed.*
 - b) Ecological trends and constraints on site that might influence management.*
 - c) Aims and objectives of management.*
 - d) Appropriate management options for achieving aims and objectives.*
 - e) Prescriptions for management actions.*
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
 - g) Details of the body or organization responsible for implementation of the plan.*
 - h) On-going monitoring for barbastelle bats and remedial measures.*
- and Construction Environment Management Plan (CEMP)*

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

The condition combines several elements, including non-specific elements, which is going to make it difficult to discharge. I have the following comments

Details of protective measures to include method statements to avoid impacts on protected species during all stages of development Table 2 outlines the avoidance

and mitigation measures to prevent Impacts on ecological features. However, these are not detailed method statements. This part of the condition has been confused with the CEMP element (see below)

Details of the timing of works to avoid periods of work when dormice, reptiles and nesting birds which could be harmed by disturbance Again this should be included in the CEMP

Measures for the retention and replacement and enhancement of places of rest for bats, birds and reptiles 5.9 of the Landscape and Ecology Management Plan, Green Ecology, June 2019 sets out the types of features to be installed. However, the installation is the concern of the developer's contractor not the subsequent landscape management company and there this should be in the CEMP (Construction and Environmental Management Plan) and shown on construction drawings. The locations of the enhancements are shown in Figure 1. However, it is unclear on which elevation of dwellings the boxes are to be installed on. Swift nest boxes should also be installed in clusters. The last element of the condition states. 'The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes, bird boxes and reptile hibernacula and related accesses have been fully implemented'. Therefore it will not be possible, at this stage, to discharge the condition until these features have been installed, which contradicts the opening statement of the condition. I would therefore apply the following condition in order to overcome this. A bee brick would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall. I am unable to access the ecological appraisal submitted with the planning application and am therefore uncertain whether the installation of bat boxes would benefit commoner species and the expense of rare ones. The condition:

The following shall be integrated into or mounted up suitable trees or buildings:

- a) Provisionally 15 bat bricks and 6 Schwegler 1FF bat boxes (to be confirmed)
- b) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of 3 plots
- c) A bee brick built into the wall about 1 metre above ground level on the east or southeast elevation of the dwelling on 20 plots
- d) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- e) Two log piles as a resting place for reptiles and or amphibians constructed

Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of first construction above ground level Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

A minimum of 2.12 hectares of long sward grassland and other habitat suitable to produce an abundance of moths will be created that is accessible to bat species This is a condition of the Habitats Regulations Assessment (HRA), which needed to

be applied to the permission in full in order to comply with the Habitats Regulations 2017. This stated 'A minimum of 2.12 hectares of long sward grassland and other habitat suitable to produce an abundance of moths will be created that is accessible to bat species. The locations, planting schedule and layout of the habitat creation / enhancement will be agreed with the local planning authority prior to work commencing on site'.

It appears from the schedule in that only 1.1ha of native species grassland is provided (Table 1 of the Landscape and Ecology Management Plan, Green Ecology, June 2019). There is also 0.055ha of woodland and the attenuation basin and an orchard (areas not given) if managed appropriately for bats, particularly barbastelle bats. I am also concerned that some parts of the provided is potentially isolated from bats by street lighting. Therefore, I have a holding objection on this element pending a plan showing how the 2.12ha would be delivered.

Details of lighting Nothing has been submitted except generic aims in the LEMP. This part cannot be discharged.

A Landscape & Ecology Management Plan (LEMP) 5.6 Does not mention barbastelle bats, for which the HRA was carried out. 5.8 This paragraph needs to be omitted as it is not in the control of the landscape contractor 5.9 should be in the CEMP. Figure 1 (not included in the LEMP) should additionally be included in the LEMP.

Table 3 Work programme and corresponding notes on Figure 1. Woodland Copse – Be kept dark, etc. This is not in the control of the landscape contractor and should be omitted. No provision for the removal of guards. Are they necessary and would it be more economic to just replace the trees if there is no threat from deer, etc.

Watercourse – to enable the life cycle of moths to complete at least 50% of the watercourse should not be mown per year.

Existing hedgerows - should not be cut in October/November when still bearing fruit Be kept dark, etc. This is not in the control of the landscape contractor and should be omitted. A' profile is unlikely to provide perches for horseshoe bats

New Native Hedgerows - No provision for the removal of guards. Are they necessary and would it be more economic to just replace the plants if there is no threat from deer, etc 'A' profile is unlikely to provide perches for horseshoe bats Be kept dark, etc. This is not in the control of the landscape contractor and should be omitted.

POS Grassland/Species rich – At least 60% of the grassland should be left unmown each year to enable moth species to complete their life cycle and the remainder once in October / November with a cut in March only if necessary.

What is a pernicious weed? Thistles, for example benefit moths

Trees – No provision for the removal of stakes

The Orchard

Monitoring – there is no mention of how barbastelle bats are to be monitored or remedial measures should adverse results occur.

Appendix 2 – Dormouse Mitigation Strategy needs to be included in the CEMP not the LEMP as this is relevant to the developer's contractor not the landscape contractor.

Construction Environment Management Plan (CEMP) Not provided. Therefore this element cannot be discharged.

Planting Schedule 788-13D (Bridge Design Associates) Native hedge mix - need to include *Rubus fruticosus*. The abundance of this species in hedgerows is linked to an abundance of moths, the predominant prey of barbastelle bats. Specification - Topsoil should not be used in areas of wildflower grassland / woodland planting as this would favour nitrogen loving plant species and reduce diversity of other species. It should also not be used in amenity area for the same reasons and would reduce the need to mow and hence maintenance costs. Where not possible topsoil can be inverted with sub soil.

Rights of Way Protection Officer -

Confirms that there are public rights of way (PROW) recorded on the Definitive Map that run through the site at the present time (public footpaths WL 28/20 and WL 28/21). Has no objections to the proposal, subject to inclusion of a condition and informative:

The current proposal will obstruct the footpaths WL 28/20 and WL 28/21. 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.

Landscape officer -

The lowest part of the site provides a central green 'spine' which appears to provide most of the green space within the overall development. However, I have several concerns: Considerable amount of hedgerow appears to be lost to the road layout which is the opposite to that agreed at the outline stage. The southern hedgerow, part of the next phase, has been lost completely when it should be used as a linking footpath/cycleway to access the central open spaces. The areas of open space are generally grassed areas with tree planting and path. They appear to be movement corridors rather than 'places' with distinctive characters. Given that the central areas will provide open space for the rest of the development I would like to see areas created for play, seating, gardens, focal points, exercise, glades as well as the corridors. There appeared to be no provision for play in this first phase and I could see no seating which for some people will be an important consideration if

their mobility is reduced. · The attenuation ponds appear to also be areas of tree and grass whereas they could be much more interesting if small amounts of water are retained and they become wildlife features and potentially like village ponds with seating areas so that people will have areas to relax and enjoy wildlife watching. Wildlife habitat could be a much stronger feature within the open spaces if more of the hedgerows are retained and linked to SuDS. · The paths appear to be designed for walkers but should also be designed, at least some of them, for cyclists. It is important that drop kerbs are put in at road junctions to ease passage for pushchairs, cyclists, wheelchairs and walkers. I would like to see an overlay showing how the green infrastructure of the open spaces is going to work. This would be different from the submitted movement strategy plan which concentrates mainly on roads. I'm not a highway engineer but I think if the school car parking/'drop off' area had an 'in-out' circulation with angled car parking spaces you could provide more spaces for the area without having the large area of central tarmac. It would then allow the space to be better landscaped. · Within the housing areas there are few opportunities for trees. We need provision for avenues and larger growing focal trees. The interface between the existing housing and the western boundary seems poorly considered and some of the properties and car parking areas look to be very close to the existing hedgerow, see plot plot 12. · It's a point of design detail but I think there are too many multi-stemmed trees throughout the development. I would prefer to see them in groups where they would have a more impact. I wasn't sure what the purpose of the woodland block/copse was for not having been involved in the outline stage but maybe an opportunity for a glade if designed differently.

I have other comments but I think if we can resolve the above issues it would be a big step forward. I hope that helps.

Somerset County Council - Lead Local Flood Authority (LLFA) -
Satisfied with the amended proposal subject to a condition.

Sport England -
No site specific comment – general comments about loss of and provision of sporting facilities

PLAY & OPEN SPACES -
West Somerset Local Plan POLICY CF1 requires the appropriate provision of formal sports facilities and/ or informal public amenity open-space/play-space as an integral part of new development.

The West Somerset Council Play Providers Audit (2008) found that there are distinct gaps in the amount of designated play spaces in West Somerset. The audit also highlighted that the overall quality of designated play spaces is only considered 'fair'.

The S106 Agreement dated 17 March 2020, Schedule 2 stipulates that prior to commencement of each phase of the development the developer must submit to the Council for approval the Open Space Specification for that phase of development which in the case of a LAP and/or LEAP shall include full specifications for play equipment. One LEAP and 2 LAPs must be provided on across all the phases of this development.

Whilst there is open space within the proposed site layout for Phase 1, an Open Space Plan has not yet been provided, therefore it is not clear if the Open Space in this phase of the development which includes woodland areas and natural green space for informal children's play is intended as a LAP (i.e. a small area of open space specifically designated and primarily laid out for very young children to play close to where they live within 1 minute walking time).

All areas of child play space (casual areas, LEAPS and NEAPS) must be located and designed so as not to cause noise problems to nearby dwellings, in accordance with relevant environmental health standards. Buffer zones, are likely to be needed. The areas of open space provided on this site are on the edges of the development and buffers are created by the use of tree planting.

As the public open space is to be provided as part of a development, conditions have been imposed in the S106 Planning Agreement requiring the developer to arrange for its future maintenance through a Management Company.

Representations Received

Four site notices have been posted and neighbours consulted about the application. This has resulted in 21 consultation responses: 17 objections and 4 set of comments on the application. Some letters have more than one signatures. Organisations commenting on the application are Knights Templar Church School, the Steam Coast Trail (Cycling charity) and Watchet Baptist Church.

General

Overwhelming for the area. The number of houses being envisaged for Watchet is now way out of proportion to the size of the town. Too many houses too soon and the town can in no way absorb the huge increase in population and traffic. Questions the need to build on a greenfield site when the old Paper Mill site is vacant. The Paper Mill site is a Brownfield site that should be developed in preference to Liddymore Farm. The site was not in the last local plan, but was added without the knowledge of those working within the planning department or local councillors. Questions its legality. Not followed the approved outline permission.

Town Infrastructure

The town has not got the infrastructure to cope with the amount of new homes that will be built on this site. The area has few jobs and limited resources - the medical centre, school will be stretched further (recruitment and retention are problematic). There are not enough jobs.

Traffic

Roads will be unable to cope with extra traffic. The volume of traffic directed to Liddymore Road will exceed its' capacity. Liddymore Road isn't wide enough to cope due to parked cars. Parking is displaced into side roads. Delivery and service vehicles frequently double par, causing obstruction.

There are 8 side roads and service access to schools and shops. Residents already have trouble parking or even getting their cars out of driveways, especially at school times. The layout threatens the safety of children and parents at the school. SCC Highways favoured a loop road to avoid cars having to turn around. Affects elderly

as well as school children. Sheltered housing in area requires 24/7 access.

Liddymore Road will become a dangerous bottleneck. Concerned about school traffic and parking displaced into Reed Close. Liddymore Lane is an obvious access point, as it would provide access to the A358 via the A39. Suggest access is provided to the rear of Cherry Tree to join up with Doniford Road side with just pedestrian access onto Liddymore Road.

Lack of active travel infrastructure to safely link the proposed site to Watchet and Wilton. The bus services are irregular / practically non-existent, children have to walk to Danesfield School. The train line is a tourist attraction that does not run throughout the year.

Access from the north is via Liddymore Road which is constrained by parked cars and busy shops. Any increase in traffic increase in traffic to Liddymore Road without adding cycle lanes will reduce safety for cyclists. The small cycle route proposed leads to Liddymore Lane, a footpath. This leads to Doniford Road which has a 60mph road with no cycle lane, pavement or footpath Liddymore Lane needs to be re-designated to allow cycling, surface repairs and vegetation clearance and Doniford Road needs a segregated cycle path. Steep hills and narrow roads make cycling around Watchet difficult and dangerous.

Disputes comments in application Travel Plan. Lacks electric charging points for cars. A joined up approach is required to mitigate some of the negative environmental impact by enabling greener, active travel

Impact on neighbours

The proposal will intrude upon the privacy of houses in Cherry Tree Way. The proposed houses will have a clear view of our principle rooms. The developers have reneged on the sensitivity they showed initially towards properties in Cherry Tree Lane. The latest proposals far less sensitive. All habitable rooms will be overlooked. The proposal will have an adverse impact on existing home values.

Flooding & Suitability of the site

The site is very wet and unsuitable for development, owing to flooding. The drainage sewage system is inadequate

Miscellaneous

Questions the developers consultation process. At previous planning, meetings objections were not dealt with seriously and decisions passed and they pushed on regardless. The community should have more influence over the character of the development. There should be a dialogue between the developer and community in framing the Section 106. Asks who will pick up the maintenance costs for the play areas. The council should protect the human rights of local community who have voted them in rather than be accommodating the increased profits of developers.

The area has a superb community spirit which could be damaged unless change is approached with a deep sense of caution. The consideration of the proposal is having an adverse impact on residents physical and mental health. Will set a precedent making it difficult to object to similar proposals.

Amended Plans

Four further letters of representation have been received in response to consultation on the amended plans (as received 28/05/2021). They reiterate objections to the proposed access arrangements, risk of flooding and the added pressure that more houses will put on the town's infrastructure. One raises a specific criticism of the priority given to estate traffic over that to the school in the latest plans and suggest that it should be the other way round to slow traffic.

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

Policy SD1 Presumption in favour of sustainable development
Policy SC1 Hierarchy of settlements
Policy SC2 Housing Provision
Policy SC3 Appropriate mix of Housing types and tenure
Policy SC4 Affordable housing
Policy SC5 Self-containment of settlement
Policy WA1 Watchet Development
Policy EC1 Widening and strengthening the local economy
Policy TR1 Access to and from West Somerset
Policy TR2 Reducing reliance of the private car
Policy CF1 Maximising access to health, sport, recreation and cultural activities
Policy CF2 Flood Risk Management
Policy CC5 Water Efficiency
Policy NH1 Historic Environment
Policy NH3 Areas of High archaeological potential
Policy NH4 Archaeological sites of local significance
Policy NH6 Nature conservation and the protection and enhancement of biodiversity
Policy NH7 Green Infrastructure
Policy NH11 Bat Consultation Zone
Policy NH13 Securing High Standards of Design
Policy ID1 Infrastructure Delivery

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

TW/1 Trees & Woodland Protection
TW/2 Hedgerows
W/4 Water Resources
R/8 Allotments
R/12 Informal Recreation Facilities
T/8 Residential Car parking
T/9 Existing Footpaths
UN/2 Undergrounding of Service Lines & New Development

Affordable Housing SPD
Emerging Design Guide

Determining issues and considerations

Principle of residential Development

The proposal accords with the general principles of the West Somerset Local Plan to 2032 which, as set out in Policy SC1, Hierarchy of Settlements, is to concentrate the majority of new development in the settlements of Minehead/Alcombe, Watchet and Wilton.

Policy WA1, Watchet Development, is specifically relevant. It requires development proposals in the town to:-

- *support and strengthen the settlement's role as a local service and employment centre for the north eastern part of West Somerset district, particularly in terms of the range and quality of its services and facilities, and*
- *sustain and enhance the attractiveness of the historic character and heritage assets as a tourist destination, including the operation of the marina. Where appropriate, development proposals must also:*
 - *contribute towards resolving the flood risk issues which affect the settlement,*
 - *allow for potential realignment of the West Somerset railway which may be necessitated by coastal erosion,*
 - *improve linkages between the town centre and the parts of the town to the south of the railway,*
 - *provide additional allotments for the town, and;*
 - *complement the provision of employment opportunities, services and facilities in neighbouring Wilton*

The site has been given outline planning permission for up to 250 dwellings under ref. 3/37/17/020. This application seeks reserved matters approval for the first Phase, comprising up to 70 dwellings on the northern part of the site closest to the southern edge of the town.

A number of objectors have again questioned the principle of building on these fields and locating new residential development in Watchet. They point out that future residents are likely to have to commute to work in Taunton, Bridgewater or further afield by car, via congested roads, that the infrastructure in the town (doctors, surgeries, school places) are limited and public transport poor. Some have reiterated that the site was not allocated in the adopted local plan, but was approved

in outline as a 'windfall' site, and suggested that the vacant Paper Mill, a 'Brownfield' site, should be developed first, or in preference to this greenfield site. Whatever the merits, or otherwise, of these strategic arguments, the principle of residential development upon this site has been established with the outline planning approval and cannot be revisited at this reserved matters stage.

Affordable Housing

The application proposes that 26 (37%) of the 70 dwellings in Phase 1 are affordable, split 60/40 between affordable rent and discounted market housing. This exceeds the requirements of Policy SC4 (Affordable Housing) of the West Somerset Local Plan to 2032.

Sustainability and flooding.

Policy CC2 (Flood Risk Management) of the adopted West Somerset Local Plan to 2032 states that:

Development proposals should be located so as to mitigate against, and to avoid increased flood risk elsewhere, whilst helping to provide for the development needs of the community in accordance with the flood risk management sequential test, and where appropriate, the application of the flood risk management exception test. Development must be designed to mitigate any adverse flooding impact which would arise from its implementation, and where possible should contribute towards the resolution of existing flooding issues.

The applicant's drainage consultant has engaged with the LLFA to design a drainage system that collects surface water run off in the attenuation ponds proposed in the north east corner of the site. This is the lowest part of the site, and is a natural collection point. The system has been designed to enable the later phases of the development (175), further to the south, to be added.

Design and appearance

Both the council and government place a significant emphasis on securing high standards of design, and the creation of attractive places to live and work. Government policy is set out in the National Planning Policy Framework (NPPF) particularly paras. 127, 128 and 130 which, respectively, support and advise Local Planning Authorities to reject poor design. Council policy is set out in Policy NH13 (Securing High Standards of Design) of the adopted West Somerset Local Plan to 2032, which states:-

New development will be expected to meet the highest standards of design. In order to achieve this, all proposals for new development (excluding small domestic applications and changes of use) should demonstrate that where appropriate:

- An analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context;*
- The proposal makes a positive contribution to the local environment and creates a place with a distinctive character;*
- The public realm has been designed to ensure that it is attractive, safe, accessible and well connected to its surroundings, including walking and cycling routes to and within the development, to encourage their use in the interests of public health;*

- *The landscape proposals have been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity;*
- *Measures to minimise carbon emissions and promote renewable energy and reduce impact on climate change form an integral part of the design solutions.*

The appearance of the buildings takes as its reference the existing cottages and Georgian buildings in the older part of the town. The vernacular style and materials of the proposal thus respond to local context. Of course, as a long established town, whose older parts have been developed over hundreds of years, it is not possible to recreate all the quirkiness of the older parts of Watchet in a new estate – modern building standards and requirements, particularly for parking, are different. However, Summerfield's approach, as evidenced from completed development elsewhere, is attractive and popular with the public. It is considered that the care shown over design of the first phase, including the responsiveness of the applicant to the Council's Design Specialist's suggestions, establishes a high marker, for the development of the later phases.

The proposal utilises and enhances the existing Public Rights of Way (PROWs) that run through and around the site to promote pedestrian and cycle accessibility. There are good existing links to the primary school, the small parade of shops in Liddymore Road, and further afield the town centre to the north. The Henry Davey skate park and playground is also within easy walking distance to the north-west. PROW WL20/21, which runs through the site and on into Liddymore Lane, is enhanced to become an attractive pedestrian cycle route.

The fabric first approach and reduced /recycled water use measures proposed by the applicants, will minimise energy consumption whilst the provision of electric charge points in garages will help facilitate the change away from combustion engine use, reducing carbon emissions and improving air quality. Renewable energy features are not included.

Biodiversity and landscape impact

The applicant's drainage consultant has engaged with the LLFA to design a drainage system collects surface water run off in the attenuation ponds proposed in the north-east corner of the site. This is the lowest part of the site, and a natural collection point. The system has been designed to enable the later phases of the development (175 units), further to the south, to be added.

Policy NH7, green Infrastructure of the West Somerset Local Plan to 2032, states that:-

The creation and enhancement of a green infrastructure network will be supported. Green infrastructure should be used to help protect and enhance the heritage assets of the area.

West Somerset District Local Plan saved Policy TW/2 Hedgerows requires applications to demonstrate that 'an allowance has been made for the retention and protection of existing hedgerows.

The existing landscape comprises improved grassland, which apart from the hedgerows, offers only limited biodiversity. The established hedgerows which divide

the site into fields, offer a home to some flora and fauna. They would for the most part be retained as a large swathe runs through the centre of Phase 1 as a feature of green infrastructure. However, some sections of hedge are shown removed to provide access. These would be compensated by some new hedgerows and a proposed new copse, to the rear (south) of Plots 65 -70, and the attenuation ponds and areas around them.

The retention and integration of the existing hedge into the landscaping, the addition of a small copse and the attenuation ponds along with the proposed native tree and shrub planting together with the addition of bird, bat and bee boxes to housing and small holes in fencing (hedgehog 'gates'), will ensure that the development will improve biodiversity.

A local area for play is shown provided within the proposed green swathe, at the north western end. It is intended to compliment this with a larger equipped play area in the later phases of the development.

Impact on the amenity of neighbouring property

The site occupies an edge of town location with established residential property on two sides: to the north and west. The development of houses in the open fields that adjoin the existing residential property will, inevitably, change their outlook and aspect. However, the proposed relationships are considered to be satisfactory.

The houses in Cherry Tree Way, which back onto the site, have large rear gardens and are separated from the proposed development by well-defined established hedges - the northern field boundaries. These vary in height but, for the most part, are in excess of 2.5m except in the north west corner, around the school entrance, where they are lower and more managed. These hedges both screen and separate existing houses from the proposed new houses. The housing proposed in this part of the site is also of a lower density than in the centre. Many of the ridge heights have been kept low with first floors integrated into the roof space (1.5 storey) and they are provided with reasonable sized rear gardens that back onto the field boundary.

The housing proposed opposite Grove Close is higher density than that in the north and the field boundary hedges are not as high. However, the relationship is also considered to be satisfactory. The development site is on lower land and part separated from the rear gardens of existing housing by a public footpath.

Impact upon the highway network and parking provision

Vehicular access to the site is proposed from Liddymore Road. This arrangement was agreed at the outline application stage, and is not before members for consideration at this reserved matters stage.

Currently the south eastern end of Liddymore Road extends into a semi private drive which leads to Knights Temple C of E / Methodist Community First school. Some parking is provided in a row of spaces perpendicular to the highway and other parking occurs on the roadside, which is not restricted. Creating a shared access for the school and 75 dwellings in this Phase 1 of the development (eventually rising to 250 dwellings when the development is complete) requires some changes to these

arrangements.

The school has indicated that it wishes to provide gates and restrict access to its' premises, limiting the use of the proposed new staff car park to staff, visitors and disabled users. The public road, beyond the school gates, therefore needs to provide access to the new residential estate, space for parents/guardians to park whilst delivering and collecting children and a safe pathway for children being escorted to the school. The latest proposed plans achieve this by providing a direct route to the new housing, increasing the number of perpendicular spaces ('drop off' spaces), which partly compensates for the loss of on-street parking and providing pathways and road crossing points along the route to the school.

The raised table, and use of block paving, will signal to motorists that they are in a 20mph zone around the school and that vehicles may be reversing into / out from the parking spaces. They are acceptable to the Highway Authority.

The road hierarchy proposed within the estate would, apart from the central mews street, lead to a series of cul-de-sacs with limited connectivity. However, this is the first phase of the development. The indicative planning layout for the subsequent phases shows the applicant's intention to link many of these cul-de-sacs to connected streets and roads. The proposal embeds the potential to achieve a connected road system, albeit from a single access point, as the estate is built out.

West Somerset District Local Plan saved policy T/8 Residential Car Parking (linked to appendix 4) sets out a maximum parking standard of 2 spaces per dwelling. Excluding the 30 spaces associated with the school (18 'drop off' spaces and 12 staff parking spaces), the application proposes to provide 159 spaces (156 allocated plus three visitor spaces). Since submission the parking arrangements within the proposed estate have been amended to reduce the overall number of spaces and to ensure that they are more evenly distributed across the dwelling sizes, with all dwellings having at least one allocated space. There is still a degree of concentration with more spaces provided for the larger dwellings. For example, the five large houses proposed for the north east corner each have 4 spaces, a double garage with two spaces in front. However, the extra spaces mostly result from a double garage and hardstanding in front arrangement, not untypical of houses of this size. The slight over-provision of parking proposed is not considered to justify an objection on highway grounds, given the continuing dependence of future residents on the private motor vehicle for the foreseeable future.

The existing public rights of way (PROW) which cross the site are retained and enhanced. They will continue to provide links to the town centre and surrounding area in compliance with saved policy T/9 (existing footpaths).

Conclusion

The principle of residential development of these fields has been established by the outline planning permission. This fixed the amount of development, at up to 250 dwellings, and the location of the vehicular access, off Liddymore Road. This reserved matters application, for the first phase of the development, demonstrates a high standard of design that responds positively to the site's existing features and local context. It is sensitive to its neighbours and integrates well with the existing

footpaths. Since submission, the applicant has amended the design of the scheme, refining what was already a good proposal into an excellent one. It is considered that the proposal, as amended, has the potential to deliver an attractive place to live, whilst setting a useful precedent for subsequent phases. As such it is recommended that conditional planning permission be granted.

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

Contact Officer: Mr J. Guise



Application No:	<u>3/30/20/004</u>
Parish	Skilgate
Application Type	Full Planning Permission
Case Officer:	Chris Mitchell
Grid Ref	Easting: 299493 Northing: 127450
Applicant	Mr Barber
Proposal	Erection of 2 No. luxury canvas holiday lodges (resubmission of 3/30/20/002)
Location	Little Haddon Farm, Skilgate to Little Haddon Farm, Skilgate, TA4 2DE

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 The proposal by reason of its siting in an isolated countryside location and without sufficient information to demonstrate that such a new build proposal ought to be allowed as an exception to Policy OC1 in order to benefit existing employment activity already established in the area, would be harmful to the aims of delivering sustainable development contrary to policies OC1, EC9 and EC11 of the adopted West Somerset Local Plan to 2032.

Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

1. Proposal

The proposal is for the placement of two luxury canvas holiday lodges (safari style tents) that would cater for persons with disabilities (including wheelchair users) that will be sited on land to the east of the main farmhouse with associate parking and the planting of hedges to the west of each tent. The tents would be fixed to a timber

base with water proof canvas structure finished in natural colours so as to blend in with the surrounding landscape. They would measure 5.5m wide by 11m in length and be in cruciform design, some 50 sq.m, with a maximum height of 3.5m. Each lodge will provide an open plan living/dining/kitchen area with wood burning stove, 2 wetrooms and WC's and 2 bedrooms with decked areas to the front and rear. Off road parking is shown, with access into the site as existing off an unnamed road which splits from the B3190. The parking area would be finished with a Hoggins permeable surface an access track that would also run along the northern boundary of the site with a single parking space to each of the lodges would be a grass matting. Along the southern boundary would be strengthened with additional planting of 2 Acer campestres, 1 Sorbus aria, Amelanchier lamarckii and 1 Prunus avium. Acer campestre is Field Maple. It's a native tree, often found in hedgerows. It is mid-sized. Sorbus aria is Whitebeam, which is native to many parts of the UK. and a mid-sized tree. Amelanchier lamarckii is Snowy Mespil, an attractive flowering tree which is not a native tree, but is quite commonly planted in gardens. Prunus avium is Wild Cherry, a native tree, potentially quite a large tree.

This application is a resubmission of application 3/30/20/002 which sought permission for 3 luxury canvas holiday lodges, but was refused by decision notice dated 9th October 2020.

Site Description

Little Haddon Farm is located within the open countryside, to the east of the small village of Skilgate, near to the boundary of Exmoor National Park which lies to the west. There is a watercourse running through the site north-south with the land sloping up on either side. From the main entrance to the site, the land slopes gently up to the north with the north part of the site affording attractive long range views to the south. The nearest neighbour is a dwelling house beyond the northern boundary of the site. The site comprises a detached farm house and various outbuildings set within 18 acres of pastureland. The site is separated into seven distinct areas as follows:

1. The Farm Yard - currently accommodating the existing farm house (the applicant's home), site of the former Dairy (partially demolished) and a number of other outbuildings
2. The Orchard - proposed to accommodate the kitchen garden and free range chicken area
3. Linney-Piece - 6 acre field, intended to be used for grazing sheep and horses.
4. Cross-Piece - 5 acre field, intended to be used for grazing sheep and horses
5. Great Meadow - 3 acre meadow
6. Park - 1 acre paddock to accommodate 2 x safari lodge, (subject of this application)
7. Homefield -1 acre paddock used for grazing.

The site falls within Flood Zone 1. There are no listed buildings or other heritage assets on, or nearby, the site.

Relevant Planning History

3/30/20/002 – Erection of 3 No. luxury canvas holiday lodges set within two private paddocks at Little Haddon Farm – Refused by decision notice dated 9th October 2020, for two reasons -

(1). The proposal by reason of its siting in an isolated countryside location and without sufficient information to demonstrate that such a new build proposal ought to be exceptionally allowed as required by Policy OC1 to benefit existing employment activity already established in the area, would be harmful to the aims of delivering sustainable development contrary to policy OC1 of the West Somerset Local Plan to 2032

(2) When considered cumulatively, the proposed lodges by reason of their overall size, scale, residential appearance, decking areas and associated paraphernalia would result in incongruous and discordant features in the open countryside location and would be conspicuous as having an urbanising effect on this open area of land which would change the landscape character to a more urban form, introducing development into an area where the landscape dominates which would be detrimental to and adversely affect the visual amenity of the area. The proposal would cause harm to the landscape character and appearance of this open countryside area, failing to conserve and make a positive contribution to the character of the open countryside. As such the proposed development would be contrary to policies OC1, EC9 and NH13 of the West Somerset Local Plan to 2032

A pre-application enquiry for the conversion of an old building at the site into accommodation was considered under reference **Pre/30/19/001**. The case officer concluded that the original building was largely dilapidated and not capable of conversion without substantial structural rebuild. Therefore, it would not, in policy terms, come under the accepted view of a conversion of an existing, traditionally constructed building.

Consultation Responses

Skilgate Parish Council -

Stated that they are broadly supportive of this application and had not received any adverse comment..

Highways Development Control -

The proposed site lies off a classified unnamed road in a derestricted area. Access would be via an existing field gate where it is presumed would still be used by agricultural vehicles for internal maintenance purposes. In terms of vehicle impact on the local highway network considering the proposal would be seasonal, likely to be outside the daily peak times and modest in terms of daily vehicle movements when in use, the Highway Authority do not view this application as likely to have a severe impact on the local highway network. The proposal would see a material increase in vehicle movements from the access. However the applicant states the

proposed access has unrestricted visibility although this has not been clarified or demonstrated through a suitable scaled drawing that this has been considered in line with appropriate design guidance.

Manual For Streets would be appropriate. There would appear scope to provide improved visibility splays if required. The applicant firstly demonstrates suitable visibility splays can be achieved from the access proposed onto both the immediate and secondary road (given the proximity of the access) and in line with Manual For Streets that can then be secured through condition.

Landscape -

Original comments dated 11/02/2020 -

I have four main concerns which are:

- The access and car parking needs to be carefully considered so as not to impact on the rural character of the area. I recommend keeping the cars as close to the entrance as possible rather than adjacent to the tents, and using a hoggin type permeable surface to reduce run-off and wider visual impacts.
- The existing hedgerow is thin in several places and needs thickening with local native species where required. I would also recommend a hedgerow management condition to ensure that the hedgerow is managed and maintained to provide at least 2.5m height with trees singled out within the hedgerow to provide longer term screening and to help integrate the proposals into the local area.
- The tents are likely to be most visible during the winter months so I would recommend them be limited from March to end of October.
- Any further 'domestic' type features such as washing lines and decking should be limited and if possible controlled through planning condition.

Subject to the above I consider that the two tents would meet the requirements of relevant landscape policies in maintaining the landscape character of the area.

Further comments dated 17/05/21 -

The landscape plan is wrong when it says scale 1:5000. I recommend only locally native trees in this area so I recommend that the Amelanchier is replaced with Acer campestre and the Sorbus aria with Sorbus aucuparia.

Given the importance of the hedgerow in providing shelter and screening to the site it is important that a hedgerow management plan showing how the existing hedgerows will be managed over the next 20 years is produced. I suggest that this can be done by condition such as:

The native species boundary hedges provide both ecological and landscape benefits that are essential for the scheme to meet the requirements of Policy CP8. To maintain those benefits the applicants will undertake an assessment of the existing hedgerow and from that assessment produce a 20 year management plan that encourages greater diversity of species along with favouring larger growing tree

species as maiden trees. The plan will show how through management and maintenance the hedgerow can provide longer term visual screening of the proposed development as well as increasing its biodiversity interest. The landscape and ecological management plan will be produced and approved before development commences on site and recommendations within it implemented in a timely fashion.

Wessex Water Authority -
No comments received

Tree Officer -
No comments received

SCC - Ecologist -
No comments received

Habitats Regulations Assessment

Not Applicable.

Representations Received

Original proposal -

There have been 5 letters of support to the application stating the following:

- This proposal will provide people with disabilities to have holiday within the countryside;
- This accommodation will provide economic benefit for the local area supporting local pub and other small business within the area;
- It will have no negative impact upon neighbours;
- Traffic impact and highway safety is negligible.

Revised proposal -

There has been 1 letter of support to this application stating the following:

- Support the proposal for a unique holiday opportunity for persons with mobility impairments;
- There are no other accommodation facilities as proposed within Devon and Cornwall.

Cllr Mansell – Ward Member – supports the application

- This is a small specialist glamping site in a secluded part of Little Haddon Farm;
- It will provide seasonal accommodation designed for persons using wheelchairs;
- There will be minimal impact upon the local landscape and highways;

- It is compliant with Policy EC9 (Tourism) on tourism outside settlements and is essential to the business and does not affect neighbouring settlements and compliments existing tourism within the area.

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
EC9	Tourism outside settlements
EC11	Agriculture
CF1	Maximising access to recreational facilities
NH13	Securing high standards of design
SC1	Hierarchy of settlements
EC1	Widening and strengthening the local economy
DM/1	Mixed-Use Development
TR2	Reducing reliance on the private car

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

OC1	Open Countryside development
EC9	Tourism outside settlements
EC11	Agriculture
CF1	Maximising access to recreational facilities
NH13	Securing high standards of design
SC1	Hierarchy of settlements
EC1	Widening and strengthening the local economy
DM/1	Mixed-Use Development
TR2	Reducing reliance on the private car

T/7 Non-Residential Development Car Parking

Community Infrastructure Levy

The proposal is not liable for CIL.

Determining issues and considerations

Local Plan policy.

The site is a farm located outside of recognised settlement limits so policies OC1 (Open Countryside developments), EC9 (Tourism outside of settlements) and TR2 (Reducing the Reliance on Private Cars) are relevant. The site is within the open countryside which includes all land outside of existing settlements, where development is not generally appropriate. In exceptional circumstances, development may be permitted where this is beneficial for the community and local economy.

Policy OC1 makes clear that development in the open countryside (land not adjacent or in close proximity to the major settlements, primary and secondary villages) will only be permitted where it can be demonstrated that either:

- Such a location is essential for a rural worker engaged in eg: Agricultural, Forestry, Horticulture, Equestrian or Hunting employment, or;
- It is provided through the conversion of existing, traditionally constructed buildings in association with employment or tourism purposes as part of a work/live development, or;
- It is new-build to benefit existing employment activity already established in the area that could not be easily accommodated within or adjoining a nearby settlement identified in policy SC1, or;
- It meets an ongoing identified local need for affordable housing in the nearby settlement which cannot be met within or closer to the settlement, or;
- It is an affordable housing exceptions scheme adjacent to, or in close proximity to, a settlement in the open countryside permit.

The proposal does not satisfy any of the criteria under Policy OC1 (as listed above). Bullet points 1, 2, 4 and 5 are not applicable to this proposal. In respect of bullet point 3, the proposal does not benefit existing employment activity already established in the area and no case has been made to demonstrate that the proposal could not be easily accommodated within or adjoining a nearby settlement identified in policy SC1. The proposal is therefore contrary to policy OC1 of the adopted Local Plan.

Policy OC1 has a general presumption against new residential development in open countryside locations, noting that "dispersed development disproportionately increases transport demand which can usually only be fulfilled by use of the private car. The local road network is largely composed of single-lane country roads.

Policy TR2 that seeks to reduce reliance upon the private car. As no public transport options are available to access the site it is considered very likely that any new holiday accommodation would necessitate a reliance on the use of the private car and as such the location is considered to be unsustainable. There is therefore

an in principle conflict with the proposal as per policy OC1.

POLICY EC9 (Tourism outside of settlements), identifies that tourism development outside settlements will only be supported where it can be demonstrated that -

- The proposed location is essential to the business and that it could not be located elsewhere, and;
- It does not adversely affect the vitality and viability of the neighbouring settlements, and;
- It complements existing tourism service and facility provision in neighbouring settlements and surrounding area without generating new unsustainable transport patterns.

Currently the only farming is sheep grazing on pasture land of which the applicants have 18 acres. There are no other farm diversification activities at the site (see above for land uses). The application does not satisfy the criteria of Policy EC9. Being located outside a settlement, it is not essential to the functioning of the remainder of the land. The policy seeks to allow for the provision of additional tourist attractions outside existing settlements subject to environmental and viability safeguards. It is not clear though that this proposal would in anyway complement existing tourism service and facility provision. It is therefore considered that the proposal does not meet the requirements of policy EC9.

Policy EC11 (Agriculture – Farm Diversification) is not relevant to this application because the proposal is not considered to be farm diversification. The farm only operates sheep grazing on 18 acres of land. Whilst there may have been other sites that have approved similar rural tourism, last year Somerset West and Taunton Council declared a ‘Climate Emergency’ with implications ranging across all the Council work areas. In response, Strategic Planning colleagues have produced a Carbon Neutrality and Climate Resilience (CNCR) Plan which notes that isolated rural locations are highly dependent upon the private motorcar.

Therefore the application fails to comply with policies OC1, TR2, EC9 and EC11 of the Somerset West Local Plan.

Landscape and Visual Impact

This application for 2 lodges consists of a timber base with canvas walls and waterproof canvas roof. It is proposed that they are used seasonally, with the canvas being put away in the off-season, and the base remaining in situ until the following season. The lodges would be placed on the site from March to November each calendar year. The field around each lodge would be used for horse grazing, for parties bringing their horses with them and then revert to grazing land in the off-season. This is claimed by the applicant to have a lower impact than a permanent structure, and it would be capable of being removed quickly. However, it is considered that the proposed lodges are large and appear more permanent. Even though the material remains as canvas, the scale of the structure would provide accommodation for up to 6 people. Also associated with the proposal is an outdoor decking area and a parking area outside each lodge. The site lies in an attractive area of open countryside. While there is development in the surrounding area, this is associated with rural activities, and as such is expected to be

encountered in such a location. It is considered that the impact of the lodges and their associated activities would have an undesirable impact on the landscape.

The revised proposal for only 2 such units, would overcome concerns in the previous application about the urbanisation of the area. The strengthening of the southern boundary with associated planting would address the glimpses of views into the site from the road.

The Landscape Officer has identified that the landscape plan has been submitted to an inaccurate scale and also that native trees should be planted with the Amelanchier replacement with Acer campestre and the Sorbus aria with Sorbus aucuparia. The agent has submitted a revised plan with correct scale and amended the proposed tree planting as recommended by the Landscape Officer. The Landscape Officer also recommends that if approval is granted, a hedgerow management plan should be produced, showing how the existing hedgerows will be managed over the next 20 years. This could be achieved by condition such as:

"Prior to development commencing, a hedgerow management plan shall be produced, detailing the existing hedgerows to be managed over the next 20 years. To maintain those benefits the applicants will undertake an assessment of the existing hedgerow and from that assessment produce a 20 year management plan that encourages greater diversity of species along with favouring larger growing tree species as maiden trees. The plan will show how, through management and maintenance, the hedgerow can provide longer term visual screening of the proposed development, as well as increasing its biodiversity interest. Once agreed the planting as recommended shall be undertaken within the first available planting season and maintained thereafter in accordance with the approved management plan".

The proposed use of grass matting and Hoggin permeable surface would ensure that when the lodges are removed from the land it would turn back to an agricultural field.

All of these factors are considered acceptable and enable the removal of the previous objection on landscape grounds. The previous concerns of officers have now been addressed. Consequently the previous landscape objection is removed. It is recommended that the above referenced condition should be placed on any permission granted.

Highways

The proposed access to all the lodges is via the existing gate. In terms of vehicle impact on the local highway network, given the seasonal use of the lodges, it is unlikely to have a significant harmful impact on local traffic generation. Adequate visibility splays could be provided by condition if approval were to be granted..

Drainage and Utilities

Surface water drainage would be dealt with by way of a soakaway and foul drainage by means of a septic tank.

Conclusions

The application is considered to be in conflict with policy OC1, as it proposes new development in an open countryside location. This would generate unsustainable travel patterns in a remote location with only single lane public highways to access the site. No detailed business case has been provided to support a departure from adopted local plan policies giving reasons for the proposed location. Accordingly it is considered that the proposed development and application cannot be supported in its current form and is recommended for refusal on the basis of policy conflict.

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

Contact Officer: Mr C Mitchell



Application No:	3/21/21/015
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Jeremy Guise
Grid Ref	Easting: 298054.17 Northing: 145523.08
Applicant	Ms W Lewis
Proposal	Erection of 54 No. low-carbon affordable homes with associated works
Location	Land at Seaward Way, Minehead

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) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-000 Rev P01 Site Location Plan
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-001 Rev P01 Existing Site Plan
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-001 Rev P01 Existing Site Plan
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-005 Rev P06 Site Plan Access
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-010 Rev P08 Site Plan GFL
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-010 Rev P08 Site Plan GFL
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-015 Rev P07 Site Plan 1FL
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-20 Rev P06 Site Plan Roof
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-025 Rev P05 Site Plan Parking
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-030 Rev P01 Site Plan Boundary Treatment
 (A4) Site Location Plan
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-100 Rev P05 Elevations - Blocks
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-105 Rev P06 Elevations - Flats
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-110 Rev P05 Materials Board
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-130 Rev P06 Site Sections
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-140 Rev P06 Site Sections
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-180 Rev P06 3D ORTHO SW

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-185 Rev P06 3D ORTHO NE
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-190 Rev P06 3D ORTHO NW
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-195 Rev P06 3D ORTHO SE
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK01-PL Rev P03 Block 01 - Houses 1-2
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK02-PL Rev P03 Block 02 - Houses 3-6
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev P03 Block 03 - Houses 7-10
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK04-PL Rev P03 Block 04 - Houses 11-12
 (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK05-PL Rev P04 Block 05 - Houses 14-16
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK07-8EL Rev P05 Block 7 & 8 Elevations
 (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8PL Rev P05 Block 7 & 8 Plans
 (A1) DrNo 901-03 Landscape Proposals
 (A1) DrNo 03.02 Rev P4 Drainage Plan - Sheet 2
 (A1) DrNo 60.00 Rev P1 Proposed Rhyne Layout & Cross Sections
 (A1) DRNO 901-03B LANDSCAPE PROPOSALS
 (A1) DRNO ES17.71-01.03 P3 - KERBING & SURFACES LAYOUT
 (A1) DRNO ES17.71-02.02 P7 - HIGHWAY
 (A1) DRNO ES17.71-02.15 P3- S38 ADOPTION LAYOUT
 (A1) DRNO ES17.71-03.02 P6 - DRAINAGE PLAN-SHEET 2
 (A1) DRNO ES17.71-0316 P1 - SURFACE WATER CATCHMENT PLAN-OVERALL
 (A1) DRNO ES17.71-06.00 P4 - PROPOSED RYHNE DETAILS
 (A1) DRNO ES17.71-06.10 P3 - CUT AND FILL LAYOUT - RESIDENTIAL

(A1) DrNo 901-03A Landscape Proposals

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-005(P07) Site Plan Access

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-010(P09) Site Plan GFL

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-015(P08) Site Plan 1FL

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-020(P07) Site Plan Roof

(A1) DrNO 2231-MAL-ZZ-ZZ-DR-A-100-025(P06) Site Plan Parking

(A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-030 Site Plan Boundary Treatment

(A1) DrNo ES17.71-03.02 P6 - Drainage Plan-Sheet 2

(A1) DrNo ES17.71-06.00 P4 - Proposed Rhyne Layout and Cross Sections

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

- 3 No development shall be commenced, until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SUDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the

approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

Reason for pre-commencement:- The drainage arrangements need to be in place prior to construction.

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

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

- 5 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Expedite FRA ref: ES17.71 Revision 2 dated January 2021 and in particular, the following mitigation measures detailed within the FRA:
 1. Finished floor levels for the proposed affordable homes shall be set no lower than 7.425 Metres above Ordnance Datum (AOD).
 2. Provision of safe vehicular/pedestrian routes into and out of the site, built no lower than 6.47mAOD, to an area outside the tidal flood risk area shall be provided/demonstrated.
2. The flood risk mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason:

1. To reduce the risk of tidal flooding to the proposed development and future occupants over the lifetime of the development and to ensure safe access and egress from and to the site in the event of any flooding incident.

- 6 Prior to the first occupation of any of the dwellings hereby approved, the applicant shall prepare and submit for written approval, a Flood Warning and Evacuation Plan for the site. A copy of the Flood Warning and Evacuation Plan shall be provided to each household prior to the commencement of their tenancy / transfer of ownership. The Flood Warning and Evacuation Plan shall be reviewed every 5 years and households informed of any changes/updates.

Reason: The site is located in Flood Zone 3, where there is a high probability of flooding during the lifetime of the dwellings. The Local Planning Authority wishes to ensure that adequate warning and evacuation measures are in place in the event of a flood, in accordance with Policy CC2, Flood Risk Management,

of the Somerset West Local Plan to 2032 and paragraph 163 of the NPPF.

- 7 If the solar panels hereby approved cease to produce electricity, they shall be safely removed and disposed of within 3 months of them permanently ceasing electricity generation.

Reason: In order to safeguard the long term appearance of the building within the urban landscape.

- 8 Prior to the construction of the buildings, samples of the materials to be used in the construction of the external surfaces of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such at all times thereafter.

Reason: To safeguard the character and appearance of the buildings and the area.

- 9 Prior to the first occupation of any of the dwellings, the applicant shall submit a green travel plan to the Local Planning Authority. The green travel plan shall set out in detail the measures to be adopted to encourage the use of sustainable transport (walking, cycling, public transport, car sharing etc.). Written approval of the Local Planning Authority shall be secured before first occupation. It shall subsequently be implemented in accordance with the approved plan.

Reason:- To promote sustainable transport, as an alternative to reliance on the private motor car, in accordance with Policy TR2 (Reducing Reliance on the private motor car) of the West Somerset Local Plan to 2032.

- 10 (i) The landscaping/planting scheme shown on the submitted plan, DRNO 901 03B (Landscape), shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, 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 other 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.

- 11 Prior to the commencement of development, the applicant shall investigate the history and current condition of the site, to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that

may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

(c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Reason for pre-commencement: It is necessary to fully investigate the potential for contamination before the site is disturbed by development works.

- 12 The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwellings hereby permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate bin storage facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

- 13 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 Richard Green Ecology's Ecological Appraisal dated June 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 bats, nesting birds and reptiles
4. Arrangements to secure the presence of an Ecological Clerk of works on site
5. Measures to prevent pollution of the ditch

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, birds and reptiles shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and reptile hibernacula 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: 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.

- 14 There shall be no occupation of any dwelling hereby approved until ball stop netting in the location and form recommended in the Labosport Technical Report dated 18th March 2021 has been erected.

Reason:- To prevent cricket balls causing injury to people in the development or damage to property.

- 15 No part of the development hereby permitted shall be occupied until the access works have been carried out generally in accordance with a design and specification that shall first have been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Local Highway Authority.

Reason:- To ensure a safe access is provided.

Reason for pre-commencement – To ensure appropriate highway and access provision provision before work first starts.

- 16 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 first 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.

Reason - To ensure surface water does not impede traffic movement and in the interest of highway safety.

- 17 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.

Reason – To ensure gradients are satisfactory and useable.

- 18 In the interests of sustainable development, none of the dwelling units hereby

permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason – To encourage walking and cycling as an alternative mode of transport to the private car.

- 19 Prior to first occupation of the development hereby permitted, details of the access to covered cycle and motor cycle parking, numbers and spaces, shall be provided, in accordance with a detailed scheme that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure provision is made for motorcyclists.

- 20 Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will need to be available to all dwellings through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure that infrastructure is provided and in place to support the use of electric vehicles in order to contribute towards the sustainability of the development and mitigate the impact of climate change.

- 21 The proposed estate roads, footways, footpaths, tactile paving, 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 in writing by the Local Planning Authority 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. These highway items shall be implemented entirely in accordance with the approved plans and provided before the first occupation of any dwelling unit on the site.

Reason:- To ensure that the proposed roads, footpaths and all ancillary highway requirements are provided to a satisfactory standard that can lead to their adoption by the Highway Authority.

- 22 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.

Reason- To ensure satisfactory roads and footpaths are provided.

- 23 During the construction phase, 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 public 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 commencement of works, and thereafter maintained until construction of the site ceases.

Reason – To ensure that the construction process does not result in deposits of waste on the public highway.

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

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

Reason – To ensure that the impact of the development upon neighbours is minimised.

- 25 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of “biodiversity protection zones”;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones etc.;
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;

- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [*including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)*];
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure appropriate protection and mitigation for European and UK protected species, especially the UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

- 26 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the first dwelling. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organization responsible for implementation of the plan; and
 - h) On-going monitoring and remedial measures.

The Landscape and Ecological Management Plan (LEMP) shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met), how contingencies and/or remedial action will be identified, agreed and implemented, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed

on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

27 A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by the Local Planning Authority, prior to occupation of the first dwelling. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation. The content of the BEP shall include the following:

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation on 5x dwellings;
- a) A cluster of 3x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north or northeastern facing elevation on 5x dwellings;
- b) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation on 3x dwellings;
- c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 3x dwellings;
- d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation on 5x dwellings;
- e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site; and
- f) 2x hibernacula log piles as a resting place for reptiles and or amphibians constructed on the south eastern boundary.

The approved features shall remain in place to serve biodiversity at all times thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

28 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, and location on the site of the affordable housing provision to be made;
- ii. the timing of the construction of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing thereby approved shall meet the definition of affordable housing in the National Planning Policy Framework 2019 or any future guidance that replaces it, in perpetuity.

Reason :- To ensure that the scheme is built as 100% affordable housing, with reference to the provisions of Policy SC4 (Affordable Housing) and Policy ID1 (Infrastructure Delivery) of the adopted West Somerset Local Plan to 2032.

- 29 A Travel Plan detailing measures to encourage the use of sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling hereby approved. The provisions and associated fees of the Travel Plan shall be fully adhered to in accordance with the timetable contained therein, unless, otherwise varied in writing by the Local Planning Authority.

Reason:- To promote sustainable travel and mitigate the impacts of climate change upon the environment, in accordance with the provisions of Policy TR1 (Access to and from West Somerset) of the adopted West Somerset to 2032.

Informative notes to applicant

- 1 The notes provided below outline the information the LLFA will expect to see in order to discharge the above conditions.

Drawing / plans illustrating the proposed surface water drainage scheme including: The sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. Consideration of how to better integrate this rectangular basin into the placemaking and public open space of this development. Any potential additional small scale / Source Control features – the aim being to supplement the attenuation volume to enhance the overall sustainability of the scheme providing water quality, amenity and biodiversity benefits. The current proposals may be treated as a minimum and further SuDS should be considered as part of a ‘SuDS management train’ approach to provide resilience within the design. Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include: Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations. Where relevant, calculations should consider the use of surcharged outfall conditions. Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates. Suitable representation of the adjacent system or similar stated assumptions such that these can be checked against when the adjacent scheme comes forward. Results should be provided as a summary for each return period (as opposed to each individual storm event). Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow

cross checking between any calculations and the proposed network Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific. It is noted the basin is located outside of this red line boundary. Further information is required as to the approvals of this basin or reliance on an application for the adjacent development. Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route. Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk. With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required. How will maintenance access to the proposed basin be provided? Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company. A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the longterm operation of the drainage system throughout the lifetime of the development.

- 2 Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - Where relevant, calculations should consider the use of surcharged outfall conditions.
 - Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
 - Suitable representation of the adjacent system or similar stated assumptions such that these can be checked against when the adjacent scheme comes forward.
 - Results should be provided as a summary for each return period (as opposed to each individual storm event).
 - Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- 3 Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- 4 It is noted the basin is located outside of this red line boundary. Further

information is required as to the approvals of this basin or reliance on an application for the adjacent development.

- 5 Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- 6 Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- 7 With regards to maintenance, it should be noted the condition is recommended as a 'pre-occupation' condition. The following information will be required.
 - How will maintenance access to the proposed basin be provided?
 - Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.
 - A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.
- 8 The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Parrett Internal Drainage Board for any construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District.
- 9 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- 10 The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development

Proposal

Planning permission is sought by the Local Authority (Somerset West and Taunton Council), for the erection of 54 low carbon homes comprising 33 flats (17x1 bedroom & 16x2 bedroom) and 21 houses/bungalows (12x2 bed, 7x3bed & 2x4+ bed) on land to the south of Seaward Way, Minehead. The scheme is for 100% affordable housing, funded by 'Right to Buy' receipts.

Vehicular access to the site is from a single access point (known as Rainbow Way) located off Lutterell Way, which itself joins Seaward Way. From this point an internal road in the estate fork into two, and then divide again into smaller cul-de-sacs. The layout shows two blocks of flats occupying the northern part of the site and 1-3 storey housing in the centre and southern part of the site.

The two flat blocks form a sort of 'square' with the proposed houses opposite encompassing a communal amenity space. A Local Equipped Play Area (LEAP), approximately 200sqm in size, is shown located in the centre of the site, opposite the communal space, where it would be well overlooked by surrounding houses and flats. It would serve the needs of younger children up to 8 years in age.

The northernmost block of flats is shown located parallel with Seaward Way. It is the smaller of the two, containing 11 flats on 4 floors. The larger, westernmost, block would sit at right angles to it. It would contain 22 flats, also on 4 floors. Balconies, windows and door openings would provide articulation to the elevations. Pitched roofs containing solar PV panels on the south eastern and south-western elevations would complete the flats. The main parking area for the flats is shown provided in a parking court in the north-western corner of the site, closest to Seaward Way and the commercial unit. This is supplemented with some parking provision around the entrance.

The proposed housing is arranged in three rows containing small terraces and a pair of semi-detached houses. The longest row runs parallel with the south western boundary. It would have rear gardens orientated towards the south-west and backing onto the sports ground (cricket pitch). The other two rows are shorter and shown arranged at an angle to Seaward Way, with rear gardens orientated south / southeast. Parking is shown provided in front of the houses alongside refuse and bin stores.

Plans show both the flats and houses with walls constructed from grey brick and render with slate roofs. This provides some unity of architectural style across housing types.

A total of 72 parking spaces would be provided of which four would be spaces suitable for use by people with disabilities. Seven motorcycle spaces and 64 cycle storage spaces would also be provided.

The application is accompanied by a comprehensive suite of supporting information including:-

- Flood Risk Assessment (FRA) – prepared by Expediate, Jan. 2021
- Energy & Sustainability Statement, prepared by Hydrock, 18.01.2021

- Ecology Appraisal & Walkover – prepared by Green Ecology, June 2017
- Desk Study & Ground Investigation Report – prepared by Hydrock, 06.01.2021
- Design & Access Statement - prepared by Mitchells Architects, 01/02/2021
- Landscape Management & Maintenance Plan – prepared by Bridges Design Associates, 16/12/2020
- Transport Statement, prepared by ALD Traffic & Highway Engineers Ltd, January 2021
- Travel Plan - prepared by ALD Traffic & Highway Engineers Ltd, January 2021
- Energy & Sustainability Statement – prepared by Hydrock, 18.01.2021
- Settlement Letter (Ground conditions [foundations]) [prepared by Hydrock 13.04.2013
- Remediation Method Statement, Prepared by Hydrock 06.01.2020
- Affordable Housing Statement, prepared by SWT, Circa January 2021
- Noise Assessment – prepared by ion Acoustics, 30.11.2020

Site Description

The application site is a regular shaped piece of land located to the south of Seaward Way (A39) at the eastern entrance to Minehead. It is approximately 1.2ha in size, although the rhyme drainage system that runs around the southern and eastern periphery of the site limits the developable part of the site to approximately 0.85ha. The site is currently vacant and relatively flat, apart from the spoil from a recently dug attenuation pond, that would serve the development and the newly built commercial buildings, to the east. A new access road, Rainbow Way, has been provided off Lutterell Way to the south-western corner of the site. This links, via a small roundabout, to a junction onto Seaward Way.

The surrounding area is of mixed character. Butlins holiday camp occupies a large site on the opposite (northern) side of Seaward Way; Sandpiper Close and Little Plover Close, part of an established residential area, are located to the south and private sports facilities belonging to West Somerset Community College (secondary school) are to the south-west. The wider area, beyond the new commercial buildings, contains the Minehead Community Hospital and Premier Inn. Tesco's, Morrisons and Lidl supermarket stores are located to the north.

Relevant Planning History

- 3/21/18/020, Erection of 40 No. dwellings with associated roads, gardens & parking, Land at Seaward Way, Minehead, TA24 6DF Granted conditionally subject to a section 106 legal agreement to secure affordable housing and a Travel Plan 23/10/2019
- 3/21/18/021, Erection of 2 No. industrial units with associated parking and access roads, Land at Seaward Way, Minehead, TA24 6DF 25/10/2019

Consultation Responses

Highways Development Control - The application is seeking full planning permission for the erection of 54 affordable homes on this site. It is noted that the site already benefits from extant planning permission for 40 dwellings, which was granted under application 3/21/18/020.

Traffic Impact

It is accepted that an additional 14 dwellings over and above the 40 already approved in this location will not have a severe traffic impact upon the local highway network.

Travel Plan

A Full Travel Plan has been provided as part of the submission, which has been assessed by the HA's Travel Planning Team. Unfortunately a number of issues have been identified with the submitted TP which need to be addressed before it can be found to be acceptable. Whilst the lack of an acceptable TP is not a reason for the Highway Authority to recommend refusal of this application, the applicant should be reminded that a suitable TP will need to be agreed prior to any grant of planning permission so that it can be secured through an appropriate legal agreement.

Access

The vehicular access arrangements are unchanged from the earlier approved scheme, which is via the existing roundabout on Luttrells Way to the west, which in turn egresses on to Seaward Way. As with the extant scheme, the development will share this access with an industrial scheme permitted under application 3/21/18/021, located on adjoining land to the west. The current scheme raises no new issues in respect of these access arrangements, as such they remain acceptable in principle.

The scheme includes a pedestrian and cycle access to the north of the site which will link directly on to the shared footway / cycle infrastructure along Seaward Way. Existing cycle infrastructure however also runs along the south eastern side of Luttrell Way from Seaward Way to the community hospital and it is recommended that this route also runs on the southern side of the new access road providing a continual link to both the new industrial estate and the residential estate beyond.

Parking

The optimal parking provision for developments is set out in the adopted Somerset County Council Parking Strategy (SPS). In this instance the optimum standard would be for a residential development in a Zone B area such as this location.

ZONE B	1 Bed	2 Bed	3 Bed	4 Bed	Visitor	Total
Policy	1.5	2	2.5	2	0.2	
Dwellings*	17	28	7	2	-	54
Optimum	25.5	56	17.5	6	11	116
Actual						72

* As stated in Transport Statement

The optimum car parking provision for the proposed 54 dwellings is therefore 116 parking spaces in this instance. From the details provided, the proposed overall parking provision of 72 spaces falls significantly below the optimum range. The accompanying Transport Statement attempts to justify this shortfall based on 2011 census data for car ownership in Minehead, which they acknowledge is now old data and have modified their calculations to take into account the projected increase in car ownership by 2022. However, be that as it may it is considered that basing their figures purely on census data is flawed given that this will include a broad sweep of accommodation, including retirement living accommodation, flats within the town centre etc. The proposed scheme however, which is to provide 100% affordable housing is likely to comprise a high level of working age occupants which coupled with its edge of town location, are more likely to be fairly car reliant.

It is noted that reference is also made within the TS to a Car Club for future residents, however, there is a lack of information to indicate how this might work and what the likely take-up rate might be in a location such as this. It is not considered that such a scheme, even if it were implemented (of which there is no guarantee), would have a significant effect on car ownership rates.

For these reasons, it is not considered that the applicant's arguments for such a substantial reduction in parking (amounting to a shortfall of 44 spaces) has been robustly justified. With this in mind, the Highway Authority is concerned that this could lead to inappropriate parking on the estate roads and an over-spill of parking on the wider highway network, which has the potential to cause an obstruction to the flow of traffic.

In addition to car parking, safe and secure cycle parking will be required, at a rate of one space per bedroom as well as parking for motorcycles equivalent to 1 parking space per 5 dwellings or 1 motorcycle space per 20 car spaces (which should be 116), whichever is the greater. Some cycle storage and motorcycle parking are detailed on the submitted plans, although at only 7 motorcycle spaces this would appear to represent a shortfall in provision, and the level of cycle parking is unclear. Further details are necessary to address these concerns.

Other matters:

At the time of writing this response comments from the HA's Estate Roads team had yet to be received, as such comments relating to the layout and detail of the internal roads, drainage etc will have to follow in later correspondence.

Conclusion

Being mindful of the comments set out above, the Highway Authority accepts that the proposal will not give rise to any severe traffic impacts upon the local highway network. Furthermore, the access arrangements are the same as those accepted for the earlier approved scheme and are considered to be a suitable means of access for the proposed development.

As noted above, at the time of writing this response comments from the HA's Estate Roads team had yet to be received, as such comments relating to the

layout and detail of the internal roads, drainage etc will have to follow in later correspondence.

The identified shortfall in on-site parking provision is a significant concern to the Highway Authority. The justification given for this shortfall is not considered to be robust and it is considered that if this matter is not addressed that this could lead to inappropriate parking within the development itself as well as within the wider estate roads and highway network, which could be disruptive and potentially detrimental to highway safety. The Highway Authority therefore strongly advises that this matter be addressed.

Should the LPA be minded to approve the application however the HA recommends conditions form part of any consent. It is also required that a suitable Travel Plan is secured under a S106 Agreement prior to the granting of any consent:

SCC - Ecologist - An Ecological Appraisal of the application site was carried out in 2017 by Richard Green Ecology with an updated walkover survey undertaken in January 2021. The walkover survey letter references a wildlife strategy and a reptile translocation scheme that occurred prior to vegetation clearance between June and August 2019. However the walkover survey letter confirms that the site now consists of a large area of cleared/disturbed ground.

To comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, please attach conditions to the planning permission if granted.

- Construction Environmental Management Plan
- Landscape & Ecological Management Plan
- Biodiversity Net Gain

Parrett Internal Drainage Board (IDB) - The revised layout and access provisions shown therein address the concerns that previously prompted an objection by Parrett IDB. The Board, therefore, now has no objection to the development proceeding on that basis.

Somerset County Council - Flooding and Drainage - It is understood that this application is a resubmission and an increase in density of planning application 3/21/18/020 which was decided on 23rd October 2019. It should also be raised that the prior application was approved with an outstanding objection from the LLFA and as such no drainage conditions were attached to the previous approval.

Notwithstanding, a new Flood Risk Assessment by Expedite Engineering Services (dated January 2021) has been submitted in support of this planning application and the planning application reviewed afresh.

The site is located in Flood Zone 3 and it is accepted the predominant flood risk may be from the tidal impacts. The applicant has used data from the 2019 SFRA for the site along with prior modelling. It should be noted the Environment Agency updated projections for sea level rise at the end of 2019 and this should be considered. Overall, we will defer to the Environment Agency's comments regarding the tidal flood risk. Further consultation is also recommended with the

Somerset Civil Contingencies Partnership regarding the access, egress and resilience of the proposals.

The proposals continue the previous drainage strategy of utilising an uninspiring rectangular basin hidden away behind 2.4m high fencing and this is supplemented across the wider site with below-ground attenuation to provide sufficient water quantity management. The proposals may therefore be considered limited in reaching wider SuDS aims of water quality, amenity and biodiversity benefits and it is felt that while sustainability of the dwellings has been considered in detail, the sustainability of the drainage system is absent from the equation.

Further SuDS features should therefore be considered at the detailed design stage. The aim is to supplement the attenuation provided at the downstream end with additional features to achieve water quality, amenity and biodiversity benefits. These could be small features not explicitly designed for a given storm but shaped according to space available and with controls / overflows to pass extreme events onto the main attenuation features.

As such, given this scheme is a re-submission of a previously approved scheme, the LLFA is content to condition further design work at this stage with conditions and informatives outlined below. However, the applicant is recommended to consider these at this stage and determine what changes may be required within this 'full' planning application, such as amendments to the layout, to ensure a compliant scheme comes forward.

(Note there have been further meetings between the applicant's drainage engineer, the LLFA and Parrett IDB that have resolved these issues)

Somerset County Council Education - Have the following observations on the education aspects of this proposal:- 54 Homes in this location would generate the following number of children for the local schools: 5 early years pupils, 13 1st school pupils, 8 middle school pupils with just 3 upper school pupils. There appears to be sufficient capacity in all the local schools except the Minehead 1st school which would need to expand to be able to accommodate children from this development. In accordance with the current cost to build the education contributions required would be as follows:
 $13 \times 17,074.00 = \text{£}221,962.00$ to be agreed in a S106 .

Environment Agency - The site is in flood zone 3 so a flood risk assessment has been submitted and the Environment Agency consulted. They have no objection in principle subject to informatives being added to the permission if granted regarding the use of flood resistance and resilience measures.

Comments 09/04/2021 - Providing the Finished Floor Levels remains the same the Environment Agency's comments remain as per earlier correspondence dated 25 February 2021 regarding this proposal, sent to the Local Planning Authority under separate cover. A change of layout does not affect our previous comments.

Housing Enabling Officer - This site is delivering 100% affordable housing which is welcomed by the Development Enabling team.

Minehead has a significant housing need and these affordable 54 homes for rent will help to address this. The current number of households in Minehead on Homefinder Somerset requiring rented accommodation is 342 households. Of these 59% of the need is for 1 beds, with 25% for 2 beds, 11% for 3 beds and 5% for 4 and 5 beds. The proposed mix of 32 x 1 bed dwellings, 13 x 2 bed dwellings, 7 x 3 bed dwellings and 2 x 4 bed dwellings reflects the existing need in the town.

Policy SC3 Appropriate Mix of Housing Types and Tenures requires that 'Residential and mixed development proposals should provide a mix of housing sizes, tenures and type to meet the demonstrated needs of the areas communities.' The mix of sizes of homes on this development allows for different sized households across the site which will encourage a diverse and sustainable community. The provision of 3 wheelchair adapted units also meets this requirement.

A Local Lettings Policy will be put in place which will ensure that the local people will be given priority when these homes are allocated helping to alleviate housing need in the town also reduce additional demand for public services such as education and health.

Service charges should reflect the necessity to keep these properties affordable. It is also recommended that any service charges should be calculated on a per metre square basis rather than per unit.

Landscape - The internal landscape proposals are appropriate and well designed. My main concerns are the northern, eastern and southern boundary treatments. In particular the northern boundary along Seaward Way provides little landscape mitigation. I recommend that the area closest to the road is planted with a native species hedgerow and tree planting, including oak and field maple, and that the area nearest to the houses and back gardens is also planted with a native species shrub and tree mix. This should then provide a better visual screen between the road and houses as well as providing a richer wildlife corridor. The eastern boundary already has some hedgerow planting but this could be increased to provide a stronger visual boundary. There is little space along the southern boundary with the playing field but it would appear there is sufficient space to provide a native species hedgerow with some tree planting of field maple and crab apple.

Tree Officer - No issues with this site regarding existing trees, but I note from the landscape plan that all the proposed trees are either small or mid-sized species. I'd like to see schemes being designed to incorporate some larger species trees, so that they have an impact from a greater distance, increase canopy cover and contribute more effectively to creating a leafy character to the area. In this case, I'd suggest within the meadow mix along the roadside boundary and to the south, and maybe an oak in the open space in the middle.

Somerset Wildlife Trust - We have noted the above mentioned Planning Application as well as the supporting Ecological Appraisal provided by Richard Green Ecology. We would fully support the findings of that Appraisal. We would

also support the proposals for Mitigation and Enhancement as outlined in Section 4 of the Appraisal. Those proposals should be included in the Planning Conditions if it is decided to grant Planning Permission. In addition, as the Appraisal is dated 2017, i.e. 4 years ago, we would request that a further updating survey is carried out before final approval is given.

NHS - GP Practices - The Surgery that this will impact is Minehead Medical Centre. The addition of 54 dwellings would add an average of 150 patients to the list size at this practice. Minehead Medical practice currently operate out of their main site and also Irnham Lodge (Branch Surgery). Irnham Lodge is soon to be closed due to the sale of the building by the property owners. As a result of this sale, Minehead will become 59% undersized as a practice. Therefore on this occasion we would request for consideration to be made in respect of S106/CIL contributions as a result of the additional increase to patient list size.

Crime Prevention Design Officer(DOCO - Avon & Somerset Police) - No Objection – Subject to the following comments:-

Crime Statistics – There is a very low level of reported crime in this area.

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 i.e. surface changes by colour or texture, rumble strips and similar features within the development would help reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The single vehicular entrance/exit to the development has advantages from a crime prevention perspective over through roads in that this can help frustrate the search and escape patterns of the potential offender.

Orientation of Dwellings – all the dwellings appear to overlook the street and public open spaces which allows neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection. The front of Plots 11-16 also overlook the rear gardens of Plots 17-21 improving the security of the rear of these latter plots, which is where the majority of burglaries occur.

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. More 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 adjacent fencing and lockable. The key to the Boundary Treatment Site Plan indicates that these recommendations will be complied with. In this regard, bearing in mind that the rear boundary treatment of Plots 17-21 backs onto a public footpath, which increases the risk of crime affecting these dwellings, I recommend that the height of the proposed fencing along this boundary be increased to 2.0 metres, by the addition of 200mm trellis to the top of the fencing.

Public Open Space/Play Area –communal areas have the potential to generate crime, the fear of crime and ASB and should be designed to allow surveillance from nearby dwellings with safe routes for users to come and go. The Amenity

Spaces and Play Area are centrally located within the development with good all round surveillance from nearby dwellings. Car Parking – is a mix of on-plot parking spaces, which is the recommended option, communal on-street parking spaces and a parking court and small ranks of unallocated spaces serving the apartment blocks. All spaces allocated to houses

appear to be well overlooked from owners' homes but the unallocated spaces serving the apartment blocks less so.

Landscaping/Planting - should not impede opportunities for natural surveillance and must avoid 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. This is particularly relevant in respect of the Amenity Spaces, Play Area and apartment Block 9 parking court.

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.

Apartment Blocks

Climbing Aids – the apartment Blocks 7, 8 & 9 all incorporate balconies, so any climbing aids should be designed out.

Access Control – the security of the apartment blocks is improved by discouraging unauthorised access by non-residents, so public access should be restricted by the use of an appropriate form of access control i.e. swipe card, proximity fob or similar system. Such system should incorporate visitor communication with each flat and electronic release of the communal doors from each flat. Tradesman entrance buttons should be excluded as they can enable unauthorised access.

External Lighting - appropriate low energy, 'dusk to dawn' type security lighting should be installed to cover each elevation incorporating an external doorset which residents or visitors are expected to use. Such lighting should be vandal resistant and automatically controlled by photo-electric cell with manual override.

Internal Lighting – 24 hour lighting should be provided to all communal areas of the apartment blocks incl. lobbies, stairwells and landings.

Mail Delivery – communal mail boxes are recommended and should be of robust construction with maximum aperture size of 260mmX40mm, have anti-fishing properties and installed in accordance with the manufacturer's instructions either internally in the lobbies or externally (preferably 'through the wall type').

Cycle Stores – internal communal cycle stores will be provided in the entrance area of the apartment blocks, which is recommended. Such stores should be lockable to prevent cycle theft. Physical Security of Dwellings – in order to comply with Approved Document Q:

Security – Dwellings, of Building Regulations, all external doorsets providing a means of access into a dwelling (including communal and flat entrance doorsets) and ground floor or easily accessible windows and rooflights must be tested to PAS 24 security standard or equivalent. Internal flat entrance doorsets should be dualcertified for fire and security.

Secured by Design (SBD) – if planning permission is granted, the applicant is advised to refer to the 'SBD Homes 2019' design guide available on the Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings

Habitats Regulations Assessment

N/A - Outside of the catchment area for the Somerset Moors & Levels Ramsar site

Representations Received

Consultations have been undertaken with neighbours and a site notice posted. This has resulted in receipt of two letters of representation, one from the Chairman of Minehead Cricket Club, whose club play their matches at the adjacent West Somerset College site and the other from the Head of Premises and Estates at Somerset College.

On behalf of the Club, the Chairman expresses concern that unless safety netting of an appropriate height is installed, there is a danger of cricket balls landing in the gardens of properties next to the College's / club's playing fields. He wishes to see a risk assessment undertaken to ensure that there is netting installed to a safe height to meet English Cricket Board's (ECB's) standards. He also signals the club's willingness to co-operate with parties and a wish to discuss matters of initial cost, ownership, positioning of netting and on-going maintenance.

The Head of Premises and Estates at Somerset College registers safety concerns for the occupants of the proposed dwellings owing to their proximity to the sports pitches, unless a suitable, appropriate height, safety net system is installed. Seeks a paragraph incorporated into the property Deeds / tenant agreements, advising them that the sporting equipment could pose a risk. States that the college can accept no responsibility for accidental damage.

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 (Adopted Nov. 2016)

Policy SD1 Presumption in favour of sustainable development
Policy SC1 Hierarchy of settlements
Policy SC2 Housing Provision

Policy SC3 – Appropriate mix of Housing types and tenure
 Policy SC4 – affordable housing
 Policy SC5 - Self-containment of settlement
 Policy MD1 – Minehead Development
 Policy MD2 -Key Strategic development allocations at Minehead/Alcombe
 Policy TR1 - Access to and from West Somerset
 Policy TR2 - Reducing reliance of the private car
 Policy CF1 - Maximising access to health, sport, recreation and cultural activities
 Policy CF2 - Flood Risk Management
 Policy CC1 - Carbon Reduction, small scale schemes
 Policy CC2 - Flood Risk Management
 Policy CC3 - Coastal Change Management Area
 Policy CC4 - Coastal Protection Zone
 Policy CC5 - Water Efficiency
 Policy CC6 Water Management
 Policy NH6 - Nature conservation and the protection and enhancement of biodiversity
 Policy NH7 -Green Infrastructure
 Policy NH9 – Pollution, contaminated land and land instability
 Policy NH13 Securing High Standards of Design
 Policy NH14 Nationally Designated Landscape areas

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

Policy W/4 Water Resources
 Policy W/7 River Corridor Protection
 Policy BD/9 Energy and Water Conservation
 Policy T/8 Residential Car Parking
 Policy NC/4, Species protection
 Policy NC/5 Wildlife Habitats

Emerging West Somerset & Taunton Design Guide

Determining issues and considerations

This application is brought to Planning Committee for consideration under Criterion 2 and Criterion 4 of the Planning Terms of Reference as:-

- Criterion 2: The application is from an elected Councillor (or partner thereof) or member of Council staff (or partner thereof) and is recommended for approval.
- Criterion 4 'The application is a significant departure from the Council's statutory Development Plan and is recommended for approval.'

Principle of residential development

The application site is an unallocated, 'windfall', site located in the centre of Minehead, the major settlement in the former West Somerset Council area. Minehead / Alcombe is one of the three settlements identified in Policy SC1, Hierarchy of settlements of the West Somerset Local Plan 2032, as being suitable for new development. The others are the local service centres of Watchet and Williton. It also benefits from an extant permission for 40 dwellings approved in

2019 under ref. 3/21/18/020. The principle of residential development on this part of the site has been established. The issue is more whether the increase in the density of the proposed development, from 40 dwellings (33dph) to 54 dwellings (45dph) is acceptable and on from that, whether the proposed design and layout is acceptable.

A significant difference between the current application and the extant planning permission is the inclusion of flats in the dwelling mix. Over 60% of the dwellings proposed in the current application are flats, compared with none in the extent permission. Generally development comprising of a large number of flats can be built to a higher density without compromising the residential amenity of residents.

The immediate surrounding area is mixed, mainly commercial uses, but there are similar flat blocks in the wider area: notably further north along Seaward Way at Trinity Way and along the Warren Road frontage. It is not considered that the inclusion of the flat blocks in the dwelling mix proposed for the site would be out of character with the area, nor that the associated increase in residential density would result in overdevelopment of the site.

Drainage & Flooding Issues

The Environment Agency classifies the site as being located in Flood Zone 3, where there is a high probability of flooding. Tidal defences protect the area, but the area remains at some risk of flooding. Policy CC2, Flood Risk Management, of the West Somerset Local Plan to 2032, reiterates the advice about suitability of sites and sequential and exception tests set out in paras 49-50 of the NPPF. It states:-

Development proposals should be located so as to mitigate against, and to avoid increased flood risk elsewhere, whilst helping to provide for the development needs of the community in accordance with the flood risk management sequential test, and where appropriate, the application of the flood risk management exception test. Development must be designed to mitigate any adverse flooding impact which would arise from its implementation, and where possible should contribute towards the resolution of existing flooding issues.

In this case, there is no objection in principle to the residential development of the site from the various agencies with responsibility for managing flood risk, but there are requirements for various measures to be put in place.

The Lead Local Flood Authority and Internal Drainage Board recommend various measures to reduce flood risk. Subject to conditions, they do not object to the proposal. However the risk of flooding can't be eliminated entirely. The Environment Agency recommend various Building Control measures (barriers, high level electrical services etc.) to reduce the impact of flooding. It is recommended that an informative be added to any approval, drawing the applicant's attention to these measures and recommending that they be adopted.

In addition it is necessary that a Flood Warning and Evacuation Plan is in place in the eventuality of a flood occurring. Paragraph 163e of the NPPF states:-

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

A condition to require submission, approval, dissemination to residents and 5 yearly

review of a Flood Warning and Evacuation Plan is recommended.

Design

The design of the proposed development is considered, in the first instance, against Policy NH13 (Securing High Standards of Design) of the West Somerset Local Plan to 2032, the Council's emerging Design Guide and the provisions of Section 12 (Achieving Well Designed Places) of the National Planning Policy Framework (NPPF) – particularly paras. 126-128. Policy NH13 states that:-

New development will be expected to meet the highest standards of design. In order to achieve this, all proposals for new development (excluding small domestic applications and changes of use) should demonstrate that where appropriate:

- An analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context;*
- The proposal makes a positive contribution to the local environment and creates a place with a distinctive character;*
- The public realm has been designed to ensure that it is attractive, safe, accessible and well connected to its surroundings, including walking and cycling routes to and within the development, to encourage their use in the interests of public health;*
- The landscape proposals have been developed to enhance both the natural and built environment and maximise the potential to improve local biodiversity;*
- Measures to minimise carbon emissions and promote renewable energy and reduce impact on climate change form an integral part of the design solutions.*

Within the tight budget constraints of developing social housing, the applicant has worked with the Council's planners and the urban design specialist, at pre-application stage, to design an attractive layout that satisfies the NH13 policy requirement to create a distinctive sense of place.

The four storey flat blocks, proposed for the north western corner of the site, are shown with shallow pitched roofs and wide overhanging eaves that reference the newish flats on the Trinity Way, a gateway site on the seafront. All the flats are dual aspect and include some external private amenity space in the form of patios or balconies. The communal space in the centre together with the play space compliment this provision.

The main strength of the proposed 21 houses that occupy the remainder of the site, is their layout. Care has been taken to ensure that the three rows of housing provide south or south-east facing rear gardens: orientated to maximise solar gain and screen traffic noise, whilst road circulation and parking is located on the north and north-west elevation, facing the road.

There are some residual concerns about the concentration of car parking for the flats in a single car park in the far north western corner of the site and the somewhat sombre pallet of materials chosen, but overall it is considered that the proposed estate would make an attractive place to live and a positive addition to the town.

Sustainability

Saved Policy BD/9 (Energy and Waste Conservation) requires applicants to demonstrate that the conservation of energy and water has been considered in the design, layout, siting and drainage of their proposal and that all practicable measures to conserve water are included as part of the scheme.

In this case, the development proposal is for low carbon homes. The energy statement that accompanies the application provides the following details of what measures are provided:- waste recycling provision; Electric Vehicle (EV) Charging points; Cycle store; Building Fabric (Building Regulations Part L1a); Mechanical ventilation and heat recovery (MVHR); Air sourced Heat Pump (ASHP); Photovoltaic panels on roof of flats and houses. The aspiration is to provide an exemplar development, that exceeds minimum standards, showcases sustainable technology and minimises utility bills for future residents. A condition to require removal of the solar panels within three months of them ceasing to operate is considered expedient to maintain an attractive appearance for the flat blocks.

Landscaping & Ecology

The relatively high density of the dwellings proposed in the developable part of the site, and the need to provide rhynes (drainage ditches) with unencumbered access space around them for future maintenance, severely limits the scope for landscaping on the site. In particular it prevents the planting of a row of trees along the Seaward Way frontage, which would otherwise enhance the main approach to the town.

The applicants have had to submit a scaled back landscape scheme to satisfy the requirements of the Parrett Internal Drainage Board, which shows new tree planting confined to the peripheral areas, adjacent to buildings, car parking spaces and the central communal garden for the flats. In these locations there will be a limit on the size and species of plants that can be grown, as building foundations can't be undermined by future root systems, or windows excessively shaded by foliage. This would darken rooms and limit the scope for passive surveillance, sought by the DOCO.

Saved West Somerset Local Plan Policy NH/6 Nature conservation and the protection and enhancement of Biodiversity are relevant. The site is mostly scrub, semi improved or marshy grassland with the ecological assessment indicating a low population of slow worms and nesting birds. With possible occasional use by hedgehogs. Ecological enhancement measures should include: provision of bat and bird boxes, the planting of native plants and shrubs, permeable garden boundaries within the site (125mm square holes for hedgehogs, slow worms) and the creation of two reptile Hibernacula in the wider area (includes the industrial site). These would be secured in an Ecological Management Plan.

The proximity of the site to the Dunster Marshes Local Wildlife Site (LWS), means that it is especially important to avoid off-site pollution from the construction process with measures included in the Construction Management Plan, secured through condition.

Access and parking considerations

The surrounding land use patterns dictate a single vehicular access point in the south western corner of the site. Vehicular access is off Seaward Way, the main

route into Minehead via Lutterell Way, where a small roundabout provides access to the south and west for Minehead Community Hospital and Premier Inn hotel and to the east through a small industrial estate to the site. A secondary pedestrian access is provided from the site onto Seaward Way

The application site is located close to the centre of Minehead, within walking distance of shops, services and public transport. As such it is considered to be an accessible location within the former West Somerset District Council area and developing it, in preference to more remote locations is, strategically supported as being in compliance with Policies TR1 (Access to and from West Somerset) and TR2 (Reducing reliance of the private car).

Saved West Somerset District Local Plan Policy T/8 (Residential Car Parking), requires the provision of car and cycle parking in accordance with Appendix 4, Table 4. This sets a maximum standard of 2 spaces per dwelling, reducing to a single space per dwelling for one bedroomed dwellings, and dwellings located in the town centre. 72 car parking spaces are provided, comprising 41 unallocated spaces for the 33 flats; 23 dedicated spaces for the 21 houses and 8 for visitors, with a further 4 suitable for use by people with disabilities. Given the close proximity of the site to the town centre, shops and services and public transport, this level of provision is considered to be adequate.

The individual houses are each shown to be provided with an electric charging point, cycle and bin store in a separate shed in front of the property. Communal cycle and refuse stores are shown provided for the flats together with 11 shared electric charging points for flat dwellers use.

Conditions to ensure the provision of car parking spaces and electric charging points in association with first occupation of the dwellings are considered appropriate.

Impact on neighbour's amenity

There are no residential properties in the immediate vicinity. Neighbouring residential property is located to the east and south-east separated by a rhyme. Seaward Way abuts to the north and a recently built industrial estate to the west. Sports fields belonging to West Somerset College (school) is located to the south.

The increase in the overall number of dwellings proposed on the site in comparison with the previous approval (by about 1/3rd), and changes to the layout, which now provides more south facing rear gardens adjacent to the boundary, represents a small increase in the vulnerability of the development to stray cricket balls from the neighbouring school site. The school site is used by Minehead Cricket Club. Both the club and the school have expressed their concern at the prospect of residential development in proximity to their grounds. In response to these concerns, the applicant has confirmed that they are prepared to meet the one off costs of providing a boundary fence / net within the school grounds to catch stray cricket balls. If Members consider it necessary to secure this fence / net provision in association with this permission, a mechanism to secure it will need to be appended: such as a condition or legal agreement with third parties.

Section 106 legal agreements & conditions

No Section 106, or other legal agreement is proposed. Conditions to secure affordable housing and a Travel Plan are proposed instead. Contributions towards education and health are waived on grounds that the development is providing 100% affordable housing.

In the ex –West Somerset area of Somerset West and Taunton Council area, Policy SC4, Affordable Housing, of the West Somerset Local Plan to 2032 requires that 35% of residential development (>10 dwellings) is provided as affordable housing.

Affordable housing and travel plans are usually secured through a Section 106 Agreement or a Unilateral Undertaking. However, where the Council are the applicant/landowner, this can present difficulties, as the Council cannot covenant with itself. A practical solution is to use a planning condition to secure a 100% affordable house scheme. This approach has been used by other councils developing their own council housing and the Planning Inspectorate have a condition wording which secures affordable housing in circumstances where a legal agreement / Unilateral undertaking is not in place. The special circumstances justifying a use of a condition rather than a legal agreement in this case are:

- The scheme is funded through the Housing Revenue Account of the Council for for 100% affordable housing.
- Funding for this scheme has been approved by Full Council (December 2020) to be 100% affordable housing.
- The scheme as affordable housing, is deliverable based on capital receipts gained through the Right to Buy. It is not totally clear in the Government guidance that the scheme would be able to access receipts if a s106 is applied, but a condition would definitely allow the use of these funds to support the scheme.

It is appropriate to require these controls to be applied to all the units, even though there is no policy requirement to provide 100% affordable unit. This is because neither education nor other parties will receive a financial contribution, as this scheme is 100% affordable housing.

Policy TR1 (Access to and from West Somerset) of the WSLP to 2032, requires development to encourage the use of sustainable modes of transport through the provision of Travel Plans. This is a provision supported by the Highway Authority at SCC in their consultation response to this application, and it is given added impetus by the reduced level of car parking that is being proposed. Travel Plans are usually secured by S106 legal agreement. However, there are occasions, more common than affordable housing, when they are secured by condition. In this case it is recommended that a condition is used to secure a Travel Plan for this development

Requests from SCC Education and the Clinical Commissioning Group (doctors) for contributions from the development towards education and primary healthcare provision within the town, have arisen as a result of the development exceeding the 50 dwelling threshold and changed circumstances. There is a policy basis for seeking these contributions, WSLP to 2032 Policy ID1 (Infrastructure Delivery), but unfortunately satisfying them would make the proposal unviable and jeopardise delivery of the scheme.

The proposal aims to deliver 100% affordable housing with priority being given to offering tenancies to people on the local housing needs list, who meet criteria set out in a Local Lettings Policy. It is likely that the vast majority, if not all, future residents will already be living in the local area and therefore their presence will not add to the demands on the existing health and education infrastructure.

It is not considered that waiving these contributions would set an unwelcome precedent that other developers could seek to follow. Schemes involving 100% affordable housing are quite rare, and any future ones that come forward can be considered on their individual merits, with similar flexibility shown in response to viability, if necessary.

Conclusion

The principle of residential development at the site was established last year, although not at quite as high density and with a different dwelling type, size and tenure mix. The access point in the south west corner of the site and location of the rhynes around the edge of the site are pretty much fixed constraints. Within these constraints, and the brief of developing a 100% affordable housing scheme with 'zero carbon' emissions, it is considered that the architect has designed an attractive, high density residential estate, that can be recommended to Members for conditional approval.

Departure

This site was allocated for open space in the West Somerset Plan. Planning permission was granted for 40 houses under ref. 3/21/18/020 last year. At the time it was advertised as a Departure. As a new application it will need to be advertised again as a Departure from the adopted plan.

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

Contact Officer: Mr J. Guise



APPEALS RECEIVED – 10 JUNE 2021

Site: Land off Shurton Lane, Stogursey

Proposal: Outline application with all matters reserved except for access for a residential development of up to 27 No. dwellings (resubmission of 3/32/19/011)

Application number: 3/32/20/003

Appeal reference: APP/W3330/W/21/3272670

Decision:

Enforcement Appeal:

Site: THE BARN, LUDWELLS FARM, LANGPORT ROAD, WRANTAGE, TAUNTON, TA3 6DQ

Proposal: The construction of an outbuilding at Ludwells Barn, Langport Road, Wrantage, Taunton, TA3 6DQ

Application number: E/0070/24/21

Appeal reference:

Decision:

Enforcement Appeal:

APPEAL DECISIONS – 10 JUNE 2021

Site: The Station Masters House, Carnarvon Arms Drive, Brushford, Dulverton, TA22 9AF

Proposal: Installation of external spiral staircase (retention of works already undertaken)

Application number: 3/04/20/007

Reason for refusal: Allowed

Original Decision: Delegated Decision



Appeal Decision

Site visit made on 5 May 2021 by **Matthew Jones BA(Hons)**

MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2021

Appeal Ref: APP/W3330/D/21/3267718 The Station Masters House, Carnarvon Arms Drive, Brushford TA22 9AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tony Skilton against the decision of Somerset West and Taunton Council.
- The application Ref 3/04/20/007, dated 3 September 2020, was refused by notice dated 23 December 2020.
- The development proposed is the installation of an external spiral staircase.

Decision

1. The appeal is allowed and planning permission is granted for the installation of an external spiral staircase at The Station Masters House, Carnarvon Arms Drive, Brushford TA22 9AF in accordance with the terms of the application Ref 3/04/20/007, dated 3 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Site Plan, Sheet 1 of 3 Rev 1 Front View – Existing, Sheet 2 of 3 Rev 1 Right View - Existing, Sheet 3 of 3 Rev 1 Plan View – Existing, Sheet 1 of 3 Rev 1 Front View – Proposed, Sheet 2 of 3 Rev 1 Right View – Proposed, Sheet 3 of 3 Rev 1 Plan View – Proposed.

- 2) The roof of the conservatory shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matter

2. The spiral staircase is already in situ and I made my assessment on that basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of Dulverton Sidings, with reference to privacy.

Reasons

4. From the staircase one is able to take in an elevated view of the neighbouring property Dulverton Sidings which was not possible before. However, the function of the staircase is for transit. It is small and confined which, together with the diminishing nature of its treads, means that it is not somewhere where one would, or could, typically dwell. As such, overlooking from the staircase towards Dulverton Sidings is inherently fleeting and is acceptable.
5. I do recognise that, by providing direct and permanent access to the conservatory roof, there is now far greater potential for the roof space to be accessed not just for maintenance but for recreational purposes. Such use, for a more prolonged period, would create an unacceptably intense degree of overlooking towards Dulverton Sidings. However, this is a matter that can be addressed pursuant to a condition.
6. I therefore conclude that the proposal has an acceptable effect on the living conditions of the occupants of Dulverton Sidings, with reference to privacy. It accords with the relevant aims of Policy BD/3 of the West Somerset Development Plan to 2032 (adopted 2016) and the National Planning Policy Framework.

Conclusion

7. For the reasons outlined above and taking all matters raised into account, I conclude that the appeal should be allowed, subject to conditions.

Matthew Jones

INSPECTOR

Site: PARK END LODGE, WEST BAGBOROUGH ROAD, WEST BAGBOROUGH, TAUNTON, TA4 3DU

Proposal: Change of use of residential garden store into Class A5 take away outlet at Park End Lodge, West Bagborough Road, West Bagborough

Application number: 06/20/0017

Reason for refusal: Allowed

Original Decision: Chair



Appeal Decision

Site visit made on 5 May 2021 by **Matthew Jones BA(Hons)**

MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/D3315/W/20/3264558

Park End Lodge, West Bagborough Road, West Bagborough, Taunton TA4 3DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Michelle Lyons against the decision of Somerset West and Taunton Council.
 - The application Ref 06/20/0017, dated 11 November 2019, was refused by notice dated 9 November 2020.
 - The development proposed is the change of use of part of a domestic garden store into A5 take away outlet.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of a domestic garden store into A5 take away outlet at Park End Lodge, West Bagborough Road, West Bagborough, Taunton TA4 3DU in accordance with the terms of the application Ref 06/20/0017, dated 11 November 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the suitability of the site for the proposal, having regard to (i) the effect on the landscape and scenic beauty of the Quantock Hills Area of Outstanding Natural Beauty (the AONB) and (ii) the accessibility to services.

Reasons

3. The site comprises a store and adjacent land in the domestic grounds of Park End Lodge, set within open countryside in the AONB. The store is close to a vehicular access serving the dwelling off West Bagborough Road. The National Planning Framework (the Framework) provides that Areas of Outstanding Natural Beauty have the highest status of protection in terms of landscape and scenic beauty, the conservation of which is afforded great weight.
4. In the open countryside, Policy DM2 of the Taunton Deane Core Strategy 20112028 (adopted 2012) (the TDCS) supports the provision of tourist and recreational facilities provided that increased visitor pressure would not harm the natural and man-made heritage of the area. Amongst other things, Policy CP1 of the TDCS states that proposals should reduce the need to travel through locational decisions and avoid adverse impacts through traffic generation.
5. The operation would be of a very small scale. As such, in practice it is most likely to be little more than a roadside convenience for people already with reason to be in the vicinity, rather than act as a draw for any significant increase in visitor pressure. Indeed, I gather from interested parties that a previous café in the area has been lost through fire. On this basis, it appears probable that the outlet would meet an existing locational demand and may well reduce the incentive for people to travel further afield for food and drink.
6. Even so, there would be greater footfall to the site which, together with the trappings of its new use, would inevitably alter its character and appearance. However, whilst this part of the AONB is overtly rural, the site is already manmade and domestic in character and much of the store and surrounding space are highly screened by Park End Lodge's roadside boundary hedge bank.
7. It is logical, given that the outlet would provide takeaway products, that customers would not spend prolonged periods on site. On this basis, the site is of an adequate size to accommodate necessary onsite parking for motor vehicles and bicycle storage, the provision of which would also ensure that parking along the adjacent highway could be all but avoided. For these reasons, with the detailed specification of onsite parking, bicycle storage, litter bins and seating secured by conditions, the operation of this modest outlet would not challenge the AONB's landscape and scenic beauty.
8. Moreover, whilst I recognise the potential harm that could be caused by future signage, the type of advertisement likely to have a deleterious impact upon the AONB would require express consent pursuant to the relevant Regulations¹. With regard to adverse light pollution emanating from the site, this can be resolved through a condition restricting the opening hours of the business.
9. The Council has also referred to the absence of toilet facilities and the potential for littering off site. However, these are pervasive issues which are not specific to this proposal, and which it seems to me would pose the same potential problems if people were to bring alternative food and drink into the AONB.
10. I therefore conclude that the site would be suitable for the proposal, having regard to the effect on the landscape and scenic beauty of the AONB and the accessibility to services. It would accord with the relevant aims of Policies CP1, CP8, DM1 and DM2 of the TDCS and the Framework.

Conditions

11. In addition to the standard time condition, it is necessary to define the approved plans in the interest of certainty. The proposal would make use of the existing access, which is fairly set back from the carriageway, with users therefore afforded adequate visibility on to a quite straight section of West Bagborough Road. Whilst a condition is necessary to ensure that the existing visibility at the access is not restricted, I do not consider it essential for a condition to require additional works to extend the existing splay. Given that hot food takeaways (formerly Use Class A5) are now sui generis, it is not necessary for a condition to restrict the use of the proposal to that approved.

Conclusion

12. For the reasons outlined above and taking all matters raised into account, I conclude that the appeal should be allowed, subject to conditions.

Matthew Jones

INSPECTOR

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Schedule of Conditions

- 1) The development hereby permitted shall be begun within three years of the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, PEL04 Rev 0, PEL05 Rev 0, PE010 Rev 0.
- 3) The use hereby permitted shall only take place between the following hours: 09:30 – 15:30 Mondays – Sundays.
- 4) The development hereby permitted shall not be first brought into use until a plan identifying the location and specification of onsite parking for motor vehicles and bicycle storage has been submitted to an approved in writing by the Local Planning Authority. The parking and storage areas shall be developed in accordance with the approved details and thereafter used and retained for the parking of motor vehicles and the storage of bicycles and for no other purpose.
- 5) There shall be no obstruction to the existing visibility splays at the access on to West Bagborough Road.
- 6) Before the use hereby approved commences, a plan showing the location of litter bin(s) and seating shall be submitted to and approved by the Local Planning Authority. The approved bin(s) and seating shall be sited prior to the first use of the outlet and retained in their approved form.

Site: FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD, TAUNTON, TA3 7RW

Proposal: Variation of Condition No. 05 of application 10/16/0028 to vary the wording to include 15 breeding bitches, 3 stud dogs and puppies at Fairfield Stables, Moor Lane, Churchinford

Application number: 10/20/0002

Reason for refusal: Allowed

Original Decision: Committee



The Planning Inspectorate

Appeal Decision

Site visit made on 26 April 2021 by **A Spencer-Peet**

BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 28 May 2021

Appeal Ref: APP/W3330/W/21/3266747 Fairfield Stables, Moor Lane, Churchinford, Taunton TA3 7RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Sally Lock against the decision of Somerset West and Taunton Council.
 - The application Ref 10/20/0002, dated 23 December 2019, was refused by notice dated 1 December 2020.
 - The application sought planning permission for change of use of the land and buildings from equine to commercial dog breeding business and retention of mobile home for use as a temporary workers dwelling without complying with a condition attached to planning permission Ref 10/16/0028, dated 4 August 2017.
 - The condition in dispute is No 5 which states that: *No dogs other than those kept for breeding purposes shall be kept on the site and the number of dogs shall be limited to no more than 15 breeding bitches and their puppies awaiting sale.*
 - The reason given for the condition is: *A condition limiting the number of breeding bitches kept on the site is necessary to limit the potential for noise disturbance.*
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of the land and buildings from equine to commercial dog breeding business and retention of mobile home for use as a temporary workers dwelling at Fairfield Stables, Moor Lane, Churchinford, Taunton, TA3 7RW in accordance with the application Ref: 10/20/0002 dated 23 December 2019 without complying with condition 5 previously imposed on the planning permission Ref: 10/16/0028 dated 4 August 2017 and subject to the conditions in the schedule attached to this decision letter.

Background and Main Issue

2. Planning permission for the change of use of the land and buildings from equine to commercial dog breeding business and retention of mobile home for use as a temporary workers dwelling was granted under appeal¹ (the Previous Appeal) on 4 August 2017 subject to a range of conditions and which included the disputed condition described above.
3. The Inspector in that appeal, concluded that the condition which limited the number of breeding bitches on site, was necessary in order to limit the potential for noise disturbance.

¹ Appeal Reference: APP/D3315/ W/17/3172566

4. The appeal before me seeks to remove and replace the said disputed condition. The Council are concerned that sufficient information has not been provided to demonstrate that by replacing the disputed condition with a condition that also specifies the number of stud dogs at the site, there would be no adverse effect with regards to the amenity of nearby residents nor any adverse effect with regards to the tranquillity of the AONB.
5. Accordingly, the main issue in this appeal is the effect of the proposed variation of the disputed condition on the living conditions of nearby residents and on the Blackdown Hills Area of Outstanding Natural Beauty (the AONB), with regard to noise and disturbance.

Reasons

6. The appeal site comprises land and buildings at Fairfield Stables, located outside of the settlement at Churchinford. The site is situated adjacent to Moor Lane with Fairhouse Farm being located on the opposite side of Moor Lane to the south of the appeal site. The site is bordered to the northwest by a sewage works, with the land to the north and northeast of the site comprising predominately open agricultural land.
7. The appeal site is located within the AONB. In accordance with the statutory duty set out in Section 85 of the Countryside and Rights of Way Act 2000, I have had regard for the special qualities and significance of the AONB, in terms of the natural beauty of the landscape and open undeveloped countryside. Furthermore, and in line with the objectives of the National Planning Policy Framework (the Framework), I have attributed great weight to matters concerning the conservation and enhancement of the landscape and natural beauty of the AONB, in reaching this decision.
8. The evidence before me indicates that the Previous Appeal decision followed a 2017 noise assessment based on 12 adult dogs – comprising 10 bitches and 2 stud dogs. The Inspector in the Previous Appeal noted that whilst the breeding of dogs had the potential to introduce noise and it was not possible to predict or place strict controls on the level of noise resulting from barking dogs, it was concluded that by restricting the operation to housing only breeding dogs and limiting the numbers by condition, it

would be possible to limit the likely levels of noise to that which would not adversely affect the tranquillity of the AONB.

9. Notwithstanding the above, a further separate appeal (the Second Appeal¹) relating to the erection of a dog kennel and log store at the site was determined in May 2020 and was based on a further noise assessment dated 2019 and which concluded that the operational activity of the site is unlikely to result in an adverse noise impact or annoyance. The Second Appeal was allowed and included a condition which provided that only dogs kept for breeding purposes would be kept at the site and that no more than 15 breeding bitches, and puppies, be kept at the site.
10. The Appellant maintains that the 2019 noise assessment was based on 18 adult dogs – comprising 15 bitches and 3 stud dogs. However, the Council have put it to me that the second noise assessment dated 2019 provided by the Appellant, repurposed parts of the earlier 2017 noise assessment and did not take account of the additional number of adult dogs when compared to the original assessment and that, therefore, there is insufficient evidence to demonstrate that the additional number of dogs would not result in unacceptable levels of noise disturbance.
11. While the Council's submissions are noted, the 2019 noise assessment provides that there has not been any significant environmental changes that would alter background noise levels and that therefore the same background noise data collected for the 2017 noise assessment can be reused. There is no substantive evidence which indicates that conditions on the ground have changed since 2017 with regards to background noise, and it is apparent that the 2019 noise assessment and conclusions were based on the activity of 18 adult dogs and up to 16 puppies at the site.
12. As such, the application, which is the subject of this appeal, does not seek to increase the numbers of adult dogs when compared to the position considered by the Inspector under the Second Appeal. The 2019 noise assessment was based on the activity of 18 adult dogs and the Second Appeal was allowed on the basis of that level of activity at the site.
13. Consistent with the conclusions of the Inspector in the Second Appeal, I find that the relevant noise assessment provides a detailed analysis of technical issues and approaches and was produced by a suitably qualified professional. Furthermore, by reason of the location of the site, separation distances to the nearest residential dwellings and mitigation measures already in place at the site, in the absence of any substantive evidence to the contrary, I would concur with the findings of the noise assessment and the conclusions of the Inspectors in the cited appeals, that the appeal proposal would not adversely affect the living conditions of nearby residents nor adversely affect the tranquillity of the AONB.
14. While I acknowledge the Appellant's contention that the disputed condition does not specifically preclude the keeping of stud dogs at the site, in my view and in the interests of clarity and precision, I find that it would be necessary and reasonable that the disputed condition be removed and replaced. In this respect, it would be reasonable to specify the total number of bitch and stud dogs at the site given that specific evidence has been provided which demonstrates that there would be no

¹ Appeal Reference: APP/W3330/W/19/3243730

significant effect with regards to the tranquillity of the surrounding area nor to the living conditions of nearby residents based on these numbers of adult dogs.

15. Given that the position has not changed since the Second Appeal was determined with regards to the total number of adult dogs at the site, and by reason of the noise assessment and subsequent conclusions of the Inspector in the Second Appeal, a replacement condition which more precisely identifies the specific number of bitch and stud dogs that can be kept at the site, would not alter the position with regards to potential noise disturbance from the site. In this respect, the evidence before me indicates that monitoring undertaken by the Council's Environmental Health team have not found a statutory nuisance with regards to dog barking noise coming from the appeal site.

16. The replacement condition would not alter the total number of adult dogs at the site from that considered and approved under the Second Appeal. Given that that number of dogs has already been found to have no significant adverse effects on the living conditions of nearby residents or on the AONB, I conclude

that the replacement condition would not conflict with the provisions of Policies DM1 or CP8 of the Core Strategy which, together and amongst other things, seeks to ensure that development does not harm residential amenity and protects, conserves or enhances landscape character. For the same reasons, the replacement condition would comply with the aims and provisions of the Blackdown Hills AONB Management Plan and would accord with the Framework with regards to conserving and enhancing the natural environment.

17. I have carefully considered the submissions of all interested parties in relation to the development and to the replacement of the above described condition. I have noted the concerns regarding the use of the appeal site for the number of adult dogs specified above. However, planning permission for that use as granted under the abovementioned appeal decisions will continue to exist irrespective of the outcome of this appeal. By allowing the appeal I am granting a further permission for the same use, albeit with some differences in the wording of the disputed condition. Based on the evidence before me, I consider that the replacement condition would result in development that would have no greater adverse effect on the living conditions of nearby residents or on the tranquillity of the AONB than that authorised by the Second Appeal.

Conditions

18. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. The evidence before me confirms that the development has commenced, and I have therefore omitted the standard time limit condition as this is no longer necessary.

19. Notwithstanding the above, the Previous Appeal included conditions which concern the stationing of a caravan for residential purposes, at the appeal site, for a limited period. It is understood from submissions received from both the Council and the Appellant that the nature and extent of the two conditions which limit the siting of the caravan and which restrict occupation to those working at Fairfield Stables, are the subject of a further planning application. Such considerations are not matters that are before me in relation to this present appeal and, consequently those conditions should be restated and imposed in respect of this appeal decision.

20. However, the condition which limits the period for which the caravan can be sited at the appeal site is linked to the date of the Previous Appeal decision and, accordingly, it would be proportionate and necessary to replace this condition with further condition that specifies the date of the Previous Appeal decision. Both the Council and Appellant have confirmed that such an approach would be appropriate in the event that the appeal was allowed.

Conclusions

21. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the approved plan drawing number: 200.03 Rev C Site Location and Block Plan.
- 2) The use of the site for the stationing of a caravan for residential purposes, hereby permitted, shall be for a limited period being the period of three years from 4 August 2017. The use hereby permitted shall be discontinued and the land restored to its former condition on or before three years from 4 August 2017 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 3) The occupation of the caravan shall be limited to a person solely or mainly working, or last working, in the commercial dog breeding business at Fairfield Stables, Moor Lane, Churchinford, Taunton, Somerset TA3 7RW, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 4) No dogs other than those kept for breeding purposes shall be kept on the site and the number of dogs shall be limited to no more than 3 stud dogs, 15 breeding bitches and their puppies awaiting sale.