

<b>Application Details</b>	
Application Reference Numbers:	3/21/23/052
Application Types:	Outline Application with all matters reserved except Access
Extension of Time:	20 September 2024
Description:	Application for Outline Planning with all matters reserved, except for access, for the erection of up to 60 No. dwellings with vehicular and pedestrian access, public open space, car parking and landscaping
Site Address:	Somerset
Parish:	21
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	No
National Landscape (AONB):	No
Case Officer:	Anthony Pick, Senior Planning Officer
Agent:	Woolf Bond Planning Ltd
Applicant:	Townsend
Reason for reporting application to Members:	Major application with contrary officer recommendation to Minehead Town Council / Divisional Councillor.

## 1. Recommendation

1.1 That outline planning permission be **GRANTED** subject to:

- a) Completion of S106 Agreement to secure: -
- a. 35% affordable housing provision;
  - b. Travel Plan;
  - c. Contribution to Community Facilities;
  - d. Public Open Space and Play Space, including maintenance and management agreements;
  - e. Monitoring Fee per agreement in accordance with schedule of fees and charges.

b) The conditions listed at Appendix 1.

Delegated to the Head of Planning to issue the decision subject to a) and b).

## 2. Executive Summary of key reasons for recommendation

2.1 Outline planning permission is sought for up to 60 dwellings with all matters (landscaping, scale, appearance, and layout) reserved for future consideration except access, which is fully detailed in this application.

- 2.2 The application site comprises part of the wider strategic allocation at Minehead/Alcombe (Policy MD2), which seeks to deliver up to 750 dwellings. The site had a previous outline consent granted in August 2021 for the same level of housing. That consent has now lapsed, and this application seeks a new consent based on the same description of development and access arrangements.
- 2.3 The site is considered to be a sustainable location for housing and will deliver up to 60 dwellings, including provision of 35% affordable housing. Matters of design and landscape considerations will be comprehensively addressed as part of the subsequent Reserved Matters application. To inform the placemaking and design process, the scheme will be subject to review by the Quality Review Panel prior to the submission of the Reserved Matters. This will be secured by way of a planning condition.
- 2.4 After consideration of all representations and consultations, the relevant planning policies and material considerations including the planning history, it recommended that the outline application is approved.

### **3. Planning Obligations, conditions and informatives**

S106 Obligations to secure:

- a. 35% affordable housing provision;
- b. Travel Plan;
- c. Contribution to Community Facilities;
- d. Public Open Space and Play Space, including maintenance and management agreements;
- e. Monitoring Fee per agreement in accordance with schedule of fees and charges.
- f. S278 highways agreement.

Conditions (full text provided in Appendix 1)

1. Submission of the Reserved Matters
2. Timescale for submission of Reserved Matters
3. Schedule of approved plans
4. Strategic landscaping
5. Quality Review Panel
6. Visibility
7. Access
8. Gradient <1:10
9. Parking
10. Consolidated roads
11. Estate layout
12. Surface water – highways
13. Access to other parts of Hopcott Road
14. CEMP
15. Highway Conditions Survey
16. Cycle Storage

17. Ecological Mitigation/Enhancement
18. Bat mitigation
19. LEMP
20. Lighting design – bats
21. Natural England license
22. Trees – bat management
23. Removal of hedgerows – timing
24. Biodiversity enhancement
25. Water efficiency
26. Surface water – SUDS
27. No surface water to discharge to eastern track.
28. Details of surface water management

3.2 Informatives (full text in appendix 1)

1. Proactive working
2. Advance Payment Code
3. Section 278
4. LLFA advice notes – 17.04.2024
5. Advice on subsequent reserved matters

**4. Proposed development, site and surroundings**

Details of proposal

- 4.1 Outline planning permission is sought for a residential scheme of up to 60 dwellings with associated access, public open space, car parking and landscaping. The density is around 35 dwellings per hectare. All matters are reserved except for access with detailed design plans proposing an access connecting to Hopcott Road (A39) on the site's northern boundary. This reflects the access arrangements considered as part of the previous consent, reference 3/21/19/092, which has subsequently lapsed.
- 4.2 The application is accompanied by an illustrative master plan, including a proposed layout with an 'S' shaped spine road traversing the site, and landscaping and open space. The Design & Access Statement sets out that the design is indicated to be three storey dwellings on the lower part, 2-2.5 storeys in the central area and two storeys on the upper slopes. The proposed materials are a mixture of facing brick, some selective use of natural stone, with tiled roofs.
- 4.3 The plan shows Public Open Space and a LEAP on the western edge and POS on the eastern edge, and additional landscaping, including structural planting, shown on the illustrative plans. The surface water drainage solution is proposed in the form of a SUDs system.
- 4.4 Notwithstanding, the application form seeks approval of access only at the outline stage, therefore, the master plan is for illustrative purposes only.

### Sites and surroundings

- 4.5 The application site comprises approximately 3.3 hectares of open fields to the south of Hopcott Road (A39), Minehead. The site is irregular in shape and rises steeply to the south. The application details that the lowest part of the site is 50m Above Ordnance Datum (AOD) and 87m (AOD) in the highest part of the site (southwest corner). The site is bordered by mature hedgerows and trees, and a mix of woodland to the west.
- 4.6 The site is not covered by any statutory or non-statutory designations for landscape. However, the site lies in close proximity to the boundary of Exmoor National Park, located to the south. The Dunster Park and Heathlands (SSSI) occupies the higher ground within the Exmoor National Park and is located 630m further south. There are dwellings to the east of the site and a narrow lane serving these houses.
- 4.7 Further east of the site is the development known as Exmoor Gate, which comprises 71 dwellings approved originally at planning appeal (3/21/13/120) with Reserved Matters approved under 3/21/17/119 approved in April 2018, with subsequent amendments approved.
- 4.8 Outline consent was granted in September 2016 for up to 80 dwellings, reference 3/21/15/014, further east of Exmoor Gate which has subsequently lapsed.
- 4.9 To the north of Hopcott road, is a mix of detached and semi-detached bungalows and housing dating from the 1930s onwards.
- 4.10 The site is located approximately 1.3km (0.8 miles) from the centre of Minehead.
- 4.11 The nearest heritage assets comprise the Grade II listed St Michael's Church, Alcombe Conservation Area and two non-designated heritage assets; Lower Hopcott and Gordon Lodge.

## **5. Relevant Planning History**

### Strategic Sites

Reference	Description	Decision	Date
3/21/19/092	Outline planning application with all matters reserved, except for access, for the erection of up to 60 No. dwellings with vehicular and pedestrian access, public open space, car parking and landscaping at Land off Hopcott Road, Minehead	Conditional Approval	16.08.2021

3/21/13/120	Outline application (with all matters except access reserved) for residential development up to 71 dwellings (including 35% affordable housing), access, landscaping and associated works.	Appeal allowed	11.11.2014
3/21/17/119	Application for approval of reserved matters following Outline Application 3/21/13/120 for a residential development of up to 71 No. dwellings, access, landscaping and associated works	Conditional Approval	30.04.2018
3/21/15/014	Outline application for residential development (with all matters reserved) for 80 dwellings, access and associated works Land to the west of Minehead Caravan Club, Hopcott Road  <b>NOT IMPLEMENTED</b>	Conditional Approval	28.09.2016

Minor Amendments to Outline and Reserved Matters Application (3/21/13/120 & 3/21/17/119)			
Reference	Description	Decision	Date
NMA/21/20/001	Non-material amendment applications to amend conditions 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19 and 20 of outline planning permission 3/21/13/120	Granted	30.03.2020
NMA/21/20/002	Non-material amendment applications to amend conditions 1, 2 and 4 on reserved matters planning permission 3/21/17/119	Granted	18.03.2020
NMA/21/20/007	Non-Material amendment to application NMA/21/20/002 for changes to layout and elevations	Granted	12.01.2021
NMA/21/21/001	Non-Material amendment to application NMA/21/20/002 for changes to layout and elevations of approved scheme	Granted	16.02.2021

NMA/21/22/002	Application for a Non-Material Amendment to application 3/21/17/119 to vary the approved plans list, Condition No. 01, for design changes to retaining walls of the rear gardens to plots 05-14	Granted	10.03.2023
3/21/22/124	Variation of Condition No's 1 (approved plans) and 2 (materials to be varied to become a compliance condition) of application 3/21/17/119	Granted	20.04.2023
NMA/21/23/003	Application for a Non-Material Amendment following a grant of planning permission 3/21/22/124 for changes to type of retaining wall, insertion of windows in some plots and introduction of solar PV's on roofs of dwellings	Granted	04.08.2023
NMA/21/23/008	Application for a Non-Material Amendment to vary the approved plans list (Condition No. 1) of application 3/21/22/124	Granted	26.01.2024
NMA/21/24/003	Application for a Non-material amendment to application 3/21/22/124 to vary the approved plans list (Condition No. 1)	Pending	-
VSC/21/22/001	Application for Modification or Discharge of a Planning Obligation (Section 106 Agreement) to remove the requirement of the 'Community Facilities Contribution'	Pending	-

## 6. Environmental Impact Assessment

- 6.1 In this case the development falls within Category 10b (Urban Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 6.2 The applicant submitted an Environmental Impact Assessment Screening Opinion in March 2021 for 19.72 hectares and for up to 350 dwellings. The Council (EIA/21/21/001) concluded that the proposal would not have any significant environmental effects, and a further environmental statement was not required. The current application is identical to the previous consent for

the site (3.3 hectares), and does not increase the level of development, which forms part of the wider allocation and for which a Screening Opinion has been issued.

## 7. Habitats Regulations Assessment

- 7.1 The application site falls outside of the Somerset Levels and Moors Ramsar catchment area in respect of mitigating phosphates impacts.

## 8. Consultation and Representations

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

Consultees	Consultee Comments (and Officer Comment)
Minehead Town Council	<p>The Committee objected to the planning application for the following material planning reasons:</p> <p>Lack of information about drainage; Access to the A39 for vehicles, cyclists and pedestrians and accessibility issues; Lack of infrastructure and facilities in the town. The site is a long way from any public transport. Councillors drew attention to the fact that the Design and Access Statement is at least 5 years out of date and that there have been a number of changes to the services and amenities that are mentioned, for example that there is now only one GP surgery in Minehead, and the nearby convenience store has closed. Councillors requested an update on the S278 work for the two existing, adjacent developments.</p>
	<p><b>Officer comment:</b></p> <p>The proposed site forms part of an allocated site for residential development and, therefore, the principle is acceptable. As part of the consultation process, it has been confirmed that there remains capacity at the GP/Medical Centre.</p> <p>In terms of the S278 for the adjacent residential development, the Highway Authority are in the process of finalising the bond.</p>
Placemaking Officer	<p>This is a highly sensitive site on a steep hill side with wider distance views. Structural landscaping will be necessary to assimilate any form of development and wider distance views need to be considered. Masterplan for allocated site – in accordance with MD2 a masterplan is required for the whole site allocation in order to see how the development works as a whole.</p> <p>The proposal does not address this requirement. I am concerned that the lack of a masterplan will produce a patchwork effect of fragmented sites individually zig zagging up the hillside in a cul-de-sac arrangement and will fail to provide a holistic form of development. The Districtwide Design Guide advocates a clear 3 stage process for the development of a design concept – context appraisal, site appraisal and design concept. Page 22 clearly states that developments on hillsides will require a 3-dimensional response. This has not been followed. A parameters</p>

	<p>plan needs to be provided to show the critical design principles for the development. The proposal is lacking any sections to show how the development would relate to the steep topography of the site. There will be lots of big retaining walls given the steep nature of the site, these need to be shown and an indication of their treatment. Cross sections are essential in order to provide reassurance of the form of development. No analysis of the slope or 3D images provided which is critical.</p> <p>Greater LVIA is needed to show that the building form would be assimilated into the landform and would not read as an alien feature in longer distance views. There is a lot in the DAS regarding context and built form of Minehead. I cannot see how this has translated into the layout or building forms. Layout is very car dominated. Building forms are very narrow and in long terraces which is not typical of Minehead. The layout is lacking a frontage on to Hopcott Road. It would be more positive if the frontage to the site had large, detached villa forms subdivided into smaller units.</p> <p>SUD's – I'm greatly concerned at the SUD's arrangement as given the topography of this site, the only way that development can come forward on the upper slopes is by providing SUD's at the bottom. The SUD's as shown does not convince me that this has been thought properly through. Structural landscaping – views need to be provided showing how this would assimilate the development into the hillside. I am not convinced that street trees will be successful given topography and the hard nature of retaining walls and carparking areas.</p> <p>Design – whilst the stepping into the hillside is supported, the buildings are squeezed onto the site and would result in a cramped form of development. The plan form also has no relationship to other building forms in the locality. Buildings in the higher parts of the site need to be of a lower density, preferably more detached and more assimilate with landscape.</p> <p>QRP – the scheme triggers the need for consideration by QRP. Outline is a good time since applicants are encouraged to make use of the panel at an early stage in the design process in order to identify and test the proposed design's key objectives and assumptions.</p>
	<p><b>Officer Comments</b> – Noted. See report.</p>
<p>Highway Authority</p>	<p>No objection, subject to conditions/S106.</p> <p>In 2021 outline planning permission, including access, was granted for up to 60 dwellings on this site under application 3/21/19/092.</p>



	<p>It is understood that this planning consent is due to lapse in August, hence the submission of the current application which appears to be identical in detail to that permitted under the extant permission. No updated transport assessment has been provided as part of this new application; however, it is accepted that there have been no significant changes that would notably alter the impacts of the proposed development in terms of traffic generation.</p> <p>When considered against national policy therefore it is accepted that the development would not give rise to any severe traffic impacts, and as such the proposal meets the requirements of the NPPF in this regard. The proposed access arrangements are unchanged from that previously permitted, which comprise a priority junction with right turn lane and new footways and pedestrian crossing point linking with the existing infrastructure on the A39 Hopcott Road. Visibility splays of 2.4m x 120m are to be provided in both directions which are considered to be acceptable.</p> <p>As noted with the previous application there are a number of potential safety issues associated with the proposed access and off-site works however these can be fully attended to through the technical approval process when negotiating the S278 agreement.</p> <p>The submitted Travel Plan is still under review by our Travel Planning Team and their comments will follow shortly. Please note that in the event of permission being granted an acceptable travel plan will need to be secured through a S106 agreement prior to the grant of planning permission.</p>
<p><b>Officer Comments – Noted. Conditions/S106 recommended.</b></p>	
<p>Lead Local Flood Authority – Revised Comments 17.04.2024</p>	<p>Following on from the further information submitted, we are disappointed that further conveyance and source control features have not been provided at this stage, at the next planning stage we will expect a detailed sustainable drainage scheme to slow the flow through the site and provide multifunctional benefits.</p> <p>Further consideration will need to be given to managing and controlling exceedance, and details will be expected on the proposed attenuation basins in terms of structural stability and failure. Along with this further consideration will need to be given to restricting discharge rates further. No additional surface water is to be directed or channelled onto the eastern track; this has been specified in a condition below. As such, should the LPA be minded to grant permission, the following conditions and informatives should be applied.</p> <p>Conditions recommended re: details of surface water drainage scheme; no surface water or exceedance to be directly</p>

	channelled or discharged onto eastern track; plan for future responsibility and maintenance of surface water drainage system. Advice notes recommended.
<b>Officer Comments – Noted. Conditions incorporated.</b>	
Parrett Internal Drainage Board	<p>In May 2020, the IDB removed its objection to the 3/21/19/092 planning application for 60 dwellings after reviewing the Technical note from Charles and Associates dated January 2020. The current application is similar to the one we reviewed in 2020. The Technical Note addressed all objections raised by the IDB in 2020, we therefore have no further comments to make on this application.</p> <p>Note both applications rely on connection to a new Wessex Water sewer. Confirmation should be sought that the previous agreement remains in place.</p>
Devon & Somerset Fire and Rescue Service	Proposal must comply with Building Regulations, including access requirements for Fire Service Vehicles. Provision of appropriate water supplies (Street Hydrants).
Avon & Somerset Police	<p>Crime Statistics provided.</p> <p>At this outline stage it is difficult to make site specific comments, however, general observations in regard to designing out crime</p> <p>Design &amp; Access Statement - the DAS at Section 5.5 headed ' Safety &amp; Security' includes a number of bullet points relating to designing out crime i.e. Natural Surveillance, Active Street Frontages, Car Parking and Management. This indicates to me that the applicant has taken some account of designing out crime and ASB in the design of this development. I agree with most of the comments made and comment further below.</p> <p>Layout of Roads &amp; Footpaths - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street and public open spaces. The single vehicular and pedestrian entrance/exit has advantages over through roads in that it can help frustrate the search and escape patterns of the potential criminal. The use of physical or psychological features i.e. surface changes by colour or texture, rumble strips and similar features within the development helps reinforce defensible space giving the impression that the area is private and deterring unlawful access.</p> <p>Orientation of Dwellings – all dwellings appear to overlook the street and public open spaces enabling neighbours to easily view their surroundings and making the potential criminal more vulnerable to detection. A small proportion of the dwellings in the south/east corner of the development are also 'back-to-back', which is advantageous, in that this can help restrict unlawful</p>

access to the rear of dwellings which is where most burglaries occur.

Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined, and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. More vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fencing and lockable.

Car Parking – is a combination of on-plot garages and parking spaces and parking courts, the former being recommended. Rear/side parking courts are discouraged, as they enable unlawful access to the rear/side of dwellings which is where most burglaries occur.

Communal & Play Areas - have the potential to generate crime, the fear of crime and ASB and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. In this regard, I have some concerns regarding the location of the proposed Children's Play Area on the eastern edge of the development which appears to be overlooked by four dwellings to the west only. I recommend the Children's Play Area be relocated to a more central location with good all-round surveillance from nearby dwellings.

Landscaping/Planting – is mainly around the perimeter of the development and should not impede opportunities for natural surveillance and must avoid creating potential hiding places. As a rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be of the open-branched columnar variety devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. This is particularly relevant in respect of the Children's Play Area and proposed recreational routes.

Street Lighting – all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2020.

Physical Security of Dwellings – to comply with Approved Document Q: Security – Dwellings, of Building Regulations, all external doorsets providing a means of access into a dwelling (including communal and flat entrance doorsets) and ground floor or easily accessible windows and rooflights must be tested to PAS 24 security standard or equivalent.

	<p>Secured by Design (SBD) – if planning permission is granted, the applicant is advised to refer to the ‘SBD Homes 2023’ design guide available on the Secured by Design website – <a href="http://www.securedbydesign.com">www.securedbydesign.com</a> – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.</p>
<p><b>Officer Comments</b> – Noted. Design and Layout will be considered as part of the Reserved Matters.</p>	
<p>South Western Ambulance Service</p>	<p>No comments received.</p>
<p>Housing Enabling Officer 23.06.2023</p>	<p>Policy SC4 in the West Somerset Local Plan adopted in 2016 aims to ensure that affordable housing is provided as part of all development schemes which provide eleven or more net additional dwellings. 35% of the new housing should be in the form of affordable homes, with a tenure split of 25% First Homes, 60% social rented and 15% intermediate housing in the form of shared ownership.</p> <p>Information about First Homes can be found on the Somerset Council website at SCC - Public - first-homes-technical-briefing-note.pdf - All Documents (sharepoint.com) Affordability of the First Homes tenure is a concern given the rising house prices within the location of this scheme therefore flexibility of the 25% First Homes to change to Shared Ownership would be considered to provide a more affordable low-cost home ownership option. The type and size of the affordable housing units to be provided should fully reflect the distribution of property types and sizes in the overall development and the housing need requirements.</p> <p>Whilst no indication of unit mix and tenure has been proposed at this stage, on the basis of 60 dwellings, a 35% affordable housing planning obligation would equate to 21 affordable homes. Upon assessing the local housing need evidence (February 2023) a suggested affordable housing mix is:- Social Rent 4 x 1bed house with own front door and private garden 5 x 2 bed house 3 x 3 bed house 1 x 4 bed house.</p> <p>Shared Ownership 5 x 2 bed house 3 x 3 bed house Policy SC3 Appropriate Mix of Housing Types and Tenures requires that ‘Residential and mixed development proposals should provide a mix of housing sizes, tenures and type to meet the demonstrated needs of the areas communities.’ To reflect local housing need the requirement is for 1 x 1bed and 1 x 2 bed social rented fully disable adapted dwellings to be Part M4, Category 3: Wheelchair User dwellings of the Buildings Regulation 2010.</p>

	<p>The fully disabled adapted dwellings should be built in accordance with Part M4, Category 3: Wheelchair user dwellings of the Building Regulations 2010. Please refer to the Technical Advice Note: Specification Guide for Disabled Units for additional guidance. SCC - Public - technical-advice-note-specification-guide-fordisabled-units.pdf - All Documents (sharepoint.com) The fully adapted disabled dwellings specification requirements are to be submitted and agreed in writing with the Development Enabling Specialist.</p> <p>Whilst no indication of the location of the affordable units has been provided at this stage, these should be an integral part of the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to be evenly distributed across the site and the practicalities of managing and maintaining units will be considered when agreeing the appropriate spatial distribution of affordable housing on site.</p> <p>A local connection clause will be required for the affordable housing and as such should be included in a S106 Planning Agreement. Service charges should reflect the necessity to keep these properties affordable. It is also recommended that any service charges should be calculated on a per metre square basis rather than per unit. The affordable housing scheme must be submitted to and approved in writing by Development Enabling Specialist at Somerset Council – West.</p> <p>Continuing engagement with the Development Enabling Specialist to agree the affordable housing provision is recommended. The developer should seek to provide the Housing Association tied units from the Councils preferred affordable housing development partners list. Registered housing providers in Somerset West and Taunton.</p>
<p><b>Officer Comments – Noted. S106 will secure affordable housing</b></p>	
<p>Tree Officer</p>	<p>My initial comment on this one is that I am very surprised that these lower slopes of the hills that rise up to Exmoor have been allocated for housing. This is going to change the character of the southern edge of Minehead significantly, to its detriment in my view. As with the previous application on this site, my main concerns are:</p> <ul style="list-style-type: none"> <li>a) The proposed development would mean the loss of a significant portion of the roadside belt of trees and hedge to gain access and visibility into and out of the site. It should be noted that any ash that is present in this roadside belt of trees is likely to succumb to Ash Dieback in time, if not already;</li> </ul>

	<p>b) The gradient of the land, and therefore the visual impact of developing this peripheral hillside, coupled with the loss of boundary trees;</p> <p>c) Although numerous small trees are shown throughout the plan, many are within private gardens or parking areas where in reality many of the trees would be small species appropriate for these locations. Many would not survive, or would be removed or severely pruned after the initial 5 year protection period. As with 'Higher Town' area, particularly higher up the slope, it is likely that many of the residents will want to get the view over the town and across to North Hill. There will be a conflict between the newly-planted trees and the desire for a view, which is likely to result in trees being removed or 'topped';</p> <p>d) The precedent that would be set to develop further along this hillside, or to go higher up the slope; For this layout to be acceptable there needs to be considerably more new tree planting in managed 'open space' areas, to enhance the current existing roadside belt and to repeat the linear copses through the centre of the site so that the new houses are less visible.</p>
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**Officer Comments – Noted.** The access arrangements remain the same previously considered acceptable. Landscaping is a Reserved Matter and will form part an important part of the design process at QRP.

Landscape Officer	<p>SUMMARY: It is appreciated that there are limitations as to where new development can go in and around Minehead, and that the Strategic Development Allocation at Minehead/Alcombe (MD2) is likely to be compromised by its sloping, elevated position close to the edge of Exmoor National Park, and its separation from the rest of Minehead by the A39. It is also appreciated that the application is for outline only. However, it is considered that:</p> <ul style="list-style-type: none"> <li>• the current proposals provide insufficient reassurance that the roadside vegetation will be retained at the site entrance;</li> <li>• the planting as proposed will provide very limited structural planting to mitigate the impact of this development on the setting of Exmoor National Park;</li> <li>• the design lacks an overall concept;</li> <li>• the proposed type, form and arrangement of built development, and the response to the sloping site and change in level, shows little regard to the more distinctive characteristics found in the Minehead settlement edge context;</li> <li>• the setting of Gordon Lodge has not been protected; and</li> <li>• connectivity to other parts of the site allocation and wider public footpath network is thin.</li> </ul> <p>Because of these concerns, there is a lack of reassurance that the reserved matters will be delivered in a way that would comply with local plan policy MD2, NH1, NH5, NH13, NH14 and Paragraphs 130, 134, and 176 of the NPPF, and as a consequence, there is a landscape objection. It is recommended that these concerns are addressed and that clear parameters are set out that provide reassurance that the issues are addressed appropriately at reserved matters stage.</p>
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Natural England	<p>Summary – No Objection</p> <p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on protected landscapes or sites and has no objection. Advice given on consideration of impacts on Protected Landscapes – Exmoor National Park, including outside the designated area but impacting its natural beauty.</p>
Ecologist – Revised comments 09.10.2023	<p>Having reviewed the above application, all measures pertaining to the proposed application regarding ecological matters are addressed within the HDA report dated 8th April 2023 (HDA Ref: 843.1). Condition recommended re ecological measures to be carried out in accordance with the Ecology Survey Report.</p>
Planning Obligations	<p>West Somerset Local Plan Policy CF1 requires the appropriate provision of formal sports facilities and/or informal public amenity open space/play space is required as an integral part of new development. The breakdown of the types of Public Open Space should be included in a land use budget accompanying the application. Policy R/5 requires that Public Open Space will be sought in residential developments of 25 dwellings or more in the ratio of 1 hectare per 173 dwellings or part thereof. For a scheme of 60 dwellings this would equate to 10,000 sqm. Having regard to the type of dwellings, the location and size of the scheme and extent of existing provision in the locality, this open space can include the following elements: 1. Amenity and informal areas – to include well lit space with seating and surfacing to meet the particular needs of the elderly and disabled; 2. Children’s play space – fenced, with play equipment suitable for pre and early school children and safe surfacing. Play areas should be separated from other facilities for older children and away from situations where they may be subject to potential abuse and vandalism; 3. Sports playing field – to include playing fields for organised sports where the scale of development is sufficiently large to justify provision. Open space must be well related and easily accessible to the dwellings, served by good quality pedestrian and cycle routes and provide clear access to service and emergency vehicles.</p> <p>Children’s Play Space The Council has planning objectives and strategies to improve play facilities. In pursuit of these objectives the Council will use planning obligations to secure the provision of community facilities and open spaces where development will generate additional demand and facilities are not provided on-site. A summary extract from the National Playing Fields Association’s report; Six Acre Standard is reproduced below: - “The National Playing Fields Association recommends a minimum standard for outdoor playing space of 2.43 Hectares per 1000 population. This is commonly referred to as the NPFA 6 Acre Standard.” Breakdown of the Standard: Depending on the</p>

population profile of the locality concerned, the total standard should be met by an aggregation of space within the ranges given below: - A. Youth and Adult Use Facilities such as pitches, greens, courts and miscellaneous items such as athletics tracks, putting greens and training areas in the ownership of local government, whether at county, district or parish level; facilities as described above within the educational sector which are as a matter of practice and policy available for public use; facilities as described above within the voluntary, private, industrial and commercial sectors which serve the leisure time needs for outdoor recreation of their members or the public. 1.6 – 1.8 Ha. (4.0 – 4.5 Acres) B. Children's Use B.1 Outdoor equipped playgrounds for children of whatever age; other play facilities for children that offer specific opportunity for outdoor play, such as adventure playgrounds. 0.2 – 0.3 Ha. (0.5 – 0.75 Acres) B.2 Casual or informal play space within housing areas 0.4 – 0.5 Ha. (1.0 – 1.25 Acres) Minimum standard total: 2.43 Hectares or 6.0 Acres per 1000 population. Given that the area of the development is not yet populated, the Council is also able to provide guidance of the following as a standard of provision: (A) Children's play space: 20 square metres per family dwelling (a dwelling with 2 or more bedrooms) to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones; (B) Adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones; The exact space required will be determined by the final make up of dwelling sizes within the final proposals and dealt with through a S106 Agreement and subsequent Reserved Matters applications.

The Council will seek to ensure that increased demand for recreational open space arising from new development responds to the relevant standards. Further details can be found in the Recreational Open Space & Community Halls: Guidance Note. To this end, details of the size, location and layout of open spaces must be submitted for approval by the Council. Where open space is provided as part of a development the developer is also required to submit details of a regime for its future management and maintenance in perpetuity. Community Buildings Development can generate new demands on the facilities and services that are at the heart of the way of life for West Somerset's rural communities.

The Council has planning objectives and other aims to ensure that the provision of such community facilities keeps pace with the growing population and that the area develops and maintains a thriving sense of community. Planning Obligations With regard to the value of Planning Obligations for play, open space and community buildings, The West Somerset Planning Obligations



	<p>SPD (Supplementary Planning Document) states as a guide the maximum value of contribution per dwelling for a development in Minehead as £10,000.00 per dwelling (amount subject to indexation). Monitoring Fee In accordance with the Somerset Council Planning Fees and Charges adopted on 1 April 2023, a monitoring fee of £300 per obligation, per trigger and a £300 Agreement fee is payable.</p>
<p><b>Officer Comments –</b> Noted. S106 to secure POS/Community Facilities contribution to be negotiated with the developer.</p>	
<p>Sport England</p>	<p>The proposed development does not fall within either statutory or non-statutory remit.</p> <p>General advice, regarding ensuring existing sports facilities have capacity to absorb additional demand, and new housing should provide opportunities for people to lead healthy lifestyles and create healthy communities.</p>
<p>Conservation Officer</p>	<p>There are no built heritage assets close to the site. However, given the elevated position of the development site, it may be partially visible from the rear of buildings on the south side of the Minehead: Whitegate Road Conservation Area, located c. 115m to the north-east. This part of Minehead has a suburban, but semi-rural character, created by the edge of the high ground of the Exmoor Hills, dominating the area to the south. Any development of this site should reflect the character of the surrounding area and be mindful that the elevated position of the site would make it highly visible within the immediate area. Therefore, any proposed designs should be of high quality to conserve the character and setting of this part of Minehead.</p> <p>Updated Comments – 3 July 2024</p> <p>Additional info has come to light since I wrote my original response. Gordon Lodge, an Arts &amp; Crafts villa similar to others in the town, located immediately to the east of the proposed development, is a non-designated heritage asset. Currently, the proposals would harm the setting of Gordon Lodge as the west side of the development would come close to the western boundary with the heritage asset. Any development would need to be pulled back from the western boundary to reduce the intrusion on the setting of Gordon Lodge.</p> <p>Update Comments – 16.08.2023</p> <p>Despite my additional comments of 3rd July highlighting the non-designated heritage asset of Gordon Lodge, the principle of the proposed development remains acceptable. The level of harm to the setting of the NSHA would be less than substantial and mitigation by design can be used to further reduce the level of less than substantial harm to its setting.</p>

	<p>Updated Comments – 04.09.2023</p> <p>I would make these additional, final comments: As stated previously, the building referred to as Gordon Lodge – containing Gordon Lodge, Bracken Lodge, Oakworth and Callens Edge, has been identified as a building of local historic and architectural interest and is therefore a non-designated heritage assets (NDHA). In terms of significance, the HCUK report (08 August 2023) states that the focus of the significance of the building is based on its architectural interest – the Arts and Crafts features have both evidential and aesthetic value. However, this interest has been eroded to a degree by the subdivision of the building into several dwellings. There is also a degree of illustrative historic interest – in the information that the building can provide about the development of this part of Minehead, as a gentrified suburb during the early C20. This is agreed. The HCUK report does not explore the associative historic interest, which has been highlighted by the note submitted by J &amp; C Durham. The building has a degree of associative historic interest – in its connection to the Arts &amp; Crafts architects, Barry Parker. This is agreed. The 2014 SCC report and the HCUK report both identify that the original setting of the building has been eroded to a substantial degree. Originally set in an isolated, peripheral position on the edge of the town, modern development has encroached upon its setting. However, the elevated position of the building and intended views out across the town towards the Bristol Channel remain intact. Therefore, the setting makes a limited contribution to the building’s significance. This is also agreed. As previously stated, the opinion is maintained that, given the degree to which the setting makes a contribution towards the significance of the heritage assets, that any harm to the setting would be less than substantial. The focus of the significance of the building – the architectural interest – would not be affected by the proposed development, nor would the remaining key element of its setting – the views out towards the Bristol Channel. Also previously mentioned, it is recommended that further mitigation by design is undertaken at the reserved matters stage, to further reduce the perceived impacts to its setting by moving the building development as far back from the boundary with the heritage asset as feasibly possible and introducing a green space on this side of the development as a buffer.</p>
	<p><b>Officer Comments</b> – Noted. The setting of the heritage assets will be considered further as part of the Reserved Matters application.</p>
<p>South West Heritage</p>	<p>No comments received.</p> <p>Officer comment – Previous response to original scheme advised that ‘as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.’</p>

Somerset Council – Education	Capacity remains in the schools for this level of development.
NHS Somerset Integrated Care Board	<p>Summary - The application has been reviewed from a primary care perspective and the response has been informed by the Health Contributions Technical Note (<a href="https://www.sedgemoor.gov.uk/article/5348/Health-Contributions-Technical-Note">https://www.sedgemoor.gov.uk/article/5348/Health-Contributions-Technical-Note</a>) which was jointly prepared with NHS England.</p> <p>The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.</p> <p>However, due to the nature of the planning process, please be advised that this response from NHS Somerset is a snapshot of the capacity assessment at the date of this letter.</p>
Wessex Water	No comments received.
Environment Agency	No comments received.
Somerset Waste Partnership	No comments received.
Planning at Exmoor National Park	No comments received.
Planning Policy	No comments received.
Regeneration and Infrastructure	No comments received.

## 8.2 Local consultation and representation

8.3 In accordance with the Council's Adopted Statement of Community Involvement application 3/21/23/052 was publicised by letters of notification to neighbouring properties. Site notices were displayed, and a press advert placed as part of the initial consultation.

8.4 The Council received OBJECTIONS from three submitters (local residents), making the following comments:

<b>Comment</b>
<p>Impact on environment / Biodiversity</p> <p><b>Officer Comment</b> – Allocated site for development. Ecology reports accompany the application and appropriate mitigation measures are proposed and will be secured by condition.</p>
<p>Landscape / Visual Impact</p> <p><b>Officer Comment</b> – See report</p>
<p>Loss of Agricultural Land</p> <p><b>Officer Comment</b> – site forms part of an allocated site for development.</p>
<p>Inadequate Infrastructure (e.g., doctors, hospital, dentists, police).</p> <p><b>Officer Comment</b> – The Local Plan identifies strategic development sites to cater for the growth of Minehead, which includes the application site. The NHS consultation response has not identified a capacity issue at this moment in time.</p>
<p>Highway Safety / Access</p> <p><b>Officer Comment</b> - The access and highway impacts have been fully considered by the Highway Authority.</p>
<p>Flooding / Surface Water – Impact on nearby properties.</p> <p><b>Officer Comment</b> – Following additional information, the LLFA have withdrawn its objection, and conditions are imposed requiring further details of the surface water/drainage strategy. .</p>
<p>Heritage Impacts</p> <p><b>Officer Comment</b> – the application is in outline only, and there is scope within the assessment of the Reserved Matters to ensure that the setting of nearby heritage assets to be fully considered as part of the layout, design and landscape considerations.</p>
<p>Telephone Mast will affect saleability of properties</p> <p><b>Officer Comment</b> – this would be a commercial decision for the developer and future residents would be aware of its siting.</p>
<p>Access- No development should be commenced until the new access has been constructed from Hopcott Road, and not via the lane for which residents have right of access.</p> <p><b>Officer Comment</b> – the proposal includes a dedicated access to service the proposed development and a CMP will manage access arrangements during construction.</p>
<p>Consider impacts of development to the east, in particular geology and construction problems, including noise and dust.</p> <p><b>Officer Comment</b> – a Construction Management Plan is recommended.</p>

Somerset Wildlife Trust – note Ecologist comments – unable to make a proper assessment of the likely impact of the proposed development and therefore submit Holding Objection.

**Officer Comment** – Noted. Updated technical note provide updated ecological survey work. No objection from Council's Ecologist or Natural England.

8.5 Divisional Member Cllr Hadley expressed the following concerns to the proposed development and request the application be referred to Planning Committee for determination.

- Concerns over access to site and its proximity to a junction on the other side of the Hopcott Road with Cher
- Affordable Housing not included in application.

8.6 35% affordable housing element will be included in the planning application and not left for reserved matters. The application will be subject to a S106 agreement including community benefit and not a CIL agreement as specified in the West Somerset Local Plan Concerns over access to the site with 2 junctions opposite I would like to request a site visit for this application as this is a relatively large application for Minehead and will have a much local interest. It is important that the planning committee are fully aware of the site and its surroundings Due to the above and the size and local interest in this development I request this application is bought before the planning committee for determination.

**Officer Comments** – Noted. The highway authority considers the access to be acceptable and do not raise any objection. A S106 will secure 35% affordable housing for the site.

## 9. Relevant planning policies and Guidance

9.1 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 strongly indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises comprise the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

9.2 As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council published a Local

Development Scheme to set out a timetable for the preparation of the local plan.

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

**West Somerset Local Plan to 2032 (adopted November 2016)**

SD1 Presumption in Favour of Sustainable Development  
MD1 Minehead / Alcombe Development  
MD2 Key strategic development allocation at Mine/Alco  
SC1 Hierarchy of Settlements  
SC2 Housing Provision  
SC3 Appropriate mix of housing types and tenures  
SC4 Affordable Housing  
SC5 Self Containment of Settlement  
SC1 Hierarchy of settlements  
TR2 Reducing reliance on the private car  
NH1 Historic Environment  
NH2 Management of Heritage Assets  
NH6 Nature Conservation and the Protection and Enhancement of Biodiversity  
NH13 Securing High Standards of Design  
NH14 Nationally designated landscape areas  
LT1 Post 2026 Key Strategic Development Sites  
TR1 Access to and from West Somerset  
TR2 Reducing the Reliance on the Private Car  
CF1 Maximising access to health, sport, recreation and, cultural facilities  
CF2 Planning for Healthy Communities  
CC2 Flood Risk Management  
ID1 Infrastructure Delivery

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

TW/1 Trees and Woodland Protect  
TW/2 Hedgerows  
T/8 Residential Car Parking  
R/5 Public Open Space and Large Developments

- 9.4 Other relevant policy documents

Somerset West and Taunton Design Guide, December 2021  
Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency  
Somerset Placemaking Principles (August 2024)

- 9.5 Neighbourhood Plans:

No Neighbourhood Plan in force.

## 9.6 National Planning Policy Framework

The revised National Planning Policy Framework (NPPF), last update December 2023 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
4. Decision-Making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making efficient use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

## **10.0 Commentary on Development Plan**

- 10.1 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.
- 10.2 Furthermore the relevance of and weight given to material considerations is vitally important in assessing the 'planning balance'. The assessment of the 'planning balance' means there will inevitably be aspects of this proposal that do not strictly meet policy objectives and so it for the decision-maker to weigh up the positives against any actual or perceived negatives to reach a recommendation/decision in the public interest.
- 10.3 In accordance with Paragraph 73 of the NPPF the Council is required to identify and update annually a supply of specific deliverable sites with an appropriate buffer. The purpose of the 5-year housing land supply (5YHLS) is to provide an indication of whether there are sufficient sites available to meet the housing requirement.

10.4 The Council published a 5YHLS Paper in August 2024 for the former Taunton Deane, and West Somerset Local Planning Authority areas. The former West Somerset Council area is identified as having a 5YHLS of 9.92.

**11. Local Finance Considerations**

11.1 The CIL charging does not include the former West Somerset District Area.

**12. Material Planning Considerations**

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

The principle of development

12.2 The application site forms part of a larger strategic allocation (Policy MD2) at Minehead / Alcombe for a mixed development for up to 750 dwellings. The supporting text to Policy MD2 states that the provision of housing (and supporting mixed use) will serve to maintain and strengthen Minehead’s role and function as a main service centre for the wider area. The application is also consistent with Policy SC2 which seeks to deliver much of the plan’s housing delivery (2,900 dwellings), within the key strategic sites, including Minehead / Alcombe.

12.3 The application is identical to a previous outline consent for the site, reference 3/21/19/092, approved on 16 August 2021. The application includes the same description and accompanying plans. The previous consent was extant when the application was lodged but has subsequently lapsed. There has been no change to the development plan or substantive material change in circumstances since the original scheme was considered and approved.

12.4 Whilst concerns have been raised in relation to infrastructure and facilities, this is an allocated site that has been assessed as part of the Local Plan process as a sustainable location. No objections or concerns have been raised with regards to the capacity of the doctor’s surgery or school capacity to cater for the level of residents proposed. The principle of development is, therefore, considered acceptable.

12.5 The following table assesses the Policy requirements of MD2 relating to the wider allocation.

Policy requirement	Comments
Scheme will accord with indicative masterplan for site.	<p>The supporting Design &amp; Access Statement sets out that the scheme will not prejudice the ability of the wider site to come forward.</p> <p>The previous application was approved and acknowledged that whilst master planning across the entirety of the allocated land has not</p>



	<p>occurred, this was not considered to represent a reason to refuse the application.</p> <p>It is noted that the Inspector in considering the appeal for 71 dwellings (3/21/13/120) considered that the wider site allocation would not be prejudiced by allowing the development to go ahead without a wider site master plan given the development would be sustainable in isolation and that suitable linkages could be made to join together further housing developments.</p>
<p>Approximately 750 dwellings across the whole site</p>	<p>The scheme proposes up to 60 dwellings. The proposed medium density provides an appropriate balance between the need to deliver housing and respecting the site's varied topography.</p>
<p>Distributor road through site linking development to the A39 at two points, one close to each end of the site.</p>	<p>The scheme includes an access point direct onto Hopcott Road (A39). The proposed access has been designed for a greater capacity to ensure that it is capable of delivering an important access that ultimately links through to further development phases contained within the MD2 allocation..</p>
<p>Provide space for future linkage of distributor road to the LT1 site to the west.</p>	<p>For the reasons discussed above, the proposal offers the potential link to further phases via its southern and southeastern boundaries. Through such phases a possible link to the LT1 could be secured.</p>
<p>Minimum of 3 Ha of appropriate and compatible non-residential uses.</p>	<p>The officer's report relating to the outline application 3/21/15/014 for the erection of 80 dwellings on land west of Minehead Caravan Club (considered at Planning Committee on 25 June 2015), which also lies within the MD2 allocation, clarified that the non-residential uses were considered to be community and commercial uses.</p> <p>Whilst the provision of public open space will be agreed at the reserved matters stage, the Illustrative</p>

	Masterplan provides substantial area of informal public open space and children's play facilities and remains the same as per the outline consent approved in 2021 for this site.
Measures to prevent harm to the significance of heritage assets	The reserved matters application will need to carefully consider the impact on the setting of nearby heritage assets.
Provide an appropriate design response to the site's proximity to the Exmoor National Park.	<p>The scheme is in outline only and follows the previous submission and consent, where the officer considered the visual and landscape impacts.</p> <p>Whilst the landscape officer has raised concerns, the application will be subject to detailed assessment on design and landscape matters through the submission of Reserved Matters.</p> <p>The applicant has also agreed to the requirement to attend the Quality Review Panel prior to submission of Reserved Matters. This will be secured by planning condition.</p>
Development to be facilitated by appropriate transport, community and flood risk management infrastructure.	Details of the infrastructure necessary is detailed in the Transport Assessment and Flood Risk Assessment supporting the application.

### Design and Landscape Impact

- 12.6 The proposal is an outline application with all matters, other than access, reserved for future consideration. However, an illustrative master plan has been submitted that reflects the previous consent. In addition, a landscape plan showing structural landscaping is submitted that previously overcame officer concerns regarding landscape impact.
- 12.7 Given the topography of the site, views are open of the site, and whilst the local landscape would undoubtedly change, including wider views of the site from the National Park, the extent of this would depend in part on the quality of the details to be submitted at the reserved matters stage.

- 12.8 The proposed development is, however, within a wider site allocation for circa 750 dwellings which has been allocated via the Local Plan to 2032 and therefore assessed by the Planning Inspectorate as to its suitability for large-scale development.
- 12.9 As part of considering the previous application, the officer sought a revised indicative landscaping scheme with structural planting for a swathe of trees to the upper part of the site in response to concerns raised by consultees including the National Park who have requested additional structural plantings.
- 12.10 Notwithstanding, the application form seeks approval of access only at the outline stage, and therefore any additional information is illustrative only.
- 12.11 The Council's landscape and placemaking officer have raised concerns in relation to potential landscape impacts and recommendations in respect of placemaking principles. Whilst it is not a validation requirement, there is a Council expectation that schemes of more than 50 homes will be subject to design review. The applicant has resisted attending the Quality Review Panel (QRP) at outline stage but has agreed that the Reserved Matters be subject to the QRP process prior to formal submission.
- 12.12 In a recent appeal for an outline application at Cotford St Luke in the former Somerset West and Taunton Area (application reference 53/21/0010), the Inspector considered similar issues in respect of design and landscape impact concerns at outline stage.
- 12.13 The Inspector's view was that 'a proposal may be acceptable in terms of design, or capable of being made so through conditions or reserved matters applications, even if it has not been subject to the QRP process during formative stages. I note that the SPD sets out that schemes of more than 50 homes should be 'informed by review', rather than prescribing when that must occur.' The Inspector considered that 'subject to adherence to conditions, there would be every opportunity to ensure that the QRP process effectively informs detailed matters of design. The Inspector noted that topography of the site is clearly a factor which would inform the scheme design; however it is comparable with much of the surrounding area.
- 12.14 Therefore, whilst the landscape officer and placemaking officer's comments are acknowledged, given that consent has previously been granted, and the agreement for the Reserved Matters to be informed by the QRP prior to submission, there is an appropriate opportunity to secure a sensitive design approach that is consistent with the local character.

#### Access, Highways and Active Travel

- 12.15 The application is accompanied by a Transport Assessment. The proposal includes a new access directly from Hopcott Road, which will be a priority junction with right turn lane and provide a new footway and pedestrian

crossing point linking with the existing infrastructure on the A39 Hopcott Road. Visibility splays of 2.4m x 120m are to be provided in both directions. The Highway Authority are supportive of the proposals, subject to securing (and finalising) the Travel Plan through a S106 legal agreement.

- 12.16 The Council adopted in August 2024 'Placemaking Principles for Somerset' which is a material planning consideration. The principles will form part of the Reserved Matters considerations to ensure connectivity to subsequent phases and existing areas through active travel ensuring permeability and connectivity. The Travel Plan will secure a range of provisions to achieve a shift in reliance on the private car. Provision of street streets and high-quality public realm will be considered through the QRP process and the detailed reserved matters stage.

#### Ecology

- 12.17 The application is accompanied by an Ecology report for Bats, Badger, Dormouse and Reptiles. An updated ecological technical note is also provided that confirms that the approach to the avoidance and mitigation of effects of development on ecological receptors set out in the 2019 submissions remain relevant. The Council's Ecologist and Natural England do not raise any objection, subject to securing ecological mitigation and enhancement.
- 12.18 The application was submitted prior to 12 February 2024 when it became mandatory that developments deliver a Biodiversity Net Gain requirement of 10%.

#### Impact on Heritage Assets

- 12.19 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area when deciding whether to grant planning permission.
- 12.20 The Conservation Officer notes that the site *'may be partially visible from the rear of buildings on the south side of the Minehead: Whitegate Road Conservation Area, located c. 115m to the north-east. This part of Minehead has a suburban, but semi-rural character, created by the edge of the high ground of the Exmoor Hills, dominating the area to the south. Any development of this site should reflect the character of the surrounding area and be mindful that the elevated position of the site would make it highly visible within the immediate area. Therefore, any proposed designs should be of high quality to conserve the character and setting of this part of Minehead.'* It is considered that the impact would be considered through the detail of the Reserved Matters.
- 12.21 Furthermore, in respect of the setting of nearby non-designated heritage assets, the recommendations provided by the Conservation Officer that *'further mitigation by design is undertaken at the reserved matters stage, to further reduce the perceived impacts to its setting by moving the building*

*development as far back from the boundary with the heritage asset as feasibly possible and introducing a green space on this side of the development as a buffer' can be incorporated into the design considerations at the Reserved Matters stage.*

#### Affordable Housing

- 12.22 Policy SC4 requires housing schemes to provide 35% (21) affordable homes, with a tenure split of 25% First Homes, 60% social rented, and 15% intermediate housing. The Housing Enabling Officer has provided a recommended housing mix, which will be worked through to the Reserved Matters application and secured through a section 106 agreement.

#### Drainage/Flooding

- 12.23 The site is located within Flood Zone 1 and is therefore identified as a low probability of flooding. The application is accompanied by a Flood Risk Assessment. Concerns have been raised regarding flooding and drainage issues from local residents, the Town Council, and, initially, the Lead Local Flood Authority (LLFA). In response, further information was provided by the applicant and the LLFA has withdrawn its holding objection. The Parrett Internal Drainage Board confirmed no objection. As part of the planning conditions, full details of the surface water drainage scheme will be required to be submitted with the Reserved Matters application.

### **13 Planning balance and conclusion**

- 13.1 The general requirement of paragraph 11 of the NPPF is that all planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan, unless material considerations indicate otherwise. In this instance, the proposal is considered to comply with the requirements of the development plan.
- 13.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that outline planning permission is granted subject to conditions.
- 13.3 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

1. Details of the layout, scale, appearance, landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application(s) for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DRNO 16-024-040 PROPOSED ACCESS ARRANGEMENTS  
(A1) DRNO CSA/2990/114 REV G SITE LOCATION PLAN

Reserved matters details shall comprise no more than 60 dwellings.

4. The development hereby permitted shall be carried out in general accordance with the details shown on:

(A3) DRNO CSA/2900/116 STRATEGIC LANDSCAPE PLAN

5. Application(s) for reserved matters shall be informed by feedback from a full and independent Design Quality Review ('DQR'), which shall be arranged by the developer and carried out in accordance with the Districtwide Design Guide Supplementary Planning Document (adopted 7 December 2021, the 'SPD') and the document entitled 'Somerset West & Taunton Quality Review Panel, Terms of Reference 2022'.

Before application(s) for reserved matters are determined, a second DQR process shall be undertaken, to consider how the first DQR review has informed detailed design (and other factors that have emerged through DQR processes). The second DQR process shall also be arranged by the developer and carried out in accordance with the SPD and Terms of Reference 2022.

Reason – To deliver quality design outcomes and in accordance with the Council's Design Guide.

6. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120 metres either side of the access. Such visibility splays shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: To ensure adequate and safe access to the site and in the interests of

highway safety.

7. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 16-024-040, and shall be available for use before first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: To ensure adequate and safe access to the site and in the interests of highway safety.

8. The gradient of the access road shall not at any point be steeper than 1 in 10 for a distance of 15 metres from its junction with the A39 Hopcott Road. This part of the access shall be maintained at that gradient thereafter at all times.

Reason: In the interests of highway safety.

9. The Development hereby permitted shall not be occupied until parking spaces for the dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To provide sufficient parking provision and to prevent on-street parking.

10. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety.

11. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

12. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the

site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

13. No development shall commence until a proposed layout scheme to include the provision for access to other parts of the Hopcott Road site as identified in the adopted West Somerset Local Plan to 2032 (Policy MD2) has been submitted to and agreed in writing by the Local Planning Authority. The layout scheme shall be in a form that is adequate to accommodate public transport, vehicles, cycleways and footpath linkages for the future development of the Hopcott Road site. The development shall be carried out strictly in accordance with the approved details.

Reason – To ensure appropriate linkages and connections in accordance with Policy MD2.

14. No development shall take place, including any demolition works, until a Construction Management Plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24-hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
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Reason: In the interests of residential amenity and highway safety

15. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:



- A plan to a scale of 1:1000 showing the location of all defects identified;
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Any damage to the adopted highway shall be made good within agreed timescales to the satisfaction of the Highway Authority.

Reason – In the interest of highway safety.

16. The development shall provide for covered and secure cycle storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 1 requiring submission of Reserved Matters. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles.

17. All ecological mitigation and enhancement measures and/or works shall be fully carried out in accordance with the details and recommendations contained in the Ecological Survey report undertaken by HDA report dated 28th April 2023 (HDA Ref: 843.1), and previous survey work and mitigation measures referenced in the report.

Reason: In the interests of [European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006] and in accordance with Policy NH6: nature conservation and the protection and enhancement of biodiversity.

18. A minimum accessible habitat enhancement area for Barbastelle bats of 0.74ha shall be provided. The replacement habitat shall be of long sward meadow, scrub and include a hedgerow enhancement along the edge of the western and southern boundaries of the site. The layout of and a planting schedule for the habitat creation/enhancement of this open space will be submitted to and agreed with the local planning authority as part of the layout Reserved Matters, pursuant to condition 1 of this permission. This mitigation/enhancement will be planted at the earliest feasible date following permission unless otherwise agreed with the local planning authority.

Reason: In the interests of the integrity of the conservation objectives of a European site and in accordance with policy NH6 of the West Somerset Local Plan

19. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the completion of the first phase of the development. The content of the LEMP shall include the following.

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

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

Reason: In the interests of the integrity of the conservation objectives of a European site, the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy NH6 of the West Somerset Local Plan

20. Prior to the occupation of the first dwelling, a “lighting design for bats” for be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications) for all access routes and paths so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in

accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the integrity of the conservation objectives of a European site, the Favourable Conservation Status of populations of European protected species and in accordance with policy NH6 of the West Somerset Local Plan.

21. The works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or

b) a statement in writing from the licensed hazel dormouse ecologist to the effect that ecologist does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy NH6 of the West Somerset Local Plan.

22. Trees requiring felling, where included in Table 5 of the Bat Survey Report (Hanson Duckett Associates, October 2019) as having potential for roosting bats, shall be carried out in strict accordance with the following procedure:

a) Prior to felling a climbing inspection shall be made by a licensed bat ecologist to inspect the tree for potential bat roosts. If a bat roost is encountered the felling shall not in any circumstances commence unless the Local Planning Authority has been provided with a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead;

b) Where it is not practical for such an inspection trees with low potential shall have one emergence/re-entry surveys; moderate potential two; and high potential three such surveys carried out and the results submitted to the Local Planning Authority. If bats are found to be present, then the tree may not in any circumstance be felled unless the Local Planning Authority has been provided with a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy NH6 of the West Somerset Local Plan.

23. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist.

Reason: In the interests of nesting wild birds and in accordance with policy NH6 of the West Somerset Local Plan.

24. The following will be integrated into the design of buildings or mounted upon suitable trees:

a) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level and away from windows on the north facing elevation on 2 dwellings

b) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 5 dwellings

c) Five Vivara Pro Woodstone Nest Boxes (32mm hole version) will be installed mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter

d) Five Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter

e) A bee brick built into the wall about 1 metre above ground level on the southeast elevation of 20 dwellings

Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction works.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

25. No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the West Somerset: Local Plan to 2032 Policy CC5 and NH6] [the Supplemental Planning Document – Districtwide Design Guide] and the National Planning Policy Framework

26. No development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework and the Flood and Water Management Act (2010).

The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the Local Planning Authority.

This shall include, but not be limited to the following:

- a. Drawing / illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design which shall include source control and conveyance. Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
  - i. Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
  - ii. Where relevant, calculations should consider the use of surcharged outfall conditions.
  - iii. Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
  - iv. Results should be provided as a summary for each return period (as opposed to each individual storm event).
  - v. Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- b. Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific and include cross sections,

design information, structural information and details on the risk of failure including location of exceedance and sensitive receptors.

- c. Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- d. Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk. Exceedance will be strategically managed throughout the site with the use of source control and conveyance features.
- e. Details on the receiving system to ensure that this has the capacity and condition to take flows.

Reason: To ensure the development is properly drained in accordance with the NPPF.

27. No surface water or exceedance shall be directly channelled or discharged onto the eastern track with details submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is no increase in surface water or overland flow discharged onto the eastern track.

28. No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

## **Informatives**

1. In accordance with the National Planning Policy Framework the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of outline planning permission.
2. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a suitable standard for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.
3. The development includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway the applicant must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out.
4. The applicant is advised on the following with regards to the drainage conditions.

The following information will be required:

Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company. A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

Somerset Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

5. Notwithstanding the illustrative plans that accompany the outline permission, consideration should be considered to locating the play area centrally, well overlooked and as far as possible away from hazards such as water, roads, tops of retaining walls etc. at the reserved matters stage. The applicant is advised to take into account the comments of the Placemaking Officer and Landscape Officer in working through the Reserved Matters and be informed by the Quality Review Panel. The Reserved Matters should have regard to the setting of the non-designated heritage assets adjacent to the site.

