

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.
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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 x 17,074.00= £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.

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