

<b>Application No:</b>	<a href="#">3/37/18/015</a>
<b>Parish</b>	Watchet
<b>Application Type</b>	Outline Planning Permission
<b>Case Officer:</b>	Alex Lawrey
<b>Grid Ref</b>	
<b>Applicant</b>	Cleeve Hill Development
<b>Proposal</b>	Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).
<b>Location</b>	Land at, Cleeve Hill, Watchet, TA23 0BN
<b>Reason for referral to Committee</b>	

## Recommendation

Recommended decision: Grant

### Recommended Conditions

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

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule  
(A4) Red Line Plan (license number 100023932)  
(A3) 1706 Site Cross Sections  
(A1) 06288-HYD-XX-XX-DR-TP-0101 Rev P02 Proposed Highway Improvements

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

- 3 Prior to the commencement of the development hereby permitted, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form. These shall be compliant with the Hydrock Flood Risk Assessment documents CLE-HYD-PH1-XX-RP-D-5001-S2-P1 and Technical Design Note 06288-HYD-XX-XX -RP-D-5100

The surface water management and disposal strategy shall use surface based attenuation features, not underground storage, and shall follow Sustainable Urban Drainage System (SuDS) principles, unless otherwise agreed in writing by the local planning authority,

Reason: To prevent discharge into nearby water courses and to ensure the adequate provision of drainage infrastructure.

- 5 Prior to development commencing, details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/ bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture and a timetable for their implementation shall be submitted to and approved by the Local Planning Authority. For this purpose, details should include, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction as appropriate.

Reason: In the interests of highway and pedestrian safety

- 6 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: In the interests of highway safety

- 7 No development shall commence unless a Construction Traffic 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:
  - o Construction vehicle movements;
  - o Construction operation hours;
  - o Construction vehicular routes to and from site;
  - o Construction delivery hours;
  - o Expected number of construction vehicles per day;
  - o Car parking for contractors;

- o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- o A scheme to encourage the use of Public Transport amongst contactors; and
- o Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety and amenity

- 8 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown environmental's Preliminary Ecological appraisal dated March 2016, Blackdown environmental's Survey report dated December 2016 and SW Ecology's Ecological assessment dated January 2018 and an up to date badger survey 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 dormice, reptiles, bats and birds
  4. Lighting details
  5. A Construction and environmental management plan (CEMP)
  6. A Landscape and environmental management plan (LEMP)

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

Prior to commencement reason: Groundworks could impact on protected species therefore the protective measures and associated methods for ecological mitigation and harm reduction must be in place before any works commence.

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning

Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application issues/concerns were raised. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

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

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

Dormice are known to be present on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

- 3 The development hereby permitted shall not be first occupied until the developer has applied for a Traffic Regulation Order (TRO) to relocate the existing 30mph speed limit. The TRO shall then be advertised and, if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation.

## **Proposal**

Outline application with all matters reserved, except for appearance, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).

## Site Description

Large open pasture field located near to cliffs and south of B3191 road located on the outskirts of Watchet. Land is sloping away from road. Existing footpaths cross the site and located in close proximity.

## Relevant Planning History

none

## Consultation Responses

*Watchet Town Council* - deferred comments (26/6/2018) no further comments received

*Environment Agency* - no comments received

*Wessex Water Authority* - to be verbally updated

*Parrett Drainage Board* - no comments received

*Somerset Drainage Board Consortium* - outside of the SDBC area so will not be making comments

*South West Heritage Trust* - no comments received

*Highways Development Control* - I refer to the additional information in support of the above application, received by the Highway Authority on 1 November 2019 and have the following observations for the highway and transportation aspects of this proposal. For clarity, it has been confirmed that the outline application is all matters reserved except for access.

The applicant has provided additional information in response to the original comments made by the Highway Authority. This additional information has been assessed by the Highway Authority, where for clarity and consistency our comments have been divided into each respective element of the application previously reviewed dated 10 October 2018.

## Transport Assessment

The Highway Authority accept that resubmitted detail provides a more accurate representation of the likely number of vehicle movements the proposal site would generate in the peak hours. Whilst the calculated figures may still be slightly less than what is anticipated, it would be difficult to sustain an objection based on residual cumulative impact on the local highway network for this application.

## Road Relocation

The proposed relocation of the B3191 has been revised and altered and as such the location of the proposed site access has changed. Given the sensitivity of the existing B3191 at this location, the principle of what has now been proposed is acceptable however there are still technical issues that would require overcoming at the detailed design stage moving forward. Full details of the proposed access arrangements and frontage works will also need to be submitted to and agreed in writing in conjunction with the LPA and appropriately secured.

With the above in mind, the applicant will be required to enter into a suitable legal

agreement and accept full responsibility should the existing adopted highway fail.

### **Internal Layout**

The current application is out outline stage with all matters reserved except for access (following clarification) and at present there is no detail on how the internal layout may be constructed at this stage. The applicant should be mindful of our previous comments dated 10 October 2018 prior the submission of any reserved matters application subject to outline consent being granted where it would be expected that non-motorised users access into other areas of Watchet would be upgraded appropriately at the developer's expense.

Vehicle, cycle, motorcycle and electric vehicle charging points (EVCs) should be in line with the Somerset Parking Standard.

### **Travel Plan**

A suitable Travel Plan (TP) has yet to be submitted and approved by the Highway Authority. To reiterate a suitable TP will need to be secured through a S106 and delivered appropriately.

### **Drainage**

Given the limited detail provided for the revised scheme, the applicant will need to be mindful of the existing drainage infrastructure. The new proposal must not compromise any of the existing arrangements or rights of discharge.

Full details will be required for the existing drainage and services and how the proposed drainage arrangement will work in harmony with the existing drainage arrangements.

### **Conclusion**

On balance of the above, the principle of the road relocation is acceptable in this instance, subject to agreeing the detail at the detailed design stage. If the LPA were minded to approve the application, it is recommended that the necessary highway works, and a suitable TP are secured through a S106 prior to first occupation. A number of conditions are requested.

*Avon & Somerset Police* - does not object, offered comments noting layout is open and enables good residential surveillance, dwelling overlook street, that curtilage boundaries to the front are kept below 1m height, car-parking scheme is acceptable and referenced Building Regulations for SBD, lighting and security of dwellings  
*Rights of Way Protection Officer* - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that crosses the site at the present time (public footpath WL 30/1) and another PROW which runs adjacent to the site (public footpath WL 30/2). In addition, the England Coast Path National Trail runs adjacent to the north-west edge of the site. I have attached a plan for your information.

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

## 1. Specific Comments

With regard to the footpaths WL 30/1 and WL 30/2: we require a £10,000 contribution for potential future improvements to them due to the potential for additional use of the paths and greater expectation as to the quality of the paths. Any unused balance to be refundable 10 years after completion of the site, all to be secured by legal agreement. The link path shown connecting to WL 30/2 may require the consent of a third party if the land is not in the control of the applicant. The Council would be supportive of such a link provided the connecting estate roads are formally adopted. If this is the case then the connection to the footpath should form part of

any planning approval wherever possible.

England Coast Path (ECP) National Trail: The England Coast Path National Trail follows the existing B3191 Cleeve Hill on the north side of the road, leaving the road near the top of the hill before the left hand bend to continue along the cliff top.

The England Coast Path (ECP) came about as a result of the Marine and Coastal Access Act 2009 (MCA09) and the route of the ECP in Somerset has been determined by the Secretary of State who says in his report "In addition, the West Somerset Local Plan to 2032 (Revised Draft Preferred Strategy, June 2013) identifies a site to the west of Watchet at Cleeve Hill for longer term strategic development. The site also offers the potential to re-align the B3191 where coastal erosion is threatening to destroy the current alignment of the road.

As and when the development takes place, or if the B3191 is re-aligned, we expect that Somerset County Council will work constructively with West Somerset Council and developers with the aim of ensuring that any development takes account of coastal access in an appropriate way with a view to establishing a suitable off road route for the coastal trail".

It would appear from the drawings that the alignment of the B3191 is to move further south with footways (pavements) on the north and south sides of the carriageway. If this is the case and, subject to the approval of the road layout by Highways colleagues, we would like to re-align the route of the ECP onto the northern footway. There also appears to be a landscaped public parkland area to the north of the new road alignment which lends itself to the coastal margin (also required by the MCA09 which deems that any land seaward of the Trail is coastal margin-subject to some exceptions).

This is our initial view and further details of the scheme would be welcomed as would the opportunity to work with the planners and developers in the early stages of this proposal to secure the most effective route for the Coast Path and to discuss the practicalities of implementing the new route e.g. any new gates or signage which may be required.

The re-alignment of the Coast Path requires that Natural England submit a variation report to the Secretary of State for the new route to be legally defined and incorporated into the National Trail.

## 2. General Comments

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

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

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

Group:

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

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

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

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

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

*Somerset Wildlife Trust* - no comments received

*Housing Enabling Officer* - agreed to review of viability assessment, further comment once viability report has been submitted and assessed, may require independent assessment of viability report through District Valuer or Three Dragons *Planning Policy* - no objections, acknowledged that site is allocated and do not consider that the proposal is 'premature'

*Fire Safety* - Noted that means of escape should comply with Building Regulations 2000 Approved Document B(ADB) and there should be full compliance with ADB, part 5 of the Building Regulations 2000

*SCC - Estates* - Following evidence from our School organisation plan I have the following observations on the Education implications of this proposal:-

A development of this size (136 dwellings ) would generate the following number of school places:

$5/100 \times 136 = 6.8$  ( 7) pre school

$30/210 \times 136 = 19.4$  ( 20) First school

$30/263 \times 136 = 15.5$  (16) Middle school



30/346 x 136 = 11.7 ( 12) Upper school

The price per pupil for each education type is as follows:

Early years & First School = £14,702.15

Middle school = £18,426.65

Upper school = £22,153.26

Therefore :

27 x 14,702.15= £396,958 for early years and first school

16 x 18,426.65=£294,826 for the middle school

12 x 22,153.26= £265,839.12 for the upper school

These education contributions would be used to improve facilities at the schools to enable them to accept higher numbers of pupils.

*Somerset Wildlife Trust - landscape ecologist* - no comments received  
*Biodiversity and Landscaping Officer* - The site lies on a relatively exposed and elevated site to the west of Watchet and is currently intensively grazed.

A LVIA was submitted in support of the application, the finding of which I generally support. However I would consider the landscape value of the site to be above, not just average because of its coastal scenic value with views to Watchet harbour, its proximity to the Scheduled ancient monument of Daws castle and adjacent lime kilns and due to the site's proximity to several sites designated for their nature conservation value.

Indeed because of this proximity, the eastern side part of the site, is likely to be a valuable stepping stone in the landscape for wildlife.

As stated a large part of the site is very prominent within the landscape, particularly from more distant locations. Other constraints include its gradient, proximity to the SAM and the botanical interest in the herb rich grassland in the eastern part of the site.

These constraints make it a difficult site to develop and so any masterplan must pay careful attention to the placing and density of dwellings. The submitted layout does not appear to have satisfactorily addressed these constraints.

I consider that all the scrub area and hedgerows should be retained to help filter views of the development from the east.

The realignment of the coastal road, although it will have practical benefits will have localised landscape impact changing the sunken character of this section of the coastal road

## **Biodiversity**

Blackdown Environmental carried out a Preliminary ecological assessment of the site in March 2016. Surveys for bat species, dormice and reptile species in addition to an updated grassland survey were undertaken in the period May to October 2016. An Ecological survey report was produced in December 2016.

At the time of survey the layout of the proposal was uncertain so a lot of recommendations in the earlier ecology reports are generic. An Ecological assessment was carried out by SW Ecology in January 2018.

Findings were as follows

### **Protected Sites**

The site is not within a statutory site designated for nature conservation interest but there are two statutory designated sites within 2km of the site (Cleeve Hill SSSI located approximately 500m southwest of the site and Blue Anchor and Lilstock Coast SSSI located to the north of the B3191.)

The Cleeve Hill SSSI is designated for its unimproved calcareous grassland whilst Blue Anchor to Lilstock coastline SSSI is designated for its geological features.

The survey site lies within the Site of Special Scientific Interest (SSSI) Impact Risk Zones (IRZs) of these two designated sites. Where development of a certain type/ threshold is proposed, the Local Planning Authority will be required to consult with Natural England over potential risks to these sites.

Types of development where Natural England will be required to be consulted include any residential development of 100 units or more, or any residential development of 50 or more houses outside of existing settlements/ urban areas.

In addition there are thirteen non-statutory designated sites within 2km of the site, all Local Wildlife Sites (LWSs).

The closest sites include Minster Field Road Verge LWS located immediately to the west of the survey site, Tuck's Brake LWS located immediately south of the site and Daws Castle LWS located approximately 40m west of the site on the opposite side of the B3191.

### **Grassland**

The updated grassland survey identified areas of species-rich grassland at the northern and north-eastern ends of the site. Botanical species identified within these areas include pyramidal orchid, a county notable species which is generally associated with unimproved soils in short grasslands. This was confirmed by a site visit by myself in June 2018

I agree with the reports recommendation that layout of the proposal should incorporate areas of species-rich grassland within areas of landscaping and public open space. This may be achieved by retaining and enhancing existing areas of species-rich grassland or creation of species-rich grassland within non-developed buffer zones. Species-rich grasslands will provide suitable habitat for a variety of plant, invertebrate, reptile and bird species.

### **Hedgerows and scrub**

Hedgerows on site vary in their condition (i.e. intactness) and species richness. I agree that hedgerows should be retained and enhanced but a section of hedgerow will need to be removed to provide the new access to the site.

The main area of scrub habitat on site forms a significant linear vegetated feature along part of the southern boundary of the site. The scrub forms a natural barrier

between the site and steep grasslands to the south (including parts of Tucks Break LWS). I would like to see this habitat retained incorporated into design proposals to form both a buffer between the site and the Tuck's Brake LWS, and retain and enhance a vegetated 'corridor' which will facilitate movement of species along the southern boundary of the site.

### **Bats**

There were no structures (e.g. buildings) or trees within the site which had potential to support roosting bats.

I agree that there are opportunities to incorporate new roosting opportunities within proposed dwellings on site.

Three walked transect surveys were carried out when at least four bat species were recorded (common pipistrelle, noctule, Leisler's and serotine). The automated static bat detector also recorded soprano pipistrelle, greater horseshoe and lesser horseshoe.

The site is therefore considered likely to be used by bat species whilst foraging and commuting, with habitats including hedgerows and dense scrub of greatest potential value to bat species. Residential development has potential to result in a loss of habitats used by bat species for foraging.

Artificial illumination associated with residential development (e.g. street lighting) also has potential to deter bat species from using areas of the site. To mitigate the potentially negative impacts of artificial lighting, a sensitive lighting plan will need to be designed and implemented.

### **Dormice**

An adult dormouse and a further three dormouse nests were identified within nest tubes during surveys undertaken between May and October 2016.

Evidence of dormice was identified towards the eastern end of the site within dense scrub.

The removal of vegetation will impact on dormice so an EPS licence from Natural England will be required to develop the site.

### **Badger**

Mammal burrows characteristic of badger sett entrances and collapsed tunnels were initially identified along the southern boundary of the site but these did not appear to be in current use by badgers at the time of survey

Badgers may re-use abandoned setts (or create new setts within their territories) and so I agree that surveys to assess whether setts on site are in current use (and to identify any newly created setts) should be carried out pre-commencement (within 6-8 weeks) of any construction works

### **Birds**

Hedgerows and areas of dense scrub have potential to be used by a variety of bird species. The site is considered to have negligible potential to support ground nesting birds such as Skylark due to the intensively managed grass sward and

continuous presence of livestock.

I agree that any works which have potential to harm nesting birds, be undertaken outside of the main bird nesting season (1st March to end of September).

There are also significant opportunities for designing new nesting opportunities for bird species in the new development.

## **Reptiles**

The majority of the site comprises an intensively grazed short sward which is unsuitable to support reptile species however there were areas of rank field margins and clearings within areas of dense scrub which had reptile potential.

A reptile survey was undertaken involving seven survey visits. Slow worms were recorded on six of the visits, with a recorded maximum on any visit totalling twenty-two individuals. . The majority of slow worms recorded were identified at the far eastern end of the site. Adult females, adult males and sub adult slow worms were observed, indicating a likely breeding population.

To develop the site the reptiles will need to be translocated to a receptor site

### **Suggested Condition for protected species:**

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown environmental's Preliminary Ecological appraisal dated march 2016, Blackdown environmental's Survey report dated December 2016 and SW Ecology's Ecological assessment dated January 2018 and an up to date badger survey 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 dormice, reptiles, bats and birds
4. Lighting details
5. A Construction and environmental management plan (CEMP )
6. A Landscape and environmental management plan (LEMP)

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, dormice, reptiles and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat, dormice and bird boxes and reptile refugia and related accesses have been fully implemented

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

## **Informative Note**

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

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

Dormice are known to be present on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

*West Somerset Railway* - no comments received

*Natural England* - does not object, note that site is close to two SSSI sites, Blue Anchor to Lillstock Coast SSSI and Cleeve Hill SSSI but do not consider it likely that there would be significant impacts on these sites. Advise that habitats around the site are protected and enhanced

*NHS England* - no comments received

*South West Heritage Trust* - no comments received

*Historic England* - Noted the designated heritage assets in the vicinity of the development, Daws Castle (SM33712; NHLE 1020882), a scheduled ancient monument; 3 no. grade II listed lime kilns (NHLE1180302) to the NE of the site, and Watchet Conservation Area, and states that SWHT and SWT's heritage buildings officer should be referred to for advice. In terms of impacts of the proposed development HE have said that the development will, in their opinion impact on heritage significance and that the LPA should assess impacts inline with the NPPF 190/194B. Further HE considered that the submitted information was not sufficient to fully evaluate visual impacts, and recommended that further indicative visualisations showing heights and plantings/landscaping works are submitted. They welcomed provisions for interpretation investigation and enhancement at the site. HE expressed concerns although have not recommended refusal of the application

## **Representations Received**

councillor Woods - Watchet ward WSC - will keep an open mind and would like to attend committee

One neutral comment, noted that Watchet requires further infrastructure;

One letter of support, noting that the area is unsightly, the road near the site needs improvements and the proposal would help providing housing

58 households sent in letters of objection, several sent in more than one letter, the issues raised were:

- Traffic impacts
- Infrastructure and services such as GP surgeries and schools
- Land instability
- Loss of farmland
- Drainage and flooding issues
- Lack of local jobs
- Loss of privacy
- Sea wall could be affected by drilling
- Light pollution
- Noise
- Increases in risks of landslides
- Detrimental to health and wellbeing
- Roads are too narrow in Watchet for increase in traffic
- The proposal does not comply with policy
- The ecology report is out of date
- Blue Anchor road is under threat due to coastal erosion so any changes to roads at site are pointless
- Distance to town facilities and steepness of hill means people will not walk or cycle and will drive adding to traffic congestion
- Impacts on existing utilities such as broadband and fresh water pressure
- No affordable housing
- No provision for refuse collection
- Impacts on views
- Geological fault-line and potential for earthquakes
- There are other residential developments in Watchet so it is not needed
- The development will negatively impact on tourism
- It will restrict light to Lorna Doone estate

## 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

LT1	Post 2026 key strategic development sites.
SC4	Affordable Housing
SC2	Housing Provision
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
CC3	Coastal Change Management Area
CC4	Coastal Zone Protection
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement

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

LT1	Post 2026 key strategic development sites.
SC4	Affordable Housing
SC2	Housing Provision
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
CC3	Coastal Change Management Area
CC4	Coastal Zone Protection
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement

## Local finance considerations

## **New Homes Bonus**

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

### *1 Year Payment*

Somerset West and Taunton	£1079 (per dwelling) x 136 = £146,744
Somerset County Council	£270 (per dwelling) x 136 = £36,720

### *6 Year Payment*

Somerset West and Taunton	£6474 (per dwelling) x 136 = £880,464
Somerset County Council	£1619 (per dwelling) x 136 = £220,184

## **Determining issues and considerations**

The main issues are:

Principle of development; affordable housing and viability; roads, cycleways and access; PROW; coastal erosion and land stability; ecology; landscape and visual impacts; heritage; drainage, surface and foul water management; legal agreements and off/onsite contributions; and reserved matters

### **Principle of development**

This application is in outline form and is for the development of up to 136no. dwellings and includes works to the highway to facilitate a re-alignment (or re-location) of the existing B3191 public highway, which borders the site to the north. The site is located very close to the Bristol Channel coast and is on sloping ground, with cliffs to the northern side of the B3191 and several designated heritage assets including a Scheduled Ancient Monument

The proposed development is at a site on the edge of Watchet and has been allocated for longer-term strategic development through policy LT1, which identifies two sites (this one and another in the Minehead area) and requires that:

“Within the two areas identified for longer-term strategic development.....

- to the west of Watchet at Cleeve Hill, where development must contribute to enhancing the unique historic environment of the town including mitigating the erosion of Daw's Castle and encouraging visitors to the monument through funding excavations and improvement of site management, and also to providing a new alignment for the B3191 to address the impact of coastal erosion,
- proposals for the Watchet site must sustain and, where appropriate, enhance the historic assets of Daw's castle and the adjacent lime kilns and their settings.

development of both of these sites would be guided by the provision of indicative



masterplans”

The proposal is for 136no. dwellings (affordable housing and viability issues are discussed below) with relocation or re-alignment of the B3191. The initial proposal has been subject to significant amendments due to the proximity of the cliff-face to the B3191 and coastal erosion which has necessitated providing an alternative route through the proposed development site for road traffic, as the existing B road could not be safely re-aligned. It is on the basis of the revisions to the proposal that this report has been prepared.

In terms of the principle of development the site is allocated for medium-scale residential development in the adopted West Somerset Local Plan to 2032 via policy LT1. Whilst LT1 envisaged that the two sites would come forward in the latter part of the plan period from 2026 to 2032 it is not considered to be a dis-benefit to bring the Watchet site forward early as there are benefits in terms of the revised road proposals from developing the site earlier than was stated in the policy. The proposal is not considered to be a departure from the Local Plan in this regard.

As the proposal is outline in form although includes estate and other roads, cycleways, re-alignment of the B3191, pathways, works to the existing right of way and open space provision within the site, with all other matters reserved except for access and the road issues, and assessment is made on the basis of indicative plans. The initial proposal would have involved works to change the coastal path alongside re-alignment of the highway however after negotiations to change the approach to road issues the B3191 will not be re-aligned so the existing coastal path will not be directly impacted by the development, there are however other issues related to public footpaths which are routed through or near to the site which are discussed below.

Aside from policy LT1 other relevant policies includes SC4 Affordable Housing, TR1 and TR2 (sustainable transport etc), CC3 and CC4 (coastal erosion and management) and NH1 and NH2 (heritage management).

### **Affordable housing and viability**

Local Plan policy SC4 requires that on residential developments of 11 or more dwellings that 35% are provided onsite as affordable. However the development includes the provision of essential infrastructure in terms of the relocation of the clifftop B road through the site which it is acknowledged adds significant costs to the proposal.

The agent has submitted a viability assessment from Vickery Holman Associates which was initially flawed in certain respects as it used former TDBC Core Strategy policies as the baseline figure to calculate percentages of affordable housing provision, not the relevant West Somerset Local Plan policies, there were also other issues with the first draft of the viability report. This has subsequently been amended and the provisionally agreed by the LPA's housing enabling officer subject to a final assessment by independent valuers Three Dragons. Provided that Three Dragons are in agreement with the costings and calculations contained within it the LPA are satisfied that a reduced level of affordable housing provision is justified and

warranted. The final percentage achievable after due consideration of the viability report will be given in a verbal update at committee

### **Roads and access**

The initial proposal would have included realignment of the B3191 which runs out of Watchet and is extremely close to the cliff edge in parts. Due to coastal erosion this road is deemed unsafe and land stability is constantly monitored with the road subject to regular closures. The proposal has been revised to site the road through the development which should ensure far more long-term usability and meets policy requirements for improvements to this route. The highways authority have agreed with the revisions subject to conditions.

### **Public Rights of Way (PROW)**

The site has one PROW traversing through it, a second adjacent to it and the England Coastal Path outside of it close to the cliff edge. The PROW officer has not objected to the proposal but requires a (refundable) £10,000 deposit in respect of the potential for any works to impact onto the existing right of way through the site. This will be secured via the section 106 agreement.

### **Ecology**

The application includes a Preliminary Ecological assessment from Blackdown Environmental dated March 2016 with further surveying work conducted in December 2016. The County ecologist noted that the site is in relatively close proximity to two designated areas, the Cleeve Hill SSSI and the Blue Anchor and Lilstock SSSI. The ecologist has raised no objections but has requested conditions and an informative. The ecologist further noted that dormice, which are a European Protected Species are present and that the LPA must be satisfied that derogation from the Habitats Directive is justified and the developers must obtain a license for translocation of all protected species. Natural England have also not objected to the proposal.

### **Landscape and visual impacts**

The application includes an LVIA (landscape and visual impact assessment) and the SWT landscape officer is generally supportive of the approach taken although has concerns about siting and density of development and noted that scrub and hedgerows should be retained. Given that the LPA will retain control landscaping, layout and density through the reserved matters application process the visual and landscape impacts, at the 'outline' stage, are considered to be acceptable.

### **Heritage**

The site is located close to designated heritage in regards to two listed structures,

which are Grade II listed lime kilns, a Scheduled Ancient Monument which is Daws Castle, a Saxon era earth rampart, and the Watchet Conservation Area. Historic England have been consulted and have not objected to the scheme but have recommended appropriate landscaping and keeping development away from areas which could detrimentally impact upon the setting of Daws castle. It is considered that the proposed development would not have a significant impact upon the designated heritage assets and due to concerns about coastal erosion the area closest to the lime kilns and Daws Castle will be largely undeveloped so will not have significant adverse impacts on its heritage significance or setting. The final decisions regarding landscaping, layout, scale, form and design will be with the LPA via the reserved matters and as such it is considered that control over the setting of heritage assets can be maintained by the LPA and no substantive harm to designated heritage assets is evident at this 'outline' stage. Policy LT1 requires enhancements to Daws Castle as a visitor location as part of the site allocation and this has been agreed with the applicants and can be included within the provisions of the Section 106 agreement as Daws Castle is not within land in the applicant's ownership, although as yet no proposals for enhancement have been received by the LPA from relevant heritage organisations.

### **Drainage, and surface and foul water disposal**

Submitted information includes a drainage strategy from Hydrock Consulting. After negotiations with Wessex Water agreement has been reached that the approach outlined in the strategy is acceptable, including addressing issues related to odour, sewerage disposal and management of surface water within the site. Final details of all relevant drainage arrangements, including for estate roads and roads scheduled to become adopted highways, will be required, by condition, as part of the reserved matters submission. The Lead Local Flood Authority noted that the proposal includes an attenuation based drainage system which is noted as being 'appropriate' provided that the strategy utilises surface based attenuation features not underground storage, and adheres to sustainable urban drainage system (SuDS) principles. This requirement will be set by condition.

### **Legal agreements and off/onsite contributions**

The proposed development will require one or more legal agreements, via legislation known as Section 106 (s106), to ensure affordable housing requirements, offsite contributions for educational provision, and for play areas/open spaces, and any works associated with heritage assets, and concerned with highways and PROW issues and/or contributions. The agent has suggested separate, distinct s106s, to distinguish between highways/PROW matters (for SCC) and other issues. The planning authority consider this approach acceptable and warranted given the complexities of co-ordinating three sets of lawyers (representing the applicants, SWT and SCC) to negotiate of all issues were bundled into one document. The s106s will require appropriate trigger and compliance points for actions and payment of monies due. Therefore as a planning committee item the recommendation would be for committee approval to approval once draft s106s are agreed and signed (and all matters related to viability and the exact affordable housing percentage in respect

of viability has been agreed)

### **Land Stability**

The site is near to a cliff although development has been set away from this area and the revised proposal to use the highway within the site instead of realigning the B3191 will lessen risks from coastal erosion. A visual and verbal update will be given at committee with projected mapping of future coastal erosion at the site.

### **Reserved matters**

The conditions attached to any permission granted would include a condition for details of layout, design, landscaping and details of design to be submitted within two years of permission being granted.

### **Other matters**

Watchet Town Council have been consulted and deferred comment, no further comments have since been received. Significant numbers of letters of representation have been received with issues raised discussed above.

### **Conclusion**

The site has been allocated through the adopted Local Plan to 2032 for residential development with improvements to the existing public highway. Due to ground conditions changes were required to the road realignments which have been undertaken and on this basis the application can be recommended for approval subject to agreement with the viability assessment and signing of a legal agreement.

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



