



# **PLANNING COMMITTEE REPORT**

## **Report of the Planning Team**

Report No: 12

21 April 2010

# SECTION 1

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On Thursday 29 April 2010

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<b>PARISH:</b>	<b>MINEHEAD</b>	<b>APPLICATION NO: 3/21/10/029</b>
<b>APPLICATION TYPE:</b>	<b>ADVERTISEMENT CONSENT</b>	
<b>GRID REF:</b>	<b>E- 2969084</b>	<b>N- 1462470</b>
<b>APPLICANT:</b>	<b>Ms ALISON McHUGH (HOLLAND AND BARRETT RETAIL LTD)</b>	
<b>PROPOSAL:</b>	<b>DISPLAY OF TWO ILLUMINATED FASCIA SIGNS AND ONE ILLUMINATED PROJECTING SIGN</b>	
<b>LOCATION:</b>	<b>21 THE PARADE, MINEHEAD.</b>	
<b>REASON FOR REFERRAL TO COMMITTEE:</b>	<b>REQUEST FOR AUTHORISATION TO INSTIGATE LEGAL PROCEEDING TO SECURE THE REMOVAL OF THE UNAUTHORISED ADVERTISEMENTS</b>	

## **REPORT**

### **1.0 MAIN ISSUES:**

- Visual impact and affect on conservation
- Obscuring of architectural detailing on the building

This is a retrospective application for the display of the following advertisements

- Internally illuminated box fascia sign 5.5m long with a depth of 0.9m on the Parade elevation.
- On the Blenheim Road elevation is a similar illuminated box sign but 5.2m long
- The submitted plan shows the display of a double sided box internally illuminated projecting sign (0.54 m with a depth of 0.64m) on the Blenheim road elevation, but at present this sign is actually on The Parade side of the premises

### **2.0 MOST RELEVANT DEVELOPMENT PLAN POLICIES:**

It should be noted that the site is within a conservation area, but it is not within an Area of Special Advertisement Control

The following policies from the Somerset and Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan were taken into account in arriving at this decision.

#### **West Somerset District Local Plan**

POLICY SP/2	Development In Minehead And Rural Centres
POLICY CA/1	New Development In Conservation Areas
POLICY CA/4	Advertisement Control In Conservation Areas

## **Somerset and Exmoor National Park Joint Structure Plan Review**

STR1 Sustainable Development  
POLICY 8 Outstanding Heritage Settlements

### **3.0 RELEVANT PLANNING HISTORY:**

None

### **4.0 CONSULTEES:**

Minehead Town Council - Recommend approval

Highway Authority - Although this is not a retrospective application, and Section 8 of the application form states the advertisements being applied for are not in place, it appeared from my site visit that in fact they are already up. However, the premises are located in a retail frontage and the signs are similar to, and no more dominant than, others in this street frontage, and as a result they are unlikely to be a distraction to motorists. In addition the projecting sign is set at a height (the base of the sign stated on the application form as being 2.775m above the highway) and position that will not interfere with pedestrians or motorists. Give the above there is no highway objection to permission being given.

### **5.0 REPRESENTATIONS:**

None

### **6.0 ASSESSMENT:**

The Parade is the main shopping area of Minehead and this property lies within a conservation area. The vitality of this important retail area has to be maintained, so there has to be a balance between these two issues. Whilst suitably illuminated signage can be accepted, it is however, necessary to look at the architectural composition and merits of this building in particular the dressed and carved stone features on these shop premises and the adjoining buildings.

On the Parade elevation it appears that the new box sign has been attached to an existing box previously attached to the shop front, so that the overall projection is in the region of 250 - 300mm. This projection is considered to be excessive and result in the masking of the architectural detailing on the building, which is contrary to the requirements of policy CA/4. On the Blenheim Road elevation the new box sign projects about 100mm from the face of the building, which is still considered unacceptable having regard to the importance of this corner location.

It is recommended that this application be refused, and proceedings be taken to seek the removal of these unauthorised signs

**7.0 CRIME & DISORDER IMPLICATIONS:** Addressed in the Report above.

**8.0 SUSTAINABILITY IMPLICATIONS:** Addressed in the Report above.

### **RECOMMENDATION A:**

**IT IS RECOMMENDED THAT ADVERTISEMENT CONSENT BE REFUSED FOR THE FOLLOWING REASON**

1. In the opinion of the Local Planning Authority the continued display of the existing unauthorised internally illuminated box fascia signs would detract from the appearance and character of this building which sits on the important road junction of The Avenue/The Parade with Blenheim Road, by virtue of the excessive projection of the box signs from the stone face of the building, resulting in the obscuring of the existing

dress and carved natural stone detailing found on this building and such this scheme does not accord with Policy STR1 or 8 of the Somerset and Exmoor National Park Joint Structure Plan Review or policies CA/1 and CA/4 of the West Somerset District Local Plan

**RECOMMENDATION B:**

**IT IS REQUESTED THAT THE PLANNING MANAGER BE AUTHORISE AFTER ONE MONTH OF THE ISSUING OF THIS DECISION NOTICE, THAT IN THE EVENT OF THE FAILURE TO REMEDY THIS BREACH OF PLANNING CONTROL, TO INSTIGATE ACTION FOR A PROSECUTION AGAINST ALL PERSONS HAVING IN INTEREST IN THIS PROPERTY CONCERNING THE DISPLAY OF THESE UNAUTHORISED ADVERTISEMENTS**

**Contact Officer: Nigel Furze Planning Officer**  
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<b>PARISH:</b>	<b>MINEHEAD</b>	<b>APPLICATION NO: 3/21/10/031</b>
<b>APPLICATION TYPE:</b>	<b>ADVERTISEMENT CONSENT</b>	
<b>GRID REF:</b>	<b>E- 2975630</b>	<b>N- 1463229</b>
<b>APPLICANT:</b>	<b>LIFESTYLE ENTERPRISES LTD</b>	
<b>PROPOSAL:</b>	<b>DISPLAY OF ILLUMINATED AND NON-ILLUMINATED SIGNS</b>	
<b>LOCATION:</b>	<b>MAMBO @ QUEENS HALL, WARREN ROAD, MINEHEAD.</b>	
<b>REASON FOR REFERRAL TO COMMITTEE:</b>	<b>REQUEST FOR AUTHORISATION TO INSTIGATE LEGAL PROCEEDING TO SECURE THE REMOVAL OF TWO UNAUTHORISED ADVERTISEMENTS</b>	

## **REPORT**

### **1.0 MAIN ISSUES:**

- Visual impact and affect on conservation
- Affect on the amenities of the adjoining properties.

This is principally a retrospective application for permission for the display illuminated and non-illuminated advertisements. There are a number of advertisements included within this application and details are set out below.

- Internally illuminated box signs 0.5m and 1.5m deep and approximately 5m above the adjoining ground level on the side walls (facing towards both The Strand and Merlins)
- Double sided projecting sign 1.0m wide and 1.25m deep, illuminated by means of overhead trough lighting. These signs are about 5.0m above the footpath
- Food/offer non-illuminated sign which is to be attached to the front elevation of the railings above the projecting entrance canopy. This advertisement involves the use of a painted black frame, with advertised sandwiched behind glass/ acrylic. Overall dimensions of this sign are 4.0m long with a depth of 0.7m. This is different to the current situation where banners are attached to the existing railings. The proposal would reduce the area area cover by the existing banner to be reduced the edge of the railings to be visible
- On both sides of the projecting entrance canopy it is proposed to display smaller food/offer non-illuminated signs (2.5m x 0.7m). in addition on these railings it is intended to display a "Mambo Café Bar" signs (0.6m x 0.7m).
- Beneath the canopy, above the entrance door there is an existing internally illuminated fascia sign which is to be retained.
- Beneath the canopy it is proposed to display a double sided non-illuminated hanging sign (1.9m x 0.55m) Clearance from the bottom of the sign to the pavement is 2.2m (this should be not less than 2.4m)to be displayed on the ground floor roadside elevation of the premises (such as menu information )

## **2.0 MOST RELEVANT DEVELOPMENT PLAN POLICIES:**

It should be noted that the site is within a conservation area but not within an Area of Special Advertisement Control

The following policies from the Somerset and Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan were taken into account in arriving at this decision.

### **West Somerset District Local Plan**

POLICY SP/2 Development In Minehead And Rural Centres  
POLICY CA/1 New Development In Conservation Areas  
POLICY CA/4 Advertisement Control In Conservation Areas

### **Somerset and Exmoor National Park Joint Structure Plan Review**

POLICY STR1 Sustainable Development  
POLICY 8 Outstanding Heritage Settlements

## **3.0 RELEVANT PLANNING HISTORY:**

3/21/03/137	Change of use to public house. Alterations to external elevation and internal arrangements	Approved 03/03/04
3/21/09/083	Display of non-illuminated and illuminated advertisement	Submitted 13/08/09 Withdrawn 4/03/10

## **4.0 CONSULTEES:**

Minehead Town Council – Some concerns about the number of illuminated signs that are appearing on this building needs a site inspection.

## **5.0 REPRESENTATIONS:**

Letters have been received objecting to this proposal on the grounds

- The flags are creating a disturbing noise.
- Assurances should be given that flags are not reinstated
- The illumination of the side facing advertisement is directed into the living area on two floors causing sleep disturbance

## **6.0 ASSESSMENT:**

The Queens Hall is within, but on the edge of a conservation area, The building, a former theatre has an attractive façade, which was restored as part of the conversion of the property to a public house. The premises are operated as a business establishment and as such there has to be an expectation for advertising matter to be displayed on the building. However, any such advertisement must not detract from the appearance or character of this building and this requirement is reflected in policy CA/4.

Applications for advertisement consent have to be considered against a criterion, set out in the development plan and any “other relevant factors” such amenity considerations, which can include the general characteristics to the locality including architectural or historic features. The other consideration is safety for persons using any neighbouring highway or the sea.

Previously (application No 3/21/09/083) Trinity House have indicated that they have no objections to this proposal and the Highway Authority has no observations to offer in respect of this current proposal

This is principally a retrospective application for the display of non-illuminated and illuminated advertisements on the roadside elevation of the building. Council Officers have spent considerable time and efforts in persuading the applicant to remove certain unauthorised signage and make retrospective applications for consent to display other advertisements. There has been recent success with the removal of two flags, which were causing annoyance to adjoining residents, because of noise, particularly in windy conditions.

With the exception of the two side facing internally illuminated signs the other advertisements are considered to be acceptable, although the use of the railings above entrance canopy has been considerable thought, with the conclusion that there may be potential benefits restricting the size food/event advertisements by the use of glaze panel, which is preferable to the current situation whereby banners are just attached to the side of the railings. The proposed projecting non-illuminated sign under the canopy provides insufficient clearance between the pavement and the bottom of the sign but this can be altered.

The two illuminated side-facing signs have been the subject of much discussion, with previous requests that they should be removed. It is still considered that these signs must be removed because of their adverse affect on the amenities of the adjoining residents because of the proximity to first floor living rooms bay windows in the two adjoining properties. The second floor bedrooms are also affected by these illuminated advertisements. Having viewed these rooms during the hours of darkness and assessed the impact caused by the intensity of the light sources and the relationship with the windows it concluded that these advertisements are having a material detrimental affect on the reasonable amenities which should be expected in these rooms. It is recommended that this part of the application should be refused and action be authorised to secure the removal of these signs. It can also be argued that the these two sign add to the other advertising matter creating a multiplicity of signage on this building

**7.0 CRIME & DISORDER IMPLICATIONS:** Addressed in the Report above.

**8.0 SUSTAINABILITY IMPLICATIONS:** Addressed in the Report above.

**RECOMMENDATION A:**

IT IS RECOMMENDED THAT A SPLIT DECISION ON THIS APPLICATION FOR ADVERTISEMENT CONSENT BE ISSUED

**ADVERTISEMENT CONSENT IS REFUSED.**

1. In the opinion of the Local Planning Authority the existing internally illuminated box signs on the side elevations of this building, as identified as 01 and 02 on Drawing no 718.001 rev B add to the other signage being displayed on this building creating visual clutter of advertising matter which detracts from the appearance of this attractive sea front building which form contributes to the character of this part of the Authority's conservation area, It is considered that the display of these two signs do not preserve or enhance this designated area and therefore this proposal does not accord with policy STR1 and 8 of the Somerset and Exmoor National Park Joint Structure Plan Review or policies CA/1 and CA/4 of the West Somerset District Local Plan
2. In the opinion of the Local Planning Authority the existing internally illuminated box signs on the side elevations of this building, as identified as 01 and 02 on Drawing no 718.001 rev B create are adversely affecting the amenities of the two adjacent residential properties occupiers because of the intensity of the lighting emitted by these advertisements and having regard to there proximity and relationship with nearby bay and other windows. As such it is considered that the display of these two advertisements does not accord with the requirements of Policy STR1 Somerset and Exmoor National Park Joint Structure Plan Review

## **ADVERTISEMENT CONSENT IS HERBY GRANTED TO THE OTHER ADVERTISEMENT**

### **Reason for Grant:**

“In the opinion of the Local Planning Authority the proposed development is considered to respect, enhance or be in sympathy with the character of the existing building, site, area and/or surrounding landscape. The proposal is therefore in accordance with the relevant policies and proposals of, respectively, the West Somerset District Local Plan and the Somerset & Exmoor National Park Joint Structure Plan Review April 2000.”

### **PLANNING PERMISSION IS SUBJECT TO THE FOLLOWING CONDITIONS/REASONS:**

1. The consent hereby granted shall expire on or before the end of 3 years from the date on which it is granted.

Reason: In accordance with the provisions of regulations 16(2c) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. (A) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(B) No advertisement shall be sited or displayed so as to –

1. Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
2. Obscure, or hinder the ready interpretations of, any traffic sign, railway signal or aid to navigation by water or air; or
3. Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(C) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(D) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(E) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the provisions of Regulations 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Notwithstanding the details shown on the plan hereby approved. There shall be a minimum clearance of 2.4 m from the bottom projecting hanging sign beneath the entrance canopy and the adjoining footway/ pavement.

Reason: To ensure adequate clearance beneath this sign in accordance with policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review

4. All the existing banners displayed on the railings above the entrance canopy shall be removed within one month of this permission and shall not be displayed at any future time, unless in accordance with the details shown on the approved drawing.

Reason: the Local Planning Authority wish to exercise control over the display of advertisements in this building in the interest of preserving the character of this attractive sea front building in accordance with requirements of policies CA/1 and CA/4 of the West Somerset District Local Plan.

### **RECOMMENDATION B**

**IT IS REQUESTED THAT THE PLANNING MANAGER BE AUTHORISE AFTER ONE MONTH OF THE ISSUING OF THIS DECISION NOTICE THAT IN THE EVENT OF THE FAILURE TO REMEDY THIS BREACH OF PLANNING CONTROL, TO INSTIGATE ACTION FOR A**

**PROSECUTION AGAINST ALL PERSONS HAVING AN INTEREST IN THIS PROPERTY  
CONCERNING THE UNAUTHORISED DISPLAY OF THE FOLLOWING ADVERTISEMENTS**

- Two internally illuminated side facing signs identified as 01 and 02 on Drawing no 718.001 rev B
- All banners / advertisement matters attached to the railings above the entrance canopy.

**Contact Officer:** **Nigel Furze Planning Officer**  
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<b>PARISH:</b>	<b>MINEHEAD</b>	<b>APPLICATION NO: 3/21/10/038</b>
<b>APPLICATION TYPE:</b>	<b>CHANGE OF USE</b>	
<b>GRID REF:</b>	<b>E- 2978180</b>	<b>N- 14585666</b>
<b>APPLICANT:</b>	<b>WEST SOMERSET COUNCIL</b>	
<b>PROPOSAL:</b>	<b>CHANGE OF USE OF LAND TO TEMPORARY COACH PARK (EXPIRING OCTOBER 2010).</b>	
<b>LOCATION:</b>	<b>FORMER AQUASPLASH SITE, SEAWARD WAY, MINEHEAD.</b>	
<b>REASON FOR REFERRAL TO COMMITTEE:</b>	<b>WEST SOMERSET COUNCIL ARE LAND OWNERS OF THE SITE.</b>	

## **REPORT**

### **1.0 MAIN ISSUES:**

- Land Use (temporary)
- Flooding

### **2.0 BACKGROUND INFORMATION**

The proposed site is known as the former 'Aqua splash' site, which is owned by West Somerset Council. The former swimming pool on this site was demolished 18 months ago, with the pool area being in-filled with crushed rubble and a perimeter post and rail fence installed.

The land is classed as 'Brownfield' land as it has been previously developed and is within the development line limit of Minehead and forms part of the Minehead Enterprise Park.

Tourism brings over £60 million into Minehead and West Somerset and is viewed as a key economic driver for the District. There are existing drop off and pick up points in the town and seafront, however coaches cannot stay at these locations meaning that drivers have to search for alternative parking facilities whilst awaiting returning passengers. Until recently visiting coaches have been able to park on the Vulcan Road car park, which has been bought by Morrison's and subsequently unavailable for parking. Unless parking provision can be provided in Minehead during the summer of 2010 even for the short term, coaches will not stop over in the town thus having an adverse affect on Minehead's tourist industry.

### **3.0 MOST RELEVANT DEVELOPMENT PLAN POLICIES:**

The following policies from the Somerset and Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan were taken into account in arriving at this decision.

#### **West Somerset District Local Plan**

POLICY SP/1 Settlement Hierarchy  
POLICY SP/2 Development in Minehead and Rural Centres  
POLICY W/6 Flood Plain Protection.  
POLICY TO/1 Tourism Development in Settlements

## **Somerset and Exmoor National Park Joint Structure Plan Review**

POLICY STR1	Sustainable Development
POLICY STR2	Towns
POLICY STR4	Development In Towns
POLICY 49	Transport Requirements of New Development

### **4.0 RELEVANT PLANNING HISTORY:**

3/21/92/019	Display of three externally illuminated signs, Advertisement	Approved 26/03/1992
3/21/91/074	Leisure pool including health suite, fitness and spectators facilities	Approved 25/04/1991.
3/21/88/343	Change of Use from Agricultural to industrial	Approved 21/12/1988.
3/21/86/031	Change of use from agricultural to industrial development and access road	No Objection 26/08/1986.

### **5.0 CONSULTEES:**

Minehead Town Council - Comments awaited.

SCC Highway Authority - Given the location of the site within Minehead there is no objection in principle to the proposal from the Highway Authority.

In terms of detail, the proposed area to be used for coach parking (as shown on the submitted drawing, Plan 2), mean that the existing turning head will be available to provide turning within the site and ensure that coaches enter and leave the highway in a forward gear. Given that it is stated there will be no picking up/dropping off passengers in this location there is no objection from the Highway Authority. In the event of permission being granted a condition preventing the picking up/dropping off of passengers from the site and suggest that conditions be imposed.

Environment Agency - Commented awaited.

Wessex Water Authority - The development is located within a sewerage area with foul and surface water sewers. The developer has proposed to dispose of surface water to mains sewer. If required it will be necessary for the developer to agree points of connection onto our systems for the satisfactory disposal of foul flows and surface water. Connection points can be agreed at design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

The developer should check with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or near the) site. If such apparatus exists applicant should plot the position to assess implications. The grant of permission does not where apparatus will be affected change Wessex Water's ability to seek agreement to carry out diversionary or conditioned protection works at the applicant's expense or in default of such agreement the right to prevent the carrying out of any such development proposals as may affect its apparatus.

Somerset Drainage Consortium - Comments awaited.

Environmental Health - Commented awaited

### **6.0 REPRESENTATIONS:**

None received.

## **7.0 ASSESSMENT:**

### **The site**

The site area where a maximum of up to 10 coaches will be parked measures a total area of approximately 1457.4 sq meters. This is the former footprint of the aqua splash pool, currently filled with rubble, which would have to have the existing rubble surface scraped off and remodelled with compacted road planings (or aggregate material) to provide a suitable surface. The existing perimeter fence would remain with the exception of the southern side being removed to allow access to this area from Brereton Road, via Hawksworth Road and Stephenson Road or via Brunel Way, and Vulcan Road. The use of the site will be to provide a rest area for coach drivers whilst awaiting the collection of passengers who are likely to remain either with their vehicles or using the nearby facilities of the nearby supermarket or fast food outlet, whilst also enabling evasive action should adverse weather conditions develop.

### **Flooding**

The proposal is within flood zone 3,(high risk) where flooding could result by inundation by the sea following a breach from the shingle bank north of Dunster Beach Estates.

Existing ground levels range from 6.2 and 6.8m Above Ordinance Datum (AOD) level. New development such as Morrison's (3/21/09/042) has been required to raise the finished floor levels of 7.15m, which gives a guide to the potential risks of this site. This level is to protect against the current 1:200 tidal flood level and the 1:100 year flood of 6.95m AOD. As the proposal does not involve the construction of a new building and is for a temporary use predominantly during the summer months on a previously developed site these measures are not thought to exacerbate any flooding issues. The proposed use therefore does not have a pose a potentially high risk to persons or property in a floodable situation.

PPS25 requires that a Sequential Test is undertaken to find alternative sites in areas less likely to flood. However, whilst the council has investigated the following sites, these have all been discounted for various reasons;

CAR PARK ADJOINING CO-OP STORE, THE AVENUE - Has insufficient spare capacity to accommodate coaches with difficult access through the town.

CLANVILLE CAR PARK, MARTLET ROAD - A difficult sloping site that has a confined access, close to several residential properties.

CAR PARK, NORTH ROAD - Not suitable for large vehicles and insufficient spare capacity.

QUAY WEST CAR PARK, QUAY STREET - A congested area, unsuitable for coaches especially in the summer with the likelihood of increased pedestrian visitors.

CAR PARK, ALEXANDRA ROAD - Approach roads are unsuitable through the dense residential area with unsuitable access for larger vehicles.

OLD A39 ROAD (BETWEEN MINEHEAD & DUNSTER) - A public highway that is remote with no driver facilities.

Other sites in the Enterprise Park were also considered, however, investigations into sites with a lower Flood Zone risk with suitable access was not successful.

The intention of creating this parking area on the former Aquaspalsh footprint site, it to have a porous material on the surface and will fall towards existing gullies (as identified on Plan 2 of the submitted application) that serve both the roads and parking areas of the former pool. The swimming pool remains are below ground level and will act as a safeguard from pollution of the nearby ground and watercourses, with a minimal risk of ground or water contamination throughout the proposed temporary period of this change of use of the land.

Comments have not yet been received from the Environment Agency.

## **Conclusion**

The site is identified as a 'Brownfield' site (previously developed land) as part of the Minehead Enterprise Park and has therefore been earmarked for industrial or business use. There would be no impacts on any of the neighbouring sites., and this proposal is for a limited period of time (2 seasons) during mainly the summer months whilst other alternative are developed.

The tourist trade is important to the local economy, and this proposed coach park will allow visiting day coaches and their drivers to be able to have rest periods after dropping off passengers and waiting for the time to elapse before collecting the said passengers, this will not be done from this site.

Flooding issues have been addressed with only minor remodelling to provide a more substantial flat surface for coaches to enter and exit the site by using a porous surface that is laid to fall towards existing gullies with no excessive risks associated with this proposal. There is no justifiable reason why planning permission should be with held.

**RECOMMENDATION:            It is recommended that planning permission be GRANTED**

### **Reason for Grant:**

"In the opinion of the Local Planning Authority the proposed development is considered to respect, enhance or be in sympathy with the character of the existing site and the surrounding landscape. The proposal is therefore in accordance with the relevant policies and proposals of, the West Somerset District Local Plan and the Somerset & Exmoor National Park Joint Structure Plan Review April 2000 respectively".

### **PLANNING PERMISSION IS SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to an approved in writing by the Local Planning Authority. Such provision shall be made before the use hereby permitted is first commenced on the site and maintained thereafter at all times.  
Reason: To ensure the satisfactory drainage of the development and to prevent pollution and/or flooding in accordance with Policy(ies) 49.
2. The existing turning head within the site and access thereto (as shown on submitted drawing Plan 1) shall be kept clear of obstruction at all times and not used other than for the running of vehicles or for the purpose of access in connection with the development hereby permitted.  
Reason: To ensure satisfactory provision of off-street parking and servicing facilities to serve the development, in the interests of road safety and amenity, and in accordance with Policy(ies) 49.

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<b>PARISH:</b>	<b>STOGURSEY</b>	<b>APPLICATION NO: 3/32/10/003</b>
<b>APPLICATION TYPE:</b>	<b>FULL</b>	
<b>GRID REF:</b>	<b>E- 3202328</b>	<b>N- 1453584</b>
<b>APPLICANT:</b>	<b>NNB Generation Company Ltd</b>	
<b>PROPOSAL:</b>	<b>TEMPORARY EXCAVATION OF 20 TRENCHES IN ORDER TO INVESTIGATE THE DEPTH &amp; NATURE OF THE SUBSOIL ABOVE THE ROCK</b>	
<b>LOCATION:</b>	<b>HINKLEY POINT, NR BRIDGWATER, TA5 1UD</b>	
<b>REASON FOR REFERRAL TO COMMITTEE:</b>	<b>DUE TO PUBLIC INTEREST GENERATED FROM THE APPLICATION</b>	

## **REPORT**

### **1.0 MAIN ISSUES:**

- Impact on local residents (notably in relation to noise and dust)
- Contamination Issues
- Impact on the landscape
- Level of detail submitted for public consultation
- Predetermination of Hinkley Point C Nuclear Power Station
- Impact on the local ecology

### **1.1 BACKGROUND:**

This application is for the temporary excavation of 20 trenches in order to investigate the depth and nature of the subsoil above the rock on agricultural land to the west and south of Hinkley Point. The application has been submitted on behalf of NNB Generation Company Ltd, who are a subsidiary of EDF Energy.

Consent for the temporary works are being sought in advance of a DCO (Development Consent Order) application for the proposed new nuclear power station development, as these works are investigative in nature. The proposed works form part of a range of surveys (previously granted by West Somerset Council), aimed at confirming the feasibility of using the land to the west of the existing Hinkley Point B Power Station, as the site of a proposed new Nuclear Power Plant. These proposed works do not form part of the final construction and do not mean that the position of the final station will be located to the south of the existing station.

EDF Energy are proposing that the DCO will be submitted to the Infrastructure Planning Commission (IPC), who are a body which makes decisions on applications for nationally significant infrastructure projects, before the end of 2010.

It should be noted that the Local Planning Authority (LPA) is only the determining authority for preliminary on-site works, and whilst the LPA will be a statutory consultee for the DCO application, the DCO will be determined by the IPC.

Members should be aware that any consent for preliminary works, will not fetter the discretion of the Local Planning Authority to represent the views of the area on any subsequent application to the IPC.

### **Description of Development**

This application seeks consent for the temporary excavation of 20 trenches for subsoil investigation. The trenches will be backfilled, normally within 24 hours (subject to any archeological remains being found), and there will be no permanent change to the land.

The proposed trenches will be between 2 metres x 1 metre and 5 x metres and 1 metre, dependent on the depth which has to be dug to reach the rock surface below. The trenches will also be temporarily fenced during excavations for safety reasons.

Mechanical excavation will proceed using a tracked 360 degree excavator and a archeologist will be present on the site to inspect the excavated surface, trenches sections and removed soils for archeological features, deposits, artifacts or other material.

Access to the site will be from Wick Moor Drove, using the agricultural entrance to the site.

### **2.0 MOST RELEVANT DEVELOPMENT PLAN POLICIES:**

The following policies from the Somerset and Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan were taken into account in arriving at this decision.

#### **West Somerset District Local Plan**

Policy A/2	Best and Most Versatile Agricultural Land
Policy BD/1	Local Distinctiveness
Policy LC/3	Landscape Character
Policy NC/3	Sites of Local Nature Conservation and Geological Interest
Policy SP/5	Development Outside Defined Settlements
Policy TW/1	Trees and Woodland Protection
Policy TW/2	Hedgerows
Policy NC/4	Species Protection
Policy PC/1	Air Pollution
Policy PC/2	Noise Pollution
Policy PC/3	Noise Sensitive Developments
Policy PC/4	Contaminated Land
Policy AH/3	Areas Of High Archaeological Potential

#### **Somerset and Exmoor National Park Joint Structure Plan Review**

Policy STR1	Sustainable Development
Policy STR6	Development outside Towns, Rural Centres and Villages
Policy 1	Nature Conservation
Policy 5	Landscape Character
Policy 7	Agricultural Land

#### **National Planning Policy Guidance/Planning Policy Statements (PPGs/PPSs)**

PPS1: Delivering Sustainable Development  
PPS5: Planning for the Historic Environment  
PPS7: Sustainable Development in Rural Areas  
PPS9: Biodiversity and Geological Conservation  
PPG24: Planning and Noise

### **3.0 RELEVANT PLANNING HISTORY:**

3/32/09/035	Two temporary trenches for vibration testing and temporary removal of topsoil for three trial areas for compression testing.	Granted	10/02/2010
3/32/09/032	Ecological improvements using stored soils to construct six artificial badger setts on agricultural land and in woodland.	Granted	02/03/2010
3/32/08/031	Temporary retention of 37 boreholes incorporating piezometers (for subsoil monitoring) and site compound.	Granted	15/01/2009
3/32/09/003	Temporary retention for an additional 4 boreholes for subsoil monitoring	Granted	05/03/2009
3/32/09/028	Temporary excavation of six trenches to investigate the depth and nature of the subsoil above the rock	Granted	23/11/2009
3/32/09/016	Temporary trial trenches for archaeological surveys	Granted	27/05/2009
3/32/08/025	Temporary excavation of 26 trenches for the purpose of investigating the depth and nature of the subsoil above the rock.	Granted	10/10/2008

### **4.0 CONSULTEES:**

**Wessex Water:** We have no apparatus in the area shown and no doubt EDF themselves are aware of any private water mains which may cross the site and so require protection.

**Stogursey Parish Council:** No objection

**Quantock Hills AONB:** No comments

**Natural England:** No comments

**Environment Agency:** No objection subject to the inclusion of conditions as recommended by the Environment Agency.

**Somerset County Council (Archaeology):** No comments received

**Somerset County Council (Highways):** No observations

### **5.0 REPRESENTATIONS:**

10 x representations have been received from local residents raising the following concerns:

- Lack of information/consultation provided by EDF as to where the digging will take place, as well as access plans and arrangements.
- Proposal was incorrectly worded and should make reference to land to the 'south' of Hinkley Point, not to the 'west'.
- Noise, dust and general disruption
- A request that as a condition of this temporary planning application being granted, EDF are required to undertake vastly more rigorous noise testing in the hamlet of Shurton.
- The applicant has predetermined the issue of the site boundary prior to the commencement of the Stage 2 of the EDF consultation process.

### **6.0 ASSESSMENT:**

#### **Impact on local residents (notably noise and dust)**

A number of local residents have objected to the proposal due to the potential for noise and dust, whilst the temporary works are carried out.

It should be noted that additional statutory powers to control noise and dust exist outside the planning system. The granting of planning permission does not remove the need to comply with these controls. The major legislative instruments are:

- Part III of the Environmental Protection Act 1990, as amended by the Noise and Statutory Nuisance Act 1993; and
- Part III of the Control of Pollution Act 1974, which gives local authorities powers to control noise from construction sites.

The Environmental Health Department of the Council actively enforces the requirements of this legislation.

However, in relation to noise, the impact of noise can be a material consideration in the determination of planning applications. Planning Policy Guidance (PPG24) states that '*local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations*'.

A local resident has requested that as a condition of this temporary planning application being granted, EDF are required to undertake vastly more rigorous noise testing in the hamlet of Shurton. The Local Planning Authority are required to give full reasons for the imposition of every condition. It is considered that in this instance due to:

- the temporary nature of the works;
- previous applications granted; and
- that legislation is in place elsewhere to deal with the issue of noise from sites

that it would be inappropriate to include a condition requiring the applicant to erect noise monitoring equipment in third parties land. The use of this type of condition would not be 'reasonable in all other respects', as per Circular 11/95 (The use of Conditions in Planning Permissions), as the applicant would require separate consent from the individual landowners to implement the consent.

### **Contamination Issues**

The Environment Agency have confirmed that they have no objections to the proposed development, subject to a condition and informatives relating to the potential contamination of the land being included in the any decision notice.

The Environment Agency have therefore recommended that a condition is included to ensure that the contaminative status of the area is confirmed and that appropriate measures are taken, should contamination be encountered. It is considered that this is an acceptable approach to ensure that the proposed works do not pose an unacceptable risk to the environment.

Overall it is considered that the nature of the works and that they are to be undertaken over 100m from the nearest property means that whilst the works will be noticeable by nearby residents they will not have any material effect with regards to noise and dust.

### **Impact on the Landscape**

These works require planning permission as they are engineering operations. It should be noted that whilst intrusive the 20 x trenches are temporary in nature and will be backfilled/reinstated within 24 hours of commencement for each trench. A condition is proposed, as per previous similar applications on the site, to ensure that the land is reinstated by re-soiling and grass seeding as appropriate.

It is therefore considered that the temporary nature of the investigative works will not be detrimental to the character of the existing site and surrounding landscape.

### **Level of detail submitted for public consultation**

A number of residents have raised concerns over the level of detail that has been provided by the applicant (EDF) to enable them to comment fully on the application.

Whilst, it may be considered by some local residents that EDF's consultation with local residents has been inadequate, full details have been provided to West Somerset Council and these are in the public domain. These details have enabled the LPA and technical consultees to consider the application and provide responses.

### **Predetermination of Hinkley Point C Nuclear Power Station**

In determining this application it is important to consider any concerns that approving such an application will mean that the LPA are predetermining that any future proposals for the area (i.e. the proposed Hinkley Point C Nuclear Power Station) will be acceptable.

The Department of Communities and Local Government (DCLG) and Department of Energy and Climate Change (DECC) have provided the LPA with clarification, in relation to the consideration of applications for preliminary works.

DCLG and DECC have stated that 'local authorities should have confidence in considering such applications on their merit, including consideration of the need for an environmental impact assessment for the works in question and whether to grant consent'.

In addition, it should also be noted that the National Policy Statement (NPS) for energy (including Nuclear Power Generation) was published in draft in November 2009. The Planning System: General Principles (CLG in 2004) states that 'emerging policies, in the form of draft policy statements or guidance, can be regarded as material considerations'. DCLG and DECC have confirmed that they would expect draft NPSs to be treated in the same way.

The DCLG and DECC have stated that 'it is for decision-makers to reach a view on what they consider to be a material consideration to the planning application before them and the weight to be attached to it'.

Therefore the LPA must take into account government statements of planning policy, as material considerations, where relevant, in decisions on planning applications. In this instance, the draft NPS nominates Hinkley Point as a potential site for a new nuclear power station and limited weight has been attached to the NPS.

It is considered that consent for these preliminary works, will not fetter the discretion of this LPA, when determining further applications on their individual merits, or when representing the views of the area on any subsequent application to the IPC.

### **Impact on the local ecology**

During the trench tests an ecologist will be onsite to undertake a Watching Brief as there are a number of ecologically sensitive areas surrounding the site, including five wooded areas, hedgerows, grassland and ditches. These provide habitats for a number of species, including some protected species.

It should be noted that the applicant would still need to ensure that the proposed works are not carried out in a way that would contravene the Wildlife and Countryside Act 1981 or the Protection of Badgers Act 1992. It is therefore considered that this issue can be adequately controlled under existing legislation.

It should also be noted that part of the land is covered by a stewardship Agreement and derogation from Natural England will need to be secured to allow the trenches to be carried out. Within the

Stewardship area any replanting required once trenches have been backfilled will be done with an appropriate grass seed mix.

In line with Policy NC/3 of the Local Plan, it is considered that the temporary works would not damage the nature conservation value of the site as existing trees and hedgerows are to be retained.

## **Conclusion**

In conclusion, it is considered that the proposal is considered to have an acceptable impact on the character of the landscape, due to the temporary nature of the proposal.

Issues relating to the potential contamination of the site, archaeological issues and noise monitoring have been discussed within this report and can be adequately controlled by conditions and informatives, where appropriate.

This application has been submitted in advance of a Development Consent Order (DCO) application for the proposed Hinkley Point C Nuclear Power Station. It should be noted that the Local Planning Authority (LPA) is only the determining authority for preliminary on-site works, and whilst the LPA will be a statutory consultee for the DCO application, the DCO will be determined by the IPC. Any consent for preliminary works, will not fetter the discretion of the Local Planning Authority to represent the views of the area on any subsequent application to the IPC.

**7.0 SUSTAINABILITY IMPLICATIONS:** Addressed in the Report above.

**8.0 RECOMMENDATION:** It is recommended that planning permission be **GRANTED**.

### **Reason for Grant:**

In the opinion of the Local Planning Authority the proposed development is considered to have an acceptable impact on the landscape and the temporary nature of the works will not be detrimental to the character of the existing site and surrounding landscape. The proposal is therefore in accordance with the relevant policies and proposals of, respectively, the West Somerset District Local Plan and the Somerset & Exmoor National Joint Structure Plan Review.

### **PLANNING PERMISSION IS SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 (As amended).
2. Each individual trench hereby approved shall be backfilled and restored within 24 hours of the commencement of the excavation of each trench, following completion of any archaeological recording of works as may be necessary, and the land reinstated by re-soiling and grass seeding as appropriate.  
Reason: Having regard to the special circumstances of the case permission is granted for a temporary period only.
3. If, during the course of the works hereby granted consent, any items of archaeological or historic interest are uncovered, the Local Planning Authority shall be notified immediately. The Local Planning Authority, or a person nominated by them, shall be allowed access to the site at all reasonable times for the purpose of recording such items or features prior to their disturbance, removal or covering up.  
Reason: The Local Planning Authority wishes to ensure that any items of archaeological interest are properly recorded for posterity in accordance with Planning Policy Guidance Note 16 and Policy(ies) AH/3.

4. Prior to the commencement of development approved by this permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from the contamination of the site

2) If the desk study identifies any potential risks, then a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

Reason: To ensure that the proposed development does not cause pollution of controlled waters and that development complies with approved details in the interests of protection of controlled waters.

### **Notes to Applicant**

- 1) All materials removed from the trenches must be returned and if any material is stored for a longer period or moved off site then the appropriate authorisation must be sought from the Environmental Permitting Regulations.
- 2) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon to be provided to remove grass solids. The Environment Agency must be advised if a discharge to a watercourse is proposed.

**Contact Officer:**        **Nigel Furze, Planning Officer**  
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<b>PARISH:</b>	<b>WATCHET</b>	<b>APPLICATION NO: 3/37/10/006</b>
<b>APPLICATION TYPE:</b>	<b>FULL</b>	
<b>GRID REF:</b>	<b>E- 3071487</b>	<b>N- 1426986</b>
<b>APPLICANT:</b>	<b>SUMMERFIELD HOMES</b>	
<b>PROPOSAL:</b>	<b>DEVELOPMENT OF 33 AFFORDABLE AND INTERMEDIATE AFFORDABLE HOUSES WITH ASSOCIATED WORKS AND PARKING.</b>	
<b>LOCATION:</b>	<b>LAND TO THE WEST OF, CHURCHILL WAY, WATCHET</b>	
<b>REASON FOR REFERRAL TO COMMITTEE:</b>	<b>MAJOR APPLICATION</b>	

## **REPORT**

### **1.0 MAIN ISSUES:**

- Site lies outside the development limit
- Provision of affordable housing
- Highway issues
- Flooding
- Effect on neighbouring properties
- Protected species
- Planning obligations
- Decision on previous planning application
- Setting of listed building

### **1.1 BACKGROUND:**

The site (approximately 0.87 hectares) forms part of a larger field and is bounded to the north by Wedlakes, to the east by South Road industrial estate, Churchill Way and Courtlands Close and to the south and west by the adjoining field. Access to the site is via Churchill Way.

Permission is sought to erect 33 affordable properties of which 15 will be affordable properties for rent (four x 2 bedroom bungalows, six x 2 bedroom houses and two x 4 bedroom houses) and 18 intermediate houses for sale at a discounted value (eight x 2 bedroom houses and 10 x three bedroom houses).

Each property will be allocated 2 parking spaces; the majority of these are within the curtilage of each property. In addition there will be a mixture of rendered and brick properties with either reconstituted slate or concrete double roman tiles on the roof. The access road will be covered in tarmac whereas the parking courts and on plot parking will be block paving.

As part of the application an area of public open space is proposed at the entrance to the site and will incorporate the stream that crosses the site. The existing public footpath that runs along the stream is to be retained. This footpath links the area of Parsonage Farm with Churchill Way.

The new boundary to the field is proposed to be a hedge whereas the hedges on the other boundaries are to be retained and thickened where necessary.

## **1.2 APPLICANT' SUPPORTING INFORMATION:**

The submitted Design and Access Statement provides the reasoning behind the proposal and includes a site appraisal, the layout, design, treatment to the site boundaries, access, biodiversity, sun path analysis and sustainability together with the results of the public consultation and how the consultation responses have been taken into account in the proposals.

The Agent states that the mix of rental accommodation has resulted from consultation with West Somerset Council and that the four bungalows have been located along the boundary with Wedlakes to reduce the impact on the properties in Wedlakes. The houses are arranged around a central roadway and the public open space is proposed to create an attractive 'village' group. The variety of surfacing proposed for the road and car parking areas is to give a clear definition of public and private spaces and to visually break down the areas.

The design of the houses is the same for the affordable rental and intermediate affordable units. The design is generally of individual houses that are bold and simple. The roofscape is considered to be lively through the use of different materials.

With regard to the existing road network the road junctions accord with Manual for Streets guidance for 30mph roads and no personal injury accidents are recorded. The proposed road layout is also in accordance with Manual for Streets and provides sufficient parking, 2 spaces per property, so preventing unnecessary on street parking. The parking spaces are large enough to accommodate a garage at a later date. The garage courts are overlooked by a number of properties so providing passive surveillance and discouraging antisocial behaviour.

From a desk study a number of bat species, badger, otter, dormice and bird species have been recorded. The existing hedgerows are considered to have high potential to support dormice, breeding birds and foraging/commuting bats and the drainage ditch is likely to support foraging/commuting otter and bats. The tall rudral bank has the potential to support reptiles. In addition the whole site may be utilised by foraging/commuting badgers. In light of this the stream and hedgerows are to remain unaffected. The site is to be enhanced to enhance and restore biological diversity as set out on PPG9.

Sun path analysis has been undertaken which shows the extent of shadowing at various times of the year. The proposed bungalows have been located near the Wedlakes boundary to limit overshadowing to their rear gardens.

There is public transport available within a short walking distance that is frequent and to/from a number of destinations. There are also key local facilities within 1km of the proposed site including 2 primary schools and a number of recreational and playgrounds. This could facilitate and encourage walking and cycling to local facilities rather than relying on the car. In addition the proposed open space will be within 60m of all new dwellings, which is in accordance with the Fields in Trust recommendations.

The site is an infill site within a developed site and the density of dwellings accords with central government policy guidance.

In relation to public consultation there was support for off street parking of 2 spaces per dwelling and a wish to see management of small parking courtyards in terms of security and control of anti social behaviour. Concern was raised over the level of on street parking in the area and concern for the safety of children crossing South Road to reach the Henry Davy playing field together with the increase of traffic on the road network.

There was support for affordable housing and a range of house types but concern over the qualification criteria being too restrictive and that this could be the first phase of a larger development was raised.

Requests to address the risk of flooding and to retain the ditch/stream and footpath were put forward. Condemnation of the use of wood cladding was also received. With regard to wildlife badgers had been seen foraging on the site and there was requests to retain the existing hedgerows but there was concern over the maintenance of the landscaping setting. The loss of views and landscape was voiced particularly to the rear of the properties on Wedlakes.

Reference to contaminated ground due to the former gas works was raised.

Supporting statements in relation to community involvement, affordable housing, public right of way, open space assessment, daylight assessment, biodiversity survey and report together with landscape details, planning obligations and a site waste management plan have been provided. The findings of these assessments have been taken into account in formulating the proposal.

## **2.0 MOST RELEVANT DEVELOPMENT PLAN POLICIES:**

The following policies from the Somerset and Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan were taken into account in arriving at this decision.

### **West Somerset District Local Plan**

POLICY SP/1	Settlement Hierarchy
POLICY SP/5	Outside Defined Settlements
POLICY TW/2	Important Hedgerows
POLICY NC/4	Protection Of Species
POLICY NC/5	Biodiversity
POLICY W/6	Surface Water Run-Off Management
POLICY BD/1	Siting, Layout And Form Of New Development
POLICY BD/2	Design Of New Development
POLICY BD/9	Energy And Water Conservation
POLICY A/2	Protection Of High Grade Agricultural Land
POLICY T/7A	Car Parking
POLICY H/5	Affordable Housing Outside Settlements
POLICY R/4	Open Space Incidental To Housing
POLICY UN/2	Undergrounding Of Service Lines

### **Somerset and Exmoor National Park Joint Structure Plan Review**

POLICY STR1	Sustainable Development
POLICY STR3	Rural Centres And Villages
POLICY STR4	Development In Towns
POLICY STR6	Development Outside Towns, Rural Centres And Villages
POLICY 33	Provision For Housing
POLICY 42	Walking
POLICY 48	Access And Parking
POLICY 49	Transport Requirements Of New Development

## **3.0 RELEVANT PLANNING HISTORY:**

Residential development, social housing with associated parking and amenity land.

Refused  
27.03.2001

## **4.0 CONSULTEES:**

**West Somerset Council Housing Enabler** - The last in-depth report of housing need for Watchet was carried out in August 2008. Watchet is, and is likely to remain, one of the three housing 'hotspots' in West Somerset, the other two being Minehead and Williton.

In August 2008 there were a total of 237 households registered on the Somerset Homefinder Choice Based Lettings System who had selected Watchet as either their first or second preference for re-housing. 59 of the 237 households have a local connection with Watchet in excess of ten

years, 21 between 5 and 10 years, 57 under 5 years and 10 households have family living in Watchet and wish to move to give or receive support.

The predominant need is for housing for rent. There is also a reasonably healthy demand for low cost home ownership options, despite the recent difficulties with the housing market and mortgage availability.

The breakdown of housing need in terms of household size is as follows (based on those 147 households with a Watchet local connection):

1 bedroom - 70  
2 bedroom - 49  
3 bedroom - 26  
4 bedroom – 1  
5 bedroom - 1

In terms of housing need, the provision of 1 bedroom homes are not encouraged as they do not provide flexible living arrangements or opportunities for lifetime homes. The proposed scheme supports this with a minimum size of 2 bedroom. Single people and childless couples will be given the opportunity to under-occupy two bedroom homes.

The proposed scheme also includes a small number of bungalows, which have been included to address to the issue of under-occupation in existing Housing Association stock thus making best use of existing housing to compliment the new-build.

The trend for the Somerset Homefinder System is that numbers of people registering is increasing. On this basis I am more than happy to fully support the provision of additional affordable housing to meet an identified local housing need on the basis of evidence as detailed above.

**Watchet Town Council** - This committee recommends approval and welcomes development that will provide additional low cost local housing. However, concerns have been expressed regarding liability to flood.

**County Highways** - This proposal is similar to an outline planning application (3/37/01/003) which was for a residential development which included affordable housing. This proposal was refused for three reasons one of which related to the Local Planning Authorities opinion that the surrounding highway network was not of sufficient standard to serve the additional vehicles movements associated with the proposal.

Since this proposal highway works have been carried out on the highway network surrounding the site. I am therefore of the opinion that the surrounding network is of sufficient standard to accommodate the additional vehicle that would be associated with this proposal.

In regards to the site layout and access detail the plans were passed to the Estate Roads Team for comment. Their observations are set out below.

Firstly in relation to site drainage the proposed internal estate road is to be constructed over an existing watercourse. Confirmation will be required as to the diameter of the pipe that is to be laid beneath the carriageway. In light of this the applicant should be made aware that any pipe of 900mm diameter or greater will require the submission of an Approval in Principle as this is classified as a structure. From the information provided it is noted that the surface water from this site is to be drained into an existing mains sewer and the existing watercourse. Due to the fact that both facilities are not maintained by the Highway Authority, written evidence of the consent of the authority or owners responsible for the existing systems will be required to be submitted to Somerset County Council. Section 50 NRSWA 1991 (Sewer Connections) requires that where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are obtainable from Mr John Nicholson, Streetworks Co-ordinator (01823) 483103.

Surface water from all private areas, including parking bays, is to be intercepted by private drainage measures prior to it discharging onto the prospective publicly maintainable highway. Taking this point into account the applicant is advised that private drainage covers should not be located within prospective public highway areas. Finally 600mm wide flat margins will be required between the back edge of proposed footways/footpaths and the top of the watercourse embankment.

Where the access will tie into the existing highway, allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. In terms of the site layout itself the applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Section 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Once completed the Highway Authority would look to adopt the private road under Section 38 of the Highways Act 1980. In addition to satisfy Advance Payment Code legislation, it will be necessary for the footpath link serving plots 1-3 to be built to an adoptable standard. The footpath will require lighting if it is to be adopted.

In regards to parking the site will provide 66 spaces, this equates to 2 spaces per unit which is in keeping with the requirements set out in the Local Transport Plan. In terms of the parking layout within the site, the applicant is advised that private parking bays that immediately butt up against footpaths should be constructed to a minimum length of 5.2m, to prevent any possible overhanging and obstruction of said pedestrian links. Tandem parking bays, for example adjacent to plots 10 and 11, should be constructed to a minimum length of 10.5m.

Further information from the applicant would be required for the following points, firstly it has been assumed that the areas of carriageway serving plots 6-16 and 24-30 will be of a block paved shared surface construction. Would the applicant be able to advise that this assumption is true. Secondly will there be any deflection to vertical alignment at the intersections of the bitumen macadam carriageway and the areas of block paved carriageway? Also will ramps be require?

As part of the applicants' site access appraisal trip generation was included for 33 dwellings. This stated that in total 33 units would generate 163 daily movements. Having spoken with our Traffic Analyst Team it is felt that this figure is a bit low and should be closer to 200 daily movements. Although this is a additional 37 movements it is still considered to be acceptable levels for the junctions of South Road and St Decuman's Road and Churchill Way with South Road. In regards to visibility the junction of Churchill Way with South Road provides the required 43m in either direction as set out in Manual for Streets.

Therefore taking into account the above information I raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

- A condition survey of the existing public highway will need to be carried out an agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. It is recommended that contact be made with the Area Highway Service Manager (West Area) 08453459155 to arrange for such a survey to be undertaken.
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the use of the site discontinues.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

- The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, accesses and car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, materials and method of construction shall be submitted to the Local Planning Authority.
- 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.
- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
- The gradients of the proposed drives to the dwelling hereby permitted shall not be steeper than 1 in 10.

**County Rights of Way Group** - A public right of way (WL/30/9) crosses the site and will require a diversion as it will be obstructed by the proposed development. The diversion would be carried out by West Somerset Council under the Town and Country Planning Act. The County Council has no objection to the proposal subject to the developer being informed that the grant of planning permission does not entitle developers to obstruct a public right of way. In addition it is considered that the installation of a new stile at the revised field boundary is not acceptable. Preferably a gap should be left or if furniture is required a pedestrian gate would be the best option. The County Council's authorisation for new furniture and change in the surfacing of the public footpath is also required.

**Natural England** – views on mitigation scheme awaited.

**Environment Agency** - The development is situated in Flood Zone 1, an area assessed as having less than 1:1000 year annual probability of river flooding in any year. However we note there are concerns that this area is subject to flooding (although the cause of this is unknown) and therefore in light of this we recommend that the Local Planning Authority request further information, as it is likely that our concerns could be addressed through condition/s.

The recommendation relates to an assessment of the drainage ditch to estimate the capacity of the channel and culvert and should include determining whether the system can adequately contain 1:100 year flood event (plus the appropriate allowance for climate change) and define whether the culvert is a restricting factor to flood flows.

Conditions are suggested that relate to the design and management of the proposed public open space and watercourse, scheme for water efficiency and a condition relating to the storage of oils, fuels or chemicals.

**Wessex Water** - Capacity for foul sewage, storm water and water supply is available.

## 5.0 **REPRESENTATIONS:**

Nine people have raised objections to the scheme and are summarised as follows:

- Loss of a Greenfield site is not justified, as there are other suitable brownfield sites within the development limit.
- The proposal does not accord with SP/4 and STR6
- The site is subject to flooding and the loss of permeable land is reduced which will exacerbate this problem

- The local road network will not be able to cater for the increase in traffic
- The development will lead to an increased use of the Henry Davy playing field, which has already seen an increase in use following the upgrade of the playing field. This will lead to serious road safety issues, which will be increased by the increased traffic flows.
- Previous applications on the site have been refused on lack of justification, increased traffic flows and flooding. There have been no changes since then so this application should be refused.
- Roads to the site are already congested so emergency vehicles and buses will have problems getting through.
- The site has abundant wildlife (foxes, bats, birds, slow worms, badgers and deer). The development will destroy their habitat.
- It is the thin end of the wedge as the rest of the field could be developed in the future such as access through Wedlakes.
- The site produces a livelihood for the farmer and this could force the farmer out of work or reduce his turnover.
- Should build the houses on Doniford Road where there are no safety problems.
- There are inaccuracies in the information submitted re schools, doctors Surgery, Bank and there is no dentist, bungalows on the Wedlakes boundary but there are also houses.
- The proposed rear access to the properties on the northern side will provide unobserved access to properties in Wedlakes forcing Wedlakes to have to put up unsightly 6-foot fences.
- Are the developers/WSC going to give grants for Wedlakes residents to put up fences?
- The employment mentioned is very small as half of the units are unoccupied.
- There are more suitable sites such as land north of Danesfield, which will not cause any visual impact on residents, as there are none.
- Williton has more amenities than Watchet. An example is that Tesco's delivers to Williton but not Watchet.
- No road improvements have been done to overcome the previous reason for refusal
- Semi detached or terraces with a more formal layout than the "higgledy-piggledy 'village' layout that doesn't fit into the surroundings. A suggested alternative layout has been put forward.
- Affects the existing residents' quality of life.
- Loss of stunning views

Prior to the submission of the application a petition was submitted in November 2009 stating that they oppose the new development of over 35 houses and are concerned about the wildlife and do not wish to lose their stunning views over the fields. 50 people signed the petition and 20 people signed a further petition citing the above reasons and the fact that the site is outside the current building line together with extra traffic at the junction with the park

## **6.0 ASSESSMENT:**

There are nine main issues as noted above and these are addressed below:

### **Site lies outside the development limit and the provision of affordable housing**

The site does lie outside the development limit of Watchet and as such any development will only be permitted (Policy H/5) where it is for the provision of affordable housing for local people if it is within or adjoining a rural centre such as Watchet and provided the housing will meet an identified local need and cannot be reasonably met within the development limits. The development must respect the settlement and its landscape setting and there must be arrangements in place to ensure that the occupation is for those to local need in perpetuity.

There is an identified local need for affordable housing in Watchet, as outlined above by the housing enabler, and the housing enabler also supports the type of dwellings proposed. In addition there are no other suitable or available sites within the development limit of Watchet. A S106 has been submitted to ensure that the housing is affordable either to rent or buy and is limited to local need. The proposed design and layout is considered to take account of the existing dwellings so that there is no or limited loss of privacy or sun/daylight, the materials to be used reflect the

materials used in the existing buildings and the topography has been taken into account such as the retention of the watercourse. The proposal is therefore in accordance with Policy H/5.

Alternative sites in Watchet and Williton that have been put forward by objectors are outside the development limits and as such these sites would not take precedence over the site the subject of this application.

### **Highway Issues**

Access to the site is via South Road and Churchill Way. The Highway Authority is of the opinion that the surrounding road network is of a sufficient standard to accommodate the additional vehicle movements associated with the proposed development. A number of residents have however expressed their concern over the amount of on street parking and that accidents may occur if the prospective occupiers of the proposed dwellings increase the use of the Henry Davy playing field. As noted by the Agent however, there have been no recorded accidents on the surrounding roads and as the Highway Authority consider that the road network is adequate it is considered that this application is acceptable from a highway point of view.

The public right of way requires a diversion order otherwise it will be obstructed by plot 24 (which adjoins the watercourse). An application for the diversion order will need to be submitted and the development should not be started until the diversion order comes into effect.

### **Flooding**

The issue of localised flooding from the watercourse has been raised both through public consultation prior to the submission of this application and as part of the planning application consultation process. The Environment Agency has assessed the area as being in Flood Zone 1 and as there are concerns over potential flooding it is suggested that the watercourse's capacity be assessed. Information has been forwarded which has concluded that the flooding in the past has been caused by poor maintenance with a build up of debris at the entrance to the discharge culvert. Due to this a management regime is to be put into place to ensure that the watercourse is kept free at all times together with a new debris collection screen.

### **Effect on neighbouring properties**

Properties in Courtlands Close and Wedlakes border onto the application site. Those in Courtlands Close are at right angles to the boundary so there will be no overlooking between dwellings. The distance of the proposed properties to those in Courtlands Close and the provision of hedgerows on the boundary reduce any potential overlooking of the gardens. With regard to the properties in Wedlakes these run parallel to the application site and as they are on land higher than the application site they will overlook the proposed dwellings. The boundary hedge and the proposed thickening of the hedgerow, the distance between the existing and proposed dwellings and the proposed siting of bungalows along part of the boundary with Wedlakes will limit the degree of overlooking. In addition the effect of shadowing and loss of daylight has been modelled for the site and the submitted plans show that there will be a limited loss of light.

Comments have been received regarding proposed access paths at the rear of the proposed properties that will border onto the properties in Wedlakes in that the owners of these properties will have to put up fences for privacy. These paths have now been deleted from the application so this potential problem has been overcome. The loss of views of the open countryside has also been raised by objectors. This however, is not a planning issue.

### **Protected Species**

It is recognised that the application site is either used by a number of protected species or has the potential of being a suitable habitat. As the aim is not to reduce but to improve biodiversity and to protect the habitat of protected species a mitigation scheme has been submitted. The mitigation proposed includes:

- The provision of dormouse nest boxes at 20m intervals along the existing hedgerows on the northern and eastern boundaries
- New hedgerows

- Supplementary planting including along the watercourse and hedgerows to increase connectivity.
- Light restrictions along the hedgerows and watercourse
- The hedgerows are to be separated from the gardens by post and wire fencing to ensure continued appropriate management. The hedgerows will be managed on a rotation basis with alternative sides being trimmed every 2 years. The hedgerows will be allowed to grow to 3-4 metres.

It is considered that the mitigation will help retain and improve the biodiversity of the area. This accords with policy NC/4.

### **Planning Obligations**

As part of the application legal agreements in relation to the provision of affordable housing to ensure that it remains affordable for local people in perpetuity and an open space contribution has been submitted. At the time of writing these have not been finalised and as such no permission can be granted until these are completed to the satisfaction of the Council's Solicitor.

### **Decision On Previous Planning Application**

Planning permission was refused in 2001 for 11 properties (5 houses and 6 flats) on a smaller site contrary to officer recommendation. The access was in the same position as proposed in the current application. The reasons for refusal related to development being outside the development limit, deficiencies in the road network and the proposed development could potentially exacerbate the current flooding problems.

As noted above it is that evidence of local need has been submitted and that a draft legal agreement to ensure that the dwellings are affordable in perpetuity has been received. The application is therefore in accordance with policy from this point of view once the legal agreement has been completed.

With regard to deficiencies in the road network the Highway Authority are satisfied that the road network is adequate since highway works have been carried out on the highway network since the refusal of the application in 2001.

Concerns over localised flooding and its causes have been investigated. A new debris collection screen is proposed as this was noted to be part of the problem together with ongoing maintenance by the owner. These should help ensure that localised flooding no longer occurs and as such flooding is not considered to be a reason for refusal.

### **Setting Of Listed Building**

Parsonage Farm is located to the west of the application site and is surrounded by agricultural land and the B3190. The proposed development will reduce the width of the belt of agricultural land between Parsonage Farm and the new development. The width of agricultural land and the fact that the farm is elevated above the proposed development means that the farms setting will not be adversely affected.

**7.0 SUSTAINABILITY IMPLICATIONS:** Addressed in the Report above.

**8.0 RECOMMENDATION:**

It is recommended that subject to the legal agreements concerning recreational contributions and affordable housing that the Planning Manager be given delegated powers to approve the application subject to the following conditions:

### **Reason for Grant**

In the opinion of the Local Planning Authority the proposed development is considered to respect the character of the area, provide affordable housing for which there is a local proven need, protect and enhance the biodiversity of the area and has an adequate

highway network together with an improved scheme to alleviate localised flooding. The proposal is therefore in accordance with the relevant policies and proposals of, respectively, the West Somerset District Local Plan and the Somerset & Exmoor National Park Joint Structure Plan Review April 2000.

**PLANNING PERMISSION IS SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 (As amended).
2. Before the commencement of any works hereby permitted, details or samples of the following external material(s) to be used shall be submitted to and approved in writing by the Local Planning Authority: SLATE, 2 ROOF TILE, BRICK, COLOUR AND TEXTURE OF RENDER, MATERIALS FOR CAR PARK AREAS AND WALL OVER THE WATERCOURSE.  
Reason: To safeguard the visual amenities of the area. In accordance with Policy BD/2.
3. The car parking spaces as shown on the approved drawings shall be allocated to each property as shown on the plans and thereafter retained as such.  
Reason: To ensure that each property has the benefit of 2 parking spaces in accordance with Policy T/7(a).
4. No works shall take place towards implementing this permission until such time as the public right of way affected by the proposal has been lawfully diverted and the new right of way made available for use by the public.  
Reason: To safeguard the interests of users of the public right of way, and in accordance with Policy(ies) 42.
5. Unless otherwise agreed in writing by the Local Planning Authority, all mains services required for the development hereby approved shall be laid underground.  
Reason: In the interests of visual amenity and in accordance with Policy(ies) STR1 and UN/2.
6. Prior to the occupation of the first dwelling hereby approved the mitigation measures as outlined in the Ecological Mitigation Plan report no. 09/182 shall be completed and thereafter retained as such.  
Reason: In the interests of biodiversity and protected species and in accordance with Policy NC/4.
7. Prior to the development hereby approved commencing details of any proposed external lighting on the rear of the properties hereby approved and along the watercourse shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.  
Reason: To protect the habitats and flight lines of bats and in accordance with Policy NC/4.
8. Prior to the commencement of the development hereby-approved details of the new debris collection screen on the watercourse to replace the existing screen shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used. And the approved s grill will be installed prior to the occupation of the first dwelling and thereafter retained as such.  
Reason: To alleviate localised flooding in accordance with Policy W/6.
9. All vehicles leaving the site must not emit dust or deposit mud, slurry or other debris on the highway. In particular efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been submitted

to and agreed in writing by the Local Planning Authority prior to commencement of works on site and shall be fully implemented prior to the commencement of development, and thereafter maintained until the development of the site is completed.

Reason: To safeguard the amenities of neighbours and highway safety and in accordance with Policy 49.

10. Prior to the commencement on the hereby approved development details for the disposal of surface water within the site which shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

Reason: To prevent the discharge of surface water onto the highway, in the interests of highway safety and in accordance with Policy 49.

11. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, accesses and car parking shall be constructed and laid out in accordance with details to be submitted to and 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, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy 49.

12. 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 and in accordance with Policy 49.

13. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the hereby-approved plans.

Reason: In the interests of highway safety and in accordance with Policy 49.

14. The gradients of the proposed drives to the dwelling hereby permitted shall not be steeper than 1 in 10.

Reason: In the interests of highway safety and in accordance with Policy 49.

15. The hereby approved landscaping scheme shall be fully implemented not later than the planting season following the substantial completion of the development. If at any time during the subsequent five years any tree, shrub or hedge forming part of the scheme shall for any reason die, be removed or felled it shall be replaced with another tree, shrub or hedge of the same species during the next planting season, unless the Local Planning Authority gives prior written consent to any alternative species.

Reason: In the interests of visual amenity and in accordance with Policy(ies) STR1 and BD/2.

**Contact Officer:** Elizabeth Peeks Principal Planning Officer  
eapeeks@westsomerset.gov.uk

## **Notes**

1. Where works are to be undertaken on or adjoining the publicly maintainable highway licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

2. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

3. The grant of planning permission does not entitle the developer/owner of the land to obstruct the footpath (WL 30/9). A diversion order will be required before development starts on site.

4. The lighting in proximity of the rear of the properties, hedgerows and along the watercourse must be at or below 0.1lux

5. There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

If you require further advice on the above matters, please contact Daniel Lamb, Development & Flood Risk Engineer, on 01278 484730.

6. The Environment Agency notes that appendix I relates to Site Waste Management Plans, however a more detailed plan is required by law.

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that the SWMP should contain depends on the estimated build cost, excluding VAT.

You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

7. Under the Land Drainage Act 1991, the Environment Agency's prior written consent is required for any in-channel works to the drainage ditch, for example the construction of a culvert. Approval should also be sought for any general works in close proximity to the drainage ditch from West Somerset District Council's drainage engineer. For more information please contact Daniel Lamb, Development and Flood Risk Engineer on 01278 484730.

8. There is no mention of sustainability and water efficiency measures in the application. The development should meet as a minimum Code 3 for sustainable homes.

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

The Code for Sustainable Homes should be complied with, achieving the highest level possible. For details on compliance with the Code the applicant is advised to visit:

<http://www.communities.gov.uk/publications/planningandbuilding/codesustainabilitystandards>.

9. It is noted that the foul water drainage will be discharge to the main public sewer. The Environment Agency recommends contacting the local water company to confirm they have sufficient capacity for the proposed development. Please contact new connections at Wessex Water on (01225) 526333.

10. During construction vehicles should not cross or work directly in a watercourse. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank.

11. Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be

advised if a discharge to a watercourse is proposed, as the developer will require temporary consent from us to make a discharge.

12. Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaces when contaminated) to control spillage and leakage.

13. All waste disposed of off site must be taken to an appropriately licensed waste management facility in accordance with Duty of Care and the Environmental Permitting Regulations. If any waste is to be brought onto site then the appropriate exemption from the Environmental Permitting Regulations must be applied for.

<b>PARISH:</b>	<b>WATCHET</b>	<b>APPLICATION NO: 3/37/10/009</b>
<b>APPLICATION TYPE:</b>	<b>FULL</b>	
<b>GRID REF:</b>	<b>E- 3070676</b>	<b>N- 1432846</b>
<b>APPLICANT:</b>	<b>1<sup>ST</sup> WATCHET SCOUT GROUP</b>	
<b>PROPOSAL:</b>	<b>FORMATION OF NEW ACCESS AND GATES IN WALL AND CHANGE OF USE OF LAND TO ANCILLARY USE TO ADJOINING SCOUT HQ INCLUDING NEW ACCESS DOORS FROM SCOUT HQ INTO YARD AREA.</b>	
<b>LOCATION:</b>	<b>LAND TO THE REAR OF 11 SWAIN STREET, WATCHET</b>	
<b>REASON FOR REFERRAL TO COMMITTEE:</b>	<b>INVOLVES COUNCIL OWNED LAND</b>	

## **REPORT**

### **1.0 MAIN ISSUES:**

- Effect on Watchet Conservation Area
- Potential loss of parking spaces
- Potential reduction of on street loading/unloading on Swain Street
- Provision of fire exit route

### **1.1 BACKGROUND:**

This application seeks permission for:

- The retention of the access made into the rear of the Chemist which was created as a temporary access for building works being undertaken at the Chemists. The access is for the use of the Scouts for loading and unloading. Wooden gates, the height of the existing stone boundary wall would be provided to ensure security.
- The use of the land to the rear of the Chemists for storage and open space
- The provision of additional fire escape route for the Chemist and the Scout HQ. This will require the provision of additional double doors in the side elevation of the Scout HQ.

### **1.2 APPLICANT' SUPPORTING INFORMATION:**

In support of the application the Agent considers that the proposals have a very minor effect on the existing environment and due to their nature and materials will blend seamlessly into the area. The use of the land will have a minimal effect on neighbours and will tidy up the area. The proposed use will be of great benefit to the Sea Scouts and to the local youth it helps.

An access agreement from the District Council still needs to be gained or access from the car park and should not be part of the consideration of the planning application. The use of the land without access for open space, storage and fire exit will be of benefit on their own.

### **2.0 MOST RELEVANT DEVELOPMENT PLAN POLICIES:**

The following policies from the Somerset and Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan were taken into account in arriving at this decision.

## **West Somerset District Local Plan**

POLICY CA/1	New Development In Conservation Areas
POLICY CA/2	Control Of Demolition In Conservation Areas
POLICY CA/3	Redevelopment in Conservation Areas
POLICY BD/3	Alterations & Extensions To Existing Buildings
POLICY T/5	Public Car Park Spaces

## **Somerset and Exmoor National Park Joint Structure Plan Review**

POLICY 8	Outstanding Heritage Settlements
POLICY 9	The Built Historic Environment

### **3.0 RELEVANT PLANNING HISTORY:**

3/37/10/010	Demolition of part of wall to provide access to yard area for Scout HQ.	Not Yet Determined
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### **4.0 CONSULTEES:**

SCC Highways - The proposal relates to the formation of a new access and gates whilst also providing a change of use to the existing land to an ancillary use.

This proposal is located off the adopted highway as such there is no objection in principle. However I would recommend that the proposed access gates should be set to open inwards rather than out onto the car park.

The proposal will utilise the existing access to the Anchor Street car park. This access provides adequate visibility in either direction and is considered to be of sufficient standard to accommodate the vehicle movements associated with this proposal.

Watchet Town Council - The installation of double gates at this site. However, whilst this committee does appreciate the access problems, they would recommend that the installation of a single gate at this site would still guarantee the safety of the scout users to access their mini-bus. This committee would also wish to see the wall on this site reinstated as the original planning application stated under the Conservation Area regulations. The committee would also note that in light of previous surveys on parking within the town, which revealed a shortage of parking, they have concerns that two parking spaces will be lost in Anchor Street car park if this application is granted.

West Somerset Council - West Somerset Council are the owners of the land known as Anchor Street Car Park. West Somerset Council wish to object to this application for the following reasons:

1. the wall should be retained as it is in a conservation area
2. the Council are not mindful to have gateways and access created over this car park
3. the proposed access way will mean that WSC will lose at least two parking spaces in Watchet
4. Revenue from the parking spaces will be lost

Devon and Somerset Fire and Rescue - No comments received.

### **5.0 REPRESENTATIONS:** None received.

### **6.0 ASSESSMENT:**

The application site lies within the Watchet Conservation Area and part of the character of this part of the Conservation Area are the high lias stone walls around Anchor Street and Market Street car

parks. It is considered that the loss of part of this wall to allow a vehicular access into the rear of the Chemists will not preserve or enhance the character of the Conservation Area, a duty of the Local Planning Authority. The provision of wooden gates will help to keep the feeling of enclosure but these gates could be left open. In addition if the creation of openings into boundary walls and the insertion of wooden gates were repeated too often this would lead to the erosion of the special character of this part of the Conservation Area. In addition, the reasons put forward for the access are understood but in this instance the justification put forward does not outweigh the adverse effect on the Conservation Area.

It is noted that both the District Council as landowner and Watchet Town Council are both concerned about the loss of parking spaces. Policy T/5 states that if a proposal leads to the loss of public car parking in the central area of Watchet the proposal should be considered against whether there is sufficient car parking available to meet both local and seasonal visitor demands and whether suitable alternative public car parking is to be provided. It is considered that no alternative provision has been provided as part of the application and that there is a need for the spaces. It is therefore concluded that this policy has not been complied with.

The proposed double doors into the Scout HQ building are not considered to adversely affect the character of the Conservation Area and will not adversely affect the amenities of the adjoining property, the Chemists. The proposed open space and storage use of the land adjoining the Scouts HQ is considered appropriate subject to the submission of satisfactory details. It should be noted that the reason put forward by the Agent of tidying up the area is not a material planning consideration.

One of the reasons put forward as part of the proposal is to create extra fire escape routes. At present both the Scout HQ and the Chemists each have an escape route. These exit onto Swain Street. At the time of writing the fire officer has not made any comments. As there are already fire escape routes whilst the provision of additional routes is concluded these are not essential.

The Highway Authority have raised no objections to the scheme but have given advice on that the proposed gates should open into the site and not onto the car park.

**7.0 SUSTAINABILITY IMPLICATIONS:** Addressed in the Report above.

**RECOMMENDATION:** It is recommended that planning permission be REFUSED for the following reasons:

1. In the opinion of the Local Planning Authority, the retention of an opening in the wall and the provision of double wooden gates will adversely affect the feeling and appearance of enclosure. This will not preserve or enhance the character of the Conservation Area. In addition if this was repeated too often this would further erode the character of this part of the Conservation Area. The proposal is therefore not in accordance with Policies CA/1 and CA/2 of the WSDLP or Policies 8 and 9 of SSENPR.
2. The proposal will involve the loss of parking spaces, which are required to meet both local and seasonal visitor demands. No suitable alternative public car parking has been proposed as part of the application and as such the application is not in accordance with Policy T/5 of WSDLP.

**Contact Officer:** Elizabeth Peeks Principal Planning Officer  
eapeeks@westsomerset.gov.uk

<b>PARISH:</b>	<b>WATCHET</b>	<b>APPLICATION NO:</b>	<b>3/37/10/011</b>
<b>APPLICATION TYPE:</b>	<b>FULL</b>		
<b>GRID REF:</b>	<b>E- 3072308</b>	<b>N- 1431537</b>	
<b>APPLICANT:</b>	<b>MR GREG HAWKER</b>		
<b>PROPOSAL:</b>	<b>ALTERATIONS &amp; CHANGE OF USE TO CONVERT SHOP INTO GROUND FLOOR FLAT (RESUBMISSION OF 3/37/09/022)</b>		
<b>LOCATION:</b>	<b>4 SOUTH ROAD, WATCHET, TA23 0DA</b>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b>	<b>COUNCILLOR REQUEST DUE TO INTEREST IN THE PREVIOUS DECISION AT PLANNING COMMITTEE</b>		

## **REPORT:**

### **1.0 MAIN ISSUES:**

- Loss of business premises
- Character and appearance of the area
- Residential amenity of neighbouring properties
- Highway safety

### **2.0 BACKGROUND INFORMATION**

4 South Road is part of a Victorian terrace; the building has a shop on the ground floor and one flat above on the first and second floors. This application relates to the shop only which is currently vacant and was most recently used as a shop/studio for making and selling of stained glass, before this it was used as an office, for an estate agents and prior to this an office, for insurance services.

The shop has been on the market since May 2008 and this application is by a perspective purchaser. The owner states that there have been no offers to buy the property as a business premises.

The applicant, Mr Hawker proposes to convert the shop into a one-bedroom dwelling, the property would have no outside amenity space or any parking space. The conversion entails alterations to the shop front, replacing the existing shop window with a smaller window similar to the windows on the first and second floor and re-facing the building with natural stone.

### **3.0 MOST RELEVANT DEVELOPMENT PLAN POLICIES:**

The following policies from the Somerset and Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan were taken into account in arriving at this decision.

#### **West Somerset District Local Plan**

POLICY SP/1	Settlement Hierarchy
POLICY SP/2	Development in Minehead and Rural Centres
POLICY T/8	Footpath Requirements
POLICY BD/3	Alterations & Extensions To Existing Buildings

## **Somerset and Exmoor National Park Joint Structure Plan Review**

POLICY STR1 Sustainable Development  
POLICY 48 Access And Parking

### **4.0 RELEVANT PLANNING HISTORY:**

3/37/09/022	Change of use and alterations to convert shop in to ground floor flat	Refused 20/01/2010
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### **5.0 CONSULTEES:**

**Watchet Town Council** - Comments awaited

**SCC Highways** - Under its previous retail use the shop would have generated little or no vehicle movement.

The proposal is located in Watchet which can provide access to limited services and facilities as such it is envisaged that occupants would be reliant on the use of the private car.

The proposal is located on South Road which is designated as a Class 3 carriageway. The road is standard width. However due to the parking of vehicles on both sides of the carriageway its width is narrowed to approximately to the width of one and a half vehicles. This is due to the lack of off street parking provided in this location. I therefore have concerns that this proposal will exacerbate this issue by allowing additional vehicles to park on the highway.

I therefore raise objections to this proposal for the following reasons:

- The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway user at this point. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review Adopted April 2000 and Policy T/3 of the West Somerset Local Plan.

### **6.0 REPRESENTATIONS:**

Representations have been received from the owner asking that the following points be considered: -

- The shop has been on the market for nearly two years (details from Chanin and Thomas was submitted confirming this). During that time there have been no offers to buy the property as a business premises and the only formal offer of any sort is from the planning applicant Mr Hawker at a price 15% below the market valuation. The prospects to sell as a business premises seem remote, especially since the adjoining shop at No. 3 has been empty and on the market for considerably longer.
- These two empty shops next to one another give a derelict appearance to an otherwise improved area. I am concerned that they will become a target for vandalism if left empty for a longer period and the possibility of squatters can not be ruled out.
- The previous application was refused in part because "the proposed development would likely to encourage the parking of vehicles on the public highway and add to the hazards at this point". I would argue that the demand for parking presented by say a Betting Shop or a Property Agency (as existed previously), or a Newsagents or Sandwich Shop (if one were to open at No. 3) would present a greater hazard to traffic at this point than a small ground floor flat.

## **7.0 ASSESSMENT:**

### Loss of business premises

4 South Road is currently vacant most recently used as a shop/studio for making and selling of stained glass, before this it was used as an office, for an estate agents and prior to this an office, for insurance services. Next door to this is a grocers shop which has been redundant for several years, further along this road a charity shop has been converted into a residential dwelling (planning reference number 3/37/04/003); it would seem that there is no longer a need for these shops. The area is within the Development Limit where conversions to dwellings are acceptable in principle.

### Character and appearance of the area

One of the grounds for refusal on the previous application was that the design, would have a detrimental effect on the character of the building and terrace. This application has amended the design of the shop front and as such, the proposed alterations to the front elevation are in character with the building and surrounding area. The proposal has incorporated materials that match those on the terrace and the size and position of the proposed window is in proportion, the brick detailing matches that on the building and terrace.

### Residential amenity of neighbouring properties

There would be no affect on any neighbouring properties in respect of overlooking or loss of light but the lack of amenity space could cause a problem with regards to bins, or any outside storage.

A bin/bike store have been allocated in the centre of the flat, this is not very practical; Any bike would need to be taken through either the lounge diner or bedroom and although the plans state a vent would be inserted into the cupboard (to avoid smell from the refuse), there is nowhere for this vent to go as it is surrounded by rooms.

### Highway safety

South Road is used for parking during the day but it is exacerbated in the evening because of the number of terraced properties in the area, that do not have any parking provision; these include properties in South Road, Almyr Terrace and Portland Terrace.

### Access And Parking

South Road is designated as a Class 3 carriageway, it runs through the centre of Watchet and as such is a busy road with the largest half (eastern half) of Watchet being accessed via this road.

The main issue in relation to this proposal is whether this proposal would increase off street parking. Currently the shop is vacant, most recently being used as a stain glass studio; previously it was used as an office for insurance services and at a separate time, an estate agent. These types of use would normally require parking for the person working at the unit during office hours but during the evening there would be no requirement for any parking. Residential units would be more likely to require a parking space in the evening. Although the proposed change of use may not increase the need for parking during the day it is considered that the proposal will increase the need at evening times.

A residential unit of this size requires off street parking for at least 1 car as set out in Policy T/8 and Parking Provision, Table 4, Residential Parking Guidelines.

### Conclusion

In conclusion, it is considered that the proposal, does not provide any off street parking and for this reason the proposal is not acceptable.

## **RECOMMENDATION: It is recommended that planning permission be REFUSED for the following reasons:**

1. The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby

add to the hazards of highway user at this point. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review Adopted April 2000 and Policy T/3 of the West Somerset Local Plan.

**Contact Officer:**     **Lisa Buller Planning Assistant**  
[lbuller@westsomerset.gov.uk](mailto:lbuller@westsomerset.gov.uk)

<b>PARISH:</b>	<b>WILLITON</b>	<b>APPLICATION NO: 3/39/10/002</b>
<b>APPLICATION TYPE:</b>	<b>FULL</b>	
<b>GRID REF:</b>	<b>E- 3078245</b>	<b>N- 1409110</b>
<b>APPLICANT:</b>	<b>Summerfield Developments (SW) Ltd</b>	
<b>PROPOSAL:</b>	<b>DEMOLITION OF EXISTING CAR DEALERSHIP &amp; VEHICLE REPAIR CENTRE AND ERECTION OF 21 DWELLINGS, AND ASSOCIATED CAR PARKING AND LANDSCAPING</b>	
<b>LOCATION:</b>	<b>GLIDDONS GARAGE, HIGH STREET, WILLITON, TA4 4NW</b>	
<b>REASON FOR REFERRAL TO COMMITTEE:</b>	<b>APPLICATION WHICH IN THE OPINION OF THE PLANNING TEAM LEADER HAS THE POTENTIAL FOR BEING THE SUBJECT OF A SECTION 106 AGREEMENT (PLANNING GAIN)</b>	

## **REPORT**

### **1.0 MAIN ISSUES:**

- Impact on neighbouring properties
- Highways Issues
- Flood Risk Assessment
- Contamination Issues
- Affordable Housing Requirements
- Noise
- Section 106 Agreement

### **1.1 DESCRIPTION OF DEVELOPMENT:**

The application proposes 21 new dwellings, in place of the existing vacant car dealership and vehicle repair garage (Gliddons Garage) located on the A358 within the village centre. Existing buildings on the site consist of the 8 x bay petrol filling station and kiosk, vacant car showroom (500sqm gross floor area), body shop and repair garage (500sqm gross floor area) and 18 x lock up garages. The proposal would comprises of the following:

- 5 x two bedroom flats (two of which would be affordable dwellings).
- 11 x two bedroom terraced houses.
- 5 x three bedroom houses.
- 36 car parking spaces and associated landscaping.

The overall site area is 0.351 hectares and this therefore provides an approximate density of 60dph (dwellings per hectares). Paragraph 50 of PPS3 states that the '*density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment*'. The proposed site layout has been designed to make best use of the site taking into account the site constraints and the characteristics of the immediate area.

Two new vehicular accesses are proposed on to the A358. These accesses would replace the existing established vehicle access, which already exists on the site. The main access would provide vehicular and pedestrian access into the proposed new development. The second of the two accesses would provide new vehicular access and a turning area for No.11 High Street (existing building).

This section of road has a 30mph speed limit and on-street parking is restricted through the use of double yellow. Approximately 90 metres northwest of the proposed development site, the A358 intersects with the A39 at a three-arm mini-roundabout. The proposed visibility splays for both entrances are 2.4m x 43m. There are no obstructions to the visibility within the splays greater than 300mm.

The main site access would be accessed via a 5 metre wide shared surface carriageway with a 6 metre radii. This would allow sufficient space for a refuse vehicle to manoeuvre into and out of the site. From the junction with the A358, it is proposed that bitumen macadam will be used with 1.8 metre footpaths on both sides. Beyond Plots 6 and 21, a block paver shared surface will be constructed.

36 parking spaces are proposed within the site and this equates to approximately 1.7 parking spaces per dwelling. Parking spaces are proposed in a mixture of carports, off road parking spaces and parking courtyards.

The proposed materials are generally in keeping with the local vernacular of the village, using a mixture of natural local red sandstone brick and render for the elevations, and double roman tiles and slate tiles for the roofing.

The architect has ensured that particular attention has been taken to the detailing of Plots 1-6, 12 and 21, as these will be the most prominent properties from the High Street. Plot 1 and 2 (which consist of two flats that would be classified as affordable homes), have been designed to try and fit in with the listed building adjacent (No.11 High Street). The use of 3 x drive through coach houses within the site allows for some of the car parking areas to be located away from the main views into the site from the High Street.

The boundary treatments will consist of existing stonewalls being maintained and extended in places and close board timber fencing elsewhere.

The north west of the site is bounded by Monksilver Stream and it should be noted that a section in the west corner of the site has been culverted.

## **2.0 MOST RELEVANT DEVELOPMENT PLAN POLICIES:**

The following policies from the Somerset and Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan were taken into account in arriving at this decision.

### **West Somerset District Local Plan**

Policy SP/1	Settlement Hierarchy
Policy SP/2	Development in Minehead and Rural Centres
Policy W/1	Waste Water, Sewage Management and Infrastructure
Policy W/5	Surface Water Run-Off
Policy W/6	Flood Plains
Policy AH/3	Areas of High Archaeological Potential
Policy LB/1	Listed Buildings Alterations and Extensions
Policy LB/2	Listed Building Demolition
Policy BD/1	Local Distinctiveness
Policy BD/2	Design of New Development
Policy E/7	Retention of Employment Use
Policy T/3	Transport Requirements of New Developments
Policy T/9	Existing Footpaths

Policy H/4 Affordable Housing  
 Policy R/4 Playing Pitch Improvements  
 Policy PC/4 Contaminated Land  
 Policy PO/1 Planning Obligations

### **Somerset and Exmoor National Park Joint Structure Plan Review**

Policy STR1 Sustainable Development  
 Policy STR3 Rural Centres and Villages  
 Policy STR5 Development in Rural Centres and Villages  
 Policy 11 Areas of High Archaeological Potential  
 Policy 35 Affordable Housing  
 Policy 42 Walking  
 Policy 43 Access for People with disabilities  
 Policy 44 Cycling  
 Policy 48 Access and Parking  
 Policy 49 Transport Requirements of New Development

### **National Planning Policy Guidance/Planning Policy Statements (PPGs/PPSs)**

PPS1: Delivering Sustainable Development  
 PPS3: Housing  
 PPS5: Planning for the Historic Environment  
 PPG 13: Transport  
 PPS 23: Planning and Pollution Control  
 PPG24: Noise  
 PPS25: Flood Risk

### **3.0 RELEVANT PLANNING HISTORY:**

3/39/05/003	USED CAR DISPLAY AREA. INSTALLATION OF SECURITY POSTS AND CLOSURE OF A VEHICULAR ACCESS	GRANTED	16/02/2005
3/39/92/006	CONVERSION OF GROUND-FLOOR FLAT INTO OFFICE ACCOMMODATION	WITHDRAWN	05/04/2004
3/39/97/049	RE-POSITIONING OF SATELLITE DISH	GRANTED	22/10/1997
3/39/87/001	INSTALLATION OF VEHICLE SPRAY BOOTH OVEN	GRANTED	23/02/1987
3/39/82/013	NEW 12000 GALLON PETROL TANK AND ERECTION OF FORECOURT CANOPY	GRANTED	08/04/1982
3/39/78/053	NEW PEDESTRIAN SIDE DOOR	GRANTED	09/01/1979
3/39/78/047	ALTERATIONS TO WORKSHOP & SHOWROOMS, VEHICULAR AND PEDESTRIAN ACCESS	GRANTED	25/09/1974

### **4.0 CONSULTEES:**

**Williton Parish Council:** No objections to the application but concerns raised were as follows:

- Access for traffic from the site on to A358 could be a problem but worse at peak times.
- A pedestrian access over the Monksilver Stream into Robert Street would be advisable
- The lack of footpath on A358 between the site and the entrance to Robert Street

**English Heritage:** We do not consider that it is necessary for this application to be notified to English Heritage.

**Environment Agency:** The Environment Agency objects to the proposed development for the following reasons:

The site is located predominantly in Flood Zone 2, with part of the site at higher risk in Flood Zone 3. Our flood map for Williton has recently been updated from the map shown in Figure 2 (*of the FRA*), and although the flood risk to the site has not significantly changed, this new map should be recognised in the Flood Risk Assessment (FRA).

There is an increase in flood vulnerability as a result of this proposed development. This is a major application and the Local Planning Authority will need to confirm that they have agreed the scope of the Sequential Test with the applicant and that they are satisfied with the outcome. A list of alternative sites assessed in the Sequential Test process, and why they have been discounted for this development, must be provided. This list should include windfall/unallocated sites.

The flood level data that we provided from our Flood Maps does not take into account blockages to existing culverts, which are a known historic mechanism of flooding in Williton. The FRA has not considered how flood levels, speeds, routes and extents may be affected by a blockage scenario, both on the site and on any proposed access routes into and out of the site. Therefore, we cannot determine whether the development is safe.

There is currently insufficient information about the surface water drainage proposals for the site. If ground conditions prohibit infiltration how will the require storage be provided? We generally do not support the Quick Storage Estimate method as it is not detailed enough and gives a wide range of figures for the site, but even taking the highest generated figure it is not clear where this storage could be provided, given the fact that the site is quite constrained. Viable, sustainable options should have been discussed in the FRA and outline strategy put forward for the management of surface water as required under Annex F of PPS25.

Further clarification is required regarding the treatment of the area immediately adjacent to the watercourse. Will the proposed new buildings hamper access to the watercourse for maintenance? Are there any new sections of fencing or walls proposed which may impact on flood levels?

We are concerned over the proximity of building plot 1 and 2 to the culvert of the Monksilver Stream. The FRA contains no details on how the development will ensure that the structural integrity of the culvert will be maintained.

Once we are in receipt of the above information, we shall be in a position to review our objection.

**Council Environmental Health Department:** Provided a response confirming that underground fuel tanks had been decommissioned, filled to capacity with hard foam and made safe in 2005.

**Council Economic Regeneration Department:** Objection – Whilst there has been no business activity on the site for sometime now, I would be unwilling to support residential development on what is designated employment land.

**Council Enabling Officer:** No objections - In terms of housing need, the provision of 1 bedroom homes are not encouraged as they do not provide flexible living arrangements or opportunities for lifetime homes. The proposed scheme supports this with a minimum size of 2 bedrooms. Single people and childless couples will be given the opportunity to under-occupy two bedroom homes.

I appreciate that the number of affordable homes proposed is a lot lower than would normally be expected and note that this is down to the financial viability of the scheme. I am happy to accept this as long as the Planning Authority is satisfied than an additional requirement would make the scheme unviable.

**Somerset County Council (Highways Development Control):** No objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

- The recommendations of the Phase 1 Environmental Desktop Report are accepted however it is important that the Highway Authority both see the ground investigation results

and thereafter approve the human health risks assessments, any resultant ground remediation strategy and validation reports as they relate to any existing and prospective public highway areas. The human health risk assessments must take into consideration the future use of the highway by the public and also maintainable/installation works involving excavation through such areas in the sub-soil beneath.

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the use of the site discontinues.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- The 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.

**Wessex Water:** No Objections - It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has proposed to dispose of surface water to a watercourse. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. Connection can be agreed at the design stage.

The developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

## **5.0 REPRESENTATIONS:**

3 x representations have been received from local residents raising the following objections:

- The site is within Flood Zone 2 and 3. It is proposed to raise this complex by approximately 1 metre, which will cause huge water run off onto the main road and to our property.
- The practice of parking by many motorists on the pavement outside the existing building will obstruct the line of site when exiting onto the main road.
- The proposed second entrance to create a separate parking area for the existing building will generate yet another traffic hazards on the A358.
- The proposed residential development is overcrowded and unsafe for young children.
- The proposed development will certainly raise privacy, noise and possible social issues.

- Plot number 18 is considered to be too close to 1 Half Acre and would impact on privacy, restrict access for maintenance, and impact on light to main habitable rooms.

## **6.0 ASSESSMENT:**

### **Impact on neighbouring properties:**

The occupier of No.1 Half Acre has raised concerns that Plot No.18 is proposed to be located approximately 1 metre from their property. They have noted in their consultation response that due to the positioning and close proximity of the proposed dwelling it would affect their 'right to light'. Rights to light do not fall under the jurisdiction of planning. The main statutory power is the Prescription Act of 1832, which provides that where access of light has been enjoyed for a period of more than 20 years without interruption, such a right is 'absolute and indefeasible'. If permission were to be granted, this issue would become a civil issue between parties. It should be noted that No.1 Half Acre has recently submitted an application, which is currently pending to erect a two-storey side extension (Application No: 3/39/10/005). This property previously had consent for a similar proposal, which expired.

To address the issue of loss of daylight/sunlight, the applicant has assessed a number of scenarios using the BRE site layout planning for daylight and sunlight: a guide to good practice. These standards are not mandatory but provide a useful basis on which to base assumptions. Discussions have taken place with the agent in relation to the level of detail submitted but it considered that as Plot No.18 is proposed to be set back and the affected windows of No.1 Half Acre are on the north elevation, any potential loss of light will only take place in the latter part of the day.

An occupier to the west of High Street (A358) has raised concerns that any increase in the overall site levels (up to approximately 1 metre in places), will affect surface water run off within the site and that this could potentially funnel down through the new site access to their property. The Environment Agency has raised objections to this scheme in relation to surface water drainage proposals for the site. The applicant has therefore submitted a revised Flood Risk Assessment to address a number of the Environment Agency's concerns.

The impact of the scheme on the No.11 High Street (which is a Grade II Listed building) has been considered by West Somerset Council. English Heritage were also consulted on the scheme but had no comments to make. It is considered that the scheme would not have a detrimental impact on the setting of this Listed Building. However, the agent has been advised that relevant Listed Building Consent for any works within the curtilage of the listed building will need to be sought, prior to any works commencing.

### **Flood Risk Assessment:**

The site lies within Flood Zone 2 and 3 and therefore any development within these zones must meet the requirements of PPS25. PPS25 states that applications within flood zones must:

- ensure that planning applications are supported by site-specific flood risk assessments (FRAs);
- apply the sequential approach at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk;
- give priority to the use of Sustainable Drainage System (SUDS); and
- ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

A FRA (dated February 2010) was submitted to support this application. The proposed SUDS is via attenuation in the form of an underground storage tank underneath the main courtyard and parking area. This is due to the fact that infiltration is not recommended at the site as any potential

contaminants may be leached out of the soil. Somerset County Council (Highways Development Control) and the Environment Agency both commented on the suitability of the FRA.

It was noted that the FRA states that the restriction on the discharge of surface water run-off from the site will require an estimated 76 to 111 cubic metres of storage within the development. The applicant was advised by the County Council that the prospective public highways areas would not be viewed as a convenient area to place such storage and the Highway Authority will not approve the placement of large tanks, culverts or over-sized pipes under such areas unless it is accepted by all stakeholders that this is the only viable surface water drainage solution.

The Environment Agency considered that the approach taken by the sub consultants who produced the FRA, provided a wide range of figures for the site and that taking the highest generated figure it is not clear where this storage could be provided, given the fact that the site is constrained.

As highlighted within the previous section, the Environment Agency has raised objections to this scheme. The applicant has therefore submitted a revised Flood Risk Assessment (dated April 2010) to address a number of the Environment Agency's concerns. The Council are currently awaiting the Environment Agency's revised response.

### **Highway Issues:**

Somerset County Council (Highway Development Control Department) have responded with no objections to this proposal, although they have raised a number of issues that they considered should be addressed, prior to permission being granted. These can predominantly be dealt with by way of conditions and the separate consents process for highway works.

In terms of parking and visibility the layout of the site is considered to be acceptable although Somerset County Council have noted that tandem parking bays between plots 20 and 21 should be constructed to a minimum length of 10.5m. Whilst in terms of visibility, splays of 2.4m x 43m should be provided at the point where the site has access onto the adopted highway. Whilst all private drives, garages and courtyards will require unobstructed pedestrian/vehicular visibility splays based on dimensions of 2.0m x 2.0m as measured from back edge of footways/service margins.

As part of the application a Transport Statement (February 2010) was submitted. There is no fundamental problem with this proposal as the existing land use would be able to generate more traffic than the proposed change of use to residential. The proposed development will result in a significant reduction in peak hour and daily traffic generation.

The Transport Statement concludes that the site is accessible by sustainable modes of transport with bus stops accessible within 150 metres offering frequent connections to Minehead and Taunton. The site is also in a sustainable location due to its close proximity with local facilities.

### **Contamination Issues:**

This land has previously been used as a vehicle repair and servicing business (including body work/re-spray booth) and petrol filling stations. These uses could be a potential source of contamination, particularly hydrocarbons and solvents.

Policy PC/4 of the Local Plan states that *'all development proposals on or in proximity to land known to be, or may be, contaminated will include measures designed to prevent unacceptable risks to public health and the environment'*.

The Local Plan also states that all development proposals on contaminated land must show evidence of having carried out proper investigations into which pollutants are present, and the risk to public health and safety and to local wildlife as a result of redevelopment.

The applicant therefore commissioned a 'Phase 1 Environmental Desktop Report' (John Grimes Partnership Ltd, Nov 2009, Ref: 8385), which consists of a desktop review and site walkover survey only. The key recommendation from this report was that an intrusive investigation is undertaken to identify any contamination at the site associated with its former uses.

West Somerset Council, Somerset County Council and the Environment Agency have reviewed the Phase 1 Environmental Desktop Report. The report provides a useful introduction to the site; it's current and past uses, the environmental setting and the potential for contamination to exist.

The site has a number of underground fuel storage tanks some of which have been decommissioned. There is also an above ground fuel tank which is not banded. There is therefore the potential for contamination to have occurred around these tanks. It is understood that it is proposed to remove all of the tanks as part of the redevelopment of the site.

Given the site sensitivity (for example, the minor aquifer and proximity to Monksilver Stream), the Environment Agency, West Somerset Council and Somerset County Council Highways Development Control concur a recommendation for an intrusive investigation to be submitted prior to any development being carried out, inline with Local Plan Policy PC/4.

### **Affordable Housing:**

The applicant provided the following affordable housing statement:

*'2 x two bedroom flats (Units 1-2) are to be allocated as affordable housing. Due to the levels of contamination on site and the costs associated with the remediation measures the rest of the dwellings on the site will be open market housing.'*

Policy H4 of the Local Plan seeks affordable housing within Williton on sites of 5 dwellings or more, or any residential site of 0.2 hectares or more. The defined target within the plan is 25%-30%. This would equate to approximately 5-7 units coming forward for affordable housing.

The housing needs information for Williton has recently been revised and the figures detailed here are up-to-date. Williton is, and is likely to remain, one of the three housing 'hotspots' in West Somerset, the other two being Minehead and Watchet.

At present there are a total of 278 households registered on the Somerset Homefinder Choice Based Lettings System who had selected Williton as either their first or second preference for re-housing. 47 of the 278 households have a local connection with Williton in excess of ten years, 34 between 5 and 10 years, 35 under 5 years and 8 households have family living in Williton and wish to move to give or receive support.

The predominant need is for housing for rent. There is also a reasonably healthy demand for low cost home ownership options, despite the recent difficulties with the housing market and mortgage availability.

The breakdown of housing need in terms of household size is as follows (based on those 124 households with a Williton local connection):

- 1 bedroom - 74
- 2 bedroom - 31
- 3 bedroom - 16
- 4 bedroom – 2
- 5 bedroom - 1

In terms of housing need, the provision of 1 bedroom homes are not encouraged as they do not provide flexible living arrangements or opportunities for lifetime homes. The proposed scheme supports this with a minimum size of 2 bedrooms units. Single people and childless couples would be given the opportunity to under-occupy two bedroom homes.

The Council's Enabling Officer responded that the number of affordable homes proposed is a lot lower than would normally be expected and noted that this is down to the potential financial viability of the scheme. The Officer concluded that they would accept this, subject to the Planning Authority being satisfied that an additional requirement would make the scheme unviable.

Policy H4 allows the Council to take into account '*particular costs associated with the development of the site*'. In these instance there may be opportunities to relax the overall provision of affordable housing.

The Local Planning Authority have therefore referred to the Phase 1 Environmental Report and Viability Appraisal (Confidential Document - March 2010), to ascertain contamination and associated remediation costs associated with the site. As this work for the Environmental Report is based on a desk study and site walkover, it is not considered that the Viability Appraisal provides a robust figure (supporting by site investigative work).

The Local Planning Authority held a meeting with the applicant raising their concerns that without an Investigative Contaminated Land Survey, the true costs of potential contamination and remediation costs cannot be confirmed. It is considered that the current level of detail submitted by the applicant is insufficient to justify provision of two affordable homes, instead of the policy requirements of 5-7 affordable homes.

### **Loss of Employment Land:**

The Economic Development Department of the Council have raised an objection, as they would be '*unwilling to support residential development on what is designated employment land*'. It should be noted, that from a policy context the site has not been designated in the Local Plan or emerging Local Development Framework.

Policy E7 of the Local Plan makes reference to the potential loss of employment land and states that redevelopment proposals to non employment uses where the existing use:

- Impinges upon the amenities of neighbouring land uses (particularly housing).
- They cause highway or traffic problems.
- There would be overriding environmental benefits in permitting alternative uses.
- The development would not cause or accentuate a significant shortage of land for employment use in the area concerned.

Following a meeting, between the Local Planning Authority and the applicant, an Employment Land Statement has been submitted referring to each of these criterion in turn, and outlining why the proposal is considered to be inline with policy. The Local Planning Authority has no issues with the policy context, subject to the further consultation response from the Economic Development Department. This response is currently outstanding.

### **Noise:**

The applicant has submitted an Environmental Noise Assessment in support of this application. A noise survey was carried out at the site, in accordance with the requirements of Planning Policy Guidance Notes 24.

The Council have reviewed this document and accept that noise levels are low across the majority of the site and therefore not a material consideration. However, the report has confirmed that traffic noise does need to be taken into account where the site fronts onto the A358. A recommendation to upgrade the design of glazing for Plots 1-3 has been considered and this can be dealt with by way of a condition.

### **Section 106 Agreement:**

This application has been presented to committee, as it is a major application that if approved, will be subject to a Section 106 agreement.

The basis for seeking contributions from development is established in the West Somerset Local Plan in Policy PO/1, which sets out the expectation that the Council 'may seek' contributions from 'significant' development.

A draft Section 106 has been submitted by the applicant and has been passed to the Council's legal advisor. The Section 106 would incorporate provision for costs associated with the provision of open space/recreation and the affordable housing element.

Initial progress has been made between the Council's legal advisor and Porter Dobson, acting on behalf of the applicant in agreeing a final draft of the document. However, this is dependent on final numbers that will be put forward for affordable dwellings.

### **Conclusion**

An objection from the Environment Agency is currently outstanding due to concerns over the level of detail within the FRA (February 2010) and potential impact of flooding to the surrounding area due to blocked culverts and surface water run-off. The applicant has submitted a revised version (April 2010), which they are hoping addresses the concerns of the Environment Agency. A further response from the Environment Agency is currently outstanding.

The fundamental concern that the Local Planning Authority has with the scheme is the main justification as to why only two affordable dwellings can be provided on the site. The applicants consider that this is due to the contamination issues associated within the site. Whilst, it is accepted that the site, due to its previous use, will have contamination issues to address. The viability appraisal has not been based on any detailed investigative work on the site.

**7.0 SUSTAINABILITY IMPLICATIONS:** Addressed in the Report above.

**8.0 RECOMMENDATION: It is recommended that planning permission be REFUSED.**

#### **Reason for Refusal:**

1. In the opinion of the Local Planning Authority, the information submitted in support of the proposed development has not adequately addressed how suitable flood mitigation measures; contamination remediation and affordable housing provision will be dealt with. The proposal is therefore does not accord with Policy PC/4, H/4, W/5 and W/6 of the West Somerset Local Plan.

**Contact Officer:** Lisa Buller, Planning Officer  
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# **SECTION 2**

## **Reports and Other Matters**

### **Item No.**

**6.0** **Delegated Decision List** - Please see attached

**7.0** **Exmoor National Park Matters**

An Exmoor National Park Councillor to report on matters relating to applications considered at the last Meeting of the Exmoor National Park Planning Committee.

**8.0** **Appeals Lodged**

<b>Appellant</b>	<b>Proposal and Site</b>	
Mr S Saunders	Clavus Cottage, Triscombe Retention of Garage and COU of Agricultural Land to Domestic	Written Reps (Planning Appeal)
Mr S Saunders	Clavus Cottage, Triscombe Retention of Garage and COU of Agricultural Land to Domestic	Written Reps (Enforcement Appeal)
Mrs P Graham	Sunshine Cottage, Stolford Retention of Static Caravan for Holiday Use	Written Reps (Enforcement Appeal)

**9.0** **Planning Performance Information**

Report to follow