



To: Members of Planning Committee

Councillors S J Pugsley (Chair), B Maitland-Walker (Vice Chair), I Aldridge, D Archer, G S Dowding, S Y Goss, A P Hadley, B Heywood, I Jones, C Morgan, P H Murphy, J Parbrook, K H Turner, T Venner, R Woods

Our Ref TB/TM

Your Ref

Contact Tracey Meadows t.meadows@tauntondeane.gov.uk

Extension 01823 356573

Date 23 November 2016

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 1 December 2016

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Democratic Services on 01823 356573.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Bruce Lang".

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 1 December 2016 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 3 November 2016 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

To receive and record any declarations of interest or lobbying in respect of any matters included on the agenda for consideration at this meeting.

4. Public Participation

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

For those members of the public wishing to speak at this meeting there are a few points you might like to note.

A three minute time limit applies to each speaker and you will be asked to speak after the Officer has presented the report but before Councillors debate the issue. There will be no further opportunity for comment at a later stage. Where an application is involved it has been agreed that the applicant will be the last member of the public to be invited to speak. Your comments should be addressed to the Chairman and any ruling made by the Chair is not open to discussion. If a response is needed it will be given either orally at the meeting or a written reply made within five working days of the meeting.

5. Town and Country Planning Act 1990 and Other Matters (Enforcement)

To consider the reports of the Planning Team on the plans deposited in accordance with the Town and Country Planning Act 1990 and other matters - **COPY ATTACHED** (separate report). All recommendations take account of existing legislation (including the Human Rights Act) Government Circulars, Somerset and Exmoor National Park Joint Structure Review, The West Somerset Local Plan, all current planning policy documents and Sustainability and Crime and Disorder issues.

Report No: Six

Date: 23 November 2016

<u>Ref No.</u>	<u>Application/Report</u>
3/26/15/024	Erection of one 4 bedroom dwelling and altered shared access road, Land adjoining Magnolia House, Washford TA23 0PR
3/39/16/002	Erection of up to 480 sq. m. gross of flexible A1/A2 floor space including landscaping and pedestrian link to Fore Street (resubmission of 3/39/14/024 without proposed roundabout). J Gliddon & Sons Ltd, land at Bank Street, Williton, Taunton, TA4 4NH
3/02/16/008	Change of use of land to mixed agriculture / tourism use and the erection of three glamping tents. Middle Stone Farm, Brompton Ralph to Gandstone Cross, Brompton Ralph, Taunton, TA4 2RT

3/02/16/009	Erection of two-storey extension to east elevation in order to link dwelling house with outbuilding plus porch and hall extensions to south elevation and new stair pod to the north elevation to access proposed first floor corridor linking existing cottage and first floor of new extension. Leigh Cottage, Brompton Ralph, TA4 2SF
3/21/16/086	Erection of 6 mews dwellings, Brooklands, The Parks, Minehead, TA24 8BT
3/21/16/098	Erection of 1 No. dwelling and associated works in the garden to the rear. 78 Bampton Street, Minehead, TA24 5TU

6. **Exmoor National Park Matters** - **Councillor to report**

7. **Delegated Decision List** - **Please see attached**

8. **Appeals Lodged**

Appeal against the refusal of the erection of rear and side extensions at 55 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JF (planning application 3/26/16/009).

Appeal against the refusal of the erection of a rear extension at 55 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JF (planning application 3/26/16/015).

9. **Appeals Decided**

None

10. **Reserve date for site visits – Monday 23 January 2017**

11. **Next Committee date – Thursday 26 January 2017**

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Likelihood (Probability)	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact (Consequences)							

Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;

Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

PLANNING COMMITTEE

Minutes of the Meeting held on 3 November 2016 at 4.30 pm

Present:

Councillor S J PugsleyChairman
Councillor B Maitland-WalkerVice Chairman

Councillor I Aldridge	Councillor P Murphy
Councillor S Dowding	Councillor J Parbrook
Councillor A Hadley	Councillor K Turner
Councillor B Heywood	Councillor T Venner
Councillor I Jones	

Officers in Attendance:

Area Planning Manager – Bryn Kitching
Area Planning Manager – Matthew Bale
Planning Officer - Sue Keal
Legal Advisor Martin Evans - Mendip DC
Democratic Services Officer – Tracey Meadows

P45 Apologies for Absence

There were apologies from Councillor R Woods and Councillor C Morgan

P46 Minutes

Resolved that the Minutes of the Planning Committee Meeting held on the 29 September 2016 circulated at the meeting be confirmed as a correct record with amendments to apologies for absence from Councillor Aldridge.

Proposed by Councillor Turner and seconded by Councillor Maitland-Walker

The motion was carried.

P47 Declarations of Interest or Lobbying

There were no declarations of interest or lobbying to record.

P48 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P49	3/09/16/005	Application for outline planning permission with all matters reserved for the erection of 2 No dwellings at Land between No's 6 & 8 Battleton, Dulverton	Mr Nigel Furze	Agent	Infavour

P49	3/05/16/008	Erection of replacement garage with alterations to previously approved application (3/05/16/001) to provide first floor accommodation with 2 No dormers at Elm Cottage, 1High Street, Carhampton, Minehead	Mr Peter Jaques	Neighbour	Objecting
			Mr Stuart Heesom	Neighbour	Objecting
			Ms Sally Gallia	Neighbour	Objecting

P49 Town and Country Planning Act 1990 and Other Matters

Report five of the Planning Team dated 25 October 2016 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning application files that constitute part of the background papers for each item).

RESOLVED That the Recommendations contained in Section 1 of the Report be Approved (in so far as they relate to the above), including, where appropriate, the conditions imposed and the reasons for refusal, subject to any amendments detailed below:

Reference Location, Proposal, Debate and Decision

3/09/16/005 – Application for outline planning permission with all matters reserved for the erection of 2 No dwellings at land between no’s 6 & 8 Battleton (near Battleton House) Battleton, Dulverton

Comments raised by the speaker included;

- Battleton has been recognised as a secondary village in the West Somerset emerging Local Plan;
- No concerns had been received from Highways;
- The absence of footways in the countryside were a normal way of life for people living in the countryside with drivers expecting to see pedestrians walking on the road;

The member’s debate centred on the following issues:

- Inappropriate site for development;
- The lack of a detailed planning application made this application hard to determine;
- There are concerns with the retaining high wall behind the site;
- Highway issues;
- Concerns with how surface water would be treated should this site be developed;

- Concerns with the pinch point on the road and the lack of a full planning application;
- The villagers of Battleton walk to Dulverton on a daily basis
- Sceptical that this site was not safe for development from a highway point of view;
- Observed that the site was crying out for development;

Councillor Murphy proposed and Councillor Turner seconded an amendment to **Refuse** this application for both of the reasons stated as per Officer Recommendation.

The motion was carried.

Reference Location, Proposal, Debate and Decision

3/05/16/008 – Erection of replacement garage with alterations to previously approved applications to previously approved application (3/05/16/001) to provide first floor accommodation with 2 no dormers at Elm Cottage, 1 High Street, Carhampton

Comments raised by the speaker included;

- The Dormer windows would allow overlooking onto neighbouring properties;
- The garage does not fit in with the surrounding listed buildings;
- The size of the dwelling was very imposing and would dominate the surrounding area;
- Concerns with the size and layout on a small plot;

The member's debate centred on the following issues:

- Concerns that the appearance and height of the building would dominate the surrounding area on an already elevated site;
- The garage was not sympathetic to the surrounding area of grade II listed buildings;
- Over development of the site;

Councillor Maitland-Walker proposed and Councillor Turner seconded a motion that the application be **Refused**

Reason

The application was out of keeping with its surrounding area and the grade II listed building opposite. The height of 5.3m was out of keeping with the area and its setting and its relationship to both Laurel Cottage and The Old Smithy and it would dominate the setting of Elm Cottage.

The motion was carried.

Reference Location, Proposal, Debate and Decision

3/37/16/022 – Extensions to existing bungalow at the Westerlies, West Street, Watchet

The member's debate centred on the following issues:

- Coastal erosion;
- Damage to the integrity of the cliff;
- The cliff would suffer as a result of this development;
- Concerns with the height, it would dominate the building next to it;
- Over development of the site;

Councillor Turner proposed and Councillor Maitland- Walker seconded a motion that the application be **Deferred** in order that the applicant undertook a land stability investigations survey.

The motion was carried.

Reference Location, Proposal, Debate and Decision

3/21/16/055 – Erection of detached dwelling with associated vehicle parking and garden, 62 King George Road, Minehead

The member's debate centred on the following issues:

- Over development of this area;
- Concerns that the development would damage tree roots;
- Area was low lying so prone to water surface run off and flooding;
- Any development in this area would be detrimental to Minehead;

Councillor Turner proposed and Councillor Heywood seconded a motion that the application be **Refused** as per Officer Recommendation.

The motion was carried.

P50 Exmoor National Park Matters

Councillor B Heywood reported on matters relating to West Somerset considered at the meetings on the 4 October and 1 November 2016 of the Exmoor National Park Planning Committee. This included:

4th October

62/11/16/003 - Proposed installation of a mobile telecommunications pole and ancillary equipment (12m high timber telegraph pole above ground, supporting radio equipment and cabinet) (Full) – Field at Stray Park Corner, Brendon Barton Farm, Brendon, Lynton; Approved

6/3/16/112 - Proposed erection of a poultry shed (egg laying) and associated works (Full) – The Barn, Higher Woolcotts, Blagdon Lane, Brompton Regis, Dulverton; Deferred

6/3/16/113 - Proposed erection of a poultry building (free range egg layers) and associated works including feed bin (Full) – The Barn, Higher Woolcotts, Blagdon Lane, Brompton Regis, Dulverton; Deferred

62/49/16/002 - Proposed agricultural dwelling (160m² plus 20m² for a single garage) (Full) – Land at Higher Fyldon Farm Buildings, Heasley Mill, South Molton; Deferred

No appeals lodged or received

1st November

6/3/16/112 - Proposed erection of a poultry shed (egg laying) and associated works (Full) – The Barn, Higher Woolcotts, Blagdon Lane, Brompton Regis; Approved

6/3/16/113 - Proposed erection of a poultry building (free range egg layers) and associated works including feed bin (Full) – The Barn, Higher Woolcotts, Blagdon Lane, Brompton Regis; Approved

62/49/16/002 - Proposed agricultural dwelling (134m² plus single storey outbuilding) (Full) – Land at Higher Fyldon Farm Buildings, Heasley Mill, South Molton, Devon; Approved

6/34/16/104 - Variation of condition 3 (The building hereby permitted shall be used as a swimming pool and associated facilities as identified on submitted plan 120303/4A, ancillary to 'Duddings' and its holiday letting accommodation. For the avoidance of doubt the building shall not be available or open to visiting members of the public who are not staying at the accommodation at 'Duddings' and no part of the building shall be used as habitable accommodation, unless otherwise agreed in writing by the local planning authority) of approved application 6/34/12/112 to enable use of swimming pool by non-resident guests for the purposes of training and water safety (Alteration/Lift Condition) – Duddings, Duddings to Timberscombe Road, Dunster; Approved

62/11/16/007 - Change of use of agricultural building to two extended family dwellings and carer's accommodation (Retrospective) (Full) – Hallslake Farm, Brendon; Deferred

62/41/16/040 - Application under Regulation 3 of the Town and Country Planning General Regulations 1992 to replace an existing metal clad rear door with a powder coated alloy door (Full) – The Pavilion, The Esplanade, Lynmouth, Devon; Approved

No appeals lodged or decided

P51 Delegated Decision List (replies from Officers are in italic)

3/21/15/099 – 10 College Close, Alcombe, Minehead – what does retention of works already undertaken mean? *Basically they have already done it. There was an enforcement case open on it requiring them to submit a planning application, they did it was refused, so we sent a letter asking them to take it down within 28 days otherwise an enforcement notice would be served. They put in an appeal, so we will let the appeal run its course. If the appeal is upheld it will remain, if not we will serve an enforcement notice for its removal.*

ABD/28/16/00 – Building east of Luckes Lane, Lower Weacombe, Williton – what were the reasons for refusal. *The application was to convert an agricultural building to a dwelling house. One of the reasons was that the building had to be for agricultural use. We had some anecdotal evidence that the barn had been used for*

horses so we refused it as it was not on the grounds of permitted development. A new application had been submitted with a bit more evidence that the barn was never used for horses and we will need to make a decision on that one. We are looking for evidence that horses have been sighted in the barn.

P52 Appeals Lodged

Appeal against the refusal of the reopening of one blocked historic door at ground floor level and three blocked historic windows at first floor plus creation of one new slot window at first floor at Gauth House, Tanners Hill, Huish Champflower, TA4 2EY (Listed Building Consent application 3/17/15/004).

The meeting closed at 6.40pm

Application No:	3/26/15/024
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 304641 Northing: 140870
Applicant	Mr Short
Proposal	Erection of one 4 bedroom dwelling and altered shared access road.
Location	Land adjoining Magnolia House, Washford, TA23 0PR
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers:

A3 Proposed site Plan 15048/P1D
A2 House layout 15048/P2B
A3 Garage 15048/P3A
A4 Location Plan 15048L1

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

- 3 All external walling, roofing and hard landscaping materials to be used in the development, shall be strictly in accordance with the specified details submitted.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1, and BD/2 of the West Somerset District Local Plan (2006) and NH13 of the adoption draft of the local plan to 2032.

- 4 No works on the construction of the house hereby approved shall be undertaken unless a soft landscape scheme has first been submitted to and approved in writing by the Local Planning Authority. Such landscaping scheme shall show details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs and the location of grassed areas plus a programme of implementation.

Reason: In the interests of the appearance of the development and the surrounding area having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 5 Unless an alternative schedule of implementation is first agreed in writing by the Local Planning Authority the dwelling shall not be occupied unless the hard and/or soft landscaping scheme has been carried out in accordance with the approved plans. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of and implementation of an appropriate landscape setting to the development having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 6 Before any work commences on the dwelling hereby approved, details of the planting of three new trees on land to the south-west of the application site shall have been submitted to and approved in writing by the Local planning Authority. If any of these trees within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased, they shall be replaced during the next planting season with other trees of a species and size to be first approved in writing by the Local Planning Authority. These trees shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of and implementation of an appropriate landscape setting to the development having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 7 No works shall be undertaken on site, other than those required by this condition, unless the access to the site has been provided in accordance with the approved plans. The access shall thereafter be retained in the approved form.

Reason: To ensure suitable access to the site is provided and retained, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 8 There shall be no obstruction to visibility greater than 600 mm above the adjoining carriageway level within the visibility splays shown on the approved plans. Such visibility shall be provided prior to any other works being carried out in relation to the development hereby approved. The visibility shall thereafter be retained in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 9 The gradient of the proposed access shall not be steeper than 1 in 10.

Reason: In the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

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

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

- 11 No works shall be undertaken on site unless details for the provision of drainage at the access to the site has been first submitted to and approved in writing by the local planning authority. The drainage shall be provided in accordance with the approved details prior to the occupation of the dwelling hereby approved. The drainage shall thereafter be retained in the approved form.

Reason: To ensure that water is not discharged onto the public highway, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 12 The development hereby permitted shall be constructed with finished floor levels set at a minimum of 40.15m AOD.

Reason: To reduce the risk of flooding to the development and future occupants.

- 13 No development approved by this planning permission shall take place until such time as a scheme with details of flood resilience measures to be incorporated into the construction of the development has been submitted to,

and approved in writing by, the local planning authority. The scheme shall then be fully implemented prior to occupation and subsequently maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with policy CC2 of the emerging West Somerset Plan to 2032, adoption draft.

- 14 The applicant shall undertake all the recommendations made in John and Mary Breed's report dated February 2016, and provide mitigation for birds as recommended.

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect breeding birds in accordance with local policy NC/4 of the West Somerset Local Plan and policy NH6 of the adoption draft of the local plan to 2032.

Informative notes to applicant

- 1 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

- 2 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application issues/concerns were raised by a statutory consultee regarding trees, flooding and Japanese Knotweed. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 3 The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
- 4 Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).
- 5 This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Washford River, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Under the Environmental Permitting (England and Wales) Regulations 2010 permission from the Environment Agency may be required should any site/site infrastructure works take place in, under, over or within 8 metres of the bank top of a designated main river.

An Environmental Permit may also be required for any works on, or within 8 metres of the landward toe of any Environment Agency designated flood defence structure(s). It is common in larger river systems, or tidal areas, for Environment Agency flood defences to be located in excess of 8 metres from the main channel or coastline, and greater than 20 metres in some instances.

To find the location of Environment Agency flood defence structure and main rivers, together with further information, please refer to our [Flood Maps](#).

The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now [excluded](#) or [exempt](#), you can use these links for further information.

It must be noted that any works in proximity of a watercourse other than a main river, may be subject to the regulatory requirements of the Lead Local Flood Authority/IDB.

Should you wish to challenge the Agency's Flood Map for Planning in this location, please contact our Customers & Engagement Team wessexenquiries@environment-agency.gov.uk who will be able to advise on the process for this.

Proposal

This is a full planning application for the erection of a detached dwelling, double garage and alterations to the vehicular access at Magnolia House, Abbey Road, Washford.

The dwelling proposed is to be over 2-stories, constructed on a brick plinth, with white painted, rendered walls under a slate pitched roof, with half-hips to the four part gabled walls on each side of it.

It is proposed to provide the following accommodation:-

- Ground floor: Dining room/lounge; kitchen utility room; hall and, cloakroom/WC;
- First floor: 4 bedrooms (2 with en-suite shower rooms); and, a family bathroom.
- Outside: a double garage is proposed to be sited to the south-east of the dwelling and will be constructed in rendered walls above a brick plinth to match the adjacent property with slate roof tiles.

Site Description

The site comprises part of the garden area of the existing dwelling - Magnolia House, a detached, 2-storey dwelling of white-painted rendered walls under a hipped and pitched slate-tile roof. It is set back on the site close to its western edge and the adjoining dwelling to the west. The proposed plot is bounded by a stone wall on the roadside boundary, with recessed access close to its easternmost point. A mill leat (stream) runs the length of the eastern site boundary. A stone built, flat-roofed single storey outbuilding garage lies adjacent to the southern site boundary and is built into the adjoining hillside to the south. The site area has been cleared of trees and vegetation except for a mature, multi-stemmed Horse Chestnut tree, in the south-eastern site corner close to the Abbey Road carriageway. A Tree Preservation Order was served on this particular tree, but was not confirmed and therefore six months has now elapsed and the TPO has now fallen (not existing).

To the south-west of the site lies the car park serving Cleeve Abbey, which itself lies a short distance across the road, and to the south-east of the application site. Cleeve Abbey is a Grade I Listed Building and a Scheduled Ancient Monument, represented by the ruins of a 12th Century Cistercian Monastery. The Abbey grounds amount to 28 acres (11.33 ha), and these form part of this Listed Description.

The site lies within and is bounded on its southern, eastern and western sides by the settlement boundary for Washford as defined by the adopted Local Plan.

Relevant Planning History

PRE/26/14/008 – proposal for the erection of a dwelling on the site – favourable response received subject to details. Advice given – 29/9/14.

Consultation Responses

Old Cleeve Parish Council -

Old Cleeve Parish Council make the following comments:

1. Is the correct reference number given as this appears to be a 2015 application (the application form is dated 9/11/2015, however the documents are dated 2016 and received on the 8th March 2016? What is the validation date?
2. The design is considered to be urban and does not respect the location and character. The siting is considered to be too far forward and at discord with Magnolia House.
3. The double garage would appear not to meet the minimum size requirements. 6m x 3m per vehicle space (SCC specification)
4. Bicycle and refuse storage provision is not shown
5. There is a contradiction between the design and access statement and ecological survey. The Design and Access statement dated November 2015 refers to the screening afforded by the trees and shrubs (mature garden) to Cleeve Abbey/Abbey Road. The Ecological survey dated 29th February 2016 depicts a clear site supporting little habitat. The remaining two trees offer little screening, one being shown to be removed. The proposed development offers little compensation for loss of habitat or sufficient landscaping details.
6. FLOODING – The Environment Agency report recognises the flood potential of this location via the Washford River and is of concern. The floor level is marginally above the predicted level. However the mill eat and spillway to the southern boundary does not appear to be addressed as this may also be a source of site flood potential.
7. CONTAMINATION – Whilst the site has been clear felled the substantial tree root boles have not. Old Cleeve Parish Council was aware that 'Japanese Knotweed' was present to this site (southern boundary) and indeed is still. Due to the ecological survey date this has not been recognised (winter 'dieback')

Highways Development Control - 'Standing Advice' applies.

Environment Agency - Initial objection to the proposal as part of site is located within Flood Risk Zone 3.

We have advised the agent that we would recommend a sequential approach, i.e. locating the proposed dwelling to the rear (north) of the site in Flood Zone 1 outside of the Flood Zone 3 extent. Whilst the applicant has undertaken a topographic survey which shows the land to be higher than the 1:100 20 % climate change

extent, due to the proximity of the watercourse, modelling uncertainties and catchment characteristics there is always a residual flood risk.

The application site and location of the dwelling is partly within Flood Zone 3 as defined by the Environment Agency Flood Map for Planning for sequential test purposes. As ever, this is a matter for the local planning authority as to whether or not this should be applied and if so, whether the proposal satisfies the requirements of the sequential and exception tests.

Further comments.

The E.A. withdraw their objection subject to the recommendation that a sequential approach where the dwelling is located to the north and east of the site in Flood Zone 1 and outside of Flood Zone 3. However, due to the proximity of a watercourse at the rear, modelling uncertainties and catchment characteristics, there is always a residual flood risk. Whether or not the proposal satisfies the requirements of the sequential test and the exception test is a matter for the Local Planning Authority. If the LPA does decide to grant consent then the following conditions and informatives should be added.

Condition

The development hereby permitted shall be constructed with finished floor levels set at a minimum of 40.15m AOD.

Reason: To reduce the risk of flooding to the development and future occupants.

Condition

No development approved by this planning permission shall take place until such time as a scheme with details of flood resilience measures to be incorporated into the construction of the development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented prior to occupation and subsequently maintained, for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users.

Informative

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Washford River, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Guidance to local planning authority and applicant

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that due consideration by the Local Planning Authority is given to the issues below and consultation be undertaken with

the relevant experts where necessary. Issues are:

- Details and adequacy of an emergency plan
- Whether insurance can be gained or not

The Environment Agency does not comment on or approve the adequacy of flood emergency response procedures relating to development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

It must be noted that any works in proximity of a watercourse other than a main river, may be subject to the regulatory requirements of the Lead Local Flood Authority/IDB.

Wessex Water Authority - No objection.

Advises that new water supply and waste water connections will be required from Wessex Water to serve the development. Map Extract from WW's records is provided showing approximate location of apparatus within the vicinity of the site.

Biodiversity and Landscaping Officer - Condition for protected species:

The applicant shall undertake all the recommendations made in John and Mary Breed's report dated February 2016, and provide mitigation for birds as recommended. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect breeding birds

Informative Note

1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

2. Most resident nesting birds are protected under the Wildlife and Countryside Act

1981 (as amended)

Trees Officer: - Regarding Magnolia House, my concerns are that:

- a) The new dwelling appears to be within the Root Protection Area of the chestnut tree;
- b) The chestnut tree will cast a lot of shade during the afternoon and evening at certain times of the year, which means that future residents are likely to want to either fell the tree or significantly prune it.

I don't think that we have received a tree report from the applicants showing the RPA as given by BS5837? The chestnut is a large, multi-stemmed specimen that appears to be in good health. It is prominent in the street scene, and one of few large trees in the immediate area.

The new dwelling has been shown to be about 6 metres from the tree. I would estimate that the RPA radius would be well in excess of 6 metres. Pending confirmation of this, I would like to see that the house was located further into the site and away from the tree.

Further comment (27/9/16)

Regarding the chestnut tree at this site, I have had another look on site and considered the result of JP Associates assessment of the tree and its situation. I have concluded that I agree with their suggestion that three new native trees in the field adjacent would be better in the long-term than retaining the horse chestnut. The chestnut is not in the best condition, nor is its physical structure ideal, it being multi-stemmed. It is also compromised by the adjacent power lines, and is showing signs of stress, with foliage that is thinner and smaller than normal.

So, I'll accept that the tree will be removed and replaced by three new ones – oak, lime, pine or similar, planted as 'standards', minimum trunk girth 8-10cm, details to be agreed as part of the landscape scheme for the site. With regards to the process for removing this TPO tree, I will get back to you on this as soon as possible.

Comment (3/10/16)

The provisional TPO at Magnolia House was served on 20th April, so the 6 months is up on 20th October, after which time the tree is not protected. If you are giving consent for a development where the tree is shown to be removed on the plans, this would override the TPO anyway.

I wonder whether we should ask for proof that the applicant owns the adjoining field, before agreeing to the replacement planting being there?

Comment (18/10/16)

It's fine for the locations of the three new trees. We'll need a proper landscape plan at some point detailing species etc. On my previous email I suggested that species such as lime or oak would be suitable.

Representations Received

No representations have been received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration. It should be noted that the emerging local plan is due to be considered by Full Council for adoption on 23rd November. Should members resolve to adopt the new local plan, this will form part of the development plan.

West Somerset Local Plan

The following Saved Policies in the West Somerset Local Plan 2006 are considered relevant to this application:

SP/3 Development in Villages
T/3 Transport Requirements of New Development
BD/1 Local Distinctiveness
BD/2 Design of New Development

Adoption draft of the West Somerset Local Plan

In the West Somerset Local Plan to 2032 Published Draft Preferred Strategy (June 2015), the following policies are of relevance:

SD1 Presumption in favour of sustainable development
SC1 Hierarchy of settlements.
SV1 Development at Primary and Secondary Villages
NH13 Securing High Standards of Design

The National Planning Policy Framework (March 2012) is a material planning consideration. Section 7 'Requiring good design' is of direct relevance to the proposal.

Determining issues and considerations

The primary considerations with this application are

- Planning policy and principle
- Flood risk
- Heritage assets
- Landscaping and trees
- Highway issues

Planning policy and principles.

There is a presumption within the National Planning Policy Framework for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. It is also made clear that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The adopted West Somerset Local Plan makes clear that Washford is a village where development will be limited to that which supports the social and economic viability of the settlement, which protects and enhances its environmental qualities and where it is unlikely to lead to a significant increase in car travel. This is encapsulated in policy SP/3. This policy goes on to define development as being limited to conversions, infilling, or the redevelopment of previously used land. This proposal is clearly not a conversion and is not redevelopment of previously used land since the Government have taken residential curtilages out of this definition. However, whilst the proposal is not infilling in the traditional sense of being between two or more other uses, it does constitute the filling in of land within the settlement boundary as defined by the adopted Local Plan. On this basis, the proposal is seen not to be in conflict with adopted Local Plan policy SPA/3. Policies BD1 and BD2 relate to the need to respect existing environments and through design and local distinctiveness. Whether the proposal achieves this is a somewhat more subjective judgement, but it is officers view that it does.

With respect to the arguments above, it is considered that the emerging local plan (The West Somerset Local Plan to 2032, adoption draft) will probably carry more weight by the time Members consider this proposal as it will shortly be presented to Members for adoption, thereby replacing much of the earlier version. In respect of principles, the pertinent considerations here are policies SD1 and SC1. SD1 reiterates the presumption in favour of sustainable development as given in the NPPF. As this proposal utilises garden space at the edge of an existing settlement, then this is seen as being a sustainable location. Policy SC1 looks at the hierarchy of settlements and identifies Washford as being a 'primary village'. In primary villages, development will be allowed where it can be demonstrated that it will contribute towards wider sustainability benefits for the area. It is considered that residential development achieves this because there would be a greater use of the local facilities and help the economic and social aspects of the community. The environmental dimensions of the proposal will be judged by the appearance of the development and how well it integrates into the local environment. These issues will

be discussed later and are matters of judgement rather than principle. With regard to the principles of the development, policy SC1 is quite clear that new development must meet the following criteria -

(a) Must be well related to existing essential services and social facilities within the settlement. The facilities that Washford has to offer would be within good reach of this location and so this is met.

(b) There needs to be safe and easy pedestrian access to the essential services and social facilities. This is more difficult to judge as there is no footway on either side of Abbey Road from the application site to the centre of the village. However, people do walk that route and indeed people are encouraged to walk to Cleeve Abbey opposite the site. Abbey Road is not a primary route and outside of the tourist season would generally take only local traffic. There are traffic calming measures in Abbey Road and so the traffic would not normally be travelling at excessive speeds. There are other residential properties and some businesses that already utilise this road. Therefore, despite the lack of footways, walking down this road to and from the centre of Washford is not considered to be so dangerous as to justify refusing this proposal.

(c) Should respect the historic environment and character of the area. This is covered in more detail later, but it is considered that the proposal does meet this aim.

(d) Should not generate significant additional traffic. One dwelling would meet this aim.

(e) Must not harm the amenity of adjoining land uses. The neighbouring dwelling belongs to the applicant, so there is no conflict of interest here. The relationship with Cleeve Abbey will be discussed later but is considered to be acceptable.

Therefore on all of these essential criteria, the proposal is considered to meet the specified aims and can therefore be said to be in accordance with the requirements of policy SC1.

Policies SV1 and NH13 relate more to design issues and the need to enhance existing levels of service provision in an area. It is Officers view that the design and principle of this proposal achieves this. Whilst design is a more subjective consideration, it is Officers opinion that this dwelling will respect the surroundings and the wider environment in general.

On balance as discussed above, on the primary consideration of principle of development and accordance with planning policy, the proposal is considered to be acceptable. This is a sustainable location and one could walk to the facilities of Washford, albeit without footways. The proposal is considered to make good use of residential land within an existing settlement.

Flood Risk.

The Environment Agency had initially objected to this proposal because they stated that the site proposed for the dwelling was within Flood Zone risk 3 (the highest category of flood risk). They did subsequently withdraw that objection, but only on their recommendation of moving the footprint of the dwelling in a north-easterly direction to the rear of the site. This would place the dwelling in Flood Risk zone 1. The applicant has chosen not to do this, and so it is presumed that the Environment Agency's objection would still now apply.

Policy W/6 of the local plan permits development within areas of flood risk where environmentally acceptable mitigation measures will mitigate flooding risks. The application site is partly located within Flood Risk zone 3. A Flood Risk Assessment has been submitted with the proposal, prepared by RGP Architects Ltd and dated November 2015. This report confirms that surface water run-off should be controlled by a sustainable drainage system (SUDS) and seeks to mimic natural drainage systems. Flooding from the Washford river has not previously occurred, however, the Environment Agency indicates that the site being partly within Flood Risk zone 3 would have a 1 in 100 or greater risk of flooding.

It is difficult to tell from the flood risk maps we hold exactly where the boundary of the flood risk zone 3 ends. Indeed even the map supplied by the Environment Agency is not conclusive because it is inevitably at a small scale. It is clear that some zone 3 does cover the roadside part of the site, but it is not clear by how much. In any event, there is a stream/leat at the rear of the site, so despite the rear of the site being in Flood Risk zone 1, it is not clear that this would significantly reduce the flood risk. The Agency have made it quite clear that it is ultimately for the LPA to assess whether the proposal satisfies the requirements of sequential and exceptions testing. It is not clear that the rear of the site would result in a significantly lower flood risk to any future occupiers because of the stream and because the boundary of zone 3 is unclear but probably at worst only covering a small part of the site and not the whole footprint of the proposed dwelling. The inevitable uncertainties surrounding computer modelling make the situation even more unclear and the E.A. acknowledge this. On balance, it is not felt that there is sufficient definitive evidence to clearly show that any dwelling at the point proposed would be liable to be a significant flood risk. Therefore, so long as the conditions required by the E.A. are incorporated into any approval, it is considered acceptable on flood risk considerations to recommend approval to this location.

Heritage impact.

The site lies opposite a significant Heritage Asset. Cleeve Abbey is a Scheduled Ancient Monument as well as a grade 1 listed building. The grounds also form part of the listing. The proposal does not affect the fabric of the old Abbey, so the question is whether or not the proposal would impact upon the setting of the Abbey. The proposal site is just outside of Heritage England's statutory consultation zone for the Scheduled Ancient Monument. That begins on the other side of Abbey road. Discussions with the Heritage and Conservation Officer have led to the conclusion that a dwelling at this position and of the design shown would not impact adversely

upon the setting of Cleeve Abbey. It would be true to say that it would not enhance it either. In fact the impact is considered to be neutral. Given the other uses along Abbey Road, given that this site is part of a residential curtilage, and given the distances involved to the Abbey ruins themselves, it is not considered that there is any adverse impact that would justify a refusal on heritage grounds.

Arboricultural and landscaping issues.

A Tree Preservation Order has been served on the multi-stemmed, mature Horse Chestnut tree situated close to the existing vehicular access in the southern site corner (see Drawing No. 15048/P1B). This tree was TPO'd because it was considered to be a specimen worthy of retention and at the time, other trees in the site were being felled. It is certainly a significant landscape feature and has good amenity value. It also provides some screening for the site from the direction of the Grade I Listed, Cleeve Abbey and its grounds. The Council's Trees Officer has advised that the nearest south facing wall of the new dwelling is shown on plan to be approximately 6.0m, well within the Root Protection Area (RPA) of this tree, and the tree should be afforded a greater clearance from any part of the house structure to enable it to be retained and also to enable it to grow without there being pressure to remove branches and limbs to improve light levels, and mitigate against wind-blown debris – leaves, twigs and branches – to the rear (south facing) elevation of the dwelling and the adjoining patio area. A suitable distance for the RPA could only be achieved by moving the footprint of the dwelling back into the site.

However, the TPO has not been confirmed and following the passing of 6 months this has now fallen. The reason for this was two-fold. Firstly upon closer inspection, it was not found to be a specimen of great quality. Secondly, the applicant is proposing three new replacement trees (yew trees) on land to the south-west which is not within the curtilage of the proposed dwelling but is on land within the applicant's ownership. On balance, it was felt that three new yew trees would be better for the environment than one medium quality oak and therefore the Tree Officer is minded to allow the removal of the oak tree on this basis. The proposed new trees will provide a living green screen from the site in order to minimise the visual impact on the surroundings and from Cleeve Abbey. A condition is appended to this decision accordingly requesting the species size and siting of the proposed new trees. These trees could be TPO'd in due course if their retention was ever threatened.

Highways issues.

Standing Advice comments have been received from the local Highways department. The site location plan shows a block pavior entrance drive with a width of 4.8m wide, and extends for approximately 18m in length to serve Magnolia House and the new paved area linking the main drive to the proposed new garage. No entrance gates are proposed. The adjoining road passing the site has a 30mph speed limit and where the required visibility splays expected in this case would be 43m in each direction. However, the applicant has indicated that he is able to achieve only 21.2m to the right towards the village of Washford and 26.2 to the left

towards Torre and Roadwater only. However, the site is located adjoining a straight length of road, where speeds are low due to the nature of the road and traffic calming measures. The new entrance will be provided instead of the existing entrance to the site which is shown as being closed up, so in this way it is not making the situation any worse than currently exists. The new access will have a much better central position between the proposed and the existing dwellings. The front roadside boundary walls will be set a 900mm for a length of 9m to the left of the driveway with a further stone wall of 13.6m in length and will be angled back from the adjoining highway. With all of these factors in mind, the visibility splays are considered acceptable in this case.

A new detached double garage will serve the new dwelling with further parking for two other cars parked in tandem in front of the garage (totaling 4 spaces). In this case the site is located in zone C in the SCC Parking Strategy and where a 4 bedroom dwelling should provide 3.5 spaces plus visitor parking and 1 cycle space per bedroom, total of 4, details of the cycle storage are to be required via condition. It is therefore considered that the development accords with local planning policies T/7 and T/8 of the West Somerset District Local Plan and policy TR2 of the adoption draft of the West Somerset Local Plan to 2032.

Design, appearance and impact of the dwelling.

The proposed new dwelling is to be constructed in render above a brick plinth and clad with slate roof tiles and it will have upvc windows and doors. This will match the existing Magnolia House. The new build will be sited some 2m from the adjoining existing roadside boundary and it will also be set forward of the existing eastern elevation wall by 2.6m. The southern elevation (rear wall) and adjoining patio area ranges from approximately 2m - 3.4m from the existing southern boundary of the residential curtilage. As the site is not within a Conservation Area and it is not intended to relate to Cleeve Abbey, the design is considered to be appropriate and one which can be recommended.

There will be no significant overlooking from the new house directly towards Magnolia House to the north due to the staggered siting of the development. Neither will it give rise to significant loss of light to the windows in the south-facing side elevation of Magnolia House, because of the distance involved. Therefore, it is considered that the development accords with local plan policies BD/1 and BD/2 of the adopted West Somerset Local Plan and policy NH13 of the adoption draft of the West Somerset Local Plan to 2032. On these grounds there would not be an adverse impact on the neighbours' rights to either privacy or amenity.

Comments from the Parish Council.

The Parish Council's comments are noted. Regarding the design of the proposed dwelling, Officers note that it reflects the style and design of Magnolia House. The site does not lie within any Conservation Area, and is considered to be sufficiently divorced from the site of Cleeve Abbey for it not to have an adverse impact on its character and setting.

The loss of the Horse Chestnut tree referred to would diminish current screening between the site and the Abbey opposite, but it is Officers opinion that this is more than compensated for by the three new trees proposed on land adjacent.

The issue raised by the Parish Council on flood risk has been covered above.

The Parish Council has also raised an issue regarding the possibility of Japanese Knotweed being present on the site close to the Mill Leat which runs along the sites southern boundary. This is a notifiable specimen that is known to cause structural issues for buildings and should by law, be eradicated. It has been confirmed by the applicant that the site has been monitored and the Japanese Knotweed was treated at their most susceptible growing stage and the site is now clear. The site will be monitored further and if any individual plants appear they will be treated accordingly at the appropriate time in their growing stages.

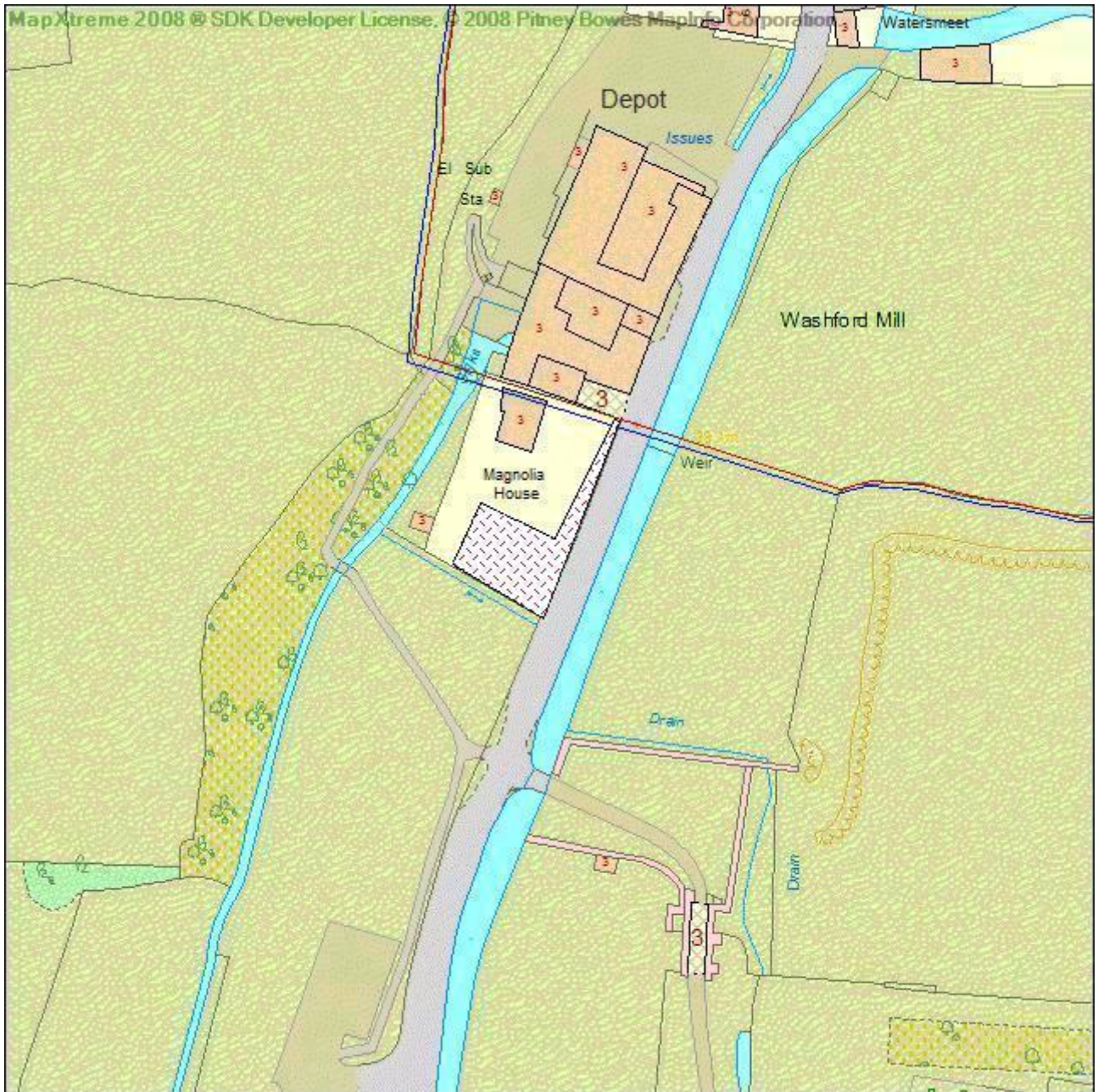
Biodiversity.

Comments from the Councils Landscape and biodiversity officer can be seen above in the report. They have assessed the submitted protected species and habitat survey and have suggested that appropriate mitigation be taken and relevant conditions attached to the decision. The applicant also confirms within the submitted design and access statement that a watching brief will be kept on the builders activity in relation to any ecological issues which might arise. It is therefore considered that the proposal is acceptable in terms of local policy NC/4 of the West Somerset District Local Plan and policy NH6 of the adoption draft of the West Somerset Local Plan to 2032.

Conclusion

Given all of the above considerations, it is considered that the proposed development accords with conditions, SP/3 BD/1, BD/2, T/7 and T/8, NC/4 and W/6 of the West Somerset District Local Plan and policies SD1, SV1, SC6, TR2, CC2, NH5, NH6 and NH13 of the submission draft of the local plan to 2032. Whilst many of the issues discussed above are marginal, Officers are mindful of the presumption in favour of development imposed by both the NPPF and policy SD1 of the emerging West Somerset Plan to 2032, adoption draft. Therefore, for all of the reasons given in this report, the recommendation is one of approval subject to conditions as listed.

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



Application No 3/26/15/024
 Erection of one 4 bedroom
 dwelling and altered shared
 access road
 Land adjoining Magnolia House,
 Washford, TA23 0PR
 8 March 2016
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA

West Somerset Council
 Licence Number: 100023932



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Easting: 304632 Northing: 140843

Scale: 1:1250

Application No:	3/39/16/002
Parish	Williton
Application Type	Outline Planning Permission
Case Officer:	Bryn Kitching
Grid Ref	Easting: 307683 Northing: 140946
Applicant	Mr Gliddon
Proposal	Erection of up to 480 sq.m. gross of flexible A1/A2 floorspace including landscaping and pedestrian link to Fore Street (resubmission of 3/39/14/024 without proposed roundabout)
Location	J Gliddon & Sons Ltd, land at Bank Street, Williton, Taunton, TA4 4NH
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

- 1 Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

- 2 Prior to the opening of any of the retail units (A1/A2) the pedestrian route linking to Fore Street shall be constructed in accordance with a scheme approved by the LPA and be made available in perpetuity for public use.

Reason – To ensure that the development has pedestrian access to the retail area at Fore Street

- 3 Prior to the commencement of use, details of the hours of operation of the retail units, including delivery hours, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter operate in accordance with the approved details.

Reason – To ensure that the proposed development does not harm residential amenity.

- 4 Prior to their installation, details of all external lighting, to include hours and strength of illumination, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter operate in accordance with the approved details.

Reason - To ensure that the proposed development does not harm residential amenity.

- 5 Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

- a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
- c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with West Somerset Core Strategy Policy and paragraphs 120-122 of the National Planning Policy Framework.

- 6 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason – To ensure the recording and preservation of archaeological remains.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application certain elements of the proposal were deemed to be unacceptable. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

Proposal

This application is for the erection of a new retail unit of up to 480 square metres of new retail (A1 use class) and financial/professional services (A2 use class) at the rear of the J Gliddon & Sons site in Williton.

The application (as originally submitted) proposed the demolition of part of the existing J Gliddon & Sons store on Bank Street, construction of a new roundabout, demolition of existing buildings to the rear of the main store, construction of vehicle access to the new building and provision of a new footpath link through the existing Lloyds Bank building onto Fore Street. It is suggested that Lloyds Bank would remain in retail use although some of the ground floor would be devoted to a public walkway.

Amended plans have been received which remove the proposed roundabout and therefore the demolition of the existing buildings is no longer required. Therefore the proposal is for the erection of a new retail unit with pedestrian access through the existing Lloyds Bank building onto Fore Street.

The application is made in outline with all matters reserved other than access. Although layout is not reserved, the red line for the application is of such a size that the building could only be located in the position shown on the submitted indicative plan. Although vehicle access is shown as being from Bank Street, no parking spaces are proposed for the development.

Site Description

The site is located off Bank Street and extends to the rear of the properties on Fore Street. The site is partially located within flood zone 2 on the southern and western extremities of the site. The site is located within an area of high archaeological potential and located near to several listed buildings, most notably the Police Station which is immediately adjacent to the main entrance. The site includes some private garden space for properties known as Chapel House, Bow Cottage and Stable Cottage.

Relevant Planning History

Case Ref	Address	Proposal	Decision	Decision Date
3/39/11/002	Land at Bank Street, Williton, TA4 4NH	Development of site to provide a foodstore, retail shops, professional & financial services, food & drink uses, health services, residential dwellings, vehicle & pedestrian means of access & associated car parking & landscaping.	Refuse	26 April 2013
3/39/14/010	Land at Bank Street/Fore Street, Williton, Taunton, TA4 4NH	Redevelopment of the site to provide a food store (A1), retail shops (A1), professional and financial services (A2), food and drink uses (A3), health services (D1), residential dwellings (C3), vehicle and pedestrian access, associated car parking and landscaping (resubmission of 3/39/11/002) in association with 3/39/14/024	Refuse	09 December 2015
3/39/14/019	Land and Buildings, Bank Street, Williton, Taunton, TA4 4NH	Lawful Development Certificate for the existing use of the land and buildings as a shop (Class A1)	Grant	27 October 2014
3/39/14/024	J Gliddon & Sons Ltd, Bank Street, Williton, Taunton,	Outline application (with all matters but access reserved) for the erection of up to 480 sq.m gross of flexible Class A1/A2 floorspace linked to proposed redevelopment of land associated	Refuse	09 December 2015

	TA4 4NH	with application ref: 3/39/14/010 to include vehicle and pedestrian access and landscaping.		
3/39/14/037	Land and Buildings, Bank Street, Williton, TA4 4NH	Lawful development certificate for the existing use of the land as retail, workshop, mixed light industrial use and storage.	Grant	21 August 2015

The previous application on this site for the 480 sq.m gross of flexible Class A1/A2 floorspace linked to proposed redevelopment of land associated with application ref: 3/39/14/010 (supermarket) was refused for the following reason:

The proposed retail unit would have a significant adverse impact on the vitality and viability of Williton centre, which is likely to result in store closures and impact on investment in the centre. Such an impact on the centre would result in reduced consumer choice and competition. The adverse impact of the proposal is not outweighed by the benefits (i.e. reduced leakage of bulk/main shopping trips & some reduced journey lengths) of the scheme. This proposal does not accord with Policies SH/3 and SH/4 of the adopted West Somerset District Local Plan, Policy W11 of the West Somerset Local Plan to 2032 Submission Draft and Policy within paragraphs 26 and 27 the National Planning Policy Framework.

Consultation Responses

Williton Parish Council – object

The Parish Council maintains its current position of objecting to the application on the grounds as stated previously, which included the Inner Relief Road, concern of a further roundabout causing traffic gridlock and the loss of Lloyds Bank.

Further comments on amended plans removing the roundabout

No objection to the removal of the roundabout from the application

Environmental Health Team – request additional information:

In terms of the above application, I would like to request additional information.

This re-submission appears to be similar to the earlier application (3/39/11/002) in that it retains the proposed roundabout off the A39, but without any associated parking provision (see Figure-1 below). Impacts from traffic emissions it is understood are still based on the transport assessment carried out by Savell, Bird and Axon in 2011 using baseline of traffic flows from 2009.

This transport assessment showed flows into the development of 75 vehicles per day (see enclosed TA Assessment; Appendix A), which is clearly an over-estimate based on the smaller scale of the current application with no parking to be provided.

Furthermore, the procedure for local authorities to follow when assessing new development from emissions, has also been updated by Defra since the previous application with publication of LAQM TG (2016). This statutory guidance places a new duty with respect to particulate matter emissions. These emissions, and especially the finer fraction (PM2.5) are considered non-threshold parameters.

But the previous air quality assessment did not model the impact of the construction phase of roundabout and thereby ignoring significance of these emissions. This is of relevance to the general exposure reduction principle for particulate matter, since exposure periods are based on daily and annual means.

I must therefore recommend that additional information, is sought to assess emissions, which includes the construction phase of the roundabout.

Further comments on amended plans removing the roundabout

In terms of the above application, it has been resubmitted without roundabout, and therefore previous comments made regarding the associated emissions air quality should be withdrawn. The proposal as it stands is without any associated parking provision.

However, I would recommend the following condition based on previous use of the site;

Condition; Contaminated Land;

Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

- a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

- c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with West Somerset Core Strategy Policy and paragraphs 120-122 of the National Planning Policy Framework.

Planning Policy – no comments received

South West Heritage Trust – comment:

The site lies within an Area of High Archaeological Potential and close to areas of known prehistoric activity.

For this reason I recommend that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

Economic Regeneration and Tourism – no comments received

Highways Development Control – no comments received however, the Highways Authority did not object to the design of the roundabout when considering the earlier application for the proposed food store.

Biodiversity and Landscaping Officer – comment:

The demolition of Gliddons and Lloyds bank to provide vehicular and pedestrian access to the rear of the main shopping area of Williton will adversely impact on the street scene of the village. Enclosure formed by the Gliddons building on Bank Street will be completely lost.

The new access road and pedestrian link along with the construction of another roundabout will result in a more urban atmosphere thus contributing towards the

gradual degrading of the unique character of Williton

Environment Agency – no comments received

Wessex Water Authority – comment:

Water Supply and Waste Connections - New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Commercial Sprinkler Supply - Non domestic supplies required for firefighting or commercial use we will require assessment with network modelling subject to design requirements. We will normally recommend the use of storage tanks where network capacity is not available or where off site reinforcement is necessary to provide the stated demand.

S105a Public Sewers - On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

Foul Sewerage - There is sufficient spare capacity to serve this site. Storm water should not be discharged to the foul sewer.

Surface Water - Storm water will need to be taken to a local SUDs system within the site. There is no recorded local history of flooding, as described, within the vicinity.

South Western Ambulance Service – no comments received

Representations Received

38 letters of objection received relating to the original submission which raise the following issues:

- The proposed application will not add to the quality of life or economic future of Williton.
- It would harm the town centre.
- The level of highway works are excessive and disproportionate to the development proposed. This is unsustainable and does not promote more sustainable transport patterns. Contrary to ID1 in the emerging local plan.
- The application is not linked to the larger food store application and must be treated on its own merits.
- Loss of Lloyds Bank
- There can be no certainty that Lloyds Bank will relocate
- The application is a 'stalking horse' for the supermarket.
- Loss of existing J Gliddon & Sons shop.
- Loss of on-street parking on Bank Street.
- Roundabout would cause traffic delays for those travelling between Taunton and Minehead.
- New roundabout in such close proximity to the existing one would cause traffic problems.
- There are already empty retail units in the town.
- Can not see the need for more retail units which may lie empty.
- Do not need a supermarket
- No net gain in retail space or jobs.
- No parking spaces are proposed – and 11 would be lost on Bank Street.
- Loss of jobs
- Why is a new roundabout required when the existing J Gliddon & Sons store is able to take deliveries using the existing access?
- Loss of existing buildings (at the rear of the post office) which should be preserved.
- Traffic delays would hold up emergency vehicles.
- Loss of bank would harm local small businesses.
- Other local shops would be lost due to competition
- Williton would become a 'dead village'
- There would be trade diversion from Co-op which acts as an anchor for Williton
- Only limited weight should be placed on the emerging local plan.

2 letters of support have been received which raise the following issues:

- Williton needs another supermarket

Further comments on amended plans removing the roundabout

2 further letters of objection received

- Loss of the bank will have an adverse impact on the vitality and viability of Williton.
- Lloyds bank in Watchet has closed.
- The bank attracts people to Williton who carry out linked trips to the shops.
- Additional traffic and journeys to Minehead and Taunton would occur

Planning Policy Context

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

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

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration. It should be noted that the emerging local plan is due to be considered by Full Council for adoption on 23rd November. Should members resolve to adopt the new local plan, this will form part of the development plan.

West Somerset Local Plan

SP/1	Settlement Hierarchy
SP/2	Development in Minehead and Rural Centres
SH/3	Retail Development Outside of Minehead Town Centre
SH/4	Retail Development in Watchet and Williton
BD/1	Local Distinctiveness
BD/2	Design of New Development
BD/5	New Industrial and Commercial Buildings
AH/3	Areas of High Archaeological Potential
W/5	Surface Water Run-Off
T/3	Transport Requirements of New Development
T/7	Non-Residential Development Car Parking
PC/1	Air Pollution
PC/2	Noise Pollution
PC/4	Contaminated Land
PO/1	Planning Obligations
NC/4	Species Protection
AD/1	Access for Disabled People
SD1	Presumption in favour of sustainable development
SC2	Housing Provision
WI1	Williton Development
EC1	Widening and strengthening the local economy
EC5	Safeguarding existing employment uses

EC12	Minehead primary retail area and central areas for al wa wi
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
CF2	Planning for healthy communities
NH1	Historic Environment
ID1	Infrastructure delivery
NH6	Nature conservation & biodiversity protection & enhancement
NH9	Pollution, contaminated land and land instability

Emerging West Somerset Local Plan

SP/1	Settlement Hierarchy
SP/2	Development in Minehead and Rural Centres
SH/3	Retail Development Outside of Minehead Town Centre
SH/4	Retail Development in Watchet and Williton
BD/1	Local Distinctiveness
BD/2	Design of New Development
BD/5	New Industrial and Commercial Buildings
AH/3	Areas of High Archaeological Potential
W/5	Surface Water Run-Off
T/3	Transport Requirements of New Development
T/7	Non-Residential Development Car Parking
PC/1	Air Pollution
PC/2	Noise Pollution
PC/4	Contaminated Land
PO/1	Planning Obligations
NC/4	Species Protection
AD/1	Access for Disabled People
SD1	Presumption in favour of sustainable development
SC2	Housing Provision
WI1	Williton Development
EC1	Widening and strengthening the local economy
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EC12	Minehead primary retail area and central areas for al wa wi
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
CF2	Planning for healthy communities
NH1	Historic Environment
ID1	Infrastructure delivery
NH6	Nature conservation & biodiversity protection & enhancement
NH9	Pollution, contaminated land and land instability

Determining issues and considerations

Principle of Development

The site is located within the built up area of Williton and within the proposed retail area identified in the new West Somerset Local Plan to 2032. Policy SC1 of the new local plan sets out the hierarchy of settlements and states that “new development will be concentrated in the district’s main centre, Minehead/Alcombe, and in the rural service centres of Watchet and Williton, this will be on a scale generally proportionate to their respective roles and functions to their own communities and

those in surrounding settlements that rely on their larger neighbours for essential services and facilities”. It is considered that the provision of additional retail space (at suitable locations within these settlements) is acceptable provided that it is of a scale that is appropriate to the role of the settlement.

Williton acts as an important local centre with a range of shopping and related facilities meeting the essential day-to-day needs for the residents of the village. Retail development within the main commercial and retail area is encouraged by Policy EC12 of the new local plan which identifies the main commercial retail area of Williton and the states:

WITHIN THE ALCOMBE, WATCHET AND WILLITON RETAIL AREAS, AS DEFINED ON THE PROPOSALS MAP, BUSINESS ACTIVITIES OF RETAIL AND RETAIL RELATED ACTIVITIES IN ALL THE A-CLASS USES WILL BE THE PREFERRED USE AT GROUND FLOOR LEVEL.

The proposed development is for a mix of A1 (shop) and A2 (financial and professional services) and is shown on the indicative plan to be at ground floor level. The proposal therefore complies with retail policy EC12.

Policy WI1 seeks to protect and enhance Williton’s important service and employment role in the local economy and also in the provision of community services for the wider area in conjunction with the neighbouring settlement of Watchet. It states:

DEVELOPMENT PROPOSALS AT WILLITON MUST:

- SUPPORT AND STRENGTHEN THE SETTLEMENT’S ROLE AS A LOCAL SERVICE, ADMINISTRATIVE AND EMPLOYMENT CENTRE FOR THE NORTH EASTERN PART OF WEST SOMERSET DISTRICT, PARTICULARLY IN TERMS OF THE RANGE AND QUALITY OF ITS SERVICES AND FACILITIES, AND;
- CONTRIBUTE TO THE IMPROVEMENT OF TRAFFIC AND TRANSPORT MANAGEMENT WITHIN THE VILLAGE, AND;
- COMPLEMENT THE PROVISION OF EMPLOYMENT OPPORTUNITIES, SERVICES AND FACILITIES IN NEIGHBOURING WATCHET

WHERE APPROPRIATE, DEVELOPMENT MUST CONTRIBUTE TOWARDS RESOLVING THE FLOOD RISK ISSUES WHICH AFFECT THE SETTLEMENT.

New retail development within the defined retail area is considered to be beneficial to the local service centre and if it improves the range of services available (while complementing services in Watchet), then it would be in accordance with policy WI1.

Policy SC5 of the new local plan encourages the self-containment of settlements and seeks to ensure that patterns of new development provision aim to minimise transport demand and maximise the attractiveness of walking and cycling as modes of transport. The provision of the best range of services and facilities which can be achieved will help to increase the self-containment of the larger settlements, such as Williton.

It is accepted a greater retail offer in Williton will reduce the need to travel to other areas and it will be necessary to balance the provision of additional A1 and A2 uses against the potential loss of a specific A2 banking use. This is discussed further under the retail impact section below.

It is therefore considered that in principle, retail development in the defined retail area of Williton is acceptable provided that it is of an appropriate scale to not have an adverse impact on the service centre as a whole.

Retail Impact

Chapter 2 of the National Planning Policy Framework (NPPF) seeks to ensure the viability of town centres and requires Local Planning Authorities (LPA's) to "define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;" policy EC12 of the new local plan effectively does this and the site is within the defined retail area. The NPPF requires a sequential approach to new retail development and states that LPA's should require applications for main town centre uses, to be located in town centres. As the development is within the defined retail area, it is not necessary to consider whether there are any sequentially preferable sites.

Paragraph 26 of the NPPF states that "When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold". As the site is within the defined retail area, there is no requirement under the NPPF to undertake an impact assessment of this application.

Chapter 2 of the NPPF concludes by stating that "where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused." As concluded above, the application passes the sequential test and there is no requirement for an impact assessment to be carried out.

There has been significant local objection in regard to the part of the proposal that would see the provision of a footpath link through the existing Lloyds Bank to Fore Street. It is felt by the objectors that this would see the closure of Lloyds bank which is the last bank in Williton and an important local facility that is a significant draw to the village. This fear is understood, however the planning system deals with land use rather than specific occupiers or businesses. Banks are an A2 class in the Town and Country Planning Use Classes Order and it is considered that the local planning authority should consider whether the proposal would result in the loss of the last A2 use within the village. There are other A2 premises in the village including the former Nat-West Bank which is currently unoccupied and the proposal is for a mix of A1 and A2 uses. It is therefore considered that it would not be possible to uphold a planning objection to the loss of an A2 use.

Policy SC6 of the new local plan seeks to safeguard existing village facilities and states that:

DEVELOPMENT RESULTING IN THE LOSS OF COMMUNITY FACILITIES SUCH AS PUBLIC HOUSES AND SHOPS WHERE THESE ARE THE LAST SUCH FACILITIES IN, OR SERVING A SETTLEMENT, WILL BE RESISTED UNLESS IT CAN BE DEMONSTRATED THAT THE BUSINESS IS NOT AND CANNOT BE MADE VIABLE, AND THAT ALL REASONABLE EFFORTS HAVE BEEN MADE TO SELL, RENT AND /OR LEASE THE BUSINESS (AT A COMPETITIVE PRICE FOR COMPARABLE USES) FOR A MINIMUM OF TWELVE MONTHS AND HAS GENERATED NO INTEREST

Although it is considered that the proposal may well see the loss of Lloyds Bank from it's current location, it is not the last A2 premises and there is potential for replacement A2 facilities to be provided in the new scheme. It is therefore considered that the proposals is not contrary to Policy SC6 of the new local plan.

Highway Impact

As originally submitted, the application included the provision of a new roundabout on Bank Street which would have required careful assessment regarding traffic impact and the significant changes to the character of the area. After further discussion with the applicant and concerns raised regarding such a significant piece of infrastructure to access a development that did not include any car parking, this has now been removed from the proposals.

Vehicle access for servicing/deliveries would be via the vehicle access to the side and rear of the existing J Gliddon & Sons store. As this access already provides servicing for the much larger existing retail site (as confirmed by lawful development certificates), it is felt that the proposals would not result in a significantly greater amount of traffic using the access than that accessing the lawful retail uses at the rear of the store.

No customer parking is to be provided as part of this development and these wanting to access the new retail units would need to park in the existing car parks and walk through the new footway link from Fore Street. This parking arrangement is no different to accessing most other facilities within the retail area.

The Parish Council have raised an issue that allowing this proposal would result in the loss of the land available to create a relief road. This concern is understood. However the potential provision of a relief road is not provided for in any adopted or emerging planning policy document. It should also be noted that the previous residential permission granted on the land to the north of this site did not safeguard the route of an inner relief road.

It is therefore considered that there are no adverse highway impacts as a result of the amended proposal.

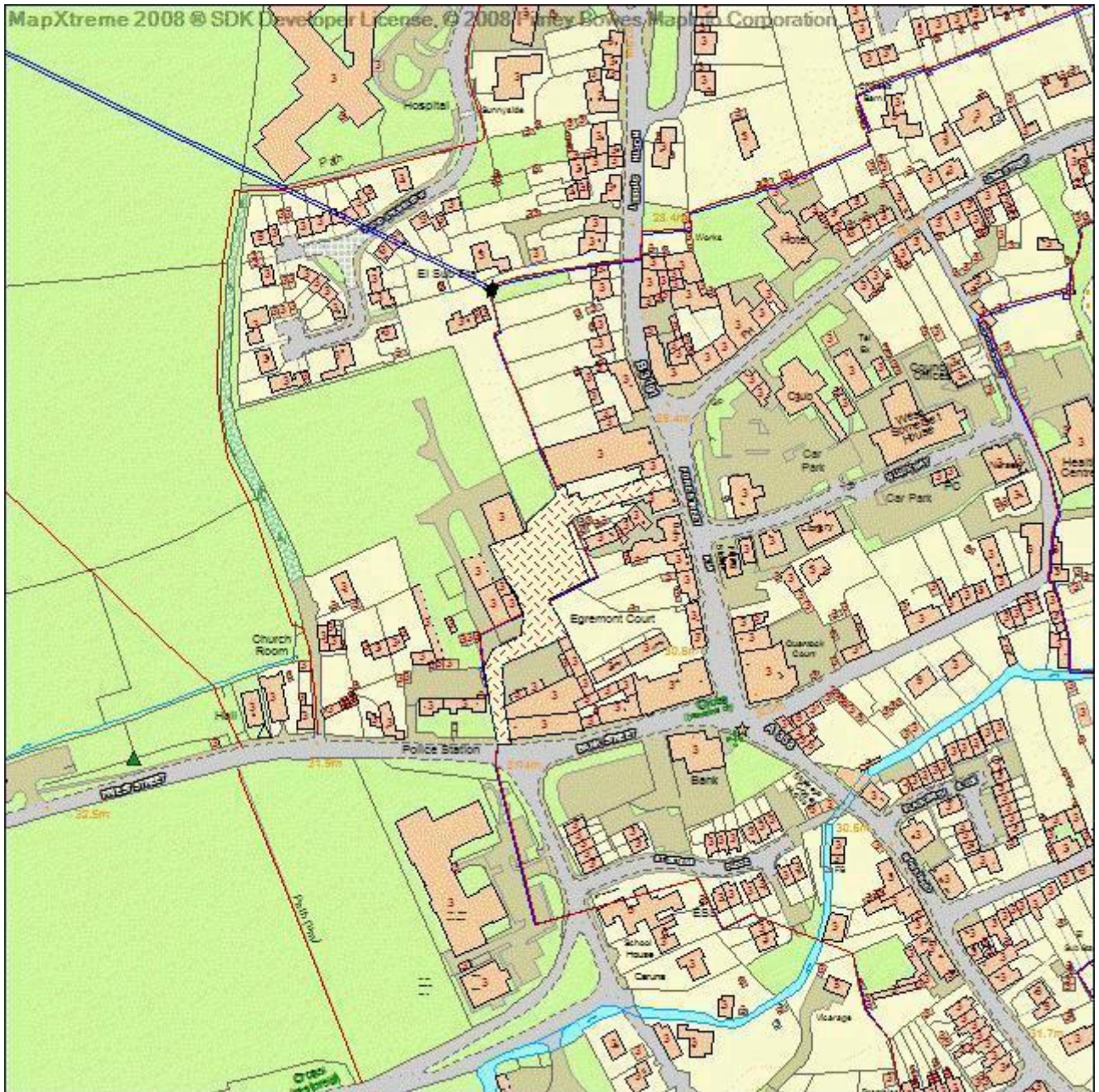
Other Issues

There has been comment on this application that relates to the previous applications for a supermarket on the site to the north and a similar application for a 480 sq m retail unit on this site that was linked to the supermarket proposals. This application is a standalone application which needs to be determined as such and although any decision may or may not have a bearing and the current appeals that have been submitted for those 2 schemes, it is important to consider the planning merits of this case and not other proposals that are not in front of the council for consideration.

Conclusion

This application is for retail development in the defined retail area of Williton. It is compliant with the retail policies in the new local plan and will provide additional retail facilities in the local service centre that could strengthen the role of Williton and potentially stop retail leakage to other areas. Although the proposals could result in the loss of banking facilities at Lloyds Bank, it will not result in the total loss of A2 floorspace in Williton and the proposals make provision for replacement A2 floorspace. It is therefore considered that planning permission should be granted subject to planning conditions listed above.

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



Application No 3/39/16/002
 Erection of up to 480 sq.m. gross of flexible A1/A2 floorspace including landscaping and pedestrian link to Fore Street (resubmission of 3/39/14/024 without proposed roundabout). J Gliddon & Sons Ltd, land at Bank Street, Williton, Taunton, TA4 4NH
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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 Easting: 307683 Northing: 140947 Scale: 1:2500

Application No:	3/02/16/008
Parish	Brompton Ralph
Application Type	Full Planning Permission
Case Officer:	James Culshaw
Grid Ref	Easting: 309070 Northing: 131224
Applicant	Mr Niall Heard
Proposal	Change of use of land to mixed agriculture / tourism use and the erection of three glamping tents
Location	Middle Stone Farm, Brompton Ralph to Gandstone Cross, Brompton Ralph, Taunton, TA4 2RT
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers:

(A4) Front Elevation
(A4) Left Elevation
(A4) Rear Elevation
(A4) Right Elevation
(A4) Location Plan
(A3) Block Plan
(A4) Proposed Floor Plan (Plan scale 1 to 100)

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

- 3 The glamping units hereby permitted shall not be occupied until a landscaping scheme has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of all trees, hedgerows and other planting to be retained and should include increased landscape

planting to the north-west of the units. The scheme shall also provide details of finished ground levels; a planting specification to include positions, species and size of all new trees and the location of grassed areas and areas for shrub planting; and a programme of implementation.

Reason: In the interests of the appearance of the development and the surrounding area having regard to the provisions of Saved Policies BD/1, BD/2, SP/5, LC/3 and TO/5 of the West Somerset District Local Plan (2006) and Emerging Policies NH5 & NH13 of the West Somerset Local Plan (2032).

- 4 Before any flysheet coverings are erected, a sample of the flysheet that will cover the external areas of the glamping tents hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out only in accordance with the details so approved.

Reason: To safeguard the character and appearance of the area having regard to the provisions of Saved Policies BD/1, BD/2, LC/3, SP/5 and TO/5 of the West Somerset District Local Plan (2006) and Emerging Policies NH5 and NH13.

- 5 A plan showing car parking for a minimum of three vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first brought into use. This area shall be properly consolidated and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that sufficient provision is made for the parking and turning of vehicles in the interests of highway safety having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

- 6 The glamping units hereby permitted shall not be occupied until details of the toilets and means of sewage disposal works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall thereafter be retained in that form.

Reason: To ensure the adequate provision of drainage infrastructure having regard to the provisions of Saved Policies W/1 and W/3 of the West Somerset Local Plan (2006).

- 7 The glamping tents shall be occupied for holiday purposes only.

The glamping tents shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual glamping tents on the site and of their main home addresses, and the duration of their stay and shall make this information

available at all reasonable times to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out within paragraph 55 of the National Planning Policy Framework.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 Surface water drainage should comply with schedule 1 and regulation 7 of the Building Regulations 2010 (amended 2013) Approved Document H3

Proposal

Permission is sought for the change of use of land to a mixed agriculture / tourism use in order to accommodate the erection of three glamping tents. The tents would provide additional self-catering accommodation for up to 2 adults and 4 children per tent; each tent consisting of two bedrooms, bathroom, kitchen and living area.

The t-shaped safari tents would have a dual pitched roof supported by, and off a, series of internal and external timber king pin poles by guy ropes. A PVC flysheet would cover the tent, measuring approximately 11m in length by 5m in width with a 5m by 3m tee. The tent material is proposed to be finished in 'forest green'.

Each tent is proposed to stand on a permanent timber deck, 14m long by 5m wide, supported by low timber legs.

The glamping units would be equipped with wood burning stoves for heating and cooking facilities and candles and rechargeable LED lamps for lighting.

Surface water run-off from the development would be via natural run-off and infiltration. The water supply to the development would be supplied from the existing boreholes. The toilets would be eco-friendly, using a compost method to suit this type of development.

Regarding parking space, it is proposed to utilise an existing car parking area within the site.

Site Description

The application site is situated within an agricultural field to the north-east of Middle Stone Farmhouse; the site currently consisting of a grass field put out for grazing stock. The holding extends to approximately 32.81 acres of land. The field is bound by natural hedgerows in all directions and a wooded copse to the south-east. The site is accessed off an unclassified highway, which is derived off the B3188 at Gandstone Cross to the south-east. The area is characterised by sporadic agricultural and residential developments within an area of open countryside; the closest being Lower Stone Farm to the south.

Relevant Planning History

AFU/02/16/001 – Prior approval of proposed change of use of agricultural building to farm shop. Permission granted 7th July 2016.

3/02/15/001 – Erection of three glamping units. Permission granted 19th May 2015.

3/02/12/008 – Conversion of stables to ancillary accommodation and gym (retrospective). Permission granted 7th November 2012.

3/02/05/004 – Conversion of buildings to two units of holiday accommodation. Permission granted 16th May 2005.

Consultation Responses

Brompton Ralph Parish Council - Brompton Ralph Parish Council met on Tuesday 6th September 2016 and discussed the application.

The Parish Council unanimously agreed to recommend refusal of the application on the following material planning considerations:

- Considering that the site already contains 3 glamping tents and has additional farmhouse holiday accommodation, the Parish Council felt that an additional 3 off six berth glamping tents would add considerably more traffic along a small country lane to the site. The access to the farm is common to 3 properties, ie Bedrock Barn, Lower Stone Farm and Middle stone farm and greater movement of traffic in and out of Middle Stone Farm would make the access point a highways issue between it and the adjacent neighbours. The access to the farm is not very visible to oncoming traffic.
- The proposed addition of 3 off six berth glamping tents would suddenly double the density of the infrastructure on the farm, which it felt would have an adverse impact to the area.

- The addition of three further six berth tents would increase the levels of noise around the area from the families camping on the site.
- The Parish Council felt that the proposal would significantly increase the camping infrastructure density to the site which could not be considered sustainable. The impact to the environment would be disproportionate in scale. The total number of vehicles entering and leaving the site during the peak summer months of July and August including existing and proposed additional glamping tents, stable block type holiday accommodation together with service vehicles could be as much as 15-20 vehicles a day.
- Following discussions with the applicant at the parish council meeting, it was also felt that the large infrastructure would not provide any economic benefit to the local community or community run village shop, since a previous permitted development application showed that the applicants are offering the guests provisions solely from their own developed farm shop.
- The Parish Council did not feel that there was a strong enough business case need for any further glamping tents at this early stage of the new business. The first three glamping tents were only applied for in March 2015 (Application 3/02/15/001), which is barely one year old. There was no indication within the application literature as to the current occupancy of the existing glamping tents or the forecast of the proposed additional tents.

Highways Development Control - Comments as follows:

With regard to traffic impact it is envisaged that each unit would generate approximately 4 movements per day. Consequently at peak season there is the potential that this proposal could generate 12 vehicle movements, which would be over and above what is already generated by the site. The applicant has indicated that the proposal would utilise the existing access. This is sufficient to allow for two-way vehicle flow, however visibility is limited. The proposal will have access onto a Classified Un-numbered and is single width with high hedges on either side. It is noted from our records that in terms of speed it is d-restricted however it is apparent that speeds along this lane are limited to a maximum of 25mph.

Consequently it is the Highway Authority opinion that the design guidance set out in Manual for Streets can be utilised in this instance. Therefore the Highway Authority would require splays of 2.4m x 25m in either direction. Although the proposal will see an increase in vehicle movements it is unlikely that the increase in vehicle movements can be considered significant enough to warrant an objection in traffic impact terms.

Turning to the internal site layout the Design and Access Statement the applicant has indicated that there is sufficient space within the site to allow vehicles to park and turn within the site. Although this is considered to be acceptable the applicant is urged to provide a designated parking area for the tourism use so it reduces any potential conflict with the farm use of the site.

Therefore taking into account the above information the Highway Authority raises no objection to the above planning application. The Highway Authority has recommended conditions be attached to any permission in relation to visibility at the access and a consolidated parking area within the site.

Environmental Health Officer (KL) - No response received at time of writing.

Biodiversity and Landscaping Officer - Comments as follows:

The parking is already in place.

The new tents will be located on slightly higher ground than the tents already on site.

They may possibly be viewed from the nearby Brendon hills, but this would be against a woodland backdrop.

Some limited tree planting to the north of each tent could help to assist in screening further.

Representations Received

A site notice was erected 13th September 2016 and neighbours notified 30th August 2016. A total of 12 representations have been received 11 in support and 1 neutral. Their comments summarised as follows:

SUPPORT:

Economic benefit

- Will contribute towards the local economy and lead to employment opportunities for local people.
- There are a lot of small local businesses in the area that rely on trade from tourists during the holiday periods. This style of holidaying allows people to experience more of the countryside and this business supplies a variety of local produce for their customers.
- The West Somerset Railway is Britain's longest heritage railway and one of Somerset's major tourist attractions. We rely on the support of businesses like the one at Middlestone Farm, to advertise and promote our business to their visitors. As far as the railway, and local tourism is concerned, the more high quality accommodation the better. These bring in people with the means to spend in all the local attractions, including the WSR and Dunster Castle, for example.
- The site has brought the opportunity of employment and tourism to a very rural area. The high quality, sustainable and low impact nature of this

development is in line with the policy to support sustainable rural tourism and leisure developments that benefit the wider community. It will benefit the village as a whole without adversely affecting it. Glampers are using and supporting the village shop, walking the footpaths and using the surrounding area in a positive way. In rural areas the health of the local environment and of the community depends on the viability of the local economy so this application should be supported.

- Development would help promote and support local business, including the Wiviliscombe Farmer's Market. Opportunities for local business to offer guests classes and other courses.
- This is a particularly marketable holiday experience assisting in local entrepreneurship as well as adding to the diversity of the region's tourism offering. It has already been proven that this is popular holiday destination with the success of Middle Stone Farm's holiday accommodation and this is a natural extension to their business.
- Existing 'glampers' have used the village shop.

Visual amenity

- The site has been sensitively developed to date being of very low visual impact.
- Development sympathetic, modest and compatible with rural setting.

Highways/traffic

- The additional units would bring only a small increase in traffic which would not create a noticeable impact.
- Any extra traffic would be minimal, and there are at least three good passing places along the road (380 m to Gandstone Cross).

Residential amenity/noise

- Manor Farm (150 metres from the existing Glamping units) have confirmed that they have had no noise or nuisance of any kind over this last season and see no reason to think that an additional 3 units would change that.
- Would create very little noise.

Other

- Exmoor National Park is the least visited in the country, so it is important to find ways of encouraging families to the area.
- Glamping tents are a great way to get people back to nature and enjoy the outdoors.
- The development is sensitive and low density and brings only benefits to a small rural community.

- Additional accommodation required for Hinkley workers moving to area.

NEUTRAL:

- We are the nearest property to the proposed development. Whilst we have no problem with the expansion of the tourist enterprise at Middlestone Farm we would like to point out the close proximity of this development to very busy livestock buildings at Lower Stone Farm.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration. It should be noted that the emerging local plan is due to be considered by Full Council for adoption on 23rd November. Should members resolve to adopt the new local plan, this will form part of the development plan

West Somerset Local Plan

SD1	Presumption in favour of sustainable development
OC1	Open Countryside development
EC1	Widening and strengthening the local economy
EC9	Tourism outside settlements
EC11	Agriculture
TR2	Reducing reliance on the private car
NH5	Landscape character protection
T/8	Residential Car Parking

Emerging West Somerset Local Plan

SD1	Presumption in favour of sustainable development
OC1	Open Countryside development
EC1	Widening and strengthening the local economy
EC9	Tourism outside settlements
EC11	Agriculture
TR2	Reducing reliance on the private car
NH5	Landscape character protection
T/8	Residential Car Parking

Determining issues and considerations

The main issues in the consideration of this application are the principle of development, impact upon visual amenity/landscape, impact upon highway safety and impact upon residential amenity.

Principle of development

The application site is located within an area of open countryside, as defined by emerging Policy SC1 of the West Somerset Local Plan 2032.

There are three existing glamping units on site that were previously approved under planning application ref. 3/02/15/001. The principle of development was assessed as part of the previous application, where the development was considered to contribute towards the diversification of the farm, as per the requirements of retained Policy A/1. The development of a further three glamping units is considered to be of a scale that is commensurate with the continued diversification of the site and is of a size that is compatible with its surroundings.

Sustainability and reducing the need to travel is an important policy issue for consideration, given that any future visitors and users of the accommodation would be heavily reliant on the use of a private motor vehicle. This issue was also assessed under the previous application, where it was recognised that due to the rural nature of the area, the lack of sufficient public transport and the distance between service centres and attractions, most visitors would travel via motor car. It was, however, acknowledged that Policy A/1 is worded in such a way as to recognise the constraints of rural diversification, which supports a minimal increase in the use of private transport for visitors. Whilst the proposed new development would result in additional vehicle movements, the provision of three additional glamping tents is not considered to significantly conflict with the policy requirements of Policy A/1 to an extent that would warrant refusal in this instance.

Ultimately, it is recognised that the development would allow the continued growth and diversification of a well-established 'glamping' business, which would not only benefit the farm holding, but would also result in economic benefits to local visitor attractions and many other businesses within the wider West Somerset area, in accordance with emerging Policy EC1. In this respect, the public benefit to be gained from such a development is considered to outweigh the small increase in vehicle movements that would be associated with the site. The principle of development to provide an additional three glamping tents is therefore considered to be acceptable on these grounds.

Visual amenity/Landscape

The proposed 'glamping' units would be situated in a field to the north-east of the main farm buildings and adjacent to a private access track that is well screened by

an existing belt of trees to the south-east. Whilst the units are a fair distance from the main farm buildings, sightlines of the development from the public realm would be limited, primarily as a result of existing tree and hedge planting toward the north-east and south-east of the site. Furthermore, the site itself does not fall within an Area of Outstanding Natural Beauty or any other landscape designation that requires a high level of protection.

Notwithstanding the above, the Council's Biodiversity & Landscape Officer has been consulted. The Officer has acknowledged that there may be some sightlines of the development from the Brendon Hills, however, this would be against a woodland backdrop. In order to reduce any landscape impact, the Officer has recommended that some limited tree planting could be implemented to the north of each tent to assist in screening the site further. In this respect, it is considered reasonable to attach further landscaping details via condition, along with a condition requesting the submission of a material sample of the external flysheet, to ensure the colour and material finish would be appropriate to its setting.

Highway safety

Middle Stone Farm is served by a private access track derived off a rural lane to the north-west of the site, which joins the B3188 at Gandstone Cross. The previous application (ref. 3/02/15/001) considered the level of visibility and increased vehicle movements over the access, which was not considered to adversely harm highway safety to an unacceptable degree.

Nevertheless, the concerns of the Parish Council have been noted and the Local Highways Authority have made comments in relation to the use of the access point. Highways have indicated that the development would give rise to an increase in vehicle movements over and above what is already generated by the site. However, it has been confirmed that this increase is not considered to be significant enough to warrant an objection in traffic impact terms.

The access itself is sufficient to allow for two-way vehicle flow but Highways have indicated that visibility is limited. As such, Highways have suggested that a visibility splay of 2.4 x 25m in either direction should be provided. From the details submitted to accompany the application, it is apparent that visibility to the right (southerly direction) would be restricted to 8m, whilst visibility to the left (northerly direction) would be 6m. Whilst this is indeed substandard, Highways have indicated that they would be happy to accept a reduction in visibility due to the low vehicle speeds (25mph) along the road (confirmed via email dated 12th October 2016).

It is considered that the work necessary to incorporate the desired splay would result in significant visual amenity and landscape impact. This is because it would be necessary to remove a significant section of boundary hedgerow to the right (south), along with tree planting and a natural stone bank to the left (north).

Taking the above into account, it is considered unreasonable to request changes to

the visibility splay for the provision of an additional three glamping tents.

The applicant has indicated that there is sufficient space available within the site for the parking and turning of vehicles. Having visited the site, it is evident that there is an existing graveled area situated toward the south-western corner of the field that could be utilised for parking. As this is not clearly shown on plan, it is considered reasonable to secure the parking area via condition.

Residential amenity

The site is situated in a predominantly rural and isolated location, and whilst there are some residential dwellings situated within the area, these are considered to be situated a sufficient distance away not to give rise to any significant residential amenity concerns by way of overbearance, light or privacy.

Furthermore, the size and scale of the development proposed, which is situated away from other nearby residential dwellings, is not considered to cause any other significant nuisance by way of noise or other disturbances. No such concerns have been raised by any nearby neighbours.

Conclusion

Whilst the development would be situated in the open countryside, where development is strictly controlled, the glamping units are not considered to be of such permanence as to be suitable for permanent residential occupation. Instead, the development would allow the continued diversification of the existing farm business and provide additional economic benefits to the wider area, where the principle of development is considered to accord with the development plan.

The development is not considered to result in any significant visual or landscape impact that would adversely impact upon the character and appearance of the surrounding area. Additional landscape planting would further enhance the quality and appearance of the development and such can be secured by condition.

Whilst the visibility at the access point is substandard, taking into account the low vehicle speeds, minimal traffic impact and previous planning history associated with the site, it is considered unreasonable to request significant changes to the access. Such changes would result in additional harm to the visual amenity of the area, which is considered unnecessary for the provision of an additional three glamping tents.

Taking the above matters into consideration, it is recommended permission be granted subject to conditions.

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



Application No 3/02/16/008
Change of use of land to mixed
agriculture / tourism use, erection
of three glamping units
Middle Stone Farm, Brompton
Ralph
18/08/2016
Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council



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Licence Number: 100023932 Scale: 1:1250

Application No:	3/02/16/009
Parish	Brompton Ralph
Application Type	Full Planning Permission
Case Officer:	Darren Addicott
Grid Ref	Easting: 307591 Northing: 131640
Applicant	Mr & Mrs Holmes
Proposal	Erection of two-storey extension to east elevation in order to link dwellinghouse with outbuilding plus porch and hall extensions to south elevation and new stair pod to the north elevation to access proposed first floor corridor linking existing cottage and first floor of new extension
Location	Leigh Cottage, Brompton Ralph, TA4 2SF
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 The proposed extensions, by reason of size, design and external appearance, would be out of keeping with the existing cottage and are considered excessive in scale in relation to the existing property and would be further exacerbated by connecting the proposed extensions to the large outbuilding. The proposed extensions to the side of the property would dominate the site and the existing cottage, further detracting from the visual appearance and character of the existing cottage. The proposal is therefore contrary to saved policies BD/2 and BD/3 of the West Somerset Local Plan and policy NH13 West Somerset Local Plan 2032.

Informative notes to applicant

1 **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning

Authority. The proposal was considered to be unacceptable in principle because it was contrary to policies within the Development Plan and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw the application.

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

Proposal

The proposal comprises the erection of a two storey and single storey extension to the side/front, and a two storey extension to the rear of the property. The extension to the side has a pitched roof in the opposite direction to the main dwelling and will project forward. The extension to the rear will allow for first floor access to the new extension and will involve the removal of a hedge and earth bank to the rear of the property; this extension has two components, a lean-to and a pitched roof extension that projects further than the lean-to. A small porch is also proposed on the front elevation.

The extensions will be finished in render with a matching tiled roof and timber windows/doors.

Site Description

The detached cottage is constructed in stone and has an extension to the side and a large detached outbuilding within close proximity to the house. The property is sited at the end of a private track at a lower level than the road. The side immediately adjoins a hedgerow and bank to the rear where there is a public right of way in the adjoining field. There are no other properties nearby.

Relevant Planning History

Permission has been previously granted for a single storey extension and for an outbuilding.

Consultation Responses

Brompton Ralph Parish Council - Brompton Ralph Parish Council discussed the application at meeting held on Tuesday 6th September 2016.

There were no material planning considerations against the application and they

therefore recommend approval.

The decision was unanimous.

Highways Development Control - See Standing Advice.

Tree Officer -

The application is to renovate the farmhouse to include building a new extension joining the farmhouse and an adjacent outbuilding at Leigh Cottage, Brompton Ralph.

Biodiversity Officer - comments

Richard Green carried out a protected species Survey dated September 2016

Bats - The surveyor undertook a daytime survey and a bat emergence survey.

Several thousand droppings were found throughout the roof of the farmhouse and bats were heard scratching. Approximately 100 LHB droppings and feeding remains were found in the open fronted porch of the building. Approximately 100 LHB droppings were also found in the outbuilding as well as 50-100 long eared bat droppings and 5-15 pipistrelle bat droppings.

Pipistrelle and long eared bats were seen to emerge from the farmhouse and the outbuilding

The surveyor concluded that the proposals would result in disturbance and modification of a brown long eared bat maternity roost, a common pipistrelle bat day roost and the loss of a brown long eared and lesser horseshoe bat night roost. It could also result in bats being disturbed, injured or killed during works so an EPS licence is required.

The surveyor has suggested mitigation measures including specific timing of works, carrying out works under an ecological watching brief, dedicated access for brown eared bats in the roof of the farmhouse, retaining roosts for pipistrelle bats, and a dedicated area for night roosting for lesser horseshoe and brown long eared bats above the outbuilding.

The mitigation should be shown on the architect's drawings

Birds - Several active swallow nests were found in the outbuilding

Representations Received

None received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration. It should be noted that the emerging local plan is due to be considered by Full Council for adoption on 23rd November. Should members resolve to adopt the new local plan, this will form part of the development plan

West Somerset Local Plan

BD/2 Design of New Development
BD/3 Conversions, Alterations and, Extensions

Emerging West Somerset Local Plan

NH6 Nature conservation & biodiversity protection & enhancement
NH13 Securing High Standards of Design

Determining issues and considerations

Design

The proposed extension to the side is considered excessive in scale and design, with a wide pitched roof that projects forward of the dwelling, and is not subservient to the main dwelling. The extension, by reason of its size and projection would dominate the existing dwelling; this is further exacerbated as the extension would join onto the existing large outbuilding creating one large building. The extension is therefore not in keeping with the traditional stone cottage and results in the loss of the form and character of the existing traditional cottage. Whilst the two storey extension to the side is linked by a further extension, this extension is almost the height of the cottage and does not provide a sufficient set down in height, resulting in the building still being read as one large mass.

Parts of the rear extension are acceptable; a simple lean-to extension with a smaller pitched roof projection, are not considered to harm the character and appearance of the dwelling, and the character and form of the cottage are retained.

Landscape

The removal of the hedge is not considered to be detrimental to the landscape character or visual amenity of the area and the application has also been accompanied by a geotechnical survey with regards to the stability of the bank.

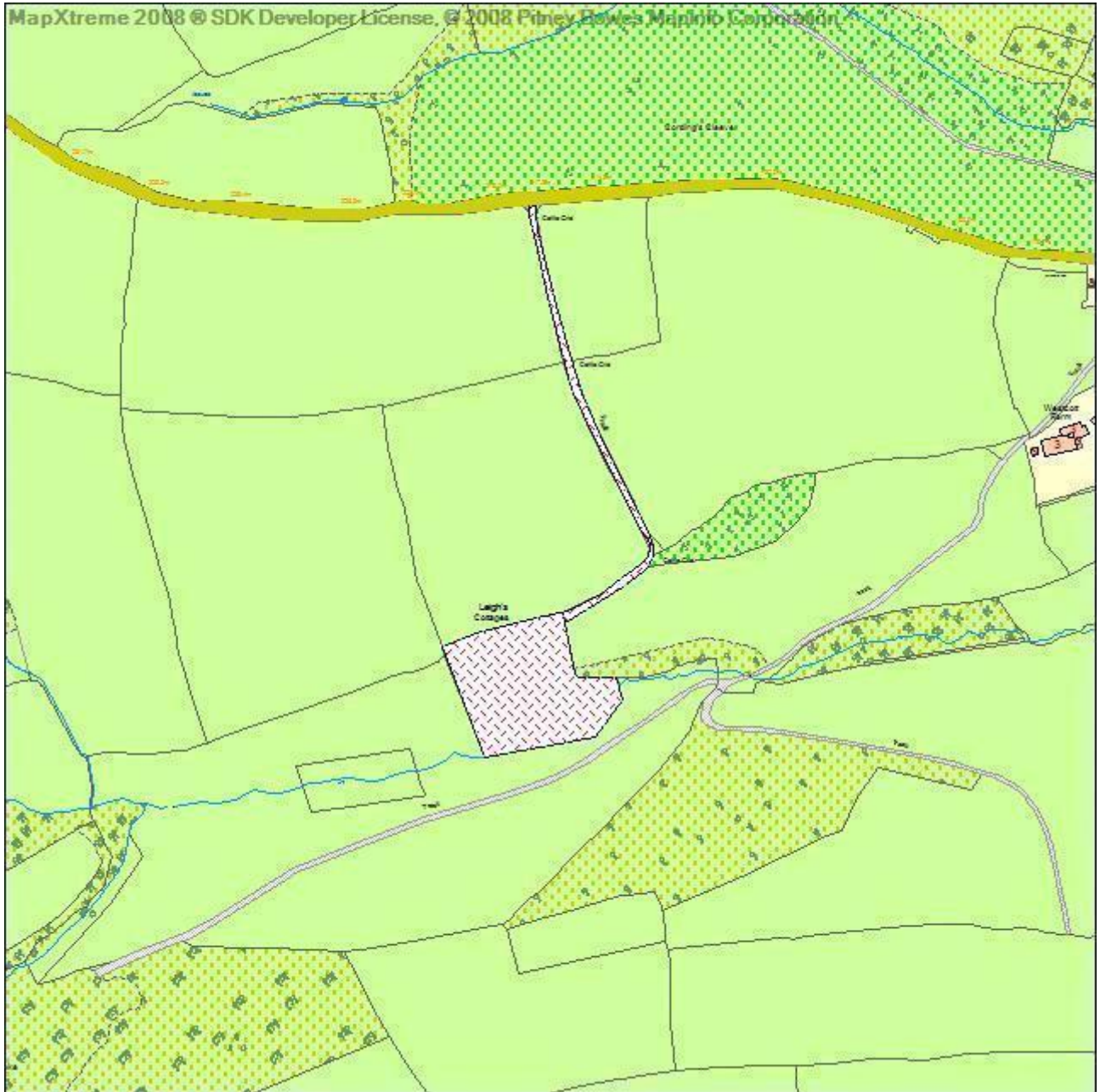
Wildlife

The submitted ecology report has identified that bats are present within the existing house, with a maternity roost, day roost, and night roost identified. Mitigation measures have been suggested and these measures have been shown on amended drawings. An EPS licence will be required to undertake the proposed works, and subject to the licence being granted, the mitigation proposed is considered acceptable.

Conclusion

The siting, size, scale and design of the extensions are not in keeping with the existing cottage and will affect the character of the property to such an extent that the proposals do not comply with policies BD/2 and BD/3 of the West Somerset Local Plan and emerging policy H13.

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



Application No 3/02/16/009
Erection of two-storey extension to east elevation in order to link dwellinghouse with outbuilding plus porch and hall extensions to south elevation and new stair pod to the north elevation to access proposed first floor corridor linking existing cottage and first floor of new extension
Leigh Cottage, Brompton Ralph, TA4 2SF
30 August 2016
Planning Manager
West Somerset Council
West Somerset House



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Easting: 307591 Northing: 131640 Scale: 1:3500

Application No:	3/21/16/086
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	James Culshaw
Grid Ref	Easting: 296475 Northing: 146218
Applicant	Storm Land Securities Ltd
Proposal	Erection of 6 mews dwellings
Location	Brooklands, The Parks, Minehead, TA24 8BT
Reason for referral to Committee	The views of the Town Council are contrary to the recommendation

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 The proposed development, by virtue of the size and scale proposed, is considered to constitute an overdevelopment of the site, leading to a cramped and awkward arrangement. In particular, the development would infill the remaining amenity space associated with Brooklands to a degree which is incompatible with the existing form, layout, character and appearance of residential development along The Parks. The development is therefore considered to be contrary to saved Policies SP/1, BD/1 & BD/2 of the West Somerset Local Plan 2006 and Policies SC1, MD1 & NH13 of the emerging West Somerset Local Plan 2032.

- 2 The proposed development, by virtue of the size and scale proposed and proximity to neighbouring property, is considered to harm the residential amenity of existing neighbouring occupiers at Beechfield Court as well as future occupiers of the site. In particular, the development is considered to give rise to issues in relation to overbearance, overshadowing and loss of privacy. In addition, the siting of the development fronting a car park, along with the lack of associated amenity space to accompany the development is considered to constitute a poor living environment for future occupiers. The development is therefore considered to be contrary to saved Policy BD/2 of the West Somerset Local Plan 2006 and emerging Policies SC1 & NH13 of the West Somerset Local Plan 2032.

- 3 A development of this nature is expected to result in increased car parking demand and there is insufficient space available within the site to provide the

necessary parking provision. By virtue of the insufficient parking provision, the development is considered to give rise to increased parking pressures along The Parks, which would result in increased traffic congestion and highway safety concerns along the public highway. The development is therefore considered to be contrary to saved Policy T8 of the West Somerset Local Plan 2006 and emerging Policy TR2 of the West Somerset Local Plan 2032.

- 4 The proposed development would be situated within close proximity of existing trees, to include the existing Beech tree within the curtilage of Beechfield Court. These trees contribute significantly towards the character and appearance of the area and without the submission of an accurate Tree Survey to outline the Root Protection Area of trees, it is not possible to assess the impact the development would have upon the amenity of existing trees. The development is therefore contrary to saved Policy TW/1 of the West Somerset Local Plan 2006 and emerging Policies SC1, MD1 & NJ13 of the West Somerset Local Plan 2032.

- 5 The proposed development, by virtue of its siting within Flood Zones 2 & 3, would give rise to increased flood risk within the area. In particular, the details contained within the submitted Flood Risk Assessment do not establish acceptable flood risk mitigation measures in accordance with its setting. The development plan has highlighted alternative, more appropriate areas for housing, which are situated outside designated flood risk areas. The development is therefore contrary to saved Policies W/5 & W/6 of the West Somerset Local Plan 2006 and emerging Policies MD1 & CC2 of the West Somerset Local Plan 2032.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority. The proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the Development Plan / policies within the National Planning Policy Framework and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw the application.

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

Proposal

Permission is sought for the erection of a new 2-storey detached residential block building to form six new (2-bed) private mews houses.

The proposed new residential block would measure approximately 25.4m in length by 6.6m in width, with each individual mews house measuring approximately 4.3m by 6.6m over two-storeys. The ground level slopes gently downward from north to south and it is therefore proposed to level the site. The overall height of the development above the newly established ground level would be approximately 6.4m in height.

The building would be finished in painted render with natural wood cladding sections to the walls and natural slate to the roof. All windows and doors would be finished in dark grey double glazed powder coated aluminium.

A reconfiguration of the existing rear parking area is proposed to accommodate the proposed development, which would retain the 15 existing parking spaces in association with the existing residential occupation of the site. Two additional car parking spaces are proposed through the adjustment of the existing front courtyard space, along with additional cycle and motorcycle storage provision. Bin storage would also be provided inside the main access.

Site Description

The application site concerns land to the rear of Brooklands; a large detached 3-storey residential building which is situated off The Parks within Minehead. The property has recently been granted permission to convert the main house/former detached garage into 13 individual residential units (flats). The proposed new mews houses would be situated toward the rear of the site and adjacent to existing hard parking/turning surfaces associated with the recently approved 13 residential units (approx. 15 car parking spaces).

Brooklands is comprised of mainly red brick walls with a small white render banding under its eaves, and red/brown clay roof tiles. Windows and doors are comprised generally of painted timber, finished in white, with black cills and detailing. The boundaries to the site comprise a mixture of brick, stone and rendered walling forming solid boundaries to the west, east and north. To the south the site is bounded by mature planting and trees. There is hard-surfacing to the front of the property, served by one gated vehicular access onto The Parks and a separate pedestrian access gate.

Other private residential development surrounds the site, with private dwellings situated to the immediate south and east. A McCarthy & Stone residential re-development (Beechfield Court) is situated to the west.

The site itself is situated just outside the Wellington Square Conservation Area.

The application identifies the site as falling with Flood Zone 1. However, whilst the recently converted house falls within this zone, the application site itself lies within Flood Zones 2 & 3.

Relevant Planning History

3/21/15/006 – Change of use from house with one flat to 13 private residential flats. Permission granted 28th June 2016.

Consultation Responses

Minehead Town Council - Recommend approval. The Committee can see no planning reason to object to this application.

Highways Development Control - Comments as follows:

The application is to construct 6 Mews dwellings at Brooklands in Minehead. The Highway Authority are aware that the existing dwellings have been constructed with the condition of 15 parking spaces made available, which is in line with the Somerset Parking Strategy (SPS). The LPA have clarified that this application will not be providing any additional parking spaces for this application. The extra six dwellings would normally mean that an extra 12 parking spaces would need to be provided for the parking to be adhering to the SPS. From onsite observations, it was clear that there is already substantial on street parking and it is the opinion of the Highway Authority that the proposal will likely increase the amount of on street parking, thus having a detrimental impact on the highway.

Taking the above into account, if the parking level is not addressed by the applicant then the Highway Authority would have no alternative other than to recommend refusal of the application as it would be contrary to section 4 of the National Planning Policy Framework (NPPF).

Housing Enabling Officer - No comments in relation to this application.

The proposals are below the threshold which would trigger affordable housing provision.

Somerset Heritage Centre - Comments as follows:

As far as the Heritage Centre is aware, there are limited or no archaeological implications to this proposal. There are therefore no objections on archaeological grounds.

Minehead Conservation Society - MCS objects to the proposal for the reasons outlined below:

1. MCS should like to correct a couple of erroneous statements in the Design & Access Statement. a) The property does not adjoin the A39. The Parks is an unclassified road. The A39 runs along the Hopcott/Periton Road and has done so for more than a decade. b) Whilst Brooklands is within the permitted development limits of Minehead it is not in the town centre, it is situated in a residential road leading out of the town and opposite part of a designated Conservation Area.
2. The same document makes many references to Beechfield, the McCarthy & Stone development. The site for Beechfield is far larger than that at Brooklands. The proportion of the land covered by car-parking and building is less than at Brooklands where it is proposed to cover all the land with concrete. This will exacerbate the potential for flooding and put pressure on the drainage system.
3. All the houses in The Parks have gardens including Beechfield but at Brooklands no allowance has been made for any green space at all. This would totally change the character and appearance of this residential road to its detriment. This is not an inner city site.
4. Any further building on the site will constitute over-development. It is stated that additions were approved prior to conversion of the house. These additions which housed a gymnasium, film studio etc have also been converted. It is not stated that the current owner had these additions built for his personal use when Brooklands was his family home. They were approved on that basis. When Beechfield was built they were already in situ.
5. The proposed Mews development will unacceptably extend the southerly building line to which all other properties on that side of the road adhere. This would set an undesirable precedent.
6. Views from some of the apartments and balconies within the Beechfield complex will be severely restricted by these proposed dwellings.
7. It is hard to understand the choice of materials for the proposed houses. They bear no relationship to the vernacular of West Somerset; they do not sit comfortably with the main house nor any of the houses within the nearby Conservation Area or indeed neighbouring Beechfield. Wood quickly becomes tatty looking without regular maintenance, especially in rented properties.

Tree Officer - Comments as follows:

The application for new dwellings (3/21/16/086) would have an impact on off-site trees. The 6 mews dwellings are very close to the western boundary. There is a very good mature beech tree in the south-east corner of the neighbouring Beechfield Court, the roots of which are likely to be adversely affected by the proposed dwellings.

The presence of roots from off-site trees should be taken into consideration by the developer. Under BS5837, a tree survey is necessary to establish the quality and Root Protection Areas of any off-site trees so that a Tree Constraints Plan can be drawn up. Any proposed development should take this plan into consideration.

It is intended that a Tree Preservation Order is served to ensure that this beech tree is protected and respected by the developer.

Representations Received

A site notice was erected 18th September 2016 and neighbours notified 26th August 2016. A total of 18 objections have been received, their comments summarised as follows:

Overdevelopment/visual amenity

- Would set precedent to extend beyond existing southerly building line.
- Overdevelopment of site, which is already at high density given the recent conversion of the single dwelling to 13 homes.
- Overdevelopment and over-intensification of site inconsistent with local urban grain and density of development. An increase of 46% is excessive given size of plot.
- There would be 20 units on a site that is half the size of the Beechfield Court.
- Lack of sufficient parking space and recreational/amenity land.
- Development not in-keeping with the character or scale of other houses along The Parks.
- Development would exceed the existing established roof ridge level and infill the entire site boundary, contrary to policies on good design.
- Development does not respect adjoining Conservation Area.

Residential amenity

- Loss of view from neighbouring balcony, with its height and length leaving an aspect of only a wall and roof.
- Development would reduce amenity value of existing occupiers due to lack of

recreational space.

- Would harm the amenity value of Beechfield Court, where the boundary wall is, in effect, being raised over 6m in height.
- Development would overshadow amenity areas of Beechfield Court.
- Velux windows on upper floor give rise to privacy issues and should be obscurely glazed.
- Development would overlook Beechfield Court.
- Increased residential density of site gives rise to increased noise levels.
- Insufficient natural light to proposed bedrooms, which will add to increased pressure to allow additional window openings in the future, exacerbating privacy concerns. Ground floor set below ground level causing further light issues.
- Internal layout of housing poor and unit areas are below minimum national housing standards.

Highways

- Insufficient parking to serve development. Previous conversion of Brooklands required 15 parking spaces and no additional provision is proposed.
- Existing 15 car parking spaces already well utilised.
- As the proposed development consists of six 2-bed dwellings, an additional 12 parking spaces may be required.
- Increased parking pressures on road with consequential traffic problems. Issues in relation to this have arisen since the conversion of Brooklands into 13 houses.
- A Travel Plan can be encouraged by tenant/landlord but are less effective for owner occupied properties.
- Traffic congestion on road would give rise to highway safety issues/dangers.
- Proposes two spaces for visitors but this space already exists and is not marked as such.
- Public transport within the area is poor, meaning more people rely on cars.
- Increased parking pressures for the guests of The Parks Guest House, which is situated opposite the site.
- Should a residents parking scheme be applied to the road?
- Inadequate access to site, which has poor view when exiting.
- Local Highways Authority have recommended the application be refused.

Drainage/flooding

- Further built development increases flood risk within area, particularly given proximity to watercourse.
- Site lies partially within or immediately adjacent to Flood Zones 2 & 3.
- Building will obstruct surface water run-off and car park reduces the permeability of the site.
- Has the Environment Agency been notified of the application?
- No flood risk assessment has been submitted. *[Case Officer Note: A FRA has been submitted to accompany the application].*
- The Parks has been prone to sewerage problems which would only be increased. Existing facilities are inadequate.
- Development to be built over on land that acts as a natural soak-away.

Trees

- Development would have detrimental impact upon Copper Beech tree on the Beechfield Court side of the boundary.
- A tree survey should be required.

Other

- Development so close to the boundary wall would make access for building maintenance/decoration difficult.
- Application should be determined by committee.
- Details and photographs submitted to accompany application do not truly demonstrate impact.
- Construction Management Plan should be implemented should the application be approved to help reduce impact by way of disturbance to adjoining neighbours.
- The provision of outside space is important to people's health and wellbeing. The entire outside area would be taken up by car-park.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration. It should be noted that the emerging local plan is due to be considered by Full Council for adoption on 23rd November. Should members resolve to adopt the new local plan, this will form part of the development plan.

West Somerset Local Plan

SP/1	Settlement Hierarchy
SP/2	Development in Minehead and Rural Centres
TW/1	Trees and Woodland Protection
W/1	Waste Water, Sewage Management and, Infrastructure
W/5	Surface Water Run-Off
W/6	Flood Plains
BD/1	Local Distinctiveness
BD/2	Design of New Development
T/8	Residential Car Parking

Emerging West Somerset Local Plan

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC3	Appropriate mix of housing types and tenures
MD1	Minehead Development
TR2	Reducing reliance on the private car
CC2	Flood Risk Management

Determining issues and considerations

The main issues in the consideration of this application are the principle of development, impact upon visual amenity/design, impact upon residential amenity, impact upon highways/parking, impact upon trees and impact upon flood risk/drainage.

Principle of development

Policy SP/1 of the Local Plan and Policy SC1 of the emerging Local Plan identifies Minehead as a town, where new development should be concentrated. The application site is situated within the development limits of Minehead, relatively close to the town centre and on the edge of, but outside, the designated Wellington Square Conservation Area. In this respect, the development of new housing within this location is considered to be acceptable subject to the development according with its size and function, individual characteristics and constraints of the site. These issues will be assessed in further detail below.

Visual amenity/design

The application site concerns part of the rear garden/parking area of Brooklands; a large detached residential development situated off The Parks, which has been previously subdivided into 13 individual residential units (application ref. 3/21/15/006).

The Parks itself is characterised by a mix of reasonably large, detached, two-storey residential properties on the southern side of the road, all of which have large rear gardens that extend some 30-40m from the existing rear building line to the southern boundaries of the residential plots. The proposed development would provide 6 additional dwellings within the site, with a footprint that would extend almost the entire length of the remaining curtilage space. Such a proposal is considered to be an overdevelopment of the site, which would take up a very large proportion of the remaining amenity space associated with the site. This would leave very little amenity space for any future occupiers, as the vast majority of the site is laid as a car park in association with the existing flat development within Brooklands. It is therefore evident that the site itself is not large enough to accommodate the residential density proposed, as it would lead to a cramped and awkward arrangement.

Furthermore, it is considered that the development would not be commensurate with the deliberately planned form and layout of the residential properties situated on the southern side of The Parks. Whilst it is acknowledged that sightlines of the development would be restricted to neighbouring occupiers only, the development would not respect the established rear building line of residential development, causing harm to the character and appearance of the area. It is therefore recommended that permission be refused on these grounds.

Residential amenity

The application site is surrounded by other residential development, however, as the development would be situated adjacent to the western boundary of the site, any impact is most likely to effect the closest neighbouring occupiers at Beechfield Court.

As explained above, the development would extend the established built form across an area which stretches almost the entire length of the remaining southern curtilage of Brooklands, where the length of the development would stretch approximately 18m beyond the rear building line of Beechfield Court. Taking into account the proximity of the development to the site boundary, consideration therefore needs to be given to the potential overbearing and enclosing impact the development may have on the amenity of the neighbouring occupiers at Beechfield Court. The ground level slopes gently downwards from north to south, so the application site would be levelled in order to accommodate the development. From the elevation plans submitted, it is evident that the overall height of the development above the newly established ground level would be approximately 6.4m. However,

taking into account the sloping ground level at Beechfield Court, the development would appear approximately 7.5m in height above ground level toward the lower end of the site. The development would effectively create a new boundary wall over 7m in height, which is considered to be significantly overbearing and enclosing on the amenity of the neighbouring occupiers at Beechfield Court, to a degree which is considered to be unacceptable in planning terms.

Given the proposed height of the development, the proximity to the boundary, and the southerly orientation of the gardens, it is highly likely the development would also give rise to issues in relation to overshadowing and loss of light. In particular, it is considered that the ground floor, and to a lesser extent first floor windows, would see a reduction in the amount of natural sunlight received during the morning period. In addition, Beechfield Court and the outdoor space to the rear would be overshadowed throughout the entire morning period. Whilst it is appreciated the site is already overshadowed throughout parts of the day from existing trees, the development is considered to give rise to a greater degree of overshadowing than existing.

Rooflights are proposed to the rear 1st floor bedrooms adjacent to the Beechfield Court boundary. It is not clear from the submitted plans where the finished first floor level would be, making impact by way of overlooking/loss of privacy difficult to assess. As such, there is no guarantee that the development would not give rise to these issues. Whilst privacy can usually be maintained through the use of obscured glazing, this is not considered to be appropriate in this instance. This is because the rear rooflights would be the only source of natural daylight into the proposed rear bedrooms. If they were to be obscurely glazed, the bedrooms would not benefit from any form of outlook, which is considered to constitute a poor living environment for the amenity of any future occupiers.

Given the overall size and scale of development proposed, which would accommodate the remaining amenity area of Brooklands, it is evident that there is insufficient space available within the site to provide any associated outdoor curtilage space to accompany the proposed dwellings. This cramped and awkward arrangement is considered to further harm the amenity of any future occupiers of the site.

For the reasons outlined above, it is evident that the development would give rise to significant residential amenity issues to both existing and future occupiers of the area. In particular, the development is considered to cause harm by way of overbearance, loss of light and loss of privacy. It is therefore recommended that permission be refused on these grounds.

Highways/parking

The site is accessible via an existing vehicular access off The Parks and the proposed dwellings would continue to utilise this access point. Whilst the development is likely to lead to an increase in vehicle movements, the Local

Highways Authority have not raised any issues in relation to the access.

The site currently provides a total of 15 car parking spaces to serve the existing residential occupation of the site (13 flats). Six of the spaces are situated within the application site itself but it is proposed to re-configure the existing car park to retain the parking provision for the flats. There is no space toward the rear of the site to accommodate further parking provision but it is proposed to provide two new car parking spaces to the front, along with additional cycle and motorcycle parking provision.

The Local Highways Authority have commented on the proposed parking arrangements for the site. In accordance with the Somerset Parking Strategy (SPS), Highways have confirmed that a development of this scale (six 2-bed houses) would usually be required to provide 12 car parking spaces to serve the development. Whilst an additional two spaces are proposed to the front of Brooklands, there is still a significant shortfall in parking provision and there is considered to be insufficient space available to provide the necessary 10 additional spaces within the site. As such, it is likely the development would lead to a significant increase in on-street parking, which would have a detrimental impact upon the public highway and give rise to additional traffic and highway safety concerns. On this basis, Highways have recommended that the application be refused.

Consideration has been given to the sites proximity to the town centre. Whilst the development is considered to be within walking distance of town, a development of this nature is still likely to result in additional car parking demand of 1 to 2 cars per dwelling; the parking requirements of the Brooklands flat development being tantamount to this. Although a reduction in the necessary parking provision may be permissible, a reduction to the extent demonstrated within the application is considered to be too great.

It is noted that a Travel Plan has been submitted to accompany the application. However, a Travel Plan is likely to be less effective for a development of this nature for private housing. Whilst the LPA would certainly encourage alternative means of transport over the private motor vehicle, it is recognised that a development of this nature would result in additional on-street parking.

Given the lack of space available within the site to provide the necessary car parking provision, it is recommended that the application be refused. Without sufficient car parking space, the development would increase on-street parking within the area, which would give rise to increased traffic congestion and cause harm to highway safety.

Trees

The development would be situated within close proximity of a number of trees situated to the south-western corner of the site; an existing mature Beech tree situated within the curtilage of Beechfield Court being the most significant where it is intended to serve a Tree Preservation Order (TPO). These existing trees contribute

significantly towards the character and appearance of the area and the Council's Tree Officer has noted that the development is likely to have an adverse impact upon the roots of the trees, which need to be taken into consideration in coming to a decision.

In order to ensure the protection of trees, the Tree Officer has confirmed that the application should be accompanied by a tree survey to establish the quality of the Root Protection Areas. No such details have been provided and it is therefore not possible to ascertain whether the proposal would have a significant impact upon the trees within the area. On this basis, it is therefore recommended that the application be refused on these grounds.

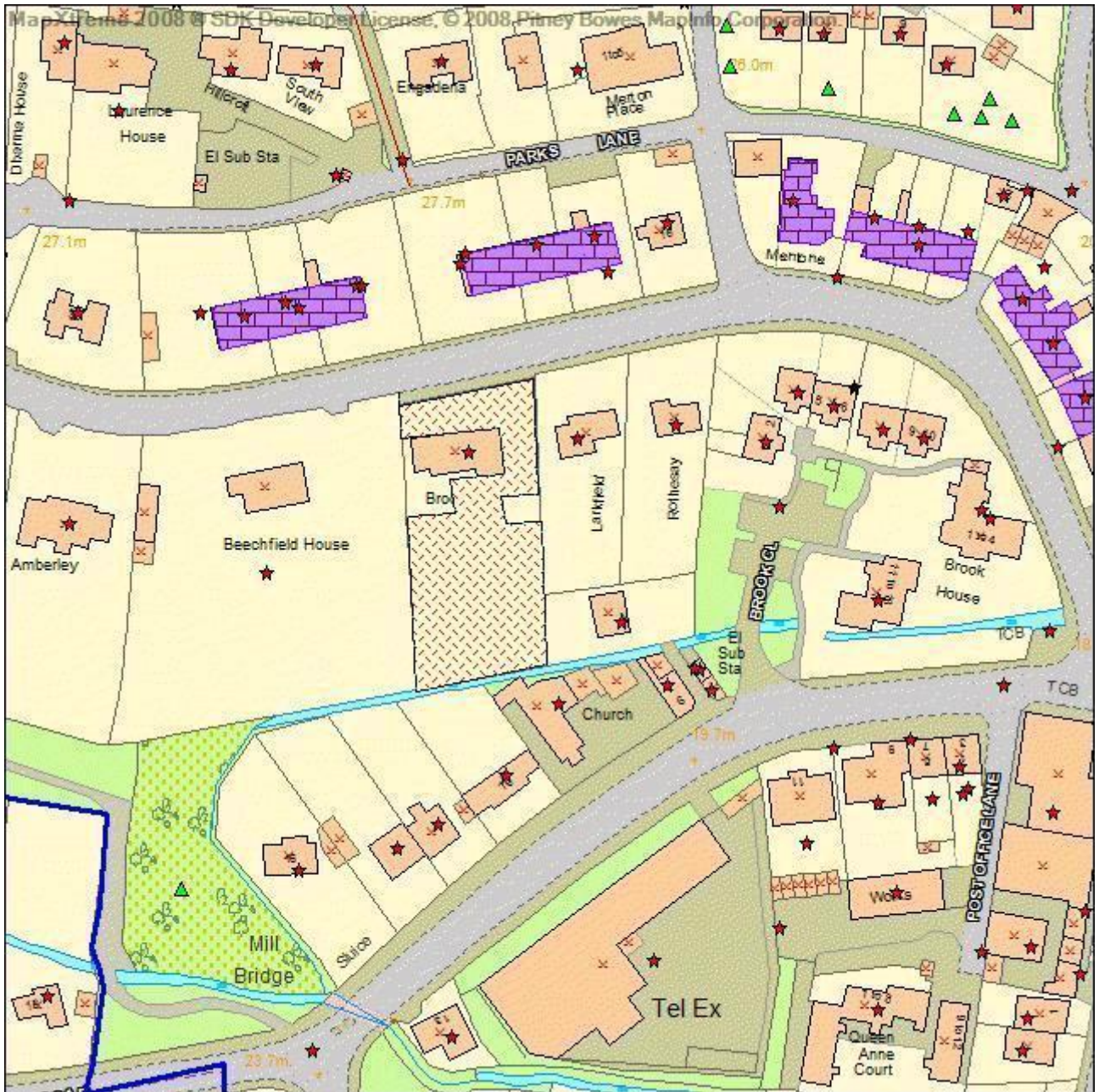
Flood risk/drainage

A Flood Risk Assessment has been submitted to accompany the application, which identifies the area as Flood Zone 1. However, having inspected the Environment Agency Flood Mapping, it is apparent that the application site itself is situated within Flood Zones 2 & 3. Whilst the main Brooklands house is situated within Flood Zone 1, the rear of the site, for which this application is proposed, lies within Flood Zones 2 & 3. The evidence submitted to accompany the application is therefore considered to be in conflict with the flood risk sequential test requirements of Flood Zones 2 & 3. By virtue of the areas designation, it is considered that the development would be at significant risk of flooding, and given that there are alternative sites available for housing within Minehead, outside identified flood risk areas, it is therefore recommended permission be refused on these grounds.

Conclusion

For the reasons outlined above, it is evident that there are a number of significant issues associated with the development proposal, which would be in direct conflict with the development plan. Whilst the development is situated within the settlement limits of Minehead, the individual characteristics and constraints associated with the site prevent a development of this nature in this location. In particular, it is considered that the development would constitute an overdevelopment of the site, leading to a cramped and awkward arrangement, which is inconsistent with the deliberately planned form, layout, character and appearance of the area. Furthermore, the development is considered to cause significant harm to the residential amenity of existing and future occupiers, in addition to insufficient car parking, unknown impact upon trees and increased flood risk. It is therefore recommended that permission be refused.

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



Application No 3/21/16/086
 Erection of 6 Mews Dwellings
 Brooklands, The Parks,
 Minehead
 18/08/2016



Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA

West Somerset Council
 Licence Number: 100023932

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Application No:	3/21/16/098
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Darren Addicott
Grid Ref	Easting: 296654 Northing: 145852
Applicant	Mr & Mrs Dodd
Proposal	Erection of 1 No. dwelling and associated works in the garden to the rear
Location	78 Bampton Street, Minehead, TA24 5TU
Reason for referral to Committee	The views of the Town Council are contrary to the recommendation

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 The proposal constitutes an overdevelopment of a restricted site, and would lead to cramped conditions amounting to town cramming, which by virtue of its prominent position would unduly affect the open and spacious character of the area and the street scene in general. The site would be positioned unacceptably close to neighbouring properties and would have an inadequate level of private amenity space itself, all of which would adversely impact upon the neighbouring properties because it would be both oppressive and overbearing, leading to an unacceptable loss of privacy and amenity. The proposal is, therefore, contrary to saved policies BD/1 and BD/2 of the West Somerset Local Plan and policy NH13 of the emerging publication draft of the West Somerset Plan to 2032, as well as guidance given within the National Planning Policy Framework (NPPF) in paragraphs 11 and 17, as well as sections 7, 9 and 10. All of these factors mean that the proposal would set an undesirable precedent for other similar proposals within the curtilages of other dwellings within this area, which would ultimately lead to the total loss of character and appearance of the area.

- 2 Given the location of the site, within Flood Risk Zone 3, the Council has an 'in principle' objection to the proposed development as this would run counter to the provisions of saved Local Plan policy W/6 and emerging Local Plan Policy CC2 'Flood Management'; and, the advice contained in Section 10 'Meeting the challenge of climate change, flooding and coastal change' in the NPPF. The NPPF requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding and where development is necessary, it should be made safe without

increasing flood risk elsewhere. It is considered that these requirements are not met. Furthermore, the application has been submitted without a Sequential Test. The proposal is therefore unacceptable because the applicant has failed to demonstrate that the requirements to mitigate flood risk have been met.

- 3 There is inadequate provision for off-road parking and manoeuvring space within the site, and if allowed would give rise to additional on-street parking and traffic movements along a narrow service road to the detriment of highway safety and increased congestion within the surrounding streets. The proposal would be contrary to Local Plan Policy T/8 and the Somerset County Council Parking Strategy.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority.

During the consideration of the application certain elements of the proposal were deemed to be unacceptable / issues/concerns were raised by a statutory consultee / neighbour in respect of the development. The local planning authority contacted the applicant to inform them of the concerns at an early stage.

Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority. Certain aspects of the proposal was considered to be unacceptable and the applicant was informed of these issues.

The Local Planning Authority suggested that the applicant make amendments to the scheme to seek to address the issues/concerns raised.

The applicant did not submit any amendments to the scheme and requested that the application be determined as submitted.

Although the applicant submitted some amendments to the scheme these amendments did not fully address the concerns. The applicant was informed about the outstanding issues. The applicant did not submit any further amendments to the scheme and requested that the application be determined as submitted.

The applicant confirmed that they would be unable to submit amendments in a timely manner. It was suggested that the most appropriate course of action would be for the application to be withdrawn so that changes could be made and pre-application discussions/ correspondence could take place. The applicant choose not to withdraw the application and the applicant was

informed that the application would be recommended for refusal.

The application was considered not to represent sustainable development and the development would not improve the economic, social or environmental conditions of the area.

In the determination of this application the local planning authority complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

For the reasons given above and expanded upon in the planning officer's report, the application was deemed to be unacceptable and planning permission was refused.

Proposal

Erection of a detached two storey, 2 bed dwelling with associated vehicle parking and garden. The proposed dwelling would measure approximately, 6.6m wide x 8.6m deep and have an eaves height of 5m and have an overall ridge height of 8.3m. The new dwelling is to be set back from the boundary of West Street, behind an existing stone wall.

The dwelling is proposed to be finished in stone and render with a slate roof and timber windows. Solar panels are proposed on the Roof facing West Street.

A parking space is proposed to the side of the dwelling (rear of 78 Bampton Street), accessed off an existing small service road.

Site Description

The site lies within the Settlement Limits for Minehead, and is located in a residential area.

The proposal site is part of the rear garden serving the existing 2-storey, end of terraced dwelling at 78 Bampton Street, Minehead. No.78 occupies a corner plot on Bampton Street and West Street. There is currently no vehicular access/off road parking. The site is bound by a stone wall.

Relevant Planning History

None

Consultation Responses

Minehead Town Council - The Committee can see no planning reason to object to this application.

NB (1) We note that this will prevent any future development of a car parking area for the existing house owner. There are problems with the limited street parking

Wessex Water Authority -

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
Protection of Existing Assets

A public surface water sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing water mains/public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact our Sewer Protection Team to discuss further 01225 526333.

Highways Development Control - See Standing Advice

Environment Agency -

The Environment Agency OBJECTS to the proposed development, as submitted, on the following grounds:

The applicant has identified that the site is located within Flood Zone 2. It is in fact located within Flood Zone 3. This is defined by the National Planning Policy Framework (NPPF) as having a high probability of flooding. According to the NPPF, residential development in this zone is deemed appropriate, but would still be subject to the application of the Exception and Sequential Tests. We recommend the applicant contact the LPA to discuss details of the Sequential Test.

The Flood Risk Assessment (FRA) relates to the site being within Flood Zone 2 and

should be updated to take into account the Flood Zone 3 location.

In order for us to consider lifting our objection the FRA needs to include the following:

- 1- Detailed plan drawing of the buildings.
- 2- Topographic survey of the existing ground.
- 3- The finish floor level of the buildings, should be at least 300mm above surrounding ground, depending on the likely depths of flooding at the site.
- 4- Flood resilient methods used to protect the building.

We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Representations Received

SEVEN LETTERS OF OBJECTION: -

- Close proximity to neighbouring properties.
- Overlooking and loss of privacy.
- Loss of light.
- Not in keeping with age and style of properties in historic street.
- Detached building is out of character; does not respect street pattern, scale or proportions of surrounding buildings.
- Cramped; out of proportion with disproportionate outdoor space; overdevelopment.
- Parking insufficient, most homes have two or more cars; West Street and Bampton Street already suffer from congestion.
- Narrow alley way will make it difficult to park a car and unlikely to be used
- Loss of green space.
- Noise and disruption.
- Against Local and National Policy .
- No improvement to economic, social, natural environment as stated in policy SD1 of Local Plan.
- Precedent.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration. It should be noted that the

emerging local plan is due to be considered by Full Council for adoption on 23rd November. Should members resolve to adopt the new local plan, this will form part of the development plan.

West Somerset Local Plan

SP/2	Development in Minehead and Rural Centres
BD/1	Local Distinctiveness
BD/2	Design of New Development
T/3	Transport Requirements of New Development
T/8	Residential Car Parking
W/1	Waste Water, Sewage Management and, Infrastructure
W/2	Surface Water Protection
W/5	Surface Water Run-Off
W/6	Flood Plains

Emerging West Somerset Local Plan

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
CC2	Flood Risk Management
CC6	Water Management

Determining issues and considerations

Principle

The site is within the defined settlement limits of Minehead and in part of an existing back garden of no. 78 Bampton Street. The development of a single detached house is acceptable in planning policy terms, the relevant considerations being saved local plan policy SP/2 of the West Somerset District Local Plan (2006); and, Policies SD/1 Presumption in favour of sustainable development; and, SC1 Hierarchy of Settlements contained in the submission version of the emerging West Somerset Local Plan to 2032.

However, the application has to be considered alongside other relevant local planning policies related to specific issues such as, siting of any buildings, visual impact, impact on neighbours' amenities, access, and flood risk. These are all problematical and are likely to preclude development of this site for residential purposes.

As well as the relevant local policies, guidance given within the National Planning Policy Framework (NPPF) is also a material consideration. Paragraph 11 of the NPPF advises that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise". One of the core principles of the NPPF is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" (paragraph 17). Chapter 9 (pursuing sustainable

development) states that development should seek positive improvements in the quality of the built, natural and historic environment as well as people's life. Section 7 requires 'good design' and advises in paragraph 64 that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". Section 10 'Meeting the challenge of climate change, flooding and coastal change' is also relevant in this case and is discussed below. It is contended that this application fails to meet the criteria of these relevant parts of the NPPF.

Impacts on character and appearance of the area

No 78 Bampton Street is sited on the corner of West Street and has a distinctive long rear garden running along the side of West Street. Building within the garden would reduce the size of available garden to this property, making a smaller uncharacteristic plot for the size of property. Furthermore, this would also be the case for the proposed new dwelling that would sit in a smaller plot than the long linear plots characteristic of the area.

The area is also predominately comprising terraced properties, not single detached properties as proposed. As such, the design of the two storey dwelling does not reflect the existing surrounding properties.

Furthermore, the width of the proposed dwelling is greater than the terraced properties within West Street and the dwelling has been designed with a canopy over the full width of the dwelling, making the dwelling sit forward of the building line of the adjoining terraced properties.

Policies BD/1 and BD/2 from the West Somerset Local Plan, and Policy NH13 of the Emerging Local Plan looks for a high standard of design which is required to be in keeping with its surroundings in terms of the relationship with adjoining buildings and open spaces, design, scale, use of materials, boundary treatments and landscaping.

Paragraph 64 of the NPPF advises that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". The Council is not convinced that the proposed dwelling could be accommodated on site without causing unacceptable harm to the character and visual quality of the site and its surroundings. The siting and mass of the new dwelling into a constrained rear garden would lead to cramped development. As such, the proposal would fail to accord with the advice contained in the NPPF as well as the above mentioned Local Plan policy.

Impact on residential amenity

One of the core principles of the NPPF is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" (paragraph 17).

The proposed dwelling adjoins properties on three sides; 76 Bampton Street to the north, 78 Bampton Street to the east, and 2 West Street to the west. As the proposed dwelling is sited to the south of No 76 there will be some overshadowing during the day, though as this is to the rear of the garden, where there is an existing outbuilding, this is unlikely to be detrimental to the amenity of No 76. There may be some overshadowing to the side of 2 West Street, though this would mainly be onto the side of the building, and given the time of day this would occur, and the distance between the two properties, this in itself, is not considered to be a reason for refusal. The proposed dwelling would however, be within close proximity to the garden of 78 Bampton Street where there would be an unacceptable level of shadowing during part of the day.

A new two storey dwelling would be overbearing on 2 West Street and 78 Bampton Street, resulting in a dominate feature that would cause a loss of outlook.

Furthermore, the first floor window within the side elevation of the dwelling would cause loss of privacy to 2 West Street that also has a first floor window. The windows within 78 Bampton Street would also look onto the amenity area for the proposed new dwelling.

In respect of the amenities of occupants of adjoining properties, the proposed dwelling fails to comply with Emerging Policy NH13 which require that the siting of new buildings has regard to the relationship with adjoining buildings and open spaces; and, to the above mentioned core principle of the NPPF to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" (paragraph 17).

Furthermore, it is considered that the area of amenity land left to serve the host dwelling at No. 78, would be too small in proportion to its size and the level of accommodation it provides.

Overall, in respect on the impact of the development on the amenities enjoyed by adjoining residential occupiers and future occupants off the new dwelling, the proposed development is unacceptable and contrary to local planning policy BD/2 and NH13 of the emerging West Somerset Local Plan to 2032 and relevant sections of the NPPF.

Highway safety and parking

Standing Advice comments are returned from the Highway Authority in respect of car parking. The requirements of the Local Highway Authority in respect of development are outlined in the Somerset County Council Parking Strategy (2013); and, Somerset County Council Highways Development Control Standing Advice (2013). In general terms, paragraph 32 of the NPPF makes it clear that decisions should take into account whether a safe and suitable access to the site can be achieved.

One parking space is proposed to the rear of 78 Bampton Street, accessed via an existing narrow access. The parking area shows no turning space available within

the site, and given the limited width of the access road, no vehicles would be able to turn and leave onto West Street in a forward gear. As access onto West Street is between a public footpath, reversing onto the street would be unacceptable and detrimental to users of the footpath. Whilst vehicles could leave and drive along the access road towards Dugdale Street, this does not overcome the limited and confined area proposed to park a vehicle.

The provision of one parking space is an under provision as set out in the Somerset Parking Strategy. Whilst an under provision can sometimes be accepted, given location of a dwelling to services and facilities, in this case the surrounding area is already under pressure from off road parking, and given the awkward arrangement for the proposed parking space, it is unlikely that this space would be utilized. As such, there would be an increased pressure for further parking onto surrounding streets that are already congested.

Flood Risk and Drainage

The submitted Flood Risk Assessment (FRA) has been completed on the basis of the proposed dwelling being sited within Flood Zone 2, when the dwelling is actually sited within Flood Zone 3. As such, the FRA lacks the information required by the Environment Agency to determine the level of risk the dwelling would have to its occupiers or surrounding area. Furthermore, the application has not been submitted with a Sequential Test to determine whether there are more suitable sites for development in a lesser Flood Zone.

Local Plan Policy W/6 and emerging policy CC2 'Flood Management'; and, the advice contained in Section 10 'Meeting the challenge of climate change, flooding and coastal change' in the NPPF apply. The NPPF requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding and where development is necessary, it should be made safe without increasing flood risk elsewhere. This necessitates the provision of a detailed and accurate 'sequential testing'. These requirements are not met by the proposal.

Conclusion

The site lies within the settlement limits for Minehead, and purely in locational terms the principle of development would be acceptable to the District Council. However, the issues highlighted above in respect of siting, scale, design, visual amenity, neighbours' amenity, access, and flood risk are relevant. Given all of the above points it is considered that the proposed scale and siting of this development as proposed cannot be undertaken in a satisfactory manner without leading to significant harm to the visual character and appearance of the area, highway safety issues, and to the impacts on both existing and future residential amenity in terms of loss of light and privacy, and overbearing impact due to the position of the new house. It is therefore recommended that planning permission for this development is refused for the reasons given.

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



Application No 3/21/16/098
 Erection of 1No. dwelling and
 associated works in the garden
 to the rear 78 Bampton Street,
 Minehead, TA24 5TU
 29/09/2016



Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932

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Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/04/16/007	Ashleigh House, Brushford, Dulverton, TA22 9AP	Change of use of builders storage building to domestic garage/store	25 October 2016	Grant	DA
Ref No. 3/04/16/008	Application 20 Nicholas Close, Brushford, Dulverton, TA22 9AN	Proposal Erection of two storey rear extension and porch canopy to the side elevation	Date 18 November 2016	Decision Grant	Officer SW
Ref No. 3/17/16/004	Application Brendon Edge, Tanners Hill, Huish Champflower, Taunton, TA4 2EY	Proposal Replacement of an area of flat roofing to the north elevation with an apexed roof structure	Date 18 November 2016	Decision Grant	Officer SW
Ref No. 3/21/16/084	Application Little Thatch, 15 Vicarage Road, Minehead, TA24 5RP	Proposal Erection of two storey extension to rear (retention of works already undertaken)	Date 31 October 2016	Decision Grant	Officer EP

Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/16/085	Little Thatch, 15 Vicarage Road, Minehead, TA24 5RP	Erection of two storey extension to rear (retention of works already undertaken)	31 October 2016	Grant	EP
Ref No. 3/21/16/093	Application 50 Summerland Avenue, Minehead, TA24 5BN	Proposal Erection of single storey rear extension	Date 17 November 2016	Decision Grant	Officer SW
Ref No. 3/21/16/094	Application 29 Lower Park, Minehead, TA24 8AY	Proposal Erection of a two storey extension to the south east elevation and a single storey extension to the south west elevation	Date 02 November 2016	Decision Grant	Officer SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/16/097	117-121 Periton Lane, Minehead, Somerset, TA24 8AQ	Variation of condition 6 (regarding footpath and occupation of dwellings) of application 3/21/13/100	17 November 2016	Grant	SK
Ref No. 3/26/16/023	Application The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JF	Proposal Erection of rear and side extensions	Date 10 November 2016	Decision Refuse	Officer SW
Ref No. 3/26/16/024	Application The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JF	Proposal Erection of rear extension	Date 10 November 2016	Decision Refuse	Officer SW
Ref No. 3/28/16/006	Application Goodshelter, Brett Close, Sampford Brett, Taunton, TA4 4JZ	Proposal Erection of two-storey extension with garage on the ground floor plus porch to the front (west) elevation, new garden room with balcony at first floor level on the rear (south) elevation and a balcony/terraced area to the north elevation	Date 27 October 2016	Decision Grant	Officer SW
Ref No. 3/37/16/025	Application 5 Swain Street, Watchet, TA23 0AB	Proposal Conversion and extension to outbuildings to form 1 No. dwelling with alterations to stone boundary wall for vehicle access and parking	Date 15 November 2016	Decision Grant	Officer EP

Ref No.	Application	Proposal	Date	Decision	Officer
3/37/16/026	5 Swain Street, Watchet, TA23 0AB	Conversion and extension to outbuildings to form 1 No. dwelling with alterations to stone boundary wall for vehicle access and parking	16 Novem ber 2016	Grant	EP
3/39/16/014	Land at Larviscombe Road, Williton	Variation of Condition No 02 (approved plans) of application 3/39/16/007	09 Novem ber 2016	Grant	DA
C/21/16/016	Blue Seas, Church Street, Minehead, TA24 5JU	Approval of details reserved by condition 4 (relating to the horizontal timber cladding for the garage) in relation to planning permission 3/21/16/053	27 Octobe r 2016	Grant	SW
C/21/16/018	17 The Cross, Minehead, TA24 5JW	Approval of details reserved by condition 3 (relating to details of the floor covering) in relation to Listed Building Consent 3/21/16/047	10 Novem ber 2016	Grant	EP
C/31/16/002	Kingswood Farm, Nevys Lane to Yard Ash Lane, Stogumber, Taunton, TA4 3TP	Approval of details reserved by condition 6 (relating to the details of the brackets for the slate canopy) in relation to Listed Building Consent 3/31/16/011	03 Novem ber 2016	Grant	EP
C/32/16/005	Hinkley Point C, Hinkley Point Road, Stogursey, Bridgwater, TA5	Approval of details reserved by condition 4 (relating to a mitigation strategy for	10 Novem ber 2016	Grant	TW

1UF
 overwintering SPA bird
 species) in relation to
 planning permission
 3/32/14/016

Ref No.	Application	Proposal	Date	Decision	Officer
PRE/07/16/00 2	Land adjacent to Higil Lea, Crowcombe, TA4 4BF	Change of use of agricultural land to provide a mobile cream tea catering facility and pop up cafe comprising vintage mobile catering vehicles, canvass yurt, removeable seating area, off-road parking and toilet facilities, plus mobile home for security/temporary living accommodation.	25 October 2016	Advice Given	SK

Ref No.	Application	Proposal	Date	Decision	Officer
Rmi/32/16/00 5	Hinkley Point C, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UF	Application to partial discharge planning requirement PW11 Waste Management Implementation Strategy in relation to Hinkley Point C (Nuclear Generation Company) Statutory Order 2013 made 18th March 2013	18 November 2016	Grant	TW

Ref No.	Application	Proposal	Date	Decision	Officer
RUD/21/16/001	56 Bampton Street, Minehead, TA24 5TU	Prior approval for proposed change of use from retail shop (Use Class A1) to dwelling house (Use Class C3) and associated building operations	16 November 2016	Prior approval required and given subject	SK

Ref No.	Application	Proposal	Date	Decision	Officer
T/21/16/011	6 The Cedars, Minehead, TA24 5PE	Application to carry out management works to one Holm Oak tree included in West Somerset District Tree Preservation Order T/3/63	17 November 2016	Grant	DG

Ref No.	Application	Proposal	Date	Decision	Officer
T/32/16/001	Ashforde House, Bayleys Lane, Stogursey, Bridgwater, TA5 1QE	Application to carry out management works to one ash tree included in West Somerset District Tree Preservation Order T/3/8	09 Novem ber 2016	Grant	DG