

Application Details	
Application Reference Number:	3/21/22/084
Application Type:	Full Planning Permission
Earliest decision date:	05 September 2023
Expiry Date	21 November 2022
Extension of Time Date	
Decision Level	Committee
Description:	Erection of 10 No. dwellings including access, drainage infrastructure, and landscaping
Site Address:	Land east of Porlock Road, Minehead
Parish:	21
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Outside the catchment area
AONB:	No
Case Officer:	Richard Boyt.
Agent:	Ms S Thomas, Carney Sweeney
Applicant:	Acorn Developments SW Ltd
Committee Date:	17th October 2023
Reason for reporting application to Committee	Objections from Town Council, more than 5 objectors and the Ward Member

1. Recommendation

1.1 That permission be GRANTED subject to conditions and a Section 106 agreement.

2. Executive Summary of key reasons for recommendation

2.1 The proposals for 10 detached dwellings and associated infrastructure on land east of Porlock Road, Minehead accords with Policies SC1 and SD1 of the West Somerset Local Plan by virtue of being in close proximity of the built area of the town, providing good accessibility to the town and not putting undue pressure on local roads. It's important landscape and ecology features can be retained and enhanced, the design of dwellings is in keeping with the locality and amenity of the area can be protected. With suitable conditions and planning obligations securing community, and transport benefits, on balance the proposals are sustainable development that can be supported and approved without further delay.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

Time for commencement
Approved plans
Material samples
Foul and surface water drainage
Diversion of Public Rights of Way
Bin Stores
Water Use
Boundary Treatment details
Construction Management Plan
Construction Environmental Management Plan
Landscape Environmental Management Plan
Landscaping
Hedge Protection Fencing
Ecological Impact Assessment Measures
Lighting for Bats
Access plans
Parking available
EV Points
Visibility Splays
Access from Home Meadow
Traffic Regulation Order Implementa -tion

3.2 Informatives (full text in appendix 1)

Proactive Statement
Rights of Way
Badger protection
Drainage discharge
Drainage
Nesting birds
Bat roosts
Highway notes

3.3 Obligations

A contribution of £50,000 for sports/ recreation and community buildings in the direct vicinity of the scheme (for negotiation) and a contribution of £5,000 for Traffic

4. Proposed development, site and surroundings

4.1 Details of proposal

These proposals follow earlier pre application discussions of circa 30 dwellings on the same area of land. After negative feedback about the density of housing, this scheme for 10no detached dwellings was submitted to Planning West (then SWT) in August 2022. Further details in response to consultation replies was provided by the agent in January 2023, followed by revised plans in response to concerns raised by planning officers in August 2023. These latest plans involved the repositioning and redesigning of Plots 3 to 6 on the Porlock Road frontage and minor repositioning of the access as a result of the Plot changes.

The residential proposals include a new T-junction access to Porlock Road which is a C Class road and one of the main arterial accesses to Minehead. The access road into the site is a private roadway designed to adoptable standards to enable larger vehicles to access and turn, such as emergency vehicles and bin lorries. Off street parking and garaging is provided for every dwelling and the existing public right of way numbered WL31/1, running from Home Meadow to Porlock Road, is realigned and integrated in the site layout.

7no 3 bedroom dwellings are proposed alongside 3no 4 bedroom dwellings. The dwellings on the south and east part of the site are 1.5 storey tall bungalow style dwellings and Plots 3 to 6 in the northern corner closest to Porlock Road and the cemetery are two storey detached houses. All of the proposed houses are open market dwellings.

The application is accompanied by (amongst other things):

- Revised plans and layouts
- Design and Access Statement
- Planning Statement
- Transport Statement
- Ecology Impact Assessment
- Landscape Note
- Flood Risk Assessment and Drainage Strategy
- Landscape Plan and Planting Schedule
- Climate Emergency Checklist
- Draft planning obligations agreement

4.2 Sites and surroundings

The application site is a triangular field measuring approximately 0.7 hectares on the western edge of Minehead. It is currently used for low intensity grazing and is surrounded by hedgerows with a small copse of trees at its western extreme. The land slopes gently from south east to north west with the higher land at around 59.8m AOD and the lower land at 53.3m AOD. This lower land is closest to Porlock Road which is flanked by drainage ditches and streams on either side of the carriageway flowing northwards. A public right of way numbered WL31/1 runs via a passageway to Home Meadow, a cul de sac of late 20th Century bungalows and houses, westwards through the application field to Porlock Road.

The application site is bounded by Porlock Road on its northwest side, Minehead Cemetery on its north side, Home Meadow (residential) to the east and farmland to the south.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
None			

6. Environmental Impact Assessment

Due to nature, scale and location of the proposed development, an EIA is not required for the determination of this application.

7. Habitats Regulations Assessment

The site is not within a sensitive catchment with regards nutrient neutrality and phosphates.

The proposals are for minor housing development on the edge of Minehead 1.8km from the Exmoor Heaths SAC and 500m from the nearest component of the Exmoor Coastal Heaths SSSI. The conclusions of the EcIA accompanying the application are agreed with in that there is no likely significant ecological effect on these protected areas from this development due to the separation distances involved and the low scale and nature of development.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's

website).

8.1 Date of consultation: 22 August 2022

8.2 Date of revised consultation (if applicable): 22 August 2023

8.3 Press Date: 01 September 2022

8.4 Site Notice Date: 01 September 2022

8.5 Statutory Consultees the following were consulted:

Consultee	Comment	Officer Comment
Minehead Town Council	Objects – Outside development boundary Poor pedestrian access Poor access for HGVs Drainage test criticisms Highways may not agree to TRO Foul sewer is ¼ mile away	Development meets SC1 boundary requirements Disagree Disagree LLFA and EA are happy Somerset Highways have expressed support Sewer is connecting at Home Meadow and other connection point is also possible
Highways Development Control	Initial clarifications required, now resolved and have no objections subject to planning conditions	
Landscape	Concerns regarding landscape impact and recommends QRP	The proposals are for minor scale housing development and would not be referred to QRP. See below
Rights of Way Protection Officer	No objection providing conditions are applied for	

	footpath protection and diversion	
SCC - Ecologist	No objection subject to conditions and no likely significant impact on nearby protected sites	
Wessex Water Authority	No objections, but no rainwater can be accommodated in foul sewers. Connection to main foul drain is possible for sewage.	
Environment Agency	Initial concerns raised that the development may be within Flood Zones 2 and 3. Following further information being supplied, the EA accept that the site is in Flood Zone 1 and homes are not at risk providing a robust surface water drainage system is installed.	
Housing Enabling Officer	No affordable housing required, as threshold not triggered	
Nutrient Neutrality Officer	Not in catchment	
Leisure Development	£10k required for community buildings, sports and public open spaces plus £1k monitoring fee	
Devon & Somerset Fire & Rescue Service	No objections	
Somerset County Council - flooding & drainage	No objections subject to planning conditions being applied	
Western Power	No comments	

8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
Cllr Venner	Objects -	
	Flood area and groundwater	See below
	Unsafe for pedestrians	Safe pedestrian access is through Home Meadow
	Impact on Woodcombe Conservation Area	Very distant - negligible impact
	Impact on Exmoor NP	Very distant, again negligible impact next to town boundary
	Creaking infrastructure	Minor housing development - no education requirement, but community/sports/play contribution is required
	Green gateway to town	See below

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

16no letters have been received from 6 addresses/parties making the following comments (summarised):

Planning Considerations	
Objections	Officer Comment
Privacy	See below
Lack of local services	Minehead is the focal point of local services in West Somerset
No local employment	There are local job opportunities in Minehead

Highway safety	See below
Impact on protected species	See below
Should be a cemetery	Use not under consideration
Landscape impact	See below
Footpath safety	See below
Impact on cemetery users	See below
Poor drainage	See below
Impact on Woodcombe Conservation Area	Negligible impact due to distance
Enough houses in Minehead	See below
Noise and Air pollution	Not agreed with
In Flood Zone	See below
Car dependent development	See below
Light pollution	See below
Out of town boundary	Agreed
Difficult sewer connection	Agreed
Minehead railway is not a viable public transport option	Agreed
Hedge protection	See below

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises comprise the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

NC/1	Sites of Special Scientific Interest
61	Development in Areas Liable to Marine Flooding
W/6	Flood Plains
T/8	Residential Car Parking
T/9	Existing Footpaths
TW/1	Trees and Woodland Protection
TW/2	Hedgerows
SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC3	Appropriate mix of housing types and tenures
MD1	Minehead Development
OC1	Open Countryside development
TR2	Reducing reliance on the private car
CF2	Planning for healthy communities
CC2	Flood Risk Management
NH6	Nature conservation & biodiversity protection & enhancement
NH13	Securing high standards of design

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

National Planning Policy Framework

10. Material Planning Considerations

10.1 The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

When considering development proposals, Policy SD1 of the West Somerset Local Plan states that decision makers will take a positive approach that reflects the

presumption in favour of sustainable development and will work with applicants to find joint solutions to reach approval wherever possible.

In Policy SC1 of the West Somerset Local Plan, it states that new development will be concentrated in Minehead and in Section 4 of this policy it states that development within or in close proximity (within 50 metres) to the contiguous built up area of Minehead will be supported where it:

- Is well related to local services
- Has safe pedestrian access
- Respects the local context
- Does not create significant traffic on unsuitable roads
- Harm the amenity of neighbours and the area

The first task in assessing this application is to apply these criteria.

The proposed housing development is directly next to Home Meadow and well within 50 metres of the contiguous built-up area. It would be impractical and illogical to ask that all of the proposed new housing falls within 50 metres of the housing on Home Meadow (it would be simple for the developer to simply build in phases to overcome such an approach). The proposed houses will naturally combine with the existing built-up areas of the town and are clearly a natural extension to that.

The proposals will have active travel links (paths) to the east of the site utilising the existing public right of way into Home Meadow and also road access from Porlock Road. It is considered that these links will provide a good relationship to the amenities that Minehead already has in terms of shopping, doctors, schools and recreation facilities, all of which can be accessed on foot, cycle or car. The proposal is around 1 mile from the town centre which to many will be a short walk or cycle ride. There are few other locations in West Somerset with such attractive active travel links to good local services and amenities.

Public transport is more limited, as it is throughout West Somerset, but the EXMO bus route passes the application site hourly in the daytime during the week, with the nearest stop at the Bratton turn on Porlock Road around 400 metres from the site by foot. Although Minehead Town Council were not enthusiastic about a pedestrian link between Home Meadow into the Cemetery via the application site, such a link would allow dozens of households to access this bus stop more easily. Outside the Cemetery and closest to the application site there is no roadside path and it would be dangerous to encourage people to walk along this road. A link from this development through Minehead Cemetery has not been secured as part of these proposals. However, as a whole, the proposals are well-related to local services and have safe

pedestrian access via Home Meadow.

The later sections of this report assess how the development respects its local context and impact on the neighbours of the site.

Similarly, the impact on the local road network is assessed later in this report.

As a whole, the proposals meet the criteria in Policy SC1 and closely accord with Development Plan policies that seek to direct development to sustainable locations in and around the main settlements, of which Minehead is the largest. The application site is close to amenities, is well-linked by pedestrian routes, will not harm local road conditions and will respect its neighbours in terms of its design and density.

With these elements being acceptable, this development accords with the fundamental housing development policies of the Local Plan.

10.1.2 Flood risk and Drainage

A principal constraint on the land is that the northwestern side of the site is identified in the basic EA flood maps as being Flood Zone 2 and 3. The applicant, through their flood and drainage engineer, have provided evidence that this flood zone is actually Flood Zone 1 and the Environment Agency have agreed with that conclusion. As such the whole site is suitable for housing development in flood risk terms.

Objectors have challenged this conclusion and provided documentary evidence of flooding at their homes nearby. There appears little doubt that surface water flooding occurs in the area, but there is no evidence this flooding is coming from the overflow of stream channels alongside Porlock Road, but rather from rainwater being unable to soak away quickly into the ground when it rains (ie running down the hill from Home Meadow to Porlock Road). The impermeable ground conditions are confirmed by the applicant in their submission where they demonstrate, via percolation testing, that soakaways will not be viable on the development as a drainage method and instead attenuation tanks will be required prior to a controlled rainwater discharge to the local stream. The Lead Local Flood Authority and EA agree with this approach.

In summary, it has been demonstrated by the applicant that the northwest of the site is not in the active floodplain and that evidence has been accepted by the EA. Surface water percolation to the ground is and will remain an issue when the development is completed and the applicant will have to install a drainage system and storage capacity that reflects that situation. There is no doubt that such a system can be installed and this will be controlled by planning condition.

In terms of sewage routes, the applicant has the choice of a gravity fall along 400 metres of Porlock Road to meet the main sewer closer to town but has instead proposed a pumped foul drainage route up to the main sewer in Home Meadow. Both routes provide a foul water solution acceptable to this authority.

10.1.3 Design of the proposal

The proposals for the residential units have evolved over time. The current proposals are for contemporary detached dwellings of 3 and 4 bedroom size. The upper slopes of the site closest to Home Meadow will be 1.5 storey houses and on the lower land to the north there will be 2 storey houses. The density of development is quite low as a result of these house types and the need for a wide access road. In this context, the density of development is considered acceptable and in keeping with other residential areas such as Home Meadow. The same can be said about the building heights proposed.

During the application, officers highlighted concerns about Plots 3 to 6 in the northern part of the site being tightly packed and close to Porlock Road. It was considered by officers that this dense and prominent housing was out of keeping with the character of The Parks/Porlock Road further into town and also out of keeping with the rural edge location. As a result, these units have been redesigned to allow for more space and a more relaxed relationship with Porlock Road. The officer concerns have now been overcome.

As a whole the proposals respond to the topography well and allow plenty of room for garden trees and shrubs to grow into the intervening spaces in the future. The materials and form of the houses proposed are considered acceptable and respond well to the other houses in the area. There is no requirement for affordable housing for schemes of 10 houses or less and because this is a small scheme, it would be unreasonable to request smaller housing such as flats and 2 bedroom homes where these might be better located on larger developments that can assimilate the design changes such housing requires.

The proposals are quite permeable with the existing public right of way integrated into the design and the hope is that in the near future the Town Council can connect pedestrians through the cemetery paths.

10.1.4 Neighbour Amenity

There are three elements of residential amenity that need to be considered. First, do

the new dwellings have amenity issues with existing nearby housing? Second, do the new dwellings impact one another? And finally does Porlock Road unduly impact the living conditions of future residents or will future residents disturb use of the Cemetery?

The proposed housing is only significantly close to Nos 18 and 20 Home Meadow (both bungalows). The proposals are between 15 and 25 metres from the rear elevations of these neighbours, but are set at irregular angles to the existing house, with hedging and shrubs in between and the new houses are positioned on lower land. Furthermore the proposals are for 1.5 storey bungalow-type houses which are relatively low in overall height. They have no habitable windows facing directly towards their neighbours albeit Plot No.8 has three roof lights facing in the general direction of the neighbours from about 20 metres distance. Due to both buildings being relatively low or single storey in relation to one another, the existing vegetation and the distances involved, the proposals do not overlook, overbear or overshadow any homes on Home Meadow.

Each of the plots has been carefully analysed to see if unneighbourly overlooking, shadowing or enclosure is taking place. There are certain parts of the housing that have close proximity to one another, but none so serious that it would result in a reason for refusal. In general, the site offers good size gardens, privacy and good standards of light.

In terms of noise and disturbance to new occupiers from Porlock Road, the public highway is relatively lightly trafficked and vehicles pass at comparatively low speeds for the majority of the time. It is not considered that this road poses an amenity threat to future residents.

Objectors have highlighted that the new housing could reduce the privacy and tranquillity of mourners and visitors at the Cemetery. It is commonplace for dwellings to be close to cemeteries and whilst the proposed dwellings include balconies that will overlook the cemetery from a distance, these are not considered to be so close or overbearing that they would unduly disturb or intrude on those using the cemetery.

10.1.5 Access, Highway Safety and Parking Provision

The proposals involve creating a new vehicular access to Porlock Road where there is currently only a field gate. Porlock Road currently has a 30mph speed limit for Minehead built up area starting outside the front of the site. It is proposed to move that limit further out of town along Porlock Road towards the A39 and impose a 40mph limit from there to the A39 where it is currently a 60mph limit.

The Highway Authority has accepted the layout and approach of the applicant's highway design subject to planning conditions being applied.

Objectors have highlighted speeding traffic and safety, however the proposals meet the standards required by the Highway Authority. Reducing the speed limits along this section of Porlock Road by a Traffic Regulation Order will go a long way to reducing speeds and improving safety overall, without disrupting traffic flow.

All of the houses proposed have ample parking for 2, 3 and sometimes more cars and electric vehicle charging points will be required by planning condition. The spaces and garages meet the required standards and the estate roads have space for manoeuvring and for larger vehicles such as bin lorries to turn.

10 new dwellings will not generate excessive numbers of new car journeys and Porlock Road is not heavily trafficked already. The local road network has capacity to absorb the minimal extra traffic without causing congestion or undue safety concerns. With pedestrian access available via Home Meadow and the opportunity to divert and improve the public right of way, active travel alternatives to the car are readily available.

Taken as a whole, the proposals address Policy SC1 by being accessible to services and amenities, not putting undue pressure on existing roads and providing attractive and viable pedestrian access from the development to the surrounding area.

Planning conditions can be applied to ensure the quality of the access road, a TRO to move the speed limits to the safest positions, safety at the T junction, proper highway drainage and diversion of the public right of way. A Travel Plan is not required for a small housing site such as this, however parking can be secured with EV charging points for the lifetime of the development.

Objectors have concerns regarding safety of public footpath users, however these concerns are not shared by the Rights of Way officer. Neighbours have also highlighted that the applicant's reference to Minehead railway connections might be misplaced given that the service is a heritage tourism attraction. These objections are shared by the authority - the railway is clearly not a viable transport option worthy of note, however this does not weigh heavily in these considerations.

10.1.6 Landscaping

The proposals include a landscape plan and as a whole involve the change of a

meadow to a housing development. There is no doubt that such a change is fundamental and permanent, however the Development Plan through Policies such as SC1 and SD1 allow for housing development where such development respects local context. Indeed, this proposal is for housing directly adjacent to late 20th Century housing that will have changed the landscape in a similar way around 40 years ago.

The applicants have provided a Landscape Note as part of their submission and a detailed landscape planting scheme. The proposals are low density with the opportunity for residents to grow bigger trees and shrubs around their gardens over the coming years, softening the appearance of housing on the edge of the town. It is considered that the landscape response is a positive one, providing that boundary treatments are carefully controlled by planning condition. It is accepted that too many close board fences and not enough planting could result in a sterile appearance which would not sit comfortably on the town edge.

10.1.7 Ecology, hedgerows and trees

The boundary hedgerows and trees in the western corner of the application site provide the primary landscape features of the land. With the exception of breaking a new access to Porlock Road, these hedges and trees are to remain and will be protected by both a Construction and Environmental Management Plan (CEMP) during construction and a Landscape and Environmental Management Plan (LEMP) for the life of the development.

Although there are no identified bat roosts on site, the hedges provide important bat corridors across the site and these are to be protected as part of the development.

The County Ecologist has advised that an Appropriate Assessment under the Habitat Regulations should be made by the appropriate authority (this Council) as to whether there is going to be a likely significant impact (LSE) on the Exmoor Heath SAC (approximately 1.8km distant) and the Exmoor Coastal Heaths SSSI (approximately 500 metres distant). The proposals will generate no substantial physical impacts from their construction or appearance. Traffic generation will be low and dispersed away from the protected habitats and there might be occasional recreational trips (dog walks, walks, cycle rides, etc) from the future inhabitants, but these are unlikely to have any impact on these areas and their natural features. The Appropriate Assessment concludes that there will be no likely significant impact.

The County Ecologist is happy for development to proceed providing there are conditions for hedge protection, lighting for bats, CEMP, LEMP and a reminder of the legal protection of other species such as badgers. The need for Biodiversity Net Gain

is not yet mandatory for this scale of site and cannot be conditioned.

The main focus will be on retaining and enhancing the hedgerows and trees for the ecology benefits they bring and the expense of the centre of the field being developed for housing. The objectors' observations of the wildlife that has been witnessed here has been noted and the County Ecologist has provided planning conditions that shall ensure that protected species are protected during and after development.

10.1.8 Waste/Recycling facilities

The proposals provide no details of bin storage and this will be controlled by planning condition.

10.1.9 Any other matters

Objectors have suggested that this land is best suited to a cemetery extension, however that is not being proposed at present. This Authority must consider the proposals in front of it in the light of current planning policies which do not allocate this land for cemetery use.

Although the proposals do not break the threshold for the requirement to provide affordable housing contributions (either on site or through financial contributions), the proposals are required to provide sports and recreation contributions.

With regards sports/ recreation and community buildings, the Somerset Council obligations team has advised that a local solution for improved play spaces, community buildings or open space will be preferred. A contribution of £50,000 is to be provide with a £1,000 monitoring fee to be secured by legal agreement.

The applicant is offering £5,000 as part of their obligations to pay for the Traffic Regulation Order that alters the speed limit zones.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Not applicable

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 The proposals for 10 dwellings on the urban edge of Minehead with access to Porlock Road are considered to comply with Policy SC1 and SD1 of the West Somerset Local Plan. The proposals require a suite of planning conditions to protect neighbours, the appearance of the area and the local environment and must be obliged to contribute towards changes in speed limits, open space, sports and recreation. 12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions and the signing of a legal agreement within 6 months of the date of this determination.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

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:

(A0) DrNo 4707/01 Rev G Proposed Site Layout (received Sep 2023)

(A1) DrNo 4707/02 REV A Plot 01 Floor Plans, Roof Plan, Elevations, Section & Concept View (AUG 23)

(A1) DrNo 4707/03 REV A Plot 02 Floor Plans, Roof Plan, Elevations, Section & Concept View (AUG 23)

(A1) DrNo 4707/04 REV D Plot 03 Floor Plans, Roof Plan, Elevations, Section & Concept View (AUG 23)

(A1) DrNo 4707/05 REV A Plot 04 Floor Plans, Roof Plan, Elevations, Section & Concept View (AUG 23)

(A1) DrNo 4707/06 REV B Plot 05 Floor Plans, Roof Plan, Elevations, Section & Concept View (AUG 23)

(A1) DrNo 4707/07 REV A Plot 06 Floor Plans, Roof Plan, Elevations, Section & Concept View (AUG 23)

(A1) DrNo 4707/08 REV A Plot 07 Floor Plans, Roof Plan, Elevations, Section & Concept View (AUG 23)

(A1) DrNo 4707/09 REV A Plot 08 Floor Plans, Roof Plan, Elevations, Section & Concept View (AUG 23)

(A1) DrNo 4707/10 REV A Plot 09 Floor Plans, Roof Plan, Elevations, Section & Concept View (AUG 23)

(A1) DrNo 4707/11 REV A Plot 10 Floor Plans, Roof Plan, Elevations, Section & Concept View (AUG 23)

(A1) DrNo 4707/12 REV B Garages Block Floor Plans, Roof Plan, Elevations & Section (AUG 23)

(A1) DrNo 4707/13 Topographical Site Survey

(A1) DrNo 4707/15 Proposed Site Location Plan

(A1) DrNo 4707 - BBLA - 201 Rev P5 Landscape Planting Plan (AUG 23)

(A1) DrNo DR-002 Surface Water Drainage - Area Take-Off

(A1) DrNo DR-001 Surface Water Drainage - Strategy

(A3) DrNo SPA-01 Rev P3 Vehicle Swept Path Analysis of a Large 4-Axle Refuse Vehicle

(A0) DrNo 4707/16 Existing Site Elevation

(A0) DrNo 4707/17 Existing Site Elevation

(A3) DRNO BTC20087_VIS_01_REV_P3 FORWARD VISIBILITY SPLAY (AUG 23)

(A3) DRNO BTC20087_VIS_01_REV_P3 FORWARD VISIBILITY SPLAY (AUG 23)

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

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

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

- 4 Prior to occupation of the building(s), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

- 5 No development hereby approved which shall interfere with or compromise the use of footpath WL 31/1 shall take place until a path diversion order has been made and confirmed and the diverted route made available to the satisfaction of the Local Planning Authority.

Reason: To protect and enhance public rights of way.

- 6 Details of bin storage shall submitted, approved and installed in accordance with the approved plans prior to first occupation of any dwelling hereby permitted, and shall thereafter be retained for those purposes.

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

- 7 No individual dwelling hereby approved shall be occupied until the optional

requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the West Somerset: Local Plan to 2032 Policy CC5 and NH6] [the Supplemental Planning Document – Districtwide Design Guide] and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

- 8 Details of the proposed boundary treatments on the application site shall be submitted to and prior approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwellings hereby approved.

Reason: To safeguard the character of the area and in the interests of the amenities of the neighbouring residents.

- 9 No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
- 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: To protect the amenity of neighbours and ensure highway safety.

- 10 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of “biodiversity protection zones”. Note to include hedgerow enhancement and “dark corridors” for commuting bats
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones etc.
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)];
 - h. Use of protective fences, exclusion barriers and warning signs.
 - i. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity

- 11 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the

commencement of the development. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. On-going monitoring and remedial measures.

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

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

12 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 details of the species, siting and numbers to be planted.

(i) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(ii) 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 or are uprooted 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.

- 13 Before any part of the development hereby permitted is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health.

Reason for pre-commencement: To ensure hedges are not harmed at any stage of development.

- 14 All ecological measures and/or works shall be carried out in accordance with the details contained in the protected species sections (5.4) of the Ecological Impact Assessment written by Orbis Ecology Ltd (May 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination:
- a. A 5m (minimum) buffer between the Site boundaries and the development (to be planted with bat friendly plants such as ox-eye daisy, verbenia, yarrow, evening primrose, Michaelmas daisy, primrose, Sweet William, English bluebell, corn marigold, red campion and knapweed).
 - b. Re-stocking and enhancement of existing boundaries (see Orbis Ecology Ltd (May 2022) Section 5.1)
 - c. Internal hedgerows and tree planting
 - d. The new access will disrupt Boundary 1 which runs alongside Porlock Road. The risk of traffic collision of bats along this boundary can be avoided by encouraging bats to use the other three boundaries rather than the busier and more disrupted Boundary. Therefore, the 5m buffer is not required along this stretch of the Site.

Reason: In the interests of [European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural

Communities Act 2006] and in accordance with policy CP8 Local Plan Core Strategy.

- 15 Prior to occupation, a “lighting design for bats”, following Guidance note 8 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 16 The buildings shall not be occupied unless the access to the site has been provided in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The access shall thereafter be retained in the approved form.

Reason: To ensure suitable access to the site is provided and retained, in the interests of highway safety.

- 17 The development hereby approved shall not be occupied or the use commenced until space has been laid out, drained and surfaced within the site in accordance with the approved plan(s) for the parking and turning of vehicles, and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that there is adequate space within the site for the parking and turning of vehicles clear of the highway, in the interests of highway safety.

- 18 Prior to first occupation of the development hereby permitted the provision of facilities for the charging of electric vehicles shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter retained and maintained for as long as the dwelling remains.

Reason: In the interests of securing sustainable development.

- 19 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. (Drawing No 4707/01 Rev G) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety for turning traffic.

- 20 Prior to the first occupation of any of the dwellings hereby permitted, the new pedestrian arrangements to include walking accesses through the boundary of the site to Home Meadow shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, once constructed they shall remain in perpetuity.

Reason: To secure high quality pedestrian links to the development and encourage active travel.

- 21 Prior to the construction of any new access to Porlock Road from this development site, a Traffic Regulation Order (funded by the developer) shall be completed to the satisfaction and prior written confirmation of the Local Planning Authority.

Reason: To secure a safe means of access to the site.

Notes to applicant:

- 1 In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2 Development, insofar as it affects the right of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

- 3 The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
- 4 As the proposed drainage strategy proposes to drain into an ordinary watercourse, the applicant is advised to obtain Land Drainage Consent as required under section 23 and 66 of the Land Drainage Act 1991 from the LLFA for any applicable works.
- 5 The LLFA require details that the proposed surface water drainage system has been designed to prevent surcharging in all events up to and including the 1 in 2 annual probability storm event, prevent any flooding of the site in all events up to and including the 1 in 30 annual probability storm event. This can be provided at detailed design stage.
- 6 The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
- 7 The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
- 8 Having regards to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require an appropriate licence. For details of the process and to submit applications online please visit www.somerset.gov.uk. Application for such a permit should be made at least four weeks before access works are intended to commence.

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to a scale of 1:1000 of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections. N.B. The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.