

SWT Planning Committee

Thursday, 30th March, 2023,
10.30 am



Somerset West
and Taunton

The John Meikle Room - The Deane
House

[SWT MEETING WEBCAST LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Ed Firmin, Steve Griffiths, Roger Habgood, John Hassall, Mark Lithgow, Craig Palmer, Vivienne Stock-Williams, Ray Tully, Brenda Weston, Keith Wheatley, Loretta Whetlor and Gwil Wren

Agenda

1. Apologies

To receive any apologies for absence.

2. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

3. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

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4. **3/32/23/004 - To enter into two supplemental S106 Agreements with EDF Energy. The first is to secure early payment of a £1 million (index linked) instalment of the EDF Energy Community Fund and the second is to secure an appropriate tourism focused mitigation fund and strategy relating to EDF's planned use of the former Pontins site in Brean, to accommodate Hinkley Point C workers.** (Pages 5 - 22)
5. **3/21/22/128 - Installation of solar panels on roof and rear balcony at The Arkade, Warren Road, Minehead TA24 5BG** (Pages 23 - 36)
6. **38/22/0344 - Demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton** (Pages 37 - 48)



**ANDREW PRITCHARD
CHIEF EXECUTIVE**

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Agenda Item

Application No:	3/32/23/004
Parish	
Application Type	Two supplemental s106 Agreements
Case Officer:	John Burton
Applicant	NNB Generation Company (HPC) Ltd., Hinkley Point C, Stogursey.
Proposal	To enter into two supplemental S106 Agreements with EDF Energy. The first is to secure early payment of a £1 million (index linked) instalment of the EDF Energy Community Fund and the second is to secure an appropriate tourism focused mitigation fund and strategy relating to EDF's planned use of the former Pontins site in Brean, to accommodate Hinkley Point C workers.
Location	The proposals relate to mitigation in association with the Hinkley Point C New Nuclear Build, near Stogursey. However, the actual mitigation proposed directly affects Bridgwater and Brean, both of which are within the boundaries of Sedgemoor District Council.

1.0 Recommendation

1.1 That Somerset West and Taunton Council, along with Somerset County Council and Sedgemoor District Council, enter two separate Supplemental S106 Agreement to secure the following:

1.2 The first Section 106 supplemental agreement:

- To secure the early payment of a £1 million (index linked) instalment of the EDF Community Fund towards regeneration projects in Bridgwater Town Centre (known as the 'Bridgwater Regeneration Fund').
- The mechanism for this is to divert the £1 million pounds currently required contractually under the s106 agreement to be paid to the Somerset Community Foundation (SCF) to Sedgemoor District Council (SDC);

This is to be done by a deletion of the original contractual obligation for early payment to SCF and replace it with a supplemental section 106 obligation of payment to SDC for the purposes of the levelling up bid: and

1.3 The second Section 106 supplemental agreement:

- To provide an appropriate mitigation fund and associated measures to support the local economy during the use of the Pontins Brean Sands Holiday Park to accommodate workers involved in the construction of the Hinkley Point C Project for an expected 3 year temporary period.

1.4 Delegated Authority

- That delegated authority be given to the Director of Place and Climate Change and/or Assistant Director Strategic Place Planning to agree, approve terms and sign on behalf of the Council the supplemental deeds and after 1st April this delegation be extended to the requisite Executive Director at Somerset Council responsible for the function area of this report.
- As a result of the Somerset (Structural Changes) Order 2022, and, the provisions of the Local Government (Structural Changes) Transitional Arrangements No 2. Regulations 2008, the decisions of SWT will fall to be treated as decisions of the new Unitary Council after 1st April 2023. Accordingly, any issues of implementation in this matter will seamlessly fall to be dealt with by the new Somerset Council.

2.0 Executive Summary of key reasons for recommendation

2.1 This report details the rationale for Somerset County Council, Somerset West and Taunton Council and Sedgemoor District Council (for this purposes hereafter referred to as 'the Joint Councils') agreeing to enter into two supplemental S106 Agreements with EDF Energy in respect of the Hinkley Point C new nuclear build project. The first is to secure early payment of a £1m (index linked) instalment of the EDF Energy Community Fund and the second is to secure an appropriate tourism focused mitigation fund and strategy relating to EDF Energy's planned use of the former Pontins holiday site in Brean to accommodate Hinkley Point C workers. The reasoning for the diversion of the £1million payment is set out in Section 10 of the report below.

2.2 The Community Fund early instalment would be paid to Sedgemoor District Council towards "urban regeneration projects in Bridgwater Town Centre" (known for the purposes of this report as the 'Bridgwater Regeneration Fund') and forms part of a package of mitigation secured through the Joint Councils negotiations with EDF Energy over the HPC Workforce Uplift proposals. The basis behind this was agreed by Members of this Planning Committee when they considered mitigations for the proposed workforce uplift in April 2022. Therefore, this current proposal is part of a package of mitigation measures already secured through the Joint Councils' negotiations with EDF Energy over the HPC Workforce Uplift proposals and agreed through the three Councils separate regulatory regimes. This report sets out the purpose of the early instalment and the mechanism agreed by the Joint Councils as being the appropriate mechanism for securing the contribution. As West Somerset Council, (now Somerset West and Taunton Council) was party to the original s106 agreement in 2012, the Council's permission is also required to make this supplemental to the original agreement. Permission is therefore sought for the specific terms and conditions that will apply, as detailed in this report.

2.3 The Pontins mitigation fund and strategy is aimed at supporting local businesses and the local economy in the Brean/Berrow area during the

expected three-year temporary use of the former Pontins site in Brean to accommodate Hinkley Point C workers. This report sets out the background, purpose and details of the mitigation strategy and its proposed implementation. It seeks approval to enter a supplemental S106 agreement to secure this as a further enhancement to the original package of mitigation secured for the Hinkley Point C Project through the Development Consent Order S106 Agreement (dated 12th August 2012). As such, this proposal will form part of a package of mitigation measures already secured through Joint Councils' negotiations with EDF Energy over the HPC Workforce Uplift proposals and agreed through the three Councils regulatory regimes. As West Somerset Council, (now Somerset West and Taunton Council) was party to the original s106 agreement in 2012, the Council's permission is also required to make this supplemental to the original agreement. Permission is therefore sought for the specific terms and conditions that will apply, as detailed in this report.

- 2.4 This report sets out: (1) the purpose of the Community Fund early instalment and the mechanism agreed by the Joint Councils as being the appropriate mechanism for securing the contribution; and (2) the background, purpose and details of the Pontins mitigation strategy and its proposed implementation. It seeks authorisation to enter two supplemental S106 agreement in order to secure these, pursuant to the original Development Consent Order S106 Agreement (dated 12th August 2012).

3.0 Planning Obligations and conditions and informatives.

- 3.1 This proposal is not before Members as a planning application. This report asks Members to consider and agree to the terms of two supplemental s106 agreements that will effectively vary the original (2012) agreement. There are therefore no conditions and informatives involved here. All the proposed terms will be as proposed in the draft s106 agreements.

4.0 Proposed development, site and planning history.

- 4.1 The Hinkley Point C project is delivering a new nuclear power station to assist the United Kingdom's energy supply needs over the next fifty plus years. Permission to build the new nuclear power station was granted by the Secretary of State for Energy and Climate Change in March 2013. An internal review of the Hinkley Point C (HPC) project by EDF Energy in 2019, revealed that, in order to maintain safety and quality standards and to maintain the project programme timelines, the number of workers would need to be increased above the number originally assessed in the original DCO Application. At the time that the Hinkley Point C (Nuclear Generating Station) Order 2013 (DCO) was granted by the Secretary of State, the number of workers envisaged to be employed on site at any one time, was estimated to peak at around 5,600. It is now anticipated that at the peak of construction (expected to be in 2023), around 8,600 workers will be required. This number may vary, but will in any event be capped by health and safety regulations

controlling the development site. Members agreed to a package of mitigation measures to assist with this increase at their meeting in April 2022.

5.0 Environmental Impact Assessment

5.1 As a supplemental to the original s106 agreement and by virtue of the subject matter it is considering, no further Environmental Impact Assessments are required. This proposal does not require the formal submission of a planning application because there are no changes to the approved development being proposed. EDF Energy will still be implementing the same development granted consent in April 2013. Neither does the current proposal involve any changes to the approved DCO that would warrant either a Material or Non-Material change to the DCO. Officers are happy that this will not give rise to any new or materially different environmental effects from those considered and assessed in the original Environmental Statement (ES). So, for all of these reasons, a new Environmental Impact Assessment is not required.

6.0 Habitats Regulations Assessment

6.1 As a supplemental to the original s106 agreement and by virtue of the subject matter it is considering, no further Assessments are required under the Habitats Regulations. The Habitats Regulations were obviously considered as part of the original Environmental Statement and the current proposal does not impact on that. The DCO will remain unchanged. Therefore, a new Habitats Regulation Assessment is not required.

7.0 Consultations and representations

7.1 Officers at Somerset County Council, Sedgemoor District Council, Somerset West and Taunton Council (the Joint Councils) have been working actively and collaboratively with EDF Energy in analysing the potential implications of a forecasted increase in the peak workforce. Liaison has also been undertaken with North Somerset Council, the Clinical Commissioning Group, Avon and Somerset Constabulary and the Devon and Somerset Fire and Rescue Service.

7.2 This proposal arises from the need to increase the peak workforce numbers on site, which does not constitute a material or non-material change to the DCO, nor does it require the formal submission of any other form of planning application. Therefore, a formal consultation exercise is not legally required. Despite this, EDF Energy has voluntarily conducted an engagement and information sharing exercise with the local communities surrounding Hinkley Point C, to help support the necessary decision-making processes. In addition, the Joint Councils have held briefing sessions open to all Members of each of the affected Councils, and regularly updated the Somerset Nuclear Energy Group (SNEG) – the membership of which includes key Cabinet/Executive Members from each of the Joint Councils.

8.0 Relevant planning policies and guidance

- 8.1 The Planning Act 2008, amongst other provisions, establishes requirements about the authorisation of projects for the development of nationally significant infrastructure.
- 8.2 The primary development site (HPC) lies in the former West Somerset area, for which the Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).
- 8.3 However, both sites/areas which are the subject of these two proposals, lie within the jurisdiction of Sedgemoor District Council and so the relevant planning policies and guidance considerations will be those of Sedgemoor District Council. These proposals have already been considered by relevant Councillors and officers at Sedgemoor District Council and are not before the Somerset West and Taunton Planning Committee as part of this report.
- 8.4 Members may, however, wish to take account of the following local policy documents –
- Somerset West and Taunton Council's Climate Positive Planning, and
 - The Interim Guidance Statement on Planning for the Climate Emergency (February 2021)

9.0 Current position.

Joint Council's Decision-Making on Workforce Uplift.

- 9.1 Between March and April 2022, the Joint Councils (consisting of Somerset County Council, Sedgemoor District Council and Somerset West & Taunton Council, together with North Somerset Council) concluded their evaluation of the effects of the HPC workforce uplift proposals. This evaluation was based on EDF Energy's voluntary assessment of the effects of the workforce uplift. It enabled the Joint Councils to review the effect of the proposed workforce uplift in the context of the conclusions drawn in the Development Consent Order (DCO) Environmental Statement and to determine, in relation to the DCO s106 agreement and the relevant strategies and plans under the DCO s106 agreement, whether in each case: -
- a. No change would be required.
 - b. Changes may be appropriate that could be made under the processes set out within the DCO s106 agreement itself; or
 - c. Changes may be appropriate that cannot be approved under the DCO s106 agreement itself and therefore would require an alternative approach.

9.2 In summary the Joint Councils individually agreed that the change in the peak workforce numbers (at any one time) from 5,600 to 8,600 did not give rise to a breach of the DCO, the DCO S106 agreement or any of the management strategies linked to the agreement. Subject to securing the proposed mitigation package through the existing mechanisms of the DCO and DCO S106 agreement, as well as a supplemental S106 agreement embedding a 'plan, monitor and manage' approach, no materially new or different effects were considered to arise from the workforce uplift. This was considered and agreed by Members of this Planning Committee in April 2022.

9.3 The Joint Councils in their reports, agreed with the recognition made by EDF Energy within their Accommodation Topic Paper (14th January 2022), that there were underlying challenges within the local housing market, both in the rural villages closest to the HPC site, where it has been difficult to deliver significant numbers of new bed spaces to assist in mitigating the impact of the workforce, and in Bridgwater, where there are significant concentrations of workers and the overall availability of housing is of concern. In recognition of the lead-in times associated with delivering additional bedspaces, and to ensure that any potential negative impacts on the housing market are addressed, a series of proposals were put forward by EDF Energy and agreed by the Joint Councils. These included the making of advanced payments from existing Funds. To address potential accommodation impacts, it was proposed to make advance payments from the Housing Contingency Fund (DCO s106 agreement) to provide the following:

- £195,000 to Sedgemoor District Council for Hinkley Housing Initiatives focussed on Bridgwater, as well as £410,000 towards delivering affordable housing at Cricketers Farm in Nether Stowey.
- £390,000 to Somerset West & Taunton for Hinkley Housing Initiatives focussed in the Hinkley Point Cluster and Taunton.

9.4 The Joint Councils welcomed in their reports the recognition by EDF in their Accommodation Topic Paper that an unanticipated impact had arisen as a result of HPC worker accommodation choices. Non-home-based workers occupying significant numbers of properties in largely rural communities and villages have had an impact on the availability of parking. To address that impact, EDF proposed to make up to £300,000 available from the existing Transport Contingency Fund (under the DCO s106 agreement) for local communities to develop and deliver localised car parking solutions within villages. The Joint Councils agreed with this proposal.

9.5 The agreed uplift mitigation package was secured through a supplemental S106 agreement dated 2nd August 2022 alongside the advanced payments from existing mechanisms within the DCO S106 Agreement.

9.6 The Joint Council's also gave agreement in principle to EDF Energy making an early payment of £1m (index linked) from the HPC Community Fund towards urban regeneration projects in Bridgwater Town Centre. This was in recognition of the role the town plays in absorbing the impacts of a significant

percentage of non-home-based workers. At the time of the Joint Councils reporting (April 2022 in the case of SWT), the detailed mechanism for securing this remained under discussion.

- 9.7 In addition to those measures it was also considered that additional capacity should be created to relieve pressure on the local housing market from the potential impact of the additional non-home-based workforce in Bridgwater and regarding the number of workers potentially occupying properties within the rural villages. Strategic interventions were identified that would see significant investment in expanding capacity in caravan parks (subject to planning permission being sought) which are currently being used by HPC workers (470 bedspaces) and the increase of bedspaces at the Sedgemoor and Hinkley Campuses (480 bedspaces). The proposed strategic interventions were:
- 480 additional bedspaces at the existing campuses at Hinkley Point and Bridgwater
 - 360 new caravan pitches for 470 HPC workers.
- 9.8 A commitment was made in the Topic Paper to produce an Addendum to the Accommodation Strategy to be presented to the Socio-Economic Advisory Group (SEAG) to aid the effective monitoring and management of workforce uplift. Recognising that the strategic interventions were not yet secured and that there was an element of risk associated with their delivery and occupancy, it was agreed that monitoring measures would be secured through an amendment to the Accommodation Management Strategy.
- 9.9 On the 17th of May 2022, SEAG approved amendments to the Accommodation Management Strategy. Paragraph 8.6 of the Accommodation Management Strategy set out a timeline for delivering the strategic interventions. The Accommodation Management Strategy recognised that the delivery of the strategic interventions could be delayed or changed, and that “remedial action” may be necessary. Section 10 entitled “Dealing with Uncertainty” identifies interventions that EDF should pursue should the strategic interventions not be delivered in the manner envisaged. These included using alternative providers of caravan sites. The Accommodation Management Strategy set out that EDF would share a detailed project plan for the delivery of the Strategic Interventions with the Joint Councils at their Strategy Meeting.

The EDF Energy Community Fund.

- 9.10 Schedule 2 of the DCO S106 sets out the provisions for the EDF Energy Community Fund as being a total sum of £12,800,000 (index linked) for the purpose of mitigating “*intangible and residual impacts of the Project on the communities in the Area of Benefit through schemes, measures and projects which promote the economic, social or environmental well-being of those communities and enhance their quality of life*”. The Area of Benefit is identified as being the administrative boundary of Somerset.

9.11 The Fund is governed by an Administrative Agreement, providing for the administration and application of the Fund by the Somerset Community Foundation. This establishes the need for a Panel comprising no more than 12 members with three being representatives from NNB GenCo and three being representatives of the Councils (one each from Somerset County Council, West Somerset (now Somerset West and Taunton Council) and Sedgemoor District Council. The Panel is chaired neutrally by a Somerset Community Foundation trustee (currently John Lyon) and other remaining Panel members are appointed by the Somerset Community Foundation.

9.12 Schedule 2 of the DCO S106 Agreement identifies that the application of the Fund should give priority to schemes, measures and projects which: -

- Minimise the environmental, economic and social impact, whilst as appropriate maximising the environmental, economic and social benefits of the Project.
- Minimise residual impacts associated with NNB GenCo's performance in delivering Associated Developments in accordance with the Implementation Plan and any relevant detailed implementation programme.
- Are not inconsistent with approved policies and plans of relevant authorities.
- Have been identified as priorities to the communities within parish and/or community plans.
- Can demonstrate the greatest potential to achieve mitigation of impacts, taking into account value for money.
- Can demonstrate overall value for money in terms of cost and effectiveness.
- Can demonstrate a contribution to developing and maintaining sustainable communities.
- Complement other measures committed in the Deed or practiced by the parties; and/or
- Attract additional funding from other private and public sector sources where possible.

9.13 The Community Fund is paid annually in £1m instalments (index linked) by EDF Energy to the Somerset Community Foundation, with the first payment being in 2017 and the latest payment having been made in May 2022 (which represents the sixth payment). This leaves a current balance of £6.8m

10.0 Material Planning Considerations.

10.1 For clarity and ease of reference, this section of the report deals with the two primary matters in two parts, given the report seeks separate authorisation to enter the relevant supplemental S106 Agreements. The first part of this section deals with the Bridgwater Regeneration Fund proposals and the second part deals with the Pontins Mitigation Fund proposals.

PART ONE - Matters relating to the Bridgwater Regeneration Fund

Purpose of the Bridgwater Regeneration Fund Proposal

- 10.2 As part of the decision-making on the workforce uplift proposals, the Joint Councils highlighted a number of issues relating to potential accommodation impacts. From a wider housing market perspective, an affordability and availability crisis in housing generally (which is nationally recognised), was important context for considering local impacts.
- 10.3 High house prices/rents, coupled with low wages, pay freezes and changes to benefits, mean that competition between HPC workers and local people for accommodation, particularly at the bottom end of the market, will generate impacts and squeeze on the housing market and affordability. Even professionals struggle to find properties to rent in parts of the key HPC impact area. Whilst it is recognised that the HPC workforce is not solely responsible for these issues, the worker uplift proposals threaten to make the situation worse and are likely to place significant extra pressures on the housing market.
- 10.4 In the final version of the Accommodation Topic Paper, EDF acknowledged the significant concerns the Joint Councils and Bridgwater Town Council raised over the potential impact on the housing market in Bridgwater and the long lead in time to deliver projects, in addition to the wider impacts on the town from hosting most non-homebased workers. It was also recognised that the annual instalments paid into the EDF Energy Community Fund do not reflect the peak of impacts associated with the peak in the workforce.
- 10.5 In recognition of the concerns on the impact on Bridgwater, EDF Energy proposed to make an early payment of the £1m (index linked) from the Community Fund in 2022 towards urban regeneration projects in Bridgwater Town Centre (known as the 'Bridgwater Regeneration Fund'). This is based on the role which the town plays in absorbing the impacts of a large percentage of the non-home-based workers and the in-combination effects arising from hosting the workforce in terms of accommodation, traffic congestion, community safety and other issues. This follows discussions with the Joint Councils regarding the potential role such an early payment could have in supporting town centre urban regeneration projects to deliver wider local legacy benefit for the town.

Proposed Use of the Bridgwater Regeneration Fund Proposal.

- 10.6 A particular use for the 'Bridgwater Regeneration Fund' was identified to support the development of the Somerset Academy for Health and Social Care project. This was the focus of Levelling Up Fund Bid, jointly prepared by Sedgemoor District Council and Somerset West and Taunton, for the Bridgwater & West Somerset Constituency. The Academy is focussed on the former Bridgwater Hospital site in the centre of Bridgwater, a Grade II Listed Building, which has been empty since the NHS moved its provision to the

outskirts of Bridgwater in circa 2007. The Hospital and associated buildings have been the victim of significant theft and vandalism. This has left the site in a dilapidated state creating an eyesore for visitors and residents at a key gateway to the town centre.

- 10.7 The concept of the Academy is based on a multi-agency and partnership approach across local government and health and care providers, including Somerset County Council, Somerset West and Taunton Council, Bridgwater Town Council, Innovate UK, Public Health Somerset, NHS, Integrated Care System, Private Sector Care Providers and Bridgwater and Taunton College and colleges across the county. It would see the building remodelled and re-purposed to provide high-tech training spaces as well as supporting innovation and technological advances in the delivery of digital health and care services. In addition, serving the wider rural area of West Somerset, the bid also proposed a satellite academy to be established in Minehead - the main town in the area with its own demographic ageing challenges and concentration of residential care facilities and workforce.
- 10.8 The Academy will deliver on the Levelling Up Fund White Paper missions of Education, Skills, Health, Wellbeing and Pride in Place. It will grow and enhance the skills of the care sector workforce, help level up and meet the widening labour market gap in this key sector, attract and retain staff and strengthen the integration of health and care.
- 10.9 The Levelling Up Fund bid was submitted in July 2022 and was approved by the Department for Levelling Up, Housing and Communities on the 19 January 2023 with an allocation of £19.7m. On 27th February 2023, Somerset County Council's Executive agreed to enter a 'Memorandum of Understanding' with the Government in respect of the funding and agreed to exercise an options agreement to purchase the former Bridgwater Hospital at the appropriate time. The £1m (index linked) Bridgwater Regeneration Fund as an early payment of the Community Fund, represents a significant contribution towards the required 10% match funding requirements of the successful bid.
- 10.10 The objectives for the Bridgwater Regeneration Fund and proposed use would appear to sit firmly aligned with the priorities of the Community Fund as set out in Schedule 2 of the DCO S106 Agreement (and listed earlier in this report). This includes maximising environmental, economic and social benefits, consistency with the plans of the relevant authorities, being identified as a priority to the communities, attracting additional funding from private and public sources and demonstrating a contribution to developing and maintaining more sustainable communities.
- 10.11 It is important to note that whilst the Academy project is the intended use of the Bridgwater Regeneration Fund, it is not ring-fenced only for this purpose. Instead, as set out in the Topic Papers, the fund is aimed generally at regeneration projects in Bridgwater Town Centre. With the announcement of the bid's success, the risk of the contribution not being required for this purpose has significantly reduced. However, if for any other reason the contribution is

not required in full or in part for the Academy, the Bridgwater Regeneration Fund would be used to support other relevant regeneration projects within the town centre. Such projects would be determined by the new Somerset Council in consultation with EDF Energy, other partners and the community.

Mechanism for Securing the Early Payment of the Community Fund

- 10.12 Understanding the best mechanism for securing the Bridgwater Regeneration Contribution as an Early Instalment of the Community Fund, has been the subject of extensive discussion and legal advice.
- 10.13 It is considered through legal advice to the Joint Councils that the Community Fund obligations fall outside the terms of section 106 of the Town and Country Planning Act 1990 and are secured by contract and the other enabling powers referred to in the DCO agreement. Therefore, varying the Community Fund obligations would not require the approval of the Secretary of State.
- 10.14 Furthermore if this variation were to be secured by entering a supplemental S106 Agreement it would have the benefit of bringing the new obligation within the terms of section 106. This would mean that the obligation will run with the land and be binding on successors and consistent with the approach on securing other workforce uplift mitigation. The supplementary deed is required because, the payment of the £1million pounds to SDC means that the money would not be utilised in accordance with the contractual requirements of the Schedule 2 of the DCO s106 agreement. The entering into of a supplementary s106 would place these new arrangements on a lawful basis.
- 10.15 On the basis of the above and the wider considerations in respect of securing the Bridgwater Regeneration Contribution, the Joint Councils seek the appropriate approvals to enter into the supplemental Section 106 Agreement with EDF.

PART TWO - Matters relating to the Pontins Mitigation Strategy

EDF's Planned Use of Pontins Brean Sands Holiday Park for Worker Accommodation

- 10.16 Further to the assessment of workforce uplift, the EDF/Joint Councils Strategy group has monitored the progress of the delivery of the strategic interventions since May 2022. Through that monitoring, it has become clear that the strategic interventions cannot be delivered in the manner envisaged. The additional 480 bed spaces which were proposed at the existing campuses, are now not deliverable. As the plans have progressed for the caravan pitches, site constraints have been identified which are resulting in less bedspaces coming forward through this strategic intervention. The additional capacity to be delivered through the strategic interventions is short by around 700 bedspaces to that previously assumed.

- 10.17 In the Summer of 2022, EDF advised the Councils that they were considering leasing the Pontins Holiday site at Brean from the owners Britannia Hotels, for an expected three-year period in order to accommodate up to 900 Hinkley Point C workers. As part of this arrangement, it was also confirmed that the site would undergo a £2m refurbishment to upgrade the existing chalet provision and infrastructure to ensure the site met the relevant standards and legal requirements.
- 10.18 In respect of the planning position and whether planning consent would be required for the proposed use, after considering appropriate legal advice and after undertaking an assessment of supporting information provided by EDF, officers of Sedgemoor District Council (the Local Planning Authority) concluded that, because of the similarities in character between the established and proposed uses, it would be reasonable to conclude that a material change of use would not occur and therefore planning permission would not be required for the proposed use on an expected three-year temporary basis. This considered the planning history of the site (including its established use) and its lack of restriction, the extent of works proposed and the extent and nature of the proposed use.
- 10.19 The officer response provided to EDF highlighted that there was no formal application for either planning permission or a certificate of lawfulness with the Council to formally confirm planning permission would or would not be required. Therefore, the Council's response could only represent an officer opinion based on the information available. The response further made it clear that the position would also rely on the monitoring and review the impacts of the proposed use against the assumptions provided, to consider whether a material change of use occurs in the future and will reserve the right to seek an application at a future date in respect of that consequence or seek appropriate enforcement action.
- 10.20 Subsequently EDF Energy and Britannia Hotels proceeded with the arrangement for HPC workers to be accommodated at the former Pontins Site without seeking planning permission for a change of use. Hinkley Point C workers have been accommodated at the Pontins Site since the end of last year and there are currently approximately 200 HPC workers being accommodated at the Pontins Site.

Pontins Mitigation Package

- 10.21 During this time, Sedgemoor District Council and EDF undertook community engagement in respect of the proposals through public meetings held at Brean and Berrow as well as discussions with the Hinkley Tourism Action Partnership (HTAP), and representatives of the local business community, including other holiday site operators in the area. Issues regarding the impacts of the proposal on the local economy from potential loss of tourist spend were the focus of concerns raised at these events and discussions.

10.22 In recognition of the concerns being raised and that the extent of the spend by HPC workers may be different to that of traditional holiday makers, EDF and the Joint Councils negotiated a package of support for local businesses in order to minimise the impact of Hinkley Point C workers using Pontins over the expected three-year period. The agreed package of contributions includes four specific measures:

- The Brean Destination Marketing Organisation Contribution, which is a contribution of £25,000 towards the cost of Sedgemoor Council commissioning a Destination Marketing Organisation to deliver the marketing and promotion and business support initiatives in Brean and surrounding areas.
- The Brean Tourism Marketing Contribution which is a contribution of £100,000 towards the cost of a P.R. organisation preparing and delivering national marketing and promotion initiatives.
- The Brean Business Marketing Contribution, which is a contribution of £25,000 towards the cost of a Destination Marketing Organisation preparing and delivering bespoke marketing and promotional initiatives to support businesses that have a physical business premises in the Brean area, that Sedgemoor Council is satisfied, acting reasonably, have experienced a loss of profits as a result of a reduced footfall caused by the use of the Pontins Brean Sands Holiday Park to accommodate workers involved in the construction of HPC; and
- The Brean Business Support Contribution which is a contribution of £75,000 to enable the Council to provide grants of up to £5,000 per grant, to businesses that have a physical business premises in the Brean or Berrow area that the Council is satisfied, acting reasonably, have experienced a loss of profits as a result of a reduced footfall caused by the use of the Pontins Brean Sands Holiday Park to accommodate workers involved in the construction of Hinkley Point C.

10.23 The total package of mitigation equates to contributions of £225,000 and it is the intention that the full value of this will be directed to Sedgemoor District Council ahead of the transfer to Unitary Council. This is to ensure that the mitigation measures can be advanced as soon as possible in order that their benefit can in part be secured in advance of the coming holiday season, particularly in terms of marketing the area and providing support for affected businesses. The package reflects that there is a balance of impacts, including the opportunity of a higher degree of all year-round use of local services and facilities by workers and positive economic impact of the proposed and much needed investment in the site.

10.24 In agreeing with mitigation proposed by EDF Energy, the Joint Councils have required that there remains the opportunity to discuss additional funding, if it becomes evident that there is further impact that should rightfully be met by the project. Further mitigation funds will also need to be discussed where, if

necessary, the Pontins Brean site is needed for worker accommodation for a period beyond December 2025 or should it not to be returned by EDF to the tourism market after the expected 3 year period. These matters will be subject to monitor and review and is without prejudice to any planning implications that might arise from any extension of use in this manner.

- 10.25 It is proposed that the mitigation package be secured by the Joint Councils and EDF Energy entering into a supplemental S106 agreement to reflect that this is additional mitigation to that secured for the Hinkley Point C Project through the Development Consent Order S106 Agreement (dated 12th August 2012).
- 10.26 These contributions are in addition to the opportunity for the local communities of Brean and Berrow to access the Hinkley Point C Community Fund and support for local projects. This multi-million-pound fund is designed to mitigate potential impacts and deliver opportunity for host communities affected by Hinkley Point C.

Application for Certificate of Lawfulness Submitted by Discover Brean

- 10.27 In January of this year 'Discover Brean' representing a group of businesses in the Brean area, who had previously expressed concerns regarding the proposals, submitted an application for a Certificate of Lawfulness for Proposed Use and Development to Sedgemoor District Council. The description of the application is for the use of self-contained, seasonal holiday accommodation as permanent accommodation for HPC construction workers, for an expected period of up to 3 years. The application is currently under consideration by Sedgemoor Council.
- 10.28 Whilst the application is relevant to the matter of whether planning consent is required for the intended use of Pontins by EDF, it is not directly relevant to the securing of the mitigation package through the supplemental S106 agreement. This is because the agreed contributions are being secured as an enhanced mitigation package to that originally agreed under the DCO S106 Agreement and further supplemented by the measures secured under the workforce uplift proposals.

Securing the mitigation through a Supplemental S106 Agreement

- 10.29 As outlined above, the addition of the Pontins site as a strategic intervention to support capacity within the local housing market, would fall within agreed remedial actions identified within the amended Accommodation Management Strategy. The planning position does not impact on the ability of the Joint Councils to negotiate and secure an appropriate mitigation package, given this seeks to offset the impacts of a strategic intervention required to address the impacts of the workforce uplift.
- 10.30 Entering into a supplemental agreement to secure this mitigation does not prejudice the outcome of any planning process in respect of whether a material

change of use of the site has taken place. Whilst the package of mitigation is voluntarily offered by HPC, because it does not relate to a grant of planning permission, it is appropriate to secure it through a supplemental S106 Agreement given it will contribute to making the use acceptable in planning terms. Furthermore, it is consistent with how other workforce uplift mitigation has been secured. It is on this basis that the Joint Councils seek the appropriate approvals to enter into the supplemental Section 106 Agreement with EDF.

11.0 Options

11.1 This report sets out the rationale for the Joint Council's agreeing to enter two supplemental S106 Agreements with EDF Energy to secure –

- (1) the 'Bridgwater Regeneration Fund'; and
- (2) an appropriate mitigation fund and associated measures to support the local economy during the use of the Pontins Brean Sands Holiday Park to accommodate workers involved in the construction of the Hinkley Point C Project for an expected 3-year temporary period.

There are two principal options to be considered – effectively to enter, or to not enter into the two supplemental S106 Agreements with EDF Energy to secure the Bridgwater Regeneration Fund and Pontins Mitigation Strategy. The options are considered below:

11.2 Option 1: To enter the Supplemental S106 Agreements to secure the Bridgwater Regeneration Fund and Pontins Mitigation Strategy

This option provides the opportunity to secure the advanced payment from the Community Fund for the 'Bridgwater Regeneration Fund' to support match funding for a confirmed 'Levelling Up' project that seeks widespread regeneration benefits for Bridgwater Town Centre. It also provides the opportunity to secure support for local businesses and the local economy in a timely way to offset any loss of tourist spend arising from the use of Pontins by Hinkley Point C workers. It secures direct mitigation for the impacts of the project in terms of the role that Bridgwater plays in absorbing the impacts of a large percentage of the non-home-based workers and provides for a package of targeted financial support for local tourism-based businesses to support the local economy during the use of Pontins.

11.3 Alongside the wider package of mitigation and 'plan, monitor, manage' approach secured under the worker uplift proposals, it supports the Joint Councils' conclusions that no materially new or different effects would arise from the workforce uplift. The approach is supported by appropriate legal advice that confirms that the use of supplemental S106 Agreements is an appropriate mechanism.

11.4 Option 2: - Not to enter the Supplemental S106 Agreements to secure the Bridgwater Regeneration Fund and Pontins Mitigation Strategy

This would result in an incomplete package of mitigation being secured under the worker uplift proposals. The Bridgwater Regeneration Fund would not be achieved and there would be a failure to address the concerns regarding the potential reduced tourist spend and the implications for the local economy of the use of Pontins.

11.5 This would result in a loss of regeneration benefit to the town centre of Bridgwater and the lack of any balance for the town in absorbing the majority of the impacts of the project and would be to the detriment of outcomes for the local community. Reputationally, the Joint Councils would not have achieved the outcomes negotiated and publicised in concluding on the worker uplift proposals. Furthermore, it would transfer the financial risk of the payment from EDF Energy to the Councils in respect of match funding for the confirmed levelling up project, for which the new Somerset Council have already provided a specific consent under s.24 of the Local Government and Public Involvement in Health Act 2007. It would not secure direct mitigation for the impacts of the use of Pontins by failing to secure a package of financial support for local tourism-based businesses. Reputationally, the Joint Councils would not have achieved the outcomes negotiated and publicised.

11.6 On the basis of the above, Option 1 (to enter the Supplemental S106 Agreement), is the preferred option.

12.0 Local Finance Considerations

12.1 The Supplemental Deeds will secure the proposed packages of financial measures. Securing these monies will ensure that no financial impacts will fall to either the District Council, or the new Unitary Council following vesting day on 1 April 2023.

13.0 Planning balance and conclusions.

13.1 The delivery of the New Nuclear Build at Hinkley Point C is a critical part of the Council's corporate approach to growth and will make a substantive contribution towards its wider economic development priorities. Maximising the benefits and minimising the impacts of the project is central to establishing the foundations for accelerating and transforming growth, whilst simultaneously cutting greenhouse gas emissions, creating good jobs and realising positive social outcomes for local communities.

13.2 Managing the impacts of workforce uplift and ensuring that the benefits of the project continue to be maximised is essential. Securing appropriate measures through the workforce uplift discussions in order to manage impacts on the housing and labour markets, highway network, environment and our local

communities and providing opportunities for workforce development, will ensure that the benefits of the project continue to be realised. As such the delivery of the 'Bridgwater Regeneration Fund' represents much needed investment into Bridgwater town centre to support the local community in recognition of the role the town plays in most of the non-homebased workers. Also, the delivery of an appropriate mitigation strategy is central to protecting the local economy during the use of Pontins. In doing so it provides the opportunity for the delivery of a strategic intervention to increase capacity and relieve the pressures on the local housing market.

- 13.3 The HPC project provides substantial opportunity for employment and training, enabling positive economic and social outcomes for the local communities, including health and wellbeing. It is important that the effects of the workforce uplift are appropriately managed to ensure these opportunities and benefits are sustained. This includes managing the impacts on accommodation and maintaining the ability of local people to access the housing market, as well as other pressures on infrastructure such as health and education provision.
- 13.4 In addition, securing investment into Bridgwater Town Centre in recognition of the impacts of the project on the town through the Bridgwater Regeneration Fund, provides an opportunity for regeneration and community renewal. The fund is earmarked to support a confirmed levelling up project, to repurpose the former Bridgwater Hospital as an Academy for Health and Social Care, to directly further health and wellbeing objectives through the integration of more innovative health and care services in the area, as well as supporting employment and skills in this key sector.
- 13.5 There is a risk of a legal challenge by third parties claiming that the Supplemental S106 Agreements modify the obligations within the DCO S106 Agreement and is therefore unlawful,. The view of officers is that the chance that such a challenge would succeed are low and has been mitigated by the use of appropriate legal agreements to secure the obligations and consulting SCF for confirmation that it does not object: (13.6 outlines their non-objection).
- 13.6 The Somerset Community Foundation (SCF) has been consulted by EDF Energy regarding the intention to reduce the EDF Energy Community Fund by transferring a portion of the allocated budget to the Bridgwater Regeneration Contribution. The Chief Executive of the SCF has confirmed that the Foundation consider this to be solely a decision for the Section 106 co-signatories, confirming that they understand their role to manage and administer the fund and that its 'stewardship' role only extends as far as the funds that have been released to it for this purpose and not to the funds that are due to be released in the future. This being the case, the SCF has confirmed that it cannot take a position on, and therefore does not object to, the proposed changes to future allocations of the fund.
- 13.7 Managing the impacts of workforce uplift and ensuring that the benefits of the project continue to be maximised is essential. This report identifies the

measures that the Joint Councils have secured through these discussions and the role these will have in ensuring the many positives in respect of workforce development and overall economic impact continue to be realised through the construction of HPC and beyond. The Bridgwater Regeneration fund forms part of that mitigation package and would directly support employment, skills and training within the health and social care sector by providing match funding for the Levelling Up bid for a Centre of Excellence for Health and Social Care.

13.8 Securing an appropriate mitigation package for the use of Pontins by Hinkley Point C Workers for a temporary expected three-year period provides the opportunity to secure support for local businesses and the local economy in a timely and targeted way. The proposed mitigation package is designed to minimise the negative impact on the locality, by the use of the extensive and collaborative regional and national marketing and PR campaigns in order to increase the numbers of day visitors and extend the season attracting new visitors to the area. In addition, the grants programme will focus on creating added value and business adaptation measures to ensure long lasting viability and diversification in the area, specifically to maximise benefits presented by the HPC workforce who would be present in the area outside of the usual holiday seasons.

13.9 This report sets out all the relevant considerations in respect of receiving an advanced payment from the EDF Community Fund and concludes that the entering of supplemental S106 Agreement is an appropriate mechanism to secure the Bridgwater Regeneration Fund and the wider beneficial outcomes that this will bring.

13.10 This report also identifies the main considerations in securing an appropriate mitigation package for the use of the Pontins Holiday site to accommodate Hinkley Point C workers for a temporary expected three-year period. The entering of the supplemental S106 Agreement will secure direct mitigation for the impacts of the project on the local economy in terms of a package of targeted financial support for local tourism-based businesses covering increased marketing and business support funding.

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.

Application Details	
Application Reference Number:	3/21/22/128
Application Type:	Full Planning Permission
Earliest decision date:	21 February 2023
Expiry Date	14 February 2023
Extension of Time Date	14 April 2023
Decision Level	Planning Committee
Description:	Installation of solar panels on roof and rear balcony
Site Address:	The Arkade, Warren Road, Minehead, TA24 5BG
Parish:	Minehead
Conservation Area:	Wellington Square Minehead
Somerset Levels and Moors RAMSAR Catchment Area:	N/A
AONB:	N/A
Case Officer:	Kieran Reeves
Agent:	Mr Elston
Applicant:	Mr Kravis
Committee Date:	30 March 2023
Reason for reporting application to Committee	The applicant is a Somerset West and Taunton District Councillor

1. Recommendation

1.1 That permission be GRANTED subject to conditions

2. Executive Summary of key reasons for recommendation

2.1 The principle of installing the solar panels is supported by the adopted development plan. With the amendment that has been made to the scheme, the proposed development would not have a materially harmful impact on the historic significance of the nearby listed buildings' setting or the Wellington Square Conservation Area. Material harm to neighbouring residential amenity and ecology would also not occur as a result of the proposed development. There are no flood risks associated with the proposed development.

3. Planning Obligations and conditions and informatives

3.1 Conditions

3.1.1 Standard time condition – 3 years

3.1.2 Standard plans condition

3.1.3 Solar panels to be set at certain pitch/angle

3.1.4 Solar panels (including frames) on balcony to be black

3.1.5 Solar panels to be removed upon becoming redundant

3.2 Informatives

3.2.1 Proactive statement

3.3 Obligations

3.3.1 No planning obligations secured

4. Proposed development, site and surroundings

4.1 Details of proposal

4.1.1 Planning permission is sought for the installation of solar panels on the application building. The majority of the panels would be installed on the roof of the building, which is a shallow pitched roof set behind a parapet. A significantly smaller number of the panels would be installed on the rear balcony of the building. These would be behind the balustrade around the balcony and the applicant has agreed to decrease the pitch of them. The applicant has also agreed to the panels on the balcony and their frames being coloured black.

4.2 Sites and surroundings

4.2.1 The Arkade is an amusement arcade located on the seafront at Minehead. The exterior is finished in painted metal sheet cladding under a shallow pitch corrugated sheet roof with parapet wall. To the rear of the building is a balcony deck and stair that provides access to the first-floor storerooms and managers office. The site is within the Wellington Square Conservation Area and the rear of the building is in Flood Zones 2 and 3. The Grade II listed Minehead Railway Station and Good Shed is located behind the building.

5. Planning (and enforcement) history

5.1 No planning history relevant to this application.

6. Environmental Impact Assessment

6.1 No Environmental Impact Assessment submitted in relation to this application as the proposal does not fall within criteria that requires an EIA

7. Habitats Regulations Assessment

7.1 The site is not within the catchment area for the Somerset Moors & Levels Ramsar site.

8. Consultation and Representations

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

8.1 Date of consultation: 31 January 2023

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date: N/A

8.4 Site Notice Date: 22 January 2023

8.5 Statutory Consultees

Consultee	Comment	Officer Comment
Minehead Town Council	The Committee can see no material planning reason to refuse this application	
Environment Agency	No comments received	
SCC - Ecologist	Having reviewed the above application, I can see the site as having no ecological potential due to the flat roof structure, locale, lighting etc Additionally, although Exmoor heaths are located 1.36km to the west it is not anticipated that the development will impact on this SAC. No further surveys or information would be required.	
Highways Development Control	No observations to make	

8.6 Internal Consultees

Consultee	Comment	Officer Comment
Conservation Officer	<u>Initial Consultation Response:</u> <u>Application Details</u> _ The application site is located at the north-west end of Warren Road, with the beach immediately to the north and Grade II Listed Minehead	

Railway Station (National Heritage List for England (NHLE) List Entry Ref. 1207950, Sept 1993), located immediately to the south. The railway station complex also contains the Grade II Listed Goods Shed (NHLE 1207005, Sept 1993)

The site is located within the Wellington Square Conservation Area. The Locally Listed Tea rooms (Somerset Historic Environment Record (HER) Ref. 46520) is located immediately to the north-west and the Locally Listed Queen's Hall (concert hall) (HER 46524) to the south-east.

The Wellington Square Conservation Area covers the area of the 'Lower Town', the Medieval commercial and administrative centre of Minehead. Parts were regularised in early C19 reconstruction of the Lower Town, following successive fires in the late C18/early C19. The area was further enhanced by the coming of the railway in 1872.

The late C19 railway station is constructed from local sandstone in an Italianate, Romanesque style, with paired windows. The interior contains original joinery and fireplaces. The contemporary, well-preserved goods shed is of the same construction and forms a group with the station building.

The Queen's Hall Concert Hall was designed by Tamlyn and built and donated to the town by Marley and opened in 1914. The tea rooms are broadly contemporary but little information is available about them.

Proposed works _

This application seeks consent to erect solar panels to the main roof structure and balcony areas to the rear. The proposed solar panels would be laid flat on the existing shallow pitch roof which is concealed behind a parapet wall.

Justification _

This application seeks to install solar panels that would provide sufficient energy to power the arcade and ultimately reduce the ever-increasing energy cost for the business.

Significance _

The Wellington Square Conservation Area, focused on the Medieval core of the town, and the buildings within it have a significance focused on their illustrative historic interest, in the information that they provide about past activity and ways of life in this area. Its setting, in the form of the experience and appreciation of the historic core of the town, also contributes to the significance of the conservation area, to some degree.

The railway station and goods shed have significance based on their setting, as parts of the Minehead station complex and its association with the Taunton to Minehead branch line.

The railway buildings also have a degree of architectural interest, in the form of the evidential and aesthetic values provided by the physical remains of the extant building. The conscious design, construction and craftsmanship

demonstrates its inception and historic development. Architectural details which contribute to its significance are outlined above.

The locally listed tea rooms and concert hall have significance based on their setting, with the intension of serving the passengers, alighting at the adjacent railway station, to enjoy the delights of seaside resort that Minehead became during the late C19. They also have a degree of architectural interest, in the form of the evidential and aesthetic values provided by the physical remains of the extant buildings.

Assessment of harm -

The proposed panels for the flat roof of the main element of the building would not be intervisible with any of the heritage assets or the surrounding conservation area, due to their flat position, the shallow form of the roof pitch and the position of the parapet wall.

However, the panels proposed for the balcony on the rear of the building would be in the direct visual setting of the railway station and the associated structures. They would cause harm in the form of a visual intrusion to the setting of these buildings.

Recommendations -

For the scheme to be acceptable, it is recommended that the panels proposed for the balcony at the rear of the building are removed from the scheme, to preserve the setting of the adjacent listed buildings and conservation area.

	<p><u>Revised Consultation Response</u></p> <p><u>Assessment of harm</u></p> <p>The proposal is supported.</p> <p>The proposed panels for the flat roof of the main element of the building would not be intervisible with any of the heritage assets or the surrounding conservation area, due to their flat position, the shallow form of the roof pitch and the position of the parapet wall.</p> <p>The low pitch of the panels proposed for the balcony on the rear of the building would position them largely behind the barrier that surrounds the balcony. Therefore, there would be a barely distinguishable visual change to the setting of the listed buildings in the station complex.</p> <p>Recommend approved</p>	
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8.7 Local Representations

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

The Minehead Conservation Society have objected to the application. They consider that the solar panels on the rear balcony would have a detrimental visual impact on the setting of the listed station buildings and also on the Station Cottages and Beach Hotel, both of which are intrinsically linked to the evolution of the West Somerset Railway. They also consider that the solar panels on the rear balcony would harm the Wellington Square Conservation Area.

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 the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

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

West Somerset Local Plan to 2032

SD1 - Presumption in favour of sustainable development

CC1 - Carbon reduction: non-wind energy generating schemes

CC2 - Flood risk management

NH1 - Historic environment

NH2 - Management of heritage assets

NH6 - Nature conservation and the protection and enhancement of biodiversity

NH13 - Securing high standards of design

Neighbourhood Plans:

No neighbourhood plan in force in this area

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

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

10.1 The principle of development

10.1.1 The proposal is for the installation of solar panels and Policy CC1 of the

West Somerset Local Plan to 2032 states that *energy generating development proposals (other than those for wind turbines) will be supported where:*

- *they respect the local natural environment in which they are located;*
- *they respect the local historic environment and the significance of any designated and identified potential heritage assets within and neighbouring it; and,*
- *they respect the positive economic and social characteristics of communities affected especially those neighbouring them; and,*
- *adequate measures are taken to mitigate the cultural, economic, environmental and social impact of any related development on the communities affected, both in the short and the longer term.*

10.1.2 The proposed development is therefore supported in principle under Policy CC1 as it is a renewable energy scheme. The application complies in principle with the adopted development plan, subject to other material planning considerations being satisfied.

10.2 Design of the proposal & the impact on heritage assets

10.2.1 The application is located next to the Grade II Minehead Railway Station and Goods Shed. The site is also within the Wellington Square Conservation Area. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 therefore apply. Section 66 requires that *in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.* Section 72 requires that *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

10.2.2 The majority of the solar panels would be installed on the roof of the building. The roof of the building is a shallow pitched structure that is set behind a parapet wall that goes around the entire building. Given the hidden nature of the roof, the solar panels on the roof would also not be visible from the public realm. A smaller number of solar panels would be installed on a balcony at the rear of the building. The balcony has a balustrade that would help to partially screen the solar panels. However, the Conservation Officer advised that these would be in the direct visual setting of the Grade II listed railway station and the associated structures and, as such, they would cause harm in the form of a visual intrusion to the setting of these buildings. The Conservation Officer stated that there were no issues with the solar panels on the roof, but the solar panels on the balcony should be omitted to preserve the setting of the adjacent listed buildings and the Conservation Area. The Minehead Conservation Society have also objected to the solar panels on the rear balcony for the same reasons as the Conservation Officer

10.2.3 The applicant responded to the request made by the Conservation Officer to omit the solar panels on the balcony by providing photographs taken from around the site showing the solar panels on the rear balcony but at a lower pitch than shown on the originally submitted plans. The photographs indicate that the solar

panels at a shallower pitch would protrude above the balustrade of the balcony by 25 centimetres. The Conservation Officer has considered this amendment and commented that *the low pitch of the panels proposed for the balcony on the rear of the building would position them largely behind the barrier that surrounds the balcony and, therefore, there would be a barely distinguishable visual change to the setting of the listed buildings in the station complex.* The Conservation Officer recommends approval of the application. Officers consider it appropriate to condition that the panels on the balcony are black with black frames to avoid the glint that can be associated with the untreated metal frame. This would help to prevent the panels from standing out within the street scene.

10.2.4 With the attachment of a condition restricting the solar panels to the pitch shown on the submitted plans and another condition requiring the panels and their frames to be black, it is considered that material harm to the historic significance of the listed buildings' settings or the Wellington Square Conservation Area area would not occur as a result of the proposed development. The application therefore complies with Policies NH1, NH2 and NH13 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.3 The impact on neighbouring residential amenity

10.3.1 The majority of the solar panels being on a shallow pitched roof set behind a parapet wall means that they would not impact on neighbouring residential amenity. The solar panels on the rear balcony would be sited away from residential properties and they would not result in an overbearing impact or loss of light. The applicant has agreed to them being coloured black with black frames and therefore there should be no issues with glint. It is considered that the proposed development would not cause material harm to neighbouring residential amenity.

10.4 The impact on ecology

10.4.1 The Somerset County Council ecologist has reviewed the application and they have advised that the site does not have any ecological potential due to the relatively flat roof structure, locale and lighting. The ecologist also advises that the proposal would not impact on the Exmoor Heaths Special Area of Conservation. Taking the comments of the ecologist, it is concluded that the proposal does not conflict with Policy NH6 of the adopted Local Plan.

10.5 Flood risk

10.5.1 The rear section of the building and site are within Flood Zones 2 and 3. The front section of the building is within Flood Zone 1. As mentioned above, the solar panels would be installed on the roof of the building and the balcony at the rear of the building. The proposal would not alter the use of the site and there would be no increase in the massing of the building itself. The proposal would not increase flood risk to the occupiers and users of the application building or displace flood waters to another site. The application therefore complies with Policy CC2 of the adopted Local Plan.

11 Local Finance Considerations

11.1 Community Infrastructure Levy - N/A

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 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.

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:

(A1) DrNo 2707/200B Proposed Roof & Site Plans
(A1) DrNo 2707/201A Proposed Elevations

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

- 3 The solar panels hereby permitted shall be set at the exact pitch/angle shown on drawing number 2707/201A and they shall be retained at this exact pitch/angle thereafter. Any subsequent replacement solar panels shall also accord with the requirements of this condition.

Reason: For the avoidance of doubt and to ensure conservation of the the character and appearance of the Wellington Square Conservation Area and the setting of the Grade II listed Minehead Railway Station and Goods Shed.

- 4 The solar panels hereby permitted (including their frames) on the rear balcony of the application building shall be coloured matt black and they shall be retained in this colour for the lifetime of the development. Any replacement solar panels on the rear balcony shall accord with the requirements of this condition.

Reason: In the interests of conserving the character and appearance of the Wellington Square Conservation Area and the setting of the Grade II listed Minehead Railway Station and Goods Shed.

- 5 If the solar panels cease to be used for the purposes of generating electricity for a continuous period in excess of 6 months, then the solar panels shall be removed from the roof of the building within three months of the date that the aforementioned 12 months period elapses.

Reason: To ensure the removal of redundant equipment in the interests of conserving the character and appearance of the Wellington Square Conservation Area and the setting of the Grade II listed Minehead Railway Station and Goods Shed.

Recommended Informative

- 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.

Application Details	
Application Reference Number:	38/22/0344
Application Type:	Full Planning Permission
Earliest decision date:	01 December 2022
Expiry Date	26 December 2022
Extension of time	3 March 2023
Decision Level	Committee
Description:	Demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton
Site Address:	WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON, TA1 1DN
Parish:	38
Conservation Area:	Staplegrove Road, Taunton
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mr G Clifford
Agent:	
Applicant:	MR S VEN
Committee Date:	
Reason for reporting application to Committee	Call in by Chair

1. Recommendation

1.1 That permission be REFUSED.

2. Executive Summary of key reasons for recommendation

2.1 The proposed dwelling would detract from the setting of the listed building and the character of the conservation area. Furthermore, the site lies in a flood risk zone and there is no phosphate mitigation solution provided. Consequently, the proposal is contrary to Development Plan policies and the benefits of a single dwelling do not outweigh the harm. An associated listed building consent application ref 38/22/0345LB for the works was refused on 24 February 2023.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

None

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

None

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is to erect a two storey 3 bedroomed detached dwelling and form associated rear gardens to the rear of the listed building and attached conversions at Weir Lodge. The works would also involve the removal of an outbuilding to facilitate the works, although this already has consent for removal. The new dwelling would be set into the boundary wall to the rear of the listed building.

4.2 Sites and surroundings

The site forms part of the rear garden of Weir Lodge, a grade II listed building set within the Staplegrove Road conservation area. The main road lies to the east, Weirfield Green to the north and beyond that 87 Staplegrove Road, also a listed building. More modern housing lies to the west on the new estate.

5. Relevant Planning (and enforcement) history

Reference	Description	Decision	Date
38/08/0524	DEMOLITION OF MODERN EXTENSION, CONVERSION AND EXTENSION OF BUILDING INTO 7 RESIDENTIAL DWELLINGS AT WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON AS AMENDED BY LETTER DATED 7 JANUARY AND PLANS 5592/LO1C & PD02D	CA	22/1/2009
38/10/0268	CONVERSION AND RESTORATION TO SINGLE DWELLING, 2 NO STABLE COTTAGES AND INTERNAL SELF CONTAINED APARTMENT INCLUDING INSTALLATION OF EXTERNAL STAIR AND DEMOLITION OF OUTBUILDINGS AT WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON AS AMENDED	CA	18/10/2010
38/16/0258	Replacement garage, erection of extension and alterations to harness building and western boundary wall, construction of access to northern boundary, erection of fencing and restoration of verandah at Weirfield Lodge, 83 Staplegrove Road, Taunton	CA	26/1/2017

38/22/0345LB	Demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton	Refused	24/2/2023
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38/19/0205ENQ - A pre-app for a new dwelling in the current location was enquired about and it was advised it would be unacceptable due to the impact on the listed building and the character of the conservation area.

6. Environmental Impact Assessment

Not required

7. Habitats Regulations Assessment

Required as this would entail a new dwelling that would add to the phosphate load draining to the Somerset Levels and Moors catchment.

8. Consultation and Representations

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

8.1 Date of consultation: 31 October 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 10 November 2022

8.4 Site Notice Date: 14 November 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
SCC - ECOLOGY	Survey is out of date - otherwise would need bat and bird informatives and a biodiversity enhancement condition.	10.1.8
SOMERSET WILDLIFE TRUST	We support the findings and recommendation in the Assessment report.	10.1.8
SCC - TRANSPORT DEVELOPMENT GROUP	Refer to standing advice.	10.1.4
WESSEX WATER	There must be no surface water connections into the combined sewer where a public surface water sewer is available. Surface water	10.1.9

	must be disposed of via the SuDS hierarchy.	
ENVIRONMENT AGENCY	Provided the sequential test is passed the EA withdraws its earlier objection and recommends a condition.	10.1.9

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment
HERITAGE	Recommend refusal as will harm the setting of listed buildings and character of the conservation area.	10.1.5 and 10.2

8.7 Local representations

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

Nine letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Support	Officer comment
Great idea	10.1.1
Will be an improvement to current eyesore and beneficial to neighbourhood	10.1.5
Would give more garden space	10.1.8
Would enhance the conservation area.	10.1.5 and 10.2

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 Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan

(SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

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

Core Strategy

CP1 - Climate change,

CP4 - Housing,

CP6 - Transport and accessibility,

CP8 - Environment,

DM1 - General requirements,

DM4 - Design,

DM5 - Use of resources and sustainable design,

SP1 - Sustainable development locations,

SD1 - Presumption in favour of sustainable development,

A1 - Parking Requirements,

D2 - Approach routes to Taunton and Wellington,

D7 - Design quality,

D8 - Safety,

D10 - Dwelling Sizes,

D12 - Amenity space,

ENV1 - Protection of trees, woodland, orchards and hedgerows,

ENV2 - Tree planting within new developments,

I4 - Water infrastructure,

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

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).

Staplegrave Road Conservation Area Appraisal, Adopted April 2007

Neighbourhood plans:

None

9.1 National Planning Policy Framework
Sections 2, 4, 5, 12, 14, 15 and 16

10. Material Planning Considerations

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

10.1.1 The principle of development

The site lies within the built up area of the town where development is normally acceptable in principle subject to material considerations. Thus, while the site would be appropriate under policies CP4 and SP1 of the Core Strategy, it however lies within a conservation area, within the curtilage of a listed building and within a flood risk zone.

10.1.2 Design of the proposal

The proposal is for a two storey narrow designed property, set into the existing boundary wall to the rear of the listed building adjacent to the road. It would have a pitched roof, shallower than the surrounding vernacular and is designed with openings east and west to avoid overlooking and has a stepped access from the road to avoid flooding. The latter issues increases the height above the current site level by 0.62m. It would be constructed in brick with a slate roof and measure approximately 5.6m x 10.6m. A vehicular access is proposed off Weirfield Green and while this will provide a single parking space it will add to the loss of boundary wall in this location further impacting on the setting of the listed building. The design is considered an alien feature in the rear of a listed building that does not respect the character of the conservation area or the setting of adjacent heritage assets.

10.1.3 Quality of Accommodation

The accommodation meets the space and amenity requirements of policies D10 and D12 of the Site Allocations and Development Management Plan (SADMP).

10.1.4 Access, Highway Safety and Parking Provision

The proposal utilises a new access off Weirfield Green to serve a single parking space. Given the central location the provision of a single space is considered acceptable in light of policy A1, as, on balance, is the lack of turning space given the road it adjoins and the permission previously granted for an access to the main building.

10.1.5 The impact on the character and appearance of the locality

The proposal would result in a detached dwelling right on the corner up to the back of the footway and this is considered out of keeping with the character of development within the conservation area contrary to policy CP8. The host property is a grade II listed building and is a large property with attached outbuildings in a substantial curtilage. The current property already has an outbuilding to the west as well as the former stable and coach house that have been converted to residential. It is not accepted that the proposal reflects the type of built form characteristic of a

building of this time. Certainly there are no other such prominent outbuildings within the conservation area. The proposal would reduce the historic space around the building and the removal of an existing detached single storey structure which the owner has failed to remove under the previous permission, does not compensate for the harm created by the new build two storey dwelling.

The dwelling would be constructed into the boundary wall on the corner of the plot and would be highly visible from the main road and detract from the setting of the main house and the listed cottages at No. 87 Staplegrove Road. It would also constitute an alien design in the street scene set into the boundary wall of the listed building that would detract from the approach road into town contrary to policies DM1d of the Core Strategy and D2 of the SADMP.

10.1.6 The impact on neighbouring residential amenity

While the design of the new dwelling has windows facing east and west to avoid overlooking, the new dwelling would create a blank gable facing the converted outbuildings of the existing property and would be overbearing to the garden of the existing properties. While the impact of removing the unsympathetic outbuilding would be a benefit, this was shown as removed on the plans of the 2010 permission and technically is in breach of these, although this work can still be carried out. It is not considered appropriate to use this as justification for the erection of a further dwelling within this listed curtilage.

10.1.7 The impact on trees and landscaping

The proposal indicates the minor loss of trees and shrubs to the roadside of the property, however replacements could be conditioned if other aspects of the development were considered acceptable.

10.1.8 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

The applicant has submitted a Preliminary Bat Roost Assessment, although this is now out of date. On the basis of this there would probably be a need for bat and bird informatives and a condition with regard to biodiversity enhancement. The proposal would give more garden space than at present which would be beneficial for wildlife. It is not considered appropriate to seek a renewed survey in light of other matters being unacceptable.

The site lies within the Somerset Levels and Moors Catchment where an individual dwelling will increase the phosphate load and Natural England has issued a letter preventing worsening of the habitat. The applicant has completed the Phosphate calculator, however it is not demonstrated that the scheme would adequately mitigate the phosphates produced to ensure nutrient neutrality in perpetuity and not harm the Somerset Levels and Moors Ramsar site.

10.1.9 Flood risk and energy efficiency

The site lies within flood risk zone 3a where both the sequential and exception tests would apply. The initial FRA carried out a Sequential Test, however it failed to recognise a site further up Staplegrove Road where new housing has been granted that is not in a flood risk zone.

The current proposal is for a single additional dwelling and it is considered that as there are other potential sites within the town that could provide such a unit not within flood risk zone 3, then the development would fail the sequential test and be unacceptable. To try and address flood risk the design incorporates over 0.6m increase in floor level over the existing site level. It is argued removal of an existing building will create flood storage to offset the new build.

The EA has withdrawn its initial objection subject to the sequential test being met. The surface water is designed to be dealt with via permeable paving and a underground attenuation storage tank with hydrobrake to restrict drainage to 1l/s. The proposed dwelling is intended to be zero carbon and adopts a fabric first approach, limiting the surface area of the building and providing no window openings on the northern elevation. However there is no indication of any renewable technologies being utilised.

10.2 Heritage impact

Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses”. Also applications for development in a conservation area must be considered with regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

The conservation area is characterised by uniform streets of high-class Victorian houses with garden plots, the former school site and the designed square providing a verdant element to the character. Individual dwellings are the exception, with only a few on the corner of Staplegrove Road. These properties are distinctive in their large plots and the listing description for Weir Lodge mentions its own grounds. The previous 2008 scheme did not provide a new detached dwelling but altered and converted the main house and outbuildings. As the roof of the existing outbuilding has a low pitch, this corner contributes to the verdant and open character of the conservation area. Therefore, the construction of a dwelling in this location would alter the character of this part of the conservation area and the setting of the adjacent listed and locally listed buildings contrary to policy CP8 and DM1d.

In light of the duties quoted above this has significant weight and while it may be considered less than substantial harm, the benefit of a single dwelling here, even if it were carbon zero, together with the outbuilding removal is not considered to outweigh that harm.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of a dwelling is CIL liable regardless of size.
This proposed development measures approximately 100 sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £7,000.00. With index linking this increases to approximately £10,000.00.

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. The proposed dwelling is considered to be detrimental to the setting of heritage assets and to be detrimental to the character of the street scene contrary to Core Strategy policies CP8 and DM1d. It would also build on land at the risk of flooding and no adequate phosphate solution has been proposed. The public benefit of a single detached dwelling, enhanced garden and the limited construction jobs this would bring is not considered to outweigh the harm to heritage assets as required in the NPPF.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused.

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 – Reason/s for refusal

- 1 The proposed dwelling is considered, by virtue of its location, scale and design to be an alien feature in the street scene adversely impacting on the character and setting of the existing listed building and the character of the conservation area contrary to policies CP8 and DM1d of the Core Strategy and policy D2 of the Site Allocations and Development Management Plan and it is not considered that the harm is outweighed by the benefits.
- 2 The proposed development has the potential to adversely affect the integrity of the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in an area where they are already excessive. In the absence of technical information evidencing the level of phosphates generated by the development, and mitigation measures to demonstrate that phosphate neutrality can be achieved, the Local Planning Authority is unable to conclude beyond all reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Ramsar site. It is therefore not possible for the Local Planning Authority to conclude a favourable Habitat Regulations Assessment and fulfil its statutory duty under Regulation 63 the Conservation of Habitats and Species Regulations 2017.

As such the proposal is contrary to Policies CP8 (Environment) and DM1c (General requirements) of the adopted Taunton Deane Core Strategy and Paras. 180-182 of the NPPF.

- 3 The proposed development falls within flood risk zone 3a where government advice in the NPPF is to direct development away from areas of high risk and this is reflected in policy CP8 of the Core Strategy. The development is for a dwelling within the property of an existing dwelling within the flood risk zone when there is an alternative site not within the flood risk zone on land to the north off Staplegrove Road and so the proposal is considered to fail the Sequential Test and to be inappropriate development in this location.

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 entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

