

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

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) Location plan

(A3) DRNO 161102/1B proposed site plan

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

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

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

(A3) DRNO 161102/5A Sections through site

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

Reason: In the interest of highway safety.

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

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

Reason: In the interest of highway safety.

- 8 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interest of highway safety.

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

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

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

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

details shall be used.

Reason: To safeguard the amenities of the neighbours.

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

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

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

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

- 12 There shall be no external storage of tyres.

Reason: To safeguard the appearance of the area.

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

Reason: To safeguard the amenities of neighbours.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

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

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

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

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

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

Proposal

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

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

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

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

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

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

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

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

Site Description

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

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

but there are gaps in places.

Relevant Planning History

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

Consultation Responses

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

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

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

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

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

Report on flood risk
Teresa Bridgeman

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

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

THE SITE: ISSUES

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

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

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

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

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

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

PLANNED PROVISION FOR SURFACE-WATER MANAGEMENT:

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

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

NEED FOR A SITE-SPECIFIC FLOOD RISK ASSESSMENT

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

set out above.

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

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

Amended plans

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

Highways Development Control -

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

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

Access and Traffic Impact

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

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

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

Internal Layout

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

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

Drainage

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

Parking

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

Recommendation and Conclusion

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

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

Additional Comments

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

Access and Traffic Impact

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

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

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

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

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

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

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

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

Internal Layout

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

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

Drainage

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

Parking

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

proposed show area.

Summary

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

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

Final comments:

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

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

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

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

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

- No part of the development hereby permitted shall be brought into use until the access works (included closure of the existing private access) have been carried out in accordance with a design and specification that will be submitted to and approved in writing by the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- The area allocated for parking and turning on the submitted plan, drawing number 161102/9B , shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
- At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (161102/11). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Note

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

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

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

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

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

Biodiversity and Landscaping Officer

Biodiversity:

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

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

Badger

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

Bats

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

Birds

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

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

Dormice

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

Reptiles

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

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

Suggested Condition for protected species:

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

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

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

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

Informative Note

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

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

Landscape

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

Amended plans

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

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

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

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

Further comments

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

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

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

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

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

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

Additional comments

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

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

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

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

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

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

1. DIVERSION REQUIRED -

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

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

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

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

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

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

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

2. General Comments

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

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

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

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

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

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

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

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

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

Wessex Water

Sewerage

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

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

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

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

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

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

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

Water Supply

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

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

Flood Risk Management Team (SCC)

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

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

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

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

Environment Agency - no comments received.

Representations Received

46 residents have made representations.

16 residents object on the following grounds:

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

the disadvantages of the scheme

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

snakes, hedgehogs, Hazel dormice and owls are in the area

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

28 have made representations in support of the application stating:

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

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

2 residents have made comments

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

Amended plans and additional information

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

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

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

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

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

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

Determining issues and considerations

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

Principle of development

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

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

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

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

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

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

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

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

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

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

Highway Safety -

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

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

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

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

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

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

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

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

highway safety point of view.

Amenities of neighbours

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

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

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

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

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

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

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

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

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

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

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

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

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

Flooding

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

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

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

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

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

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

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

Biodiversity

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

Landscape.

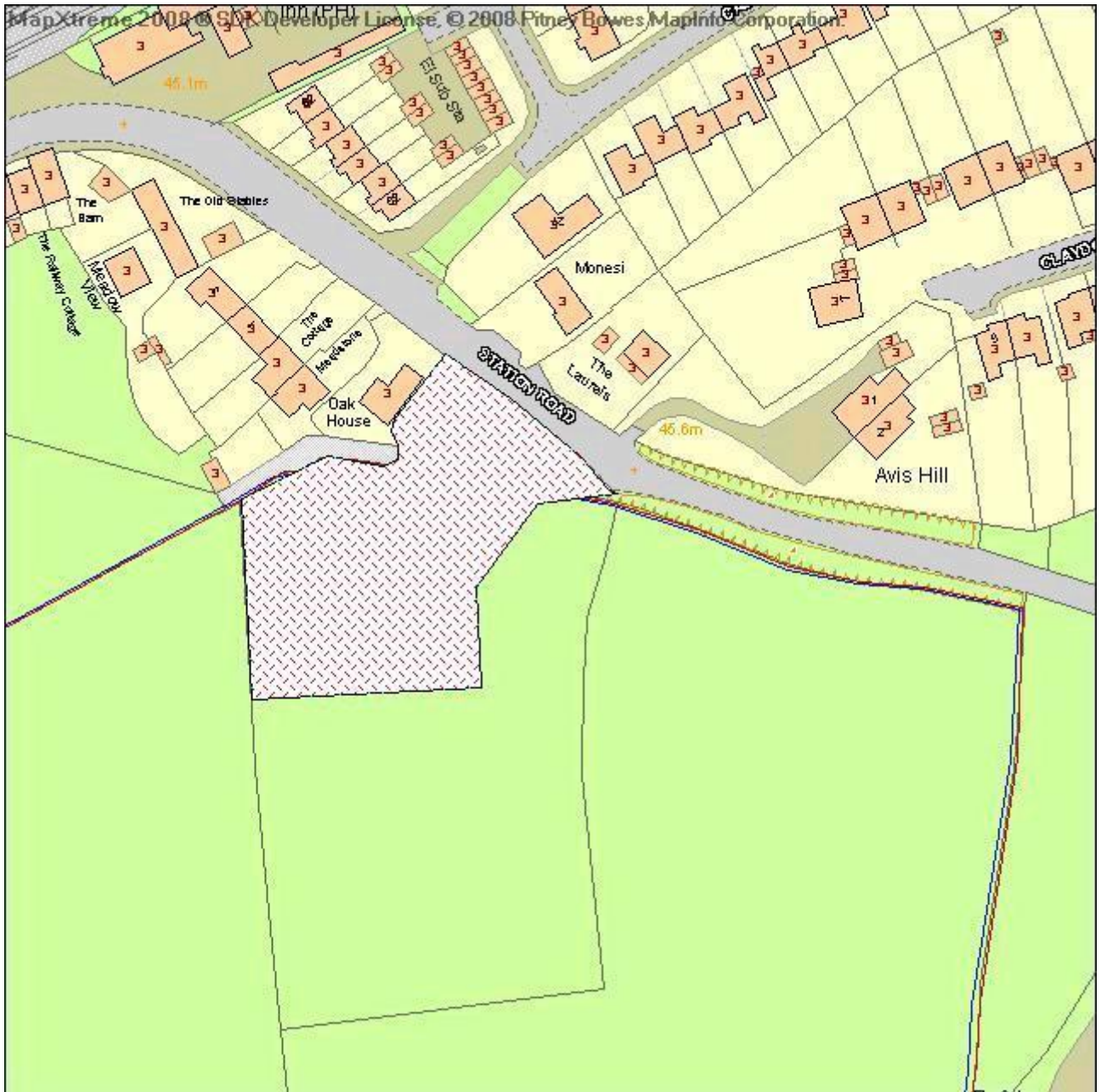
It is acknowledged that there will be a significant removal of soil from the application site up to a depth of 3.5m at the rear (south) of the site as the proposed building is to be located on a sloping site. The area of land to be excavated measures 48m -54m (north - south direction) by approximately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

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

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

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

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



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



This Map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of HMSO © Crown Copyright.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 Easting: 304510 Scale: 1:1250
 Northing: 141077