

PLANNING COMMITTEE

THURSDAY 4 DECEMBER 2014 at 4.00pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 30 October 2014 - **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: Seven

Date: 25 November 2014

<u>Ref No.</u>	<u>Application/Report</u>
3/21/14/088 Full Planning	Pemswell Lodge, Pemswell Road, Minehead New Dwelling in garden of Pemswell Lodge
3/26/14/024	Cleeve Abbey, Abbey Road, Washford Removal of temporary marquee structure and its replacement with a purpose built single storey timber framed pavilion
3/39/14/030	Williton War Memorial Recreation Ground, Williton The erection of a pavilion, demolition of part and re-ordering of the remaining existing changing facilities, MUGA, disabled and service vehicle/pedestrian access from Robert Street and associated arking facilities
3/39/14/031	The Former Croft House, North Croft, Williton Variation of Section 106

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

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

8. **Appeals Lodged**

Appellant	Proposal and Site	Appeal Type
Mr M Greenway	Land at Higher Vexford, Lydeard St Lawrence COU of Agricultural Building to Dwelling	Written Reps
Mr A Feltham (Enforcement Appeal)	Kiln Cottage, Kilve, Bridgwater Retention of brick walling and pillars around vehicular entrance	Written Reps
Mr & Mrs Nicholls	1 Cleeve Park, Chapel Cleeve Erection of Sunroom extension to the south- west elevation.	Householder

9. **Appeals Decided**

Appellant	Proposal and Site	Outcome
Mr D Hunt	1 Swain Street, Watchet Proposed Covered Storage area and Balcony	Allowed 29 Oct 2014
Williams Partnership	Land off Hopcott Road, Minehead Residential Development of up to 71 dwellings	Allowed 11 Nov 2014
Mr R Stephenson	9 Cleeve Park, Chapel Cleeve	Allowed 13 Nov 2014

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.

Application No:	3/21/14/088
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Chris Mitchell
Grid Ref	Easting: 296569 Northing: 146749
Applicant	Mrs Jillian Leonard
Proposal	New dwelling in garden of Pemswell Lodge
Location	Pemswell Lodge, Pemswell Road, Minehead, TA24 5RS
Reason for referral to Committee	Called in by the Chair and Vice Chair of the Planning Committee

Risk Assessment

Description	Likelihood	Impact	Overall
Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measurers have been actioned and after they have.

Site Location:

Pemswell Lodge, Pemswell Road, Minehead, TA24 5RS

Description of development:

New dwelling in garden of Pemswell Lodge

Consultations and Representations:

The Local Planning Authority has received the following representations:

Minehead Town Council

Recommend refusal reasons as follow: this development will have a detrimental effect on the surrounding conservation area. The development of this building with its footprint will make a visual impact on the adjoining area.

There will be a totally inappropriate conflict of traffic and pedestrians. There will be an impact on access, parking and road safety of pedestrians on this popular pathway.

Previous planning site history should be reviewed.

Known flood risk area. hence stepping stones to alleviate the sometimes rapid flow of water over Pemswell Stream which may well come under the jurisdiction of the environment

agency

Highways Development Control

standing advice applies

Minehead Conservation Society

It is only a few years since an application for alterations to the existing house plus a much larger dwelling in the garden was put forward for this site by Mr & Mrs Leonard. This was refused but substantial extensions to the existing property were approved. Now we are faced with a further application submitted by Mrs Leonard for a two storey dwelling of similar footprint to the original (un-extended) bungalow, in part of the garden.

It is claimed that this would have no greater impact than a garage & workshop. This is patently untrue. A house brings with it all the trappings of domestic living. Washing lines, sheds, balconies, garden furniture, new car access etc. etc.

Our main observations relate to:

1, Over-crowding, 2, Access, 3, Heritage.

1. Over-crowding

North Hill is a prominent and extremely attractive local landscape feature. Much of its attraction stems from the fact that it is NOT over-developed. In our opinion any new development on North Hill should be kept to an absolute minimum and only allowed where its impact would be negligible. In this case, we believe there would be a very obvious impact. The original house has been extended and so the surrounding land has been diminished. To now allow another dwelling on land abutting the CA would detract from the character and appearance of the CA and have a detrimental impact on neighbouring properties. In 2009 MCS objected to an application for two properties on this land one reason being overcrowding of the site.

A two storey house with a balcony will make a very definite statement and will inevitably cause loss of privacy for someone else by virtue of the fact that it is a two storey house with a balcony. It may start as a two bed roomed house but how soon will it be, before an application to extend it, or add additional buildings in the garden is submitted. Whilst this may not be a planning point in itself, it has to be taken into account when assessing the potential impact on a sensitive landscape.

2. Access

We object to the proposed access into Moor Road via the creation of a bridge over Pemswell stream. The lane is a footpath with feature stepping stones, especially enjoyed by children who can play in the stream & jump the stones in safety. Local people from all over Minehead have childhood memories of this area. To replace these with a bridge & open up the lane to cars/vans etc would constitute a loss of amenity. As we understand it a section of land will have to be purchased from a neighbouring property to enable the proposed driveway to be sufficiently wide to accommodate access. This would further erode the character & appearance of the area leading to a feeling of suburbanisation.

Residents of Moor Road are already concerned about parking and traffic movement issues. Moor Road is an enigma because its access roads are narrow whilst it opens up at the beginning and then becomes single lane as it heads upwards. It would be inappropriate to add additional traffic on to this road.

3. Heritage

Pemswell has a long history, having been a hamlet within Church Town, Pemswell Road was named after the area which was originally called "Pinswell". It is believed that there was a Holy Well or possibly a wishing well here into which crooked oons and other objects were dropped as offerings for luck. A thatched cottage which stood close by dating back to the C17th was demolished in 1910. This together with the remaining stepping stones, which are themselves an unusual historical feature, are evidence of a historical past. We consider that this area is likely to be rich in archaeological evidence and that a survey should be undertaken.

A modern additional dwelling in this tranquil area will create an unwelcome intrusion.

The heritage of a site contributes enormously to the attraction of Minehead today, both as a place to want to live and as a place to visit. The trend by some to want to pretend that these features have no significance in today's world are sadly misguided. They do irreparable harm to the charm and desirability of the landscape's setting and to heritage tourism.

For all the reasons given we urge you to reject this application.

SCC - Ecologist

As we discussed yesterday, I contacted Somerset Amphibian and Reptile Group to see if it had any records of Great Crested Newts in the Minehead area. The Group's chairman, John Dickson got back to me to say: "The furthest West records that we have come from Willett, just west of Lydeard St Lawrence and another further south at Kittisford." He doubts that there are any GCN much further west than this and suggests that, unless they have been introduced, there are unlikely to be GCN in Minehead.

This agrees with SERC data that we have and, therefore, I would recommend against requiring that the applicants conduct a survey for Great Crested Newts. From the photos of the fairly formal garden at Pemswell Lodge that you showed me, I would judge that the likelihood is relatively low that Slow-worms or other protected species would be present. However, given that it cannot be ruled out that amphibians and reptiles which are accorded a lesser degree of legal protection than GCNs might be present in the garden of Pemswell Lodge, I would recommend a pre-commencement condition requiring submission of a method statement stating how the development would proceed without posing a risk of injury to species such as Slow-worms. The development would entail the loss of the garden pond due to the construction of a turning circle and hard standing for cars and, ideally, I would like to see a condition imposed requiring some sort of like for like replacement elsewhere in the existing garden.

SCC - Archaeology

I have also been phoned by an objector to this app. I have looked into the well site and it is listed on our HER as "Pems Well" printed on a 1929 OS map. There has also been a prehistoric flint scraper (probably Bronze Age) found in the garden of the Lodge (and I believe it was the applicant who informed us of the find).

Based on the current information the well is a heritage asset of local importance and is therefore not a designated asset as describe by the NPPF (e.g. a scheduled monument). The flint find is interesting but it may not have any connection to the well although prehistoric activity around springs is well attested so the well may have originally been a spring.

I do not think that the well is significant enough to be scheduled as that would require it to be of national significance as defined by the DCMS selection criteria, and as there are no observable (as far as I am aware) remains its setting is limited to its evidential value.

Therefore, I believe that there is a possibility that there is an asset on the site that may be impacted by this development. At present I do not believe that its actual location I know and so I cannot state that the development will impact in it. However, as it does not appear to be of high significance the NPPF is clear that a condition should be attached to ensure proper recording of the asset if it is impacted. This condition mean that the applicant will have to have the development monitored by an archaeologist who will record any archaeology encountered. If remains of higher than expected quality (therefore significance) are encountered then a preservation in-situ scheme could be applied.

For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and 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."

Public Consultation

The Local Planning Authority has received 13 letters of objection/support making the following comments (summarised):

- The proposal has an unsuitable and dangerous access;
- Pemswell Lane is quiet footpath used by hikers, dog hikers, children and people accessing the church;
- Concern is raised to narrow nature of Pemswell Lane being only 2.4m wide at its widest point, with the road being curved in nature, set between two rock walls and therefore damage is likely to occur vehicles and property;
- Issues of access by emergency vehicles, refuse collection, delivery vans and the actual construction of the dwelling;
- Concern raised to the construction of a bridge over the stream, issues of flooding and disruption of watercourse;
- If Pemswell Lane is to be widened then concern would be raised to loss of land within the Conservation Area;
- Has the owner of 2 Orchard Cottages been consulted about the proposed use of their land for access to the site;
- The previous permission for a garage on the land was permitted to serve the main house that was extended under a recent planning permission if this application is granted the main house will have no car parking facilities;
- The proposed dwelling would result in a very cramped development;
- The proposed house is overdevelopment and overcrowding of the site;
- Detrimental impact upon the Conservation Area;
- Pemswell is an ancient monument and resetting of the wall and fence will blight the Conservation Area;
- Concern to loss of protected species in the pond of the property and an existing badger set;
- Loss of light to neighbouring property The Patch;

- There are two holy wells close to St Michael's Church that are significant to the site and concern is raised to the potential damage that this development will have upon the local area.

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in late Summer 2014 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- CA/1 New Development and Conservation Areas
- AH/2 Locally Important Archaeological Remains
- W/1 Waste Water, Sewage Management and, Infrastructure
- W/5 Surface Water Run-Off
- T/3 Transport Requirements of New Development
- W/3 Groundwater Source Protection

National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration.
[National Planning Policy Framework \(the NPPF\)](#) -
[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

Local Policy

[West Somerset Local Plan \(2006\)](#) -
[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#)
[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)
[West Somerset Supplementary Planning Guidance: Design Guidance for House Extensions \(2003\)](#)
[Somerset County Council Parking Strategy \(2013\)](#)
[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

Planning History

The following planning history is relevant to this application:

Case Ref	Address	Proposal	Decision	Decision Date
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3/21/09/094	Garden of, Pemswell Lodge, Pemswell Road, Minehead, TA24 54S	Erection of new five bedroom house on three floors.	Withdrawn by Applicant	26 November 2009
3/21/09/093	Pemswell Lodge, Pemswell Road, Minehead, TA24 54S	Alterations to existing house to form extra bedrooms & extension to create garage, study, living room & master bedroom suite.	Withdrawn by Applicant	26 November 2009
3/21/10/037	Pemswell Lodge, Pemswell Road, Minehead, TA24 54S	Extension and alterations to existing house (resubmission of 3/21/09/093).	Grant	22 June 2010
3/21/11/068	Pemswell Lodge, Pemswell Road, Minehead, TA24 5RS	Proposed double garage, garden room and workshop	Grant	11 July 2011
3/21/12/052	Pemswell Lodge, Pemswell Road, Minehead, TA24 5RS	Approval of details reserved by condition 3 (relating to landscaping details) in relation to planning permission ref: 3/21/11/068	Grant	03 May 2012

Proposal

The application is for the erection of a two bedroom dwelling house within the garden of Pemswell Lodge. The proposed building will be located to the south west of the main dwelling house and would include a garden and two off street parking spaces. The building would be set down into site and constructed with rendered walls, UPVC windows, Marley Cedar cladding in the eaves on the north, west south elevations and a natural slate roof.

The boundary treatment will include a close boarded fence on top of wall to the north adjacent to Pemswell Lodge, interwoven timber fence on the eastern boundary between the two properties. The landscaping on the western boundary of the site will be retained as per previous planning permission 3/21/11/068 (erection of double garage, garden room and workshop) together with protective fencing to the protected Hawthorn Tree

A new vehicular access is proposed to the south west of the site via a new bridge that connects to an unclassified lane and then to Pemswell Lane. The existing stream would be culverted to a width of 1.2m with a bridge deck over 3m in width, 1m high stone crenelated parapet walls and 1.3m high timber gates. The reconstruction of stone wall shall match existing to a varying height of 0.5m to 0.7m with woven timber fencing above. This provides a separate access from Pemswell Lane to the site.

Site Description

The site is located to the north of Minehead town centre accessed off Pemswell Road by car and a pedestrian access via un-adopted road (Pemswell Lane). The main dwelling house of Pemswell Lodge is a two bedroom detached bungalow site to the north of the site adjacent to the road with a 0.16 ha garden that falls steeply away to the south and west.

Planning Analysis

1. Principle of Development

The site is situated within development boundary of Minehead and therefore the principle of infill development is considered to be acceptable subject to its design, impact upon neighbours and access.

Whilst the proposal would result in the loss of the previously approved garage (application 3/21/11/068) to the main dwelling house of Pemswell Lodge there is still sufficient car parking on the land to accommodate up to 3 off street car parking spaces. Therefore no objection would be raised to the principle of utilising the land for an additional dwelling subject to it meeting other planning criteria.

The concerns raised to the overdevelopment of the site are noted, however, the proposed building has been carefully sited within the curtilage of the existing property. The land is within the settlement boundary of Minehead and there is sufficient land to provide a suitable division of the land without compromising or harming character of the existing property of Pemswell Lodge.

The concerns raised to flooding have been noted though the site is not situated within a flood zone and therefore no objection would be raised. It is recognised that there is the Pemswell Stream that flows to the southern west corner of the site that may cause some issues of flooding though there is no recognised information supporting this claim. The Stream does not come under the jurisdiction of the Environment Agency as it is classed as a minor contributory.

The findings of Minehead Surface Water Management Plan are noted though this document has not been formally adopted by Somerset Council and therefore has little weight when determining planning applications. Furthermore a drainage condition is recommended to be placed on any permission ensuring that no surface water shall adversely impact upon the local area.

2. Character and Appearance of the Area

A previous planning approval 3/21/11/068 was given for a double garage with garden room and workshop on the site in a similar position. The highest part of the pitched roof of proposed dwelling extends by 0.9m than that of the previously approved double garage building then drops down into the site thereby reducing the scale and massing of the proposal upon neighbouring properties.

The distance between Pemswell Lodge and the proposed dwelling house is 5m and although a short distance its appearance would be no different to that of the previously approved garage building.

The proposed dwelling house has been designed to be set down into the site with highest part of the property being 8m above existing ground level dropping down to 6.6m and following the contours of the land. The proposed use of materials is considered to be acceptable with rendered walls, UPVC windows and natural slate roof with Marley Cedar cladding and samples have been submitted. A stainless steel flue is also proposed that will be painted black to minimise its visual impact upon the local area. A condition for its colour/finish could be placed on any permission granted.

The proposed dwelling in respect of scale, design and setting is not considered to result in an adverse visual impact upon the neighbouring Conservation Area and no adverse harm would occur to the setting of the Listed Buildings on Vicarage Road or to distant views of St Michael's Church. The building would be set down into the landscape and will only be glimpsed from Vicarage Road, Church Steps between existing properties and the roof of the property when viewed from St Michaels Road.

A landscape plan has been submitted showing the retention of tree's on the south and western boundary. It also specifies the protection measures of the Hawthorn that is subject to a Tree Preservation Order. There are no proposals to remove any trees from the site only clearance of scrub planting and this overcomes some of the concerns raised by objectors to the loss of trees from the land. It is recommended that a pre-commencement condition will be placed on any permission granted that protective fencing detail be submitted to the Local Planning Authority to ensure that no damage will occur to the protected tree.

It is noted that there is a historic well on the site though no details have been provided to its exact location. It is recognised as being of local importance though not designated as described by the NPPF as a scheduled ancient monument or considered to be of national significance.

The County Archaeologist has assessed the application and whilst notes that it may be impacted by the development. The actual location is not known and therefore no assessment can be made to whether the development will impact on the well. It does not appear to be of high significance and the NPPF is clear that a condition should be attached to ensure proper recording of the asset if it is impacted. This condition means that the applicant will have to have the development monitored by an archaeologist who will record any archaeology encountered. If remains of higher than expected quality (therefore significance) are encountered then a preservation in-situ scheme could be applied.

Therefore it is recommended that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This would be secured by planning condition.

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving the listed buildings their settings, and any features of historic or architectural interest that they possess when considering whether to grant planning permission.

Although the site is not within the Conservation Area it is surrounded by the designation and therefore the Local Planning Authority must be mindful of the visual impact upon the neighbouring Conservation Area. The proposed design including its scale and massing of the building is not considered to result in an adverse visual impact upon the character and appearance of the Conservation Area and wider locality.

The new access road is situated within the Conservation Area and therefore its alignment

and finish is of consideration in respect of its impact upon the locality. The new access would be visible from Pemswell Lane and will require the rebuilding of the existing stone wall together with the erection of timber gates. The new access, bridge and gated will not adversely impact upon the character and appearance of the Conservation Area or result in any significant visual detriment upon the locality.

3. Residential Amenity

The proposed building, although closer to the boundary with the pedestrian lane, is not considered to harm the existing area because of the existing boundary treatment. There is a distance of some 9m to neighbouring property (The Patch) where the occupants have raised concerns of loss of light from the proposal though due to the distance between properties. However, The Patch is at same height of the first floor of the proposed dwelling house and with the stepped roof, it is not concluded that there would a significant loss of light to the neighbour's property. After a site inspection is it is also noted that there is existing vegetation that restricts the amount of light onto the neighbours land and the proposed development would not significantly alter the light loss that already exists.

The building has been design to ensure that no overlooking or significant loss of amenity will occur to neighbouring properties. The two windows at ground floor level on the east elevation serving the kitchen and dining room will look out onto boundary fence and therefore would not result in any overlooking of existing dwelling house of Pemswell Lodge.

The first floor window on the east elevation serves the bathroom and will be obscure glazed to ensure the privacy of neighbouring property. It would be recommended that a condition be placed on any permission that the window be fixed closed with a top fan light opening at a height over 1.7m.

There is an element of overlooking of neighbouring gardens, however there is sufficient distance of over 20m to not warrant no significant loss of privacy or amenity and therefore the application is considered to be acceptable.

4. Highway Safety

Paragraph 32 of the NPPF (National Planning Policy Framework) makes it clear that decisions should take into account whether a safe and suitable access to the site can be achieved.

The Highway Authority has stated standing advice and this has been applied to this application.

The principle of the new access traversing over an unclassified road that is also used as a pedestrian footpath is of concern in respect of pedestrian safety. Standing Advice has been applied to the proposed access and although the access is not perpendicular to the existing highway, the road is not a through road and therefore no visibility splays would be required. Subsequently it is considered by officers that no objection could be substantiated on highway grounds.

Although concern is raised in respect of pedestrian and cyclist conflict, due to the low vehicular movements to the site being 6 to 8 movements per day, it is considered to be of minimal impact. It is also noted that due to nature of the route having stepping stones that restricts numbers of people using the route. Therefore on balance the proposed access is

considered to be acceptable.

The proposed bridge will cross over the watercourse to the south of the site. The bridge will be designed to have 3 x 250mm by 250mm openings left in that wall so as to permit the water flow to pass over the bridge deck to ensure that if any overtopping should occur, water can flow continuously. Details of the proposed bridge have been submitted and are considered to be acceptable.

The existing access onto Moor Road cannot achieve the required visibility, when looking south, due to the height of the existing boundary wall of No. 2 Orchard Cottages (of which is third party land). However, an argument has been made by the agent detailing that a recent planning permission 3/21/14/018 has been granted at 1 Moorlands, Moor Road that has a similar situation with limited visibility to the east of the junction. After consultation with Highways Officer this issue would not be an overriding reason to refuse the application because of lightly trafficked road.

The narrowness of the lane has been noted with regard refuse collection, deliveries and emergency services accessing the site. There are solutions, refuse collection would require the applicant to place their bins at the entrance to the lane, deliveries would need to have arranged timings and use of alternative equipment to access the site all of which are civil matters and therefore are not material considerations of planning.

The issue raised as to whether permission has been given by the owner of 2 Orchard Cottages for the creation of this new access is a civil matter and should be given little weight in the determination of this application. Should planning permission be granted, it would not override any land ownership issues.

Parking

Policies T/7 and T/8 of the Local Plan set out the parking standards. However the County Council adopted a Parking Strategy in 2012, this document set out an up to date parking strategy and parking standards for development. The County has been separated into various zones. West Somerset is located within predominately in Zone C (low population areas). However Minehead and Watchet are located within Zone B (mid-range population areas).

In this case the site is located within Zone B. The proposal is for a dwelling and as such 1 parking space and 1 cycle parking space are required per bedroom, therefore it proposes 2 parking spaces and two cycle space contained in a cycle shed. This is compliant with the parking policies and considered to be acceptable.

Some concern is raised to the issue of car parking and the ability to turn a vehicle around on the site. A tracked diagram has been submitted proving that two cars can be driven into the proposed spaces, turn and exit. Therefore this concern has been overcome.

5. Flood Risk and Drainage

The site is not located within either flood zone 2 or 3 and as such a flood risk assessment will not be required.

Drainage

The application states that the new drainage from the new dwelling will interconnect with the

existing foul drain man hole to the east of the site. It is proposed that storm cell drains will also be installed beneath the proposed parking to the south of the site and connect to downpipes of the main dwelling house. All this information has been detailed on the plans submitted and therefore will form part of any planning permission granted.

6. Other Implications

Biodiversity

The County Ecologist has assessed the application and consulted with local groups who monitor great crested newts and other protected species. It is not considered that would be such species within a domestic garden and therefore no survey would need to be carried out.

It is recommended that a pre-commencement condition be placed on any permission granted that a method statement shall be submitted to and approved by the Local Planning Authority. Due to the loss of the garden pond it is requested that a replacement pond should be sited on the land in the interested of biodiversity. This request has been put to the applicant who has agreed to provide a pond on the application site and a block plan has been submitted and addresses these issue.

The issues raised of the proposed bridge over the stream have been considered though the structure has been designed to ensure that if the watercourse were to rise there are openings on either side of the bridge's walls. This will ensure that any flood water would be permitted to flow across the bridge deck and not adversely affect the local area.

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

Conclusion and Recommendation

It is considered that the proposal, is acceptable and it is recommended that planning permission be granted.

Reason for Approval :

Planning Permission is subject to the following conditions:

- 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: 104101/1, 104101/A, 104101/2, 104101/3, 104101/4A, 104101/5, 104101/6, 104101/7, APPENDIX _11_8_2, Site Plan, Location

Plan and Design Access Statement.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, roof light, door or other opening, other than those expressly authorised by this permission, shall be constructed in the east and west elevations at first floor level without obtaining planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).

- 4 All external walling and roofing materials to be used shall be carried out in accordance with the details as stated on the planning application form .

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)

- 5 No works (other than that required by this condition) shall be undertaken on site unless a programme of archaeological work, including excavations, has been implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains and features are adequately recorded having regard to the provisions of Saved Policy AH/2/AH/3 of the West Somerset District Local Plan (2006).

- 6 No works shall be undertaken on site until the access road and bridge over Pemswell Stream (watercourse) have firstly been installed and completed. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling(s)/building(s)/commencement of the use hereby approved. The access and bridge shall thereafter be retained in the approved form.

Reason: To ensure access to the site is created 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).

- 7 The proposed window at first floor level on the east elevation shall be non-opening and glazed with obscure glass with top fanlight opening and permanently retained as such.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).

- 8 No site works, demolition or clearance shall be undertaken on site unless the site has been prepared in accordance with a specification detailing protective measures and methods of working in relation to existing planting on the site and a programme for such work, which has been first submitted to and approved in writing by the Local Planning Authority. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works. The protective measures shall be retained

until the development, hereby approved, has been completed.

Reason: To safeguard the existing trees and planting to be retained within the site having regard to the provisions of Saved Policies BD/1, BD/2, TW/1 and TW/2 of the West Somerset District Local Plan (2006).

- 9 No works shall be undertaken on site unless a survey to assess the amphibian and reptile activity at the site has been carried out and submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation measures identified by the survey shall be incorporated into the development in accordance with an approved schedule of implementation and subsequently retained.

Reason: To enable the Local Planning Authority to retain control where development affects a species protected by law having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

- 10 The sewage disposal and surface water drainage works shall be carried out in accordance with the approved details on drawing 140101/1 prior to the occupation of any part of the development hereby approved. The works shall be retained in that form unless otherwise first agreed in writing by the Local Planning Authority.

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 District Local Plan (2006).

Notes

Application No:	3/26/14/024
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 304714 Northing: 140676
Applicant	Ms Towers English Heritage
Proposal	Removal of temporary marquee structure and its replacement with a purpose built single storey timber framed pavilion
Location	Cleeve Abbey, Abbey Road, Washford, Old Cleeve, Watchet, TA23 0PS
Reason for referral to Committee	Significant Development which affects an internationally important heritage asset

Risk Assessment

Description	Likelihood	Impact	Overall
Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	1	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measurers have been actioned and after they have.

Site Location:

Cleeve Abbey, Abbey Road, Washford, Old Cleeve, Watchet, TA23 0PS

Description of development:

Removal of temporary marquee structure and its replacement with a purpose built single storey timber framed pavilion

Consultations and Representations:

The Local Planning Authority has received the following representations:

Old Cleeve Parish Council

The parish council met yesterday 17th November and had the following comments to make:

1. The parish council agree in principle with the proposal to cover the tiles - the best example of medieval tiles in Europe.
2. From an aesthetic point of view the parish council prefers Option D.
3. In the opinion of the parish council Option D is also good value and relates better to the

existing building.

Further to our telephone conversation this morning regarding Cleeve Abbey I have sought clarification from one of our Parish Councillors and have been instructed to say that ' Old Cleeve Parish Council had preferred the elevations shown in the plans for Option D'.

I trust that this addition now makes it clear that the parish council approve of the application.

English Heritage

Summary

Cleeve Abbey is a Scheduled Ancient Monument and a grade I listed building. It is one of the best preserved groups of Abbey cloister buildings in England, dating from the 12th century. Projecting from beneath the South range of the cloister are the excavated remains of a 13th century refectory that was demolished to make way for the current refectory that dates from the 15th century. The 13th century remains were initially excavated in 1876 - though later reburied and then exposed in the mid-20th century. Set within the plan of the 13th century structure is a tiled pavement. Due to various environmental factors since excavation the tiles have deteriorated. In 2005 a temporary cover was added over the pavement, whilst the permission for this has lapsed it still remains. This current application proposes a permanent protective cover structure.

English Heritage Advice

Prior to considering the form of a proposed structure, in line with the National Planning Policy Framework and the EH Guidance - Conservation Principles, the significance of the above and below ground fabric needs to be reviewed. The Conservation Management Plan from 2000 evaluated the significance of the tiled pavement. It noted that the pavement was of European significance, as an assemblage which contributes to an understanding of the development of decorated tiles in north-western Europe. It is said to compare with the Chapter House pavement at Westminster Abbey.

The south elevation, onto which the new structure would visually abut, is a fine example of Somerset Perpendicular demonstrating the wealth of the Abbey at that time and its importance in heralding a sense of arrival for pilgrims from the south.

In the evaluation of options other solutions were considered other than adding a new structure including the burying of the tiles or their relocation. Following detailed consideration by specialist consultants these options have been discounted. Having dismissed other options, and on the basis that the two refectories have never co-existed, it is inevitable that some compromise in terms of the visual impact upon the south elevation has to be accepted.

In arriving at a solution, as identified within the NPPF, the assessment of significance should inform the design to ensure that any harm caused is avoided or minimised. Paragraph 132 explains that any loss or harm requires clear and convincing justification.

During the time period that the temporary cover has been in place specialists have monitored the condition of the tiles and have developed a data set that provides a clear guide as to what type of structure would be most suitable to maintain their condition. The external elevations of the proposed building, i.e. the louvres, single access point with canopy and the raised roof form over the lights, are all strictly dictated by the environmental requirements necessary to maintain the tiles.

In combination with this the massing of the structure has been devised with the aim of reducing the visual impact on the south elevation. The aim being to keep the roof form low

at the point of intersection. Its breadth and height are tapered slightly towards the south elevation to create a softer junction and the elevations would be set away from the 15th century structure. The footprint is determined by the need to minimise new excavation, as the new structure will sit on the former main walls, and the desire to maintain the original full context. The head height internally is guided by the aspiration to enable visitors to experience the pavement.

It is having balanced the significance of the fabric at Cleeve, and importantly in the context of the deterioration, that the principle of providing a permanent cover structure over the tiled pavement is supported.

Prior to the submission of this application to the local planning authority the proposals were reviewed by the English Heritage Advisory Committee and the Executive Board of English Heritage. The majority of the English Heritage Advisory Committee was in agreement with the recommendations made to them by the Head Properties Curator within English Heritage. In summary the Executive Board agreed that re-burial of the tiles was not appropriate; agreed that a protective building is required and thus approved the currently proposed scheme.

Recommendation

Whilst the proposed structure will cause harm to the significance of the south elevation the design strikes a balance that has been arrived at following a full assessment of significance, in line with the NPPF. The proposal endeavours to minimise harm but also respond to the environmental requirements that are fundamental to the long term preservation of the tiles.

Ancient Monument Society

The following comments were received on the associated listed building application that has subsequently been withdrawn.

Thank you for consulting us on this application, which was discussed at the Society's Casework Committee on Wednesday 5 November 2014.

Trustees asked me to respond with the following comments:

1. First principles and justification for new building

It would be useful to know whether the option of reburying the tiles, to secure their preservation, has been considered. Trustees felt that the option of reburying and displaying a selection of exemplars might be a more cost-effective solution to the problem, if practicable.

Alternatively, Trustees asked whether the tiles might be covered for most of the year and "unveiled" at various times in the year. This had been done at other sites, including Easby Abbey.

Overall, it was felt that the construction of a new "pavilion" would be intrusive and required more convincing justification.

2. Significance of Cleeve Abbey and impact of new building

It would be useful to see a more detailed analysis of the significance of Cleeve Abbey, including information on the significance of the Abbey's setting and views. Trustees felt that a heritage statement and impact assessment ought to be produced for a site of this

importance.

The AMS believes that the proposed new pavilion would be harmful to the setting of the Abbey and that robust justification is therefore required.

We would be happy to look at further information, should this be made available.

Public Consultation

The Local Planning Authority has not received any letters of objection or support.

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- LB/1 Listed Buildings Alterations and Extensions
- W/6 Flood Plains
- W/6 Flood Plains
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- SP/5 Development Outside Defined Settlements

National Policy

[National Planning Policy Framework \(the NPPF\)](#) -
[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

Local Policy

[West Somerset Local Plan \(2006\)](#) -
[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#)
[West Somerset Supplementary Planning Guidance: Design Guidance for House Extensions \(2003\)](#)
[Somerset County Council Parking Strategy \(2013\)](#)
[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

Planning History

The following planning history is relevant to this application:

Case Ref	Proposal	Decision	Decision Date
GDO/26/009	Temporary approval for a period of 5 years, expiring in March 2010 was granted under DoE Circular 18/84.	Grant	08/03/2005
3/26/09/018	Temporary cover to old refectory tile pavement for a further two period.	Grant	5 February 2010
3/26/12/006	Permanent approval for the temporary marquee over the old refectory tiled pavement, including recovering marquee with a new PVC cover coloured and printed over to give a closer match to the appearance of the adjacent stone buildings.	Grant	1 June 2012

Proposal

The application seeks planning permission to replace the temporary marquee with a permanent single storey flat roof timber framed pavilion. The pavilion is to provide protection and environmental control for the Old Refectory Pavement.

The proposed rectangular single storey building (12.5m x 8.5m) is to be constructed off of the existing stone walls. The proposed entrance will be from the south elevation giving level access to enable disabled access. The walls will be clad in horizontal timber cladding on the south elevation with fixed timber louvres on the east and west elevations. The roof lights will be fixed at a higher level than the main flat roof with timber louvres over them. There will be a canopy over the entrance to the pavilion. The building will be divided into five sections through the use of a powder coated metal framework. A narrower section of the building is proposed between the tiled pavement and the existing building measuring 2.5m x 7.5m. This section will be clad in vertical timber louvres but the northern elevation will be open. Internally the floor around the tiled pavement will be timber decking as existing. The proposed pavilion will not be attached to the existing building being separated by a 7.5cm - 10cm (approx) gap.

Site Description

The Cistercian Abbey of Cleeve is situated on the outskirts of Washford. Much of the abbey church was destroyed by Henry VIII during the dissolution in 1536 but the cloister buildings including the gatehouse, the Great Dormitory, 15th century Refectory with its angel roof and 13th century heraldic tiles (these tiles are protected by this proposal) remain. The pavilion would be sited to the south of the Refectory over the tiled pavement.

Planning Analysis

1. Principle of Development

The Abbey is located within the Parish of Old Cleeve but lies beyond the settlement boundary of Washford and therefore any development at this location would need to be considered against the provisions of Local Plan Policy SP/5. Such policy advocates that development in such location should only be permitted where it both benefits economic or social activity without leading to a significant increase in car travel whilst maintaining or enhancing environmental quality. The proposal, given the significance of both the Abbey and the heraldic tiles, is clearly of social and potentially economic benefit to the local area.

In addition given that the proposal is for the permanent building to replace an existing temporary structure it would not give rise to any additional traffic.

2. Character and Appearance of the Area and Design Implications

The impact on the character and appearance of the area is one of the most important factors for this application and the argument is balanced, on the one hand being the protection of an important heritage asset in the tiled floor and secondly the impact that the pavilion has on the wider setting of the scheduled ancient monument and Grade I Listed Building. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 also requires that special regard is paid to the desirability of preserving the listed buildings their settings, and any features of historic or architectural interest that they possess when considering whether to grant planning permission. The NPPF and in particular section 12, "Conserving and enhancing the historic environment" also needs to be taken into account.

In order to understand the significance of the asset which this application centres around it is important to provide some historical context to this.

The ruined Cistercian Abbey at Cleeve contains architectural decoration of national importance, including the tiled pavement from the 13th century Refectory. The Refectory is situated on the south side of the south range, with the Refectory being demolished during the remodelling of the 15th century and the pavement was buried. The flooring was discovered during excavations in the 1870's and was subsequently reburied with loose earth and sand. It was excavated for permanent display in the 1950's and left uncovered during the summer months only. Following a temporary approval in 2005 the tiles have been under cover through the erection of a marquee.

The remains of the 13th century Refectory comprise the base of the rubble walls on the south, east and west sides, with the north wall incorporated into the standing structure. The remains of these walls above ground have been capped. Inside of the walls is an area of earth, which would have originally been covered with a timber diaphragm, upon which the dining tables and benches would have been located. Inside of this earth area is the tile pavement, in what would have been the area in which those who were serving the meal would have moved about. The tiled pavement would have been rectangular in nature although a triangular portion has been lost.

The Pavement is rated in the Conservation Plan (2000) as being of "European importance". The survival of medieval tiled pavements is rare and the Cleeve pavement, the only large scale example of a decorated frater floor in Britain is comparatively little altered from its 13th century form. The larger tiles contain heraldic symbols whilst the smaller tiles contain ornate decorative patterns. During the period between its inspection in 1971 and a subsequent review in 1987 revealed significant deterioration in the condition of the tiles, with a subsequent monitoring regime put in place.

The outcome of which led to two small canopies being erected over parts of the pavement between 2000 and 2003 which facilitated further monitoring and a recommendation that if the tiled pavement is to remain visible to the public, then some form of permanent protective cover structure would be necessary.

As noted in the planning history section of this report, English Heritage obtained temporary planning permission to erect a marquee over the pavement in April 2005 for an initial period of 5 years. This temporary permission was subsequently extended by this Council for a further two year period in 2010. On the decision notice a note to the applicant (English Heritage) stated that a *"permanent solution needs to be forthcoming by March 2012 and that another temporary permission is unlikely to be forthcoming as it is considered that the*

cover adversely affects the setting of Cleeve Abbey". It is clear from this statement that the temporary structure was not a suitable long term solution as the effect that the marquee has on the setting of the south elevation of the monument is unacceptable. There was also clear intent within this statement that a better design solution should be developed and brought forward during this two year period. The solution that was brought forward was to retain the marquee as the permanent solution but with the only modifications to it being to replace the cream coloured pvc cover with one of a grey/beige colour which would be overlaid with a brown mottled effect. A one year permission was granted which expired on 31 May 2013.

Over a number of years pre application discussions have been undertaken with English Heritage and their agents. A number of possible solutions have been investigated (including covering the tile pavement up). These have taken account of the research undertaken by the Building Conservation and Research Team of English Heritage (commenced in 2001). This research concluded that the underlying causes for the deterioration of the pavement was three fold: heating/cooling, microbiological growth and salt activity. This has meant that the design of the building has had to take account of the following:

- preventing rain affecting the tiles through the use of oversized downpipes that takes the rain to the existing drainage system
- Reduce temperature fluctuations by protecting the tiles from freeze thaw in the winter through the use of a temporary cover over the tiles, by insulating the roof but no insulation in the walls
- Varying the levels of air exchange to ensure that an ideal microclimate is ensured so that the risk of low levels of air exchange is reduced as this could increase the risk of biological growth and relative humidity could lead to high level risks of condensation. The louvres on the east and west elevations takes account of the prevailing winds.
- Significant fluctuations of relative humidity needs to be avoided through a ventilation strategy, the use of hygroscopic materials for the building (ie absorbs /attracts moisture) as this will help to moderate rapid fluctuations of relative humidity. This is particularly desirable to ensure that condensation does not occur on the ceiling and drip onto and damage the pavement.
- The hydrology of the ground surrounding the building should not be affected by the proposal. Site drainage is therefore crucial.

In taking account of the above factors the visual and construction impacts needs to be taken into account in order to ensure that the effect on the setting of Cleeve Abbey is minimised whilst ensuring that the pavement is protected. Firstly from a visual perspective the proposed design has ensured that the building is subservient to Cleeve Abbey and account has been taken of the windows at first floor in that these will not be obstructed by the proposed building. With regard to the windows at ground floor these will be obscured by the building but views from the windows into the pavilion will be present. The rooms to which these windows relate will be darker than if no building was erected and the views out to the surrounding land are not available. As part of the pre application discussions it was suggested that this link section be made smaller to allow views out to the surrounding area from some of the windows. Indeed the Historic Building Inspector also commented that, "My strong view is that the connection point should be as narrow and low as feasible and that the new structure should not obscure the views towards the key window openings to the principal room or, as far as practical, those on the ground floor." This would have meant that the walls would be splayed. The applicant whilst making the linking section narrower than the main part of the pavilion considers that the use of louvres will allow light to penetrate the ground floor windows but decided not to splay the walls so that some windows were outside of the pavilion.

What is clear is that the pavement and it's tiles are so significant, internationally, that they

must be protected for the enjoyment of this and future generations. It should also be noted that other methods of conservation e.g. recovering tiles or removing them from site have been considered but deemed unsuitable. This is in part because of the significance of the tiles and their preservation in situ is something that gives them increased significance/rarity. The area of conjecture is whether the design of the proposed pavilion is enough to reduce the negative impact on the setting of Cleeve Abbey that currently exists to the south elevation of the Abbey. It is considered that the proposed design has taken into account the factors required to ensure the preservation of the pavement, is subservient to Cleeve Abbey but that it would have been preferred if views from some of the affected ground floor windows could be retained. On balance whilst the setting of Cleeve Abbey will be adversely affected the justification given to protect the pavement overrides the harm created and it is therefore considered that the scheme is acceptable.

3. Residential Amenity

Based on the type and nature of the proposal, site layout and the proximity of neighbouring properties there is no adverse impact on residential amenity. As such this application is acceptable in this regard.

4. Highway Safety

Based on the type and nature of the proposal there is no impact on Highway Safety and as such this application is acceptable in this regard.

5. Flood Risk

As discussed above, this proposal is for the permanent building to replace a temporary building and as such there is no change in the level of risk from flooding at the site.

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

Conclusion and Recommendation

It is considered that the proposal, is acceptable and it is recommended that planning permission be granted.

Reason for Approval :

Planning Permission is subject to the following conditions:

- 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: 7327 SK_003, 3418 P_ 110A, 190A, 200A, ,201A, 203A, 301A and 302A.

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

- 3 No works shall be undertaken on site unless samples of the materials including colour to be used in the construction of the external surfaces of the pavilion and boardwalk

hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies LB/1 and BD/2 of the West Somerset District Local Plan (2006).

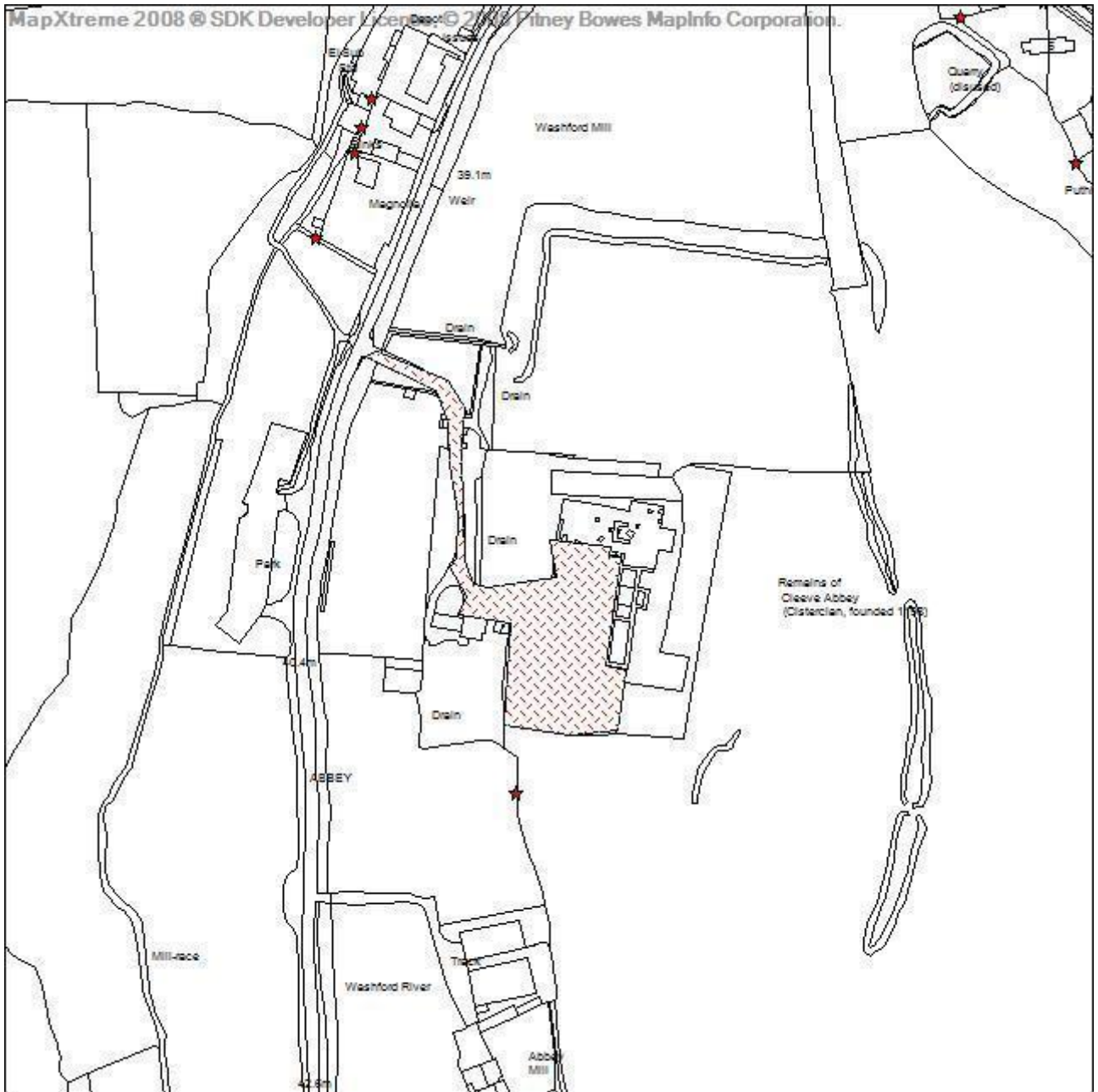
- 4 No works shall be undertaken on site unless full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include elevations at 1:20 scale and cross-sections, profiles, reveal, surrounds, at full or half scale and details of the materials, finish and colour in respect of new windows, doors, and timber panels. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies LB/1 and BD/2 of the West Somerset District Local Plan (2006).

Notes

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. 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. No substantive issues were raised by consultees through the application process. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.



Application No 3/26/14/024
 Removal of temporary Marquee
 and replace with purpose built
 timber pavilion
 Cleeve Abbey, Washford
 27/10/2014



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:	3/39/14/030
Parish	Williton
Application Type	Full Planning Permission
Case Officer:	Chris Mitchell
Grid Ref	
Applicant	. Williton Parish Council
Proposal	The erection of a pavilion, demolition of part and re-ordering of the remaining existing changing facilities, MUGA, disabled and service vehicle /pedestrian access from Robert Street and associated parking facilities (resubmission of 3/39/14/011)
Location	Williton War Memorial Recreation Ground, Williton, Somerset
Reason for referral to Committee	Level of public interest and the previous application was reported to the Planning Committee.

Risk Assessment

Description	Likelihood	Impact	Overall
Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

Site Location:

Williton War Memorial Recreation Ground, Williton, Somerset

Description of development:

The erection of a pavilion, demolition of part and re-ordering of the remaining existing changing facilities, MUGA, disabled and service vehicle /pedestrian access from Robert Street and associated parking facilities (resubmission of 3/39/14/011)

Consultations and Representations:

The Local Planning Authority has received the following representations:

Highways Development Control

I refer to the above mentioned planning application received on 7th October 2014 and following a site visit on 15th October 2014 I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of a pavilion and vehicle and pedestrian access.

This is a resubmission of previous application 3/39/14/011 to which the Highway Authority had no objection in principle. However in terms of the detail there were a couple of points that needed to be addressed.

The proposal will utilise the existing maintenance access to the field. From the details shown on drawings 12.44.02 and 12.44.03 it is apparent that improvements have been proposed to this point of access. Although from studying the drawings there appears to be a discrepancy between both these drawings. Drawing 12.44.02 shows a width of 4.8m whilst 12.44.03 shows a width of 4.6m. Previously the Highway Authority had highlighted that the minimum width required would be 4.8m as this would be in accordance with the design guidance in Manual for Streets that shows that it can allow two vehicles to pass. Therefore would the applicant please amend drawing 12.44.03 to reflect 12.44.02.

The proposed access would require land that was outside the control of the applicant. It is understood that this strip of land has been secured for its use although no evidence of this has been provided. Consequently would the applicant be able to provide further details which confirm that this land has now been secured.

It is noted that a section of the access will be finished in grasscrete. Drawing 12.44.03 indicates that the grasscrete will be designed with sufficient strength to take an emergency service vehicle. This is considered to be acceptable to the Highway Authority. At the point of access the applicant has proposed to provide visibility splays of 2.4m x 24m in either direction. The access is onto Robert Street, which is subject to a 30mph speed limit as such the Highway Authority would normally request splays of 2.4m x 43m. However vehicle speeds pass the site are significantly below this as a consequence the proposed splays are considered to be sufficient. Please note that visibility splays should be taken to the nearside carriageway edge and not to the centre of the carriageway. However it should be noted that Robert Street can be characterised as single width as such vehicles would be located in the centre of the carriageway.

A gate has been proposed to stop vehicle access outside the designated hours. It is noted that the gate has been set back 6.0m, which is considered to be acceptable, although the applicant should note that this will need to be set so that it opens inwards.

The applicant has proposed a 1.2m wide pedestrian access along the southern side of the access. This will be finished in tarmac and will be raised by 75mm to provide some segregation for pedestrians. Ideally the Highway Authority would require a footway width of 1.8m however it is appreciated due to land ownership constraints they are unable to provide this therefore the minimum width of 1.2m is considered to be acceptable. No construction details have been provided for this footway. Is it the intension of the applicant for this footway to remain private or are they looking for it to be adopted? The Highway Authority would prefer the footway to remain private but built to an adoptable standard.

Turning to the internal site arrangements these have been amended from the previous submission as the parking has been removed. The Design and Access Statement indicates the proposal will make use of the existing pay and display car parks off Killick Way. Furthermore they are envisaging that the majority of the pavilion users will be on foot. The Highway Authority has no objection to the use of the existing car parks provided that there is sufficient capacity to do so. The applicant has made provision for two disabled spaces and a 10 space cycle rack and has also provided sufficient turning facilities. One of the issues the Highway Authority had previously was that the point of access was not wide enough to allow two vehicles to pass. Although it appears from the submission that the access has been

widened the need to do so has actually be reduced with the removal of the parking provision.

Finally it is noted that a new footway has been proposed around the recreation ground. Is the applicant intending this to remain private or is it to be offered for adoption? If it is then it is likely they would need to discuss this with the Rights of Way Team.

Taking into account the above information the Highway Authority has no objection in principle but there appears to be a number of minor points that need to be addressed. However if the Local Planning Authority were minded to grant permission the following conditions would need to be attached.

- The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 12.44.02 and shall be available for use before the occupation of the pavilion. Once constructed the access shall be maintained thereafter in that condition at all times.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the pavilion is occupied and thereafter maintained at all times.
- There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 24m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.
- Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6m from the carriageway edge and shall thereafter be maintained in that condition at all times.

SCC - Ecologist

Thanks for consulting me on this application. I am grateful to you also for taking time yesterday to discuss the application with me when I was at the Council offices in Williton. From our discussion I understand that the current application differs from 3/39/14/011 only in terms of the location of the pavilion which would still be constructed on amenity grassland that is unlikely to be of great wildlife value. For this reason, I see little reason to alter the advice that I gave in connection with the previous application which I will forward to you separately.

I note that there is a proposal to plant evergreen trees/shrubs in order to screen nearby properties from the MUGA and its lighting. It is not part of my remit but I would suggest that the planning authority considers limiting the height to which these conifers should be allowed to grow since certain varieties can be a nuisance in terms of denying light to gardens.

Environment Agency

Thank you for referring the above application, which was received on 2 October 2014.

The site lies within flood zones 3, 2 & 1, with the existing recreation ground lying within flood zone 3, and the existing pavilion within flood zones 2 & 1. The proposed re-development is water compatible but is in a worse flood risk location than the existing pavilion, being in flood zones 3 & 2.

Therefore, providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of conditions, which meet the following requirements:

CONDITION:

The development hereby permitted shall not be commenced until such time as a scheme for Flood Resilience has been submitted to, and approved in writing by, the LPA.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the LPA.

REASON:

To reduce the impact of flooding on the proposed development and future occupants.

CONDITION:

Finished floor levels must be set no lower than 29.60m AOD.

REASON:

To reduce the impact of flooding on the proposed development and future occupants.

CONDITION:

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

NOTE:

Surface water calculations for roof run-off should be provided to ensure capacity of the underground tank is sufficient.

The following informatives and recommendations should be included in the Decision Notice.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

The foul drainage should be kept separate from the clean surface and roof water, and connected to the public sewerage system after conferring with the sewerage undertaker, as indicated within the planning application.

Rights of Way Protection Officer

We have no comments to make on this application.

Avon & Somerset Police

Thank you for consulting Avon & Somerset Police in relation to the above planning application. Having reviewed the documentation and plans submitted in support of the amended application, I would make the following observations:-

Further to the comments made in my email dated 27/05/2014 in respect of the original scheme (**3/39/14/011**), I would add that in August 2014 I was again consulted by Phillip Bristow of Reed Holland Architects and asked to comment on the amended scheme from a designing out crime and disorder perspective.

1. In this regard, Section 9.6 of the Design & Access Statement, entitled 'Anti-Social Behaviour, Security & Crime Prevention' adequately covers the issues we discussed and I see no need to reiterate them. In short, all of my initial concerns appear to have been addressed in the amended design, particularly with regard to relocating the Pavilion to reduce potential nuisance to neighbours and securing the enclosure at the rear.
2. The DAS does not appear to indicate the type and height of fencing and gates proposed to secure the rear of the Pavilion and I recommend weldmesh or similar, minimum height 1.8 metres. Such fencing is aesthetic in appearance, difficult to cut or climb and allows surveillance through it. The gates should be the same type of construction as the fencing, the same height, anti-lift and anti-climb.
3. If implemented, this and the other crime prevention measures referred to in Section 9.6 should help deter and prevent crime and ASB affecting the Pavilion.
4. I support the amended application.

Tree Officer, Taunton Deane

Regarding the application at Williton Recreation Ground, with regards to trees on the whole I would have no objection to it, subject to their adherence to the guidance in BS5837, arboricultural method statement, tree protection plans etc.

I should point out that the arborist's plan for the proposed MUGA (Appendix 1) is not entirely accurate as the area of land in question is roughly half that shown.

As I commented for the previous application, I am not convinced that the sweet chestnut tree (T3) should be classed as 'U', but because of the structural and physiological issues recorded in the Tree Survey I would not object to its removal. I would suggest that it might be retained pending the result of further investigation and possibly management work.

With the loss of the horse chestnut, Robinia and possibly sweet chestnut tree I would request that some replacement planting is carried out in suitable alternative locations on that eastern side of the site, in addition to the proposed new trees on the western side.

I have no objection to the removal of the birch tree (T3); previous pruning has compromised its aesthetic appeal, which can be replaced with a group of new trees.

The proposed pavilion is very close to the southern boundary. If the hedging plants are to be retained along this boundary (including those on the surgery side) care should be taken to avoid damaging their roots.

As stated on the plans, the proposed landscaped area in front of the war memorial is well within the Root Protection Area of the horse chestnut tree, so the detailed design should be in accordance with the guidance in BS5837.

With regards to trees, the revised location of the pavilion is preferable to the previous application.

Environmental Health Officer (KL)

Further to the additional information submitted by Williton Parish Council, I would recommend the following;

Noise:

1. That the recommendations detailed within the noise report are complied with, namely;
 - a) The glazing requirements
 - b) Doors and partitions
 - c) Installation of a noise limiter

I am presuming the roof/walls spec are what the developer has already specified?

1. The ventilation system of the building needs to be carefully considered. The ventilation system could potentially be a nuisance for those residents living close to the property. Therefore, I would request that before any ventilation system is installed, that the applicant submits details of the proposed system and this to be agreed by the planning department before installation.
2. As the MUGA was not considered within the report for noise, a limitation to be imposed on the hours of use. I would recommend that the MUGA is not used after 9:30pm or before 0800.
3. The use of the car park and deliveries to the pavilion also were not a consideration of the report. Therefore deliveries and vehicle access to the site should be limited. No deliveries to the site between 1700 – 0900. Clarification is needed on the number of parking spaces supplied at the pavilion before any recommendation is given here. If it is only two disabled spaces as presumed, this will limit itself.
4. A lighting scheme needs to be submitted for the MUGA. This should detail the number, the position, the lux value, the height and any preventative measures installed to limit light spillage. The external lighting for the pavilion also needs consideration. The same requirements are required for the pavilion as the MUGA.

It is also advised that the considerate contractor scheme is followed in terms of construction hours...

Monday – Friday 0800- 18:00

Saturday 0800 – 13:00

No working on Sunday or bank holidays.

Public Consultation

The Local Planning Authority has received 33 letters of objection/support making the following comments (summarised):

There have been 18 letters of objection to the proposal raising the following comments:

The Pavilion building

- Loss of recreation land within the Memorial Ground;
- The proposed pavilion building is too large and out of scale with its surroundings;
- Poor quality design and detrimental to the character of the area;
- The height of the building is too high to be classed as a pavilion;
- Too close to neighbouring properties boundaries No. 32 Robert Street;
- Concern to levels of noise emanating from the building from various functions being held;
- Loss of privacy to neighbouring properties;
- Issues of light emission from the building upon the Memorial Ground;
- Issue that access to the land has not been agreed with the Doctors surgery;
- The hard-surfacing on the car park area requires an unreasonable amount of playing field to be lost;
- Concern to vehicles travelling over the playing area;
- Lack of proposed parking will result issues of illegal parking in the locality of the site especially in Roberts Street;
- Concern is raised to lack of access for emergency vehicles to access the land;
- The building would result in vandalism;
- Concern to building being sited in high risk flood zone and its impact of potential flooding upon neighbouring buildings;
- The Memorial Ground was intended to be used as a public open space in 1906 Act and for no other purpose according to County solicitors advice;
- How will the issue of drinking on the recreation be controlled?

The MUGA

- Concern is raised to the floodlights on the MUGA and impact upon neighbouring properties;
- Impact of MUGA upon neighbouring Listed Buildings;
- Issue of antisocial behaviour that the MUGA would cause upon local area;

There have been 14 letters of support to the proposal raising the following comments:

The Pavilion building

- The pavilion is needed to provide up to date sporting facility with 21st century

changing rooms to Williton football club;

- The pavilion will provide a good facility for a number of local societies and clubs to meet;
- Provides a multi-purpose building that meets the needs of the local community;
- If permitted it will provide a place for young people to congregate in a controlled environment in a positive manner;
- The area will not be used after 22:00;
- The design of the pavilion has been carefully considered and will contribute to the Memorial Ground;
- There is little impact upon neighbouring properties due to the re-siting of the pavilion;
- The impact upon protected trees has been limited with the relocation of the pavilion.

The MUGA

- This facility will provide a multi-functional space for local youngsters to undertake sport recreation;
- The floodlights will make use of this multi-purpose area and will benefit the local community;

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in late Summer 2014 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- DM/1 Mixed-Use Development
- R/1 Formal Sports Facilities
- R/3 Outdoor Play-Space
- W/1 Waste Water, Sewage Management and, Infrastructure
- W/5 Surface Water Run-Off
- R/4 Playing Pitch Improvements
- LB/1 Listed Buildings Alterations and Extensions
- PC/2 Noise Pollution

National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration.
[National Planning Policy Framework \(the NPPF\)](#) _
[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

Local Policy

[West Somerset Local Plan \(2006\)](#) _
[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#)
[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)
[West Somerset Supplementary Planning Guidance: Design Guidance for House Extensions \(2003\)](#)
[Somerset County Council Parking Strategy \(2013\)](#)
[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

Planning History

The following planning history is relevant to this application:

3/39/14/011	The erection of a multi-purpose sport, recreation and community pavilion, demolition of part and re-ordering of the remaining existing changing facilities, MUGA, disabled and service vehicle access from Robert Street and associated parking facilities.	Refused	01/07/2014
3/39/01/010	Re-instatement of existing boarded up windows, removal of redundant roof tank/enclosure and increase in paved area externally	Granted	01/06/2007
3/39/06/031	Change of use of garden to recreational use, erection of stone wall & gates.	Granted	02/10/2006
3/39/99/019	Construction of a new sports pavilion with community facilities and demolition of existing storage building.	Granted	22/07/1999

Description of proposal

The proposed sports pavilion would be located on the eastern boundary of the recreation ground. The proposed building would measure 29.8 metres in length by 13.95 metres in depth. It would have a dual level, dual pitched roof with upper and lower ridge heights of 7.9 metres and 6.3 metres respectively. The proposed building would accommodate a multi-use sports hall, changing facilities, W/Cs, kitchen and ground floor store. An additional store room is located at first floor level within the roof space.

The proposed external materials for the building would be render to the walls, composite aluminium windows and doors and natural slate to the roof.

A vehicular access is proposed from Robert Street, entering the Memorial Ground along its eastern boundary. The vehicular access and six disabled parking spaces are proposed near the eastern site boundary.

The MUGA playing surface would measure 18 metres in width by 35 metres in length and would comprise a tarmac surface. A fence measuring 3 metres in height is proposed

around the playing surface. Pole mounted floodlights are proposed around the MUGA with a maximum height of 7.2 metres.

Site Description

The memorial ground is located within the settlement limits of Williton and covers approximately 1.6 hectares in total. Currently there is no public vehicular access into the ground. The area surrounding the site is predominantly residential, although there are some other uses within the locality. To the north of the memorial ground are dwellings that front Long Street, these include a total of five grade II Listed Buildings (Nos 28, 30, 42, 46 and 48 Long Street) and to the western site boundary there are dwellings fronting Robert Street. A GP surgery and car park is located alongside the western site boundary and the proposed vehicular access in to the site.

The proposed multi use games area (MUGA) would be located beyond the eastern boundary of the memorial ground. The Long Street Industrial Area is located to the east of the site. There is a childrens play area to the south of the site. The northern site boundary consists of a high stone wall which forms the garden boundary of No. 48 Long Street, a Grade II Listed Building. The western site boundary is shared with the memorial ground and consists of a hedge and bank and three mature trees.

There are a number of mature trees within and around the subject site. Of the most significance, there is a mature Copper Beech tree directly to the north east of the proposed pavilion.

Planning Analysis

1. Principle of Development

This site is located within the development limits of Williton. The acceptability of the proposed development is dependent on assessing the proposal against development plan policies within the West Somerset Local Plan 2006 (the Local Plan) and other material considerations such as the NPPF.

Paragraph 215 of the NPPF requires that policies within the Local Plan are afforded a degree of weight in accordance with their compliance with the NPPF.

Saved Policies R3 and R/4 of the Local Plan are relevant to the proposal. Policy R/3 relates to outdoor play-spaces and states:

"Development of areas of outdoor playing space as shown on the Proposal Map will only be permitted for recreation or sports facilities associated with the playing space, provided that an equivalent and equally convenient area is laid out and made available by the applicant for the same open space purpose".

Policy R/4 relates to playing pitch improvements and states (inter alia) that:

"The development of a playing pitch or extensions or improvements to existing facilities will be permitted where:

- (i) The development is located within or adjacent to an existing settlement;*
- (ii) A degree of use of the provision by the wider community is secured; and,*
- (iii) It would not be visually intrusive.*

Of relevance to the proposal, paragraph 74 of the NPPF states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Overall the generally thrust of Policy R/3 policy accords with the NPPF, although the NPPF provides some additional flexibility in that compensatory open space provision is not required where the benefits of the development (in this case the pavilion) clearly outweighs the loss of open space. Having regard to this, it is considered that compensatory additional provision cannot necessarily be required upon in all circumstances, regardless of the benefits of a development.

Having regard to the above policy context, the two main issues are as follows:

- Is the proposed use acceptable in this location?
- Do the benefits of the proposal as a whole outweigh the loss of open space?

The proposed use would primarily provide ancillary facilities for the existing playing field. Williton football club use the playing field for matches and practice twice a week with matches at the weekend. It is considered likely that the facilities within the pavilion would attract other teams and clubs to the site. In addition to this, the proposed MUGA and indoor sport arena would further diversify the sport and recreational use of the ground. Overall, the pavilion is considered to supplement the existing sport and recreational use of the playing field, would be open to the community and is likely to encourage greater use of the memorial ground and participation in local sporting activities.

In terms of the need for the development, the local football club would be the primary beneficiaries of the proposal. Currently sports facilities in relation to the playing field are not up to modern standards and there is a clear argument for the need and associated benefits of the pavilion. Comments have been received in relation to whether there is a need for the badminton court given that there are already facilities located at Danesfield School. These existing facilities are currently only open to the public outside school hours. As such, the West Somerset Council Sport and Recreation Facilities Study (2012) identifies a potential need for additional provision to supplement these existing facilities. In addition, the hall would facilitate other sports. Interest has been expressed from potential users for carpet bowls and the hall could also be suitable for sports such as basketball and netball.

In addition to this, the proposed MUGA would open up an area of land that is currently not in public use and overall it is considered that there would not be little or no net loss in open space provision (this depends on how a calculation is made). For example, the area of operational development for the pavilion including hard standing, vehicular access and parking would be approximately 1200 square metres and the total area of additional recreational space provided by the MUGA would be approximately 1300 square metres. Furthermore, the siting of the pavilion on the periphery of the playing field would not compromise the function of the football pitch, although a minor re siting would be required. As such, the proposed use is considered to be acceptable in this location and would comply with the additional requirements of Saved Policy R/4 (i) and (ii), Saved Policy R/3 and with bullet point 3 of paragraph 74 of the NPPF.

In terms of securing the additional open space, it is considered necessary and reasonable in planning terms to secure this through an appropriate planning condition. Policy R/3 requires this in all cases where playing fields are developed. It is acknowledged that the NPPF does not necessarily require this in all cases, however, it is a subjective judgement as to whether the 'needs' of a development clearly outweigh the loss of open space. On balance, it is considered that having regard to Policy R/3 and paragraph 74 of the NPPF, it is reasonable in planning terms to ensure that the additional open space (site for the proposed MUGA) is made accessible to the public prior to the substantial completion of the pavilion.

Other uses:

The applicants, the Parish Council have suggested that other secondary uses take place within the pavilion. These would include use by general sports and recreation clubs, for example 5-a-side football and netball. In addition, a community use element such as weekly meetings for groups such as cubs, a youth club, bingo, coffee mornings and fund raising. Subject to some additional restrictions through planning conditions, additional community uses are considered to be acceptable in principle.

The application is supported with a project list of bodies who have expressed an interest in using the new facility these are together with an estimated usage (number of persons):

Sport – Weekly events:

Weekday evenings – Football training (12), Zumba Fitness (30-40), Badminton (12), Martial Arts (5), Tennis (summer) (12-16).

Weekday daytime – Yoga (7-10)

Weekends – Football Senior and junior Saturday, Sunday (22) and tennis (12-16)

Recreation – weekly events

Weekday evenings – Williton Youth Club (20-40) and Williton Cubs (15).

Community

Monthly meetings (evening) Twinning Association (12)

Twice a month Bingo evenings (WWMRG charity fundraising) (70-100)

Saturday Coffee mornings (WWMRG charity Fundraising) (30)

Evenings Fun raising Quarterly –Stand against Speed 4 Bethany (100-120)

Fete

Armistice Day Service

An unrestricted planning consent for a sports pavilion/hall would provide a broad range of uses that could be lawfully carried out within the building. For example, a D2 use class includes concert halls. Any such use could be detrimental to the amenities of nearby residents given their proximity to the site.

It is noted that planning permission was granted in 1999 for the construction of a pavilion/community building within the memorial ground (reference 3/39/99/019). Therefore the principle of a building on the site has been previously approved and the proposed building is located on the same site. In the interests of residential amenity, it is considered necessary and reasonable to restrict additional uses of the building, hours of operation, and the exclusion of amplified music from the building and to agree any external lighting through planning conditions.

Furthermore it is considered reasonable and necessary in planning terms to secure the sports facilities and community use in perpetuity given that there are temporary permitted development rights from D2 use classes to 'temporary flexible uses' which include business, retail, financial services and restaurants/cafes. As such, it is considered reasonable to restrict these rights in order to retain the building for community use. Appropriate planning conditions are recommended within this report.

2. Character and Appearance of the Area

The NPPF cites “contributing to protecting and enhancing our ... built and historic environment” as a key element of sustainable development (Paragraph 7). Chapter 12 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.

Proposed pavilion/community hall

Overall, it is considered that the scale, design and use of materials of the pavilion would be acceptable. It is accepted that the scale of the building is relatively substantial in terms of maximum height and width, however, it has been reduced in width from 17m to 13.9m. The maximum height of the building 7.9m would not appear incongruous in relation to the heights of the neighbouring buildings of Doctor’s surgery building and the Council offices within the local area.

It is accepted that the building will have a degree of prominence upon the land, however, its massing has been carefully considered with the central section being raised to permit an indoor multi-functional space. If the central section of the building were removed it would only reduce the building height down by 1.5m to 2m and such a reduction would be minimal and would result in the loss of the indoor communal area and sports space that would be to the detriment of the multi-functional design approach of the building.

In terms of materials, the local area is characterised by a range of building materials such as natural stone, render, brick, cob, natural slate and thatch. The proposed render would have a simple contemporary appearance but would not detract from the range of materials and building styles in the locality and the proposal is therefore acceptable in this regard.

The hexapath pavers for the car parking area will maintain the green nature of the recreation ground, providing the ability that grass to grow through the pavers and therefore minimise the loss of the character and appearance of the playing field.

The immediate neighbouring building of the Williton Surgery that is two storey’s in height and consists of a single storey building with a high pitched roof with velux roof lights facing onto the Recreation Ground. The proposed pavilion is not considered to result in any significant visual detriment upon this property and the two storey element of the building is stepped away from the Surgery to ensure no loss of light.

In terms of the impact on the setting of nearby Listed Buildings the proposal is considered to be acceptable. The proposed pavilion has been sited at a more than sufficient distance from the Listed Buildings. The rear elevation of the nearest, No. 28 Long Street would be located approximately 82 metres from the proposed pavilion and the rear boundary of No. 28 would be located approximately 66 metres away. In addition, public access to the rear of the building would not be obstructed and therefore views of the Listed Buildings and associated

garden structures would remain from public vantage points. It is noted that there is a curtilage Listed Building within the garden of No. 28 Long Street. This consists of a small stone and thatch building located on the boundary of the ground. It would be located approximately 70 metres from the proposed pavilion. This is considered to be a sufficient distance to ensure that the setting of the building is not harmed.

Concern has been raised over the loss of the view of these buildings from wider vantage points further to the south. It is acknowledged that the development would prevent these existing views, however, having regard to the considerations above, the loss of a relatively distant view is not considered to harm the setting of these buildings.

Proposed MUGA

The proposed MUGA is considered to be acceptable in relation to the impact on the character and appearance of the area. The proposed fencing would not appear overly high against the pre-existing boundary treatment consisting of a stone wall, trees and industrial units. The proposed floodlights would have a maximum height of 7.2 metres. The impact of these on the setting of the adjacent Listed Building, No. 48 Long Street is considered to be acceptable.

Whilst the height of the floodlights would exceed the adjoining stone wall, floodlights are relatively visually light weight in appearance and would therefore not unacceptably detract from the setting of No. 48. For this reason, the floodlights would not appear overbearing or incongruous within the wider landscape, although two mature trees and the hedge row to the western boundary would be removed.

It is recommended that technical details of the proposed lighting should be submitted via a condition prior to the commencement of the MUGA so that appropriate cowling, levels of light and type of systems used do not adversely impact upon neighbouring residents.

Retained and additional planting that can be secured through the landscaping condition will ensure that the fence and flood lights will be acceptable assimilated into the wider visual context. A soft landscaping condition will be placed on any permission granted for further details to be submitted of proposed evergreen trees to be planted on the northern boundary of the MUGA.

3. Residential Amenity

Policy BD/2 of the Local Plan requires that the siting of new buildings has regard to the relationship with adjoining buildings and open spaces. 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).

Proposed pavilion/community hall

Overall, the impact of the proposal on residential amenity is considered to be acceptable, although it is acknowledged that the building is sited 2m from the boundary and 4m from the Williton Surgery. Whilst there would be some impact upon the surgery from the siting of the pavilion building it is not considered that there would be a significant dominant impact. The first floor element of the pavilion roof is stepped into the main building roof by 3.8m and therefore would be 7.8m from the surgery building and together with the low pitched roofs it is not considered that there would be a significant loss of light or dominance.

The objection to loss of privacy from the pavilion building upon neighbouring properties has been noted though the building is orientated with all principle windows overlooking recreational ground and not towards any neighbouring properties. There are no windows proposed on the west elevation to look into the doctor's surgery and therefore this objection would not be a reason to refuse the application.

The issue of impact of light emitting from the building has been considered and the Environmental Health Officer has requested further information via a pre-commencement condition to control this issue of lighting.

Proposed MUGA

The principal issue relates to the impact on adjoining residents through noise and light pollution. The nearest residential properties are No. 48-50 Long Street, dwellings within Brook Road and Withybridge (accessed from Catwell lane). These would be located approximately 69, 62 and 82 metres from the proposed MUGA respectively. Subject to planning conditions it is considered that this distance, coupled with the relatively limited size of the MUGA and proposed floodlights would ensure that there would be no undue impact and residential amenity.

The design of the floodlights will be secured through a planning condition to ensure the units are of an acceptable design so as to prevent unnecessary light spillage out of the site. In addition, it is considered necessary to limit the hours of operation of the floodlights to between 08.00 and 22:00.

The potential impact upon the residential amenity of neighbouring Listed buildings to the north of the MUGA have been taken into consideration though the proposed development would not cause any significant harm upon either of the properties due to their distance from the site being some 65m. The impact upon the properties garden is also considered to be acceptable.

The proposed planting of evergreen landscaping adjacent to the northern boundary of site will further mitigate the impact of the MUGA. From the information submitted it is not clear what height or species of tree are proposed and therefore it is recommended that a soft landscaping scheme via a condition shall be submitted to the Local Planning Authority to assess the species and number of trees to be planted on the northern boundary of the site. This is in order to afford privacy to neighbouring properties of numbers 48 and 50 Long Street.

The buildings to the east and north east are a collection of small industrial units and form part of 56 Long Street Business Park and all back onto the site with no windows or doors and therefore would not be adversely affected by this proposal.

4. Highway Safety

Whilst the Highway Authority do not object in principle to the development their previous comments have been incorporated into the proposed, with a 1.8m wide hard surfaced pedestrian access on the southern side of the access road. The access road is proposed being 4.8m wide though with grasscrete surface. It is noted that the previous Highway Authority comments required ideally 5m access road, however, there is no more land available within the applicant's ownership to achieve this dimension.

It has been noted that drawing number 12.44.03 indicates a 4.6m road width and not a 4.8m

therefore a revised drawing has been submitted to the correct dimension.

Other areas of comment relate to ownership of the access; whether the footpath would be offered for adoption by the highway authority; constructing the entrance gates so they open inwards and constructing the grass create of sufficient strength to support vehicles. The issue of ownership of the land and adoption of the footpath have been raised with the agent for clarification and states that the Doctors continue to support the project and have no objection to the proposed location. A framework agreement has produced that will:

- (a) Satisfy the Doctors commercial obligations,
- (b) Protect the public interests and,
- (c) Provide a benefit to the local community.

The issue of ownership of the access road is noted though is a civil matter and not a material consideration of planning and an agreement is in progress according to the response from the agent. In respect of adoption of the footpath the applicant is requesting this to be undertaken and conformation with the Rights of Way Officer at Somerset County Council.

A turning area has been provided adjacent to the two disabled parking spaces with a surface of hexapath pavers this is considered to be acceptable as the majority of visitors will be on foot using the neighbouring car parks. A 10 space bicycle store is also proposed on the site and considered to be acceptable by the Highway Authority.

It is recommended that the access gate shall be set back from Roberts Street by 6m and that the gate shall open inwards and not over the highway and a condition should be placed on any permission granted.

There shall be no obstruction to visibility greater than 0.9m above adjoining road level within the 2.4m by 24m visibility splay and this visibility splay shall be provided prior to the development being completed and occupied.

A further condition should be placed on any permission that provision shall be made within the site for the disposal of surface water and no surface water shall drain onto the highway.

5. Flood Risk

Policy W/6 of the Local Plan only permits development within areas at risk of flooding where environmentally acceptable measures are provided to mitigate risks. 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.

The proposed pavilion is located on the border between flood zone 2 and 3, with the vehicular access in zone 3. Although the pavilion has been moved into a more vulnerable location, it has been clearly demonstrated with the previous refusal that a less vulnerable site is not available for the purposes of the sequential test. This current location for the pavilion within flood zone 2/3 is more acceptable in respect of neighbour amenity and lessens concerns to antisocial behaviour issues though design.

Furthermore the use of the building would be classed as a 'less vulnerable' development. This use is considered appropriate in principle within zone 2 subject to the application of the sequential test. The aim of the Sequential Test is to steer development to areas at the least

risk of flooding, in accordance with paragraph 101 of the NPPF).

It is understood that the Parish Council have been looking at potential locations for a community facility for a number of years. The report submitted to address the sequential test contends that there are no other sites that are 'reasonably available' within flood zone 1 in Williton. Given the extent of flood zone 1, it is considered very unlikely that there are suitable deliverable sites within zone 1 and as such, the proposed siting within is acceptable.

A flood risk assessment has been submitted which sets out mitigation measures for the building floor levels and sustainable drainage measures for the proposal. The Environment Agency have stated that floor levels must not be set lower than 29.60 AOD (above ordnance datum). Concerns have been raised by neighbours that the building will be located on a 'plinth' thereby raising the overall height of the building. The existing levels shown on the site survey are AOD levels. These indicate that the finished floor level would be approximately level with the existing ground levels and therefore the overall height of the building will not be raised above the height shown on the elevations. An AOD level for the ridge has been annotated on the elevations to clarify this matter.

The Environment Agency have been consulted on the application and have confirmed that they have no objections to the proposal, subject to the Local Planning Authority are satisfied that the of the Sequential test are met and that planning conditions being included on the decision notice. These include conditions relating to drainage details, finished floor level and flood mitigation measures within the fabric of the building are considered reasonable in planning terms.

6. Environmental Heath

Pavilion

The Environmental Health have assessed the proposal and whilst no objection in principle to the building does recommended the following conditions to be placed on any permission granted.

- Prior to any development commencing details of the proposed ventilation system be submitted to and approved in writing with the Local Planning Authority and thereafter to be retained and maintained;
- Construction works shall only take place between the hours of 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on Saturday and no work to take place on Sunday and Bank Holidays;
- No deliveries to pavilion between the hours 17:00 and 08:00;
- The recommendations of the submitted Noise Report by Acoustic Consultants LTD shall be fully complied with.

These comments are noted, though the previous application recommendation did not include these conditions. This is because Environmental Health have their own legislation to deal with nuisance and issues of noise. It is, however, considered that a condition for further information to be provided on ventilation details should be placed on any permission granted together with a condition for the compliance with the noise report.

MUGA

Whilst no objection is raised to the siting of the MUGA the following conditions are

recommended:

- A lighting scheme shall be submitted to and approved in writing with the Local Planning Authority and should detail the position, the lux value, the height and any preventative measures installed to limit light spillage. The scheme should also provide details of external lighting required for the pavilion;
- The MUGA shall not be used after 21:30 or before 08:00.

It is agreed that a condition requiring details of a lighting scheme be submitted is appropriate. However, it would be difficult to enforce a condition on the hours of use of the MUGA when there are no restrictions on the use of the adjoining playing ground or field. It would be appropriate to condition the hours of use of the floodlighting and this would ensure that organised or informal games were not played into the night. It was previously recommended that an appropriate switch off time for the floodlighting was 10pm.

7. Biodiversity

Policy NC/4 of the Local Plan prohibits development that would give rise to harm to protected species unless the harm can be avoided through the use of planning conditions. One of the facets of sustainable development as defined by the NPPF is “helping to improve biodiversity” (paragraph 7). Within chapter 11 of the NPPF the overarching aim is that in making decision on planning applications, biodiversity should be maintained and enhanced.

The submitted extended phase 1 habitat survey indicates that there is no evidence of bats being present within the site, however it is likely that bats do forage/commute over the site boundaries. It is recommended that boundary trees and vegetation is retained wherever possible. Whilst two trees and a hedge to the western boundary would be removed, other trees within the site would be retained. Furthermore, a landscaping condition can ensure additional planting within the MUGA site and compensatory planting around the proposed pavilion. Subject to the selection of appropriate native species, it is considered that an acceptable degree of mitigation can be achieved.

The habitat survey identified the hedge bank and pile of stones to the north east corner of the MUGA site as being a potential habitat for reptiles. The survey recommends that their removal is supervised by an ecologist and relocated to an appropriate area. An appropriate condition is recommended within this report to ensure that reptiles are not harmed or killed during the demolition of these structures.

In relation to badgers, there may be a badger sett within the northeastern corner of the site for the proposed MUGA, although at the time of the survey it appears to be disused. A badger path is located extending along the south western boundary of the site. The report recommends that a 3 metre wide protected zone is established to enable the retention of the badger sett, and the design of the flood lights needs to prevent spillage onto the protected area. An appropriate condition is recommended within this report.

8. Trees

Pavilion

A detailed tree survey has been submitted with the application. The proposed Pavillion will result in the loss of Tree 3 a Silver Birch that is subject to a Tree Preservation Order (TPO).

The tree report details that the tree has suffered from some mechanical damage to its roots from grass cutting and because of the quality of the tree it is recommended that it be felled and three further trees to be planted to the north of the pavilion. It is also recommended that the young Horse Chestnut marked as tree T4 on to be considered for Tree preservation Order.

The County Ecologist raises no objection to the proposal with regard to the removal of tree T3 (Silver Birch) and the proposed replacement trees are considered to compliment the area.

The two TPO trees to the north of the proposed pavilion will not be affected with the relocation of the pavilion.

MUGA

The County Ecologist raises no objection to the MUGA though does suggest that a condition would be placed on any permission granted to control the height of the evergreen landscaping/hedge to prevent the potential loss of light to neighbouring gardens. An agreed height of 3.5m for the landscaping/hedge would provide sufficient height to screen the MUGA from neighbouring properties.

In relation to the proposed removal of three mature trees T1, T2 and T3 on the western boundary should be removed due to structural defects, however, the Councils Tree Officer considers that T3 might be retained though would not object to its removal. This comment is noted and the tree T3 will be retained and detailed on site plan for the MUGA.

Notwithstanding the comments within the tree survey in relation to retaining the hedgerow, overall it is considered to be a relatively poor example. It is therefore considered to be acceptable to remove the hedgerow/bank. The plans illustrate a multifunctional earth/stone bank to the boundary which will provide boundary demarcation and seating. Details of this can be agreed through a planning condition. A landscaping condition has been recommended to ensure additional the planting of additional trees within the site which will ensure additional tree planting to mitigate against some of the loss of tree cover within the site.

A condition to ensure a schedule of works for the protection of retained trees, having regard to the recommendations in the tree survey is considered reasonable in planning terms. Supervision of these works by a qualified arborist is not required due to the lower quality of existing trees around the proposed MUGA.

9. Public Right of Way

There is a public right of way that runs along the existing eastern boundary of the memorial ground (footpath WL/28/1). The County Council footpaths officer has commented that no objections are raised.

10. Other planning issues

Memorial Ground covenant

Concerns have been raised over the impact of the proposal on property values. The impact on property values is not a material planning consideration and therefore cannot be

considered in determining this proposal. Whether or not the proposal is in accordance with a covenant on the land is not a material planning consideration.

Crime and prevention measures

The Police Liaison Officer has commented that no details have been provided on the type and height of fencing and gates proposed to secure the rear of the Pavilion and recommends weldmesh or similar, minimum height 1.8 metres. Such fencing is aesthetic in appearance, difficult to cut or climb and allows surveillance through it. The gates should be the same type of construction as the fencing, the same height, anti-lift and anti-climb.

The side elevation of drawing number 12-44_12 does show a rear fence and gate to height 2.4m aluminium powder coated fence and therefore is of a higher height than requested by Police Liaison Officer and compliant with the request.

The concern that the building would result in antisocial behaviour is noted though the rear fencing has been provided to ensure security to the building and the pharmacy is maintained and the Police Liaison Officer has raised no objection to the proposal. Therefore crime has been designed out of the proposal in the appropriate manner.

The issue of persons drinking alcohol on the Memorial Ground when considering that there is a restriction by law that no alcohol is permitted on the land is noted. The Police Liaison Officer has responded to this objection stating that according to their records there are no existing problems within the local area or from a similar Pavilion at Pawlett.

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

Conclusion and Recommendation

It is considered that the proposal, is acceptable and it is recommended that planning permission be granted.

Planning Permission is subject to the following conditions:

- 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: 12.44.01, 12.44.02, 12.44.03A, 12.14.10, 12.14.11, 12.44.12, 12.44.13, 12.44.14, 12.44.15, 12.14.16, 12.44.17, 12.44.18, Design and Access Statement, Extended Phase 1 Habitat Survey dated April 2014, Arboricultural Report for Proposed Pavilion a Wiliton War Memorial Recreation Ground resubmission dated 7th October 2014, Environmental Noise Report dated October 2014, Sequential Test and Flood Risk Assessment.

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

- 3 No works shall be undertaken on site unless samples of the materials [including colour of render, paintwork and colourwash] to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 4 No amplified sound, consisting of recorded sound, tannoy, loudspeakers or other means of boosting the natural volume of voices or music shall be generated from within, attached to and within 20 metres of the building hereby approved.

Reason: To safeguard the residential amenities of occupiers of nearby properties having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the primary use of the building hereby approved shall be that of a sports pavilion and associated facilities including changing facilities to support the existing recreational use of the ground. There shall be no change of use or permitted change of use of the building without the prior express grant of planning permission by the Local Planning Authority.

Reason: The approved use only has been found to be acceptable in this location and other permitted changes to other use classes would require further detailed consideration by the Local Planning Authority having regard to the provisions of Saved Policy R/3 of the West Somerset District Local Plan (2006).

- 6 The floodlights associated with the multi-use games area (MUGA) hereby approved shall be mounted on a maximum of six poles and shall not exceed 7.2 metres in height. No development shall take place in connection with the construction of the MUGA until details of the design, specification and appearance, including all technical details as required by the Local Planning Authority to undertake a full assessment of potential light pollution are submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained in the approved form.

Reason: To safeguard the character and appearance of the area and to ensure an acceptable impact on wildlife and the setting of the adjacent listed building having regard to the provisions of Saved Policies BD/1, BD/2 and LB/1 and of the West Somerset District Local Plan (2006).

- 7 No works shall be undertaken on site unless details of the extract/ventilation system have been first submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the occupation of the building(s)/commencement of the use hereby approved. The extract/ventilation system shall thereafter be retained in the approved form.

Reason: To ensure that the extract/ventilation system is appropriate for the character of the building and/or to safeguard the amenities of local occupiers in accordance with the provisions of Saved Policies BD/1, BD/2 & PC/2 of the West Somerset District Local Plan (2006).

- 8 The hours of operation of the flood lights hereby approved shall be limited to between the hours of 08:00 and 22:00 Monday to Sunday (inclusive).

Reason: To safeguard the character and appearance of the area and to ensure an acceptable impact on wildlife and the setting of the adjacent listed building having regard to the provisions of Saved Policies BD/1, BD/2 and LB/1 and of the West Somerset District Local Plan (2006).

- 9 No works shall be undertaken on site unless details of any external lighting to be erected, placed or operated on the site shall have been first submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: To safeguard the character and appearance of the building and in the interests of residential amenity having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 10 No works shall be undertaken on site (other than those required to fulfil this condition) unless details for the surface water drainage 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 prior to any other works being carried out on site. The works shall thereafter be retained in that form unless otherwise first agreed in writing by the Local Planning Authority.

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 District Local Plan (2006).

- 11 Unless otherwise first agreed in writing by the Local Planning Authority the finished floor levels shall be set no lower than 29.60 A.O.D.

Reason: To minimise the impact of flooding having regard to the provisions of Policy W/6 of the West Somerset District Local Plan (2006).

- 12 No works shall be undertaken on site unless a soft landscape scheme (including trees to be retained) has been first submitted to and approved in writing by the Local Planning Authority showing 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, positions, species and size of all new trees and the location of grassed areas and areas for shrub planting and a programme of implementation. All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. 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: 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).

- 13 No works shall be undertaken on site unless a scheme for flood resilience in the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details prior to the occupation of the Pavilion hereby approved. The flood resilience measures shall thereafter be permanently retained.

Reason: To minimise the impact of flooding having regard to the provisions of Policy W/6 of the West Somerset District Local Plan (2006).

- 14 No works in respect of the construction of the building hereby approved shall commence unless the vehicular access to the site off Robert Street has been provided in accordance with details (including a program of implementation and completion) to be submitted to and approved in writing by the Local Planning Authority. On completion, the access shall be thereafter 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).

- 15 The development hereby approved shall be carried out in accordance with the findings and mitigation proposed within section 5.3 and 5.4 of the Extended Phase 1 habitat Survey dated April 2014 unless otherwise approved in writing by the Local Planning Authority. In the event that work does not commence on the construction of the proposed multi use games area (MUGA) the area surrounding the MUGA including the existing badger sett shall be re surveyed for the presence of Badgers prior to commencement of any works. The report shall be submitted to the Local Planning Authority and shall include detailed mitigation measures in the event that badgers are present. A scheme of mitigation measures shall be agreed in writing with the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: To safeguard badgers and their setts having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

- 16 No works shall be undertaken on site unless details for all proposed boundary treatments on the application site, including the widened vehicular access, frontage to Robert Street and replacement earth/stone bank to the south western boundary of the proposed multi use games area have been first submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish, colour and finished ordnance datum ground levels adjoining the proposed boundary treatments. The works shall be carried out in accordance with the approved details, prior to the substantial completion of the building hereby approved.

Reason: To safeguard the character of the area and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).

- 17 No site works, demolition or clearance shall be undertaken on site unless a detailed scheme has been prepared in accordance with a specification detailing protective

measures and methods of working (having regard to the recommendations within the Arboricultural reports dated 7th October 2014) in relation to existing planting and retained trees on the site and a programme for such work, which has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include the presence of a suitably qualified arborist who shall monitor and supervise the proposed works and mitigation strategies on site as such time of the carrying out of digging foundations in respect to the felling of the Sliver Birch tree. The scheme shall further include the locations of protective fencing to be indicated on a scale plan. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works. The protective measures shall be retained until the development, hereby approved, has been completed.

Reason: To safeguard the existing trees and planting to be retained within the site having regard to the provisions of Saved Policies BD/1, BD/2, TW/1 and TW/2 of the West Somerset District Local Plan (2006).

- 18 There shall be no obstruction to visibility greater than 0.9 m above the adjoining carriageway level across the entire site frontage. Such visibility shall be provided prior to the occupation of the building 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).

- 19 Any gates erected at the access to the site shall be erected so that they only open into the site and shall be set back a minimum of 6 metres from the edge of the adjacent carriageway.

Reason: To ensure vehicles entering the site can fully clear the highway to ensure that the free flow of traffic is retained, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

Notes

- 1 Surface water calculations for roof run-off should be provided to ensure capacity of the underground tank is sufficient.

The following informatives and recommendations should be included in the Decision Notice.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

The foul drainage should be kept separate from the clean surface and roof water, and connected to the public sewerage system after conferring with the sewerage undertaker, as indicated within the planning application.

- 2 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 various issues were raised in respect to the proposed use of the building, and trees within the site. 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 protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places. Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on a tree, work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.



Application No 3/39/14/030

The erection of a pavilion, demolition of part and re-ordering of the remaining existing changing facilities, MUGA, disabled and service vehicle /pedestrian access from Robert Street and associated parking facilities (resubmission of 3/39/14/011)

Williton War Memorial Recreation Ground,
Williton, Somerset

1 October 2014

Planning Manager

West Somerset Council

West Somerset House

Killick Way

Williton TA4 4QA

West Somerset Council

Licence Number: 100023932



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Easting: 307942 Northing: 141106 Scale: 1:2500

Application No:	3/39/14/031
Parish	Williton
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 307921 Northing: 141372
Applicant	Mr Matthews Halsall Homes Ltd
Proposal	Variation of Section 106
Location	The Former Croft House, North Croft, Williton, TA4 4RR
Reason for referral to Committee	The planning application was originally reported to the Planning Committee.

Risk Assessment

Description	Likelihood	Impact	Overall
Planning permission is refused for reason which could not be reasonable substantiated at appeal or approved for reasons which are not reasonable	2	3	6
Clear advice from Planning Officers and Legal advisor during the Committee meeting	1	3	3

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measurers have been actioned and after they have.

Site Location

The Former Croft House, North Croft, Williton, TA4 4RR

Proposal

An application has been received to change 4 out of 12 three bedroom dwellings to two bedroom dwellings together with changing the road surface to tarmac (instead of block paving). As part of this application it is necessary to make a technical variation to the Section 106 Agreement that was signed in relation to the redevelopment of Croft House to 12 dwellings under planning reference 3/39/13/013. A request has also been made by the new landowner (Knightstone) to make other alterations to the existing Section 106 Agreement.

Section 106 Agreement

The existing Agreement includes sections on:

- The provision of 4 dwellings as affordable dwellings at an affordable rent with trigger points relating to no more that 25% of the open market dwellings being practically complete until the construction of the affordable housing dwellings has commenced and that no more than 75% of the open market houses are to be practically completed until the affordable houses are practically complete and the freehold has been transferred to a Registered Provider.
- Management Company to be formed to maintain the public open space on the site
- Open Space specification to be agreed and laid out prior to the occupation of 50% of the dwellings
- Community infrastructure contribution of £42,000

Proposed Variations to the Section 106

The proposed variations relate to:

- The provision of all 12 dwellings as affordable housing at an affordable rent. This means that the trigger points noted above will not be required.
- No Management Company is required to maintain the public open space

With regard to all the properties being affordable houses at an affordable rent instead of only 4 dwellings at a social rent the Housing Enabling Lead has stated that,

“I would advise that I fully support the request.

At present, the site will deliver 4 social rented affordable houses with the benefit of open market cross subsidy dwellings. Knightstone are proposing to deliver 12 affordable houses, however, to replace the benefit of the open market cross subsidy from the sale of open market dwellings, they have applied for, and successfully secured government funding via the Homes and Communities Agency. A requirement of the government funding is that the properties are let under the Affordable Rent Model, hence the amendment in tenure.”

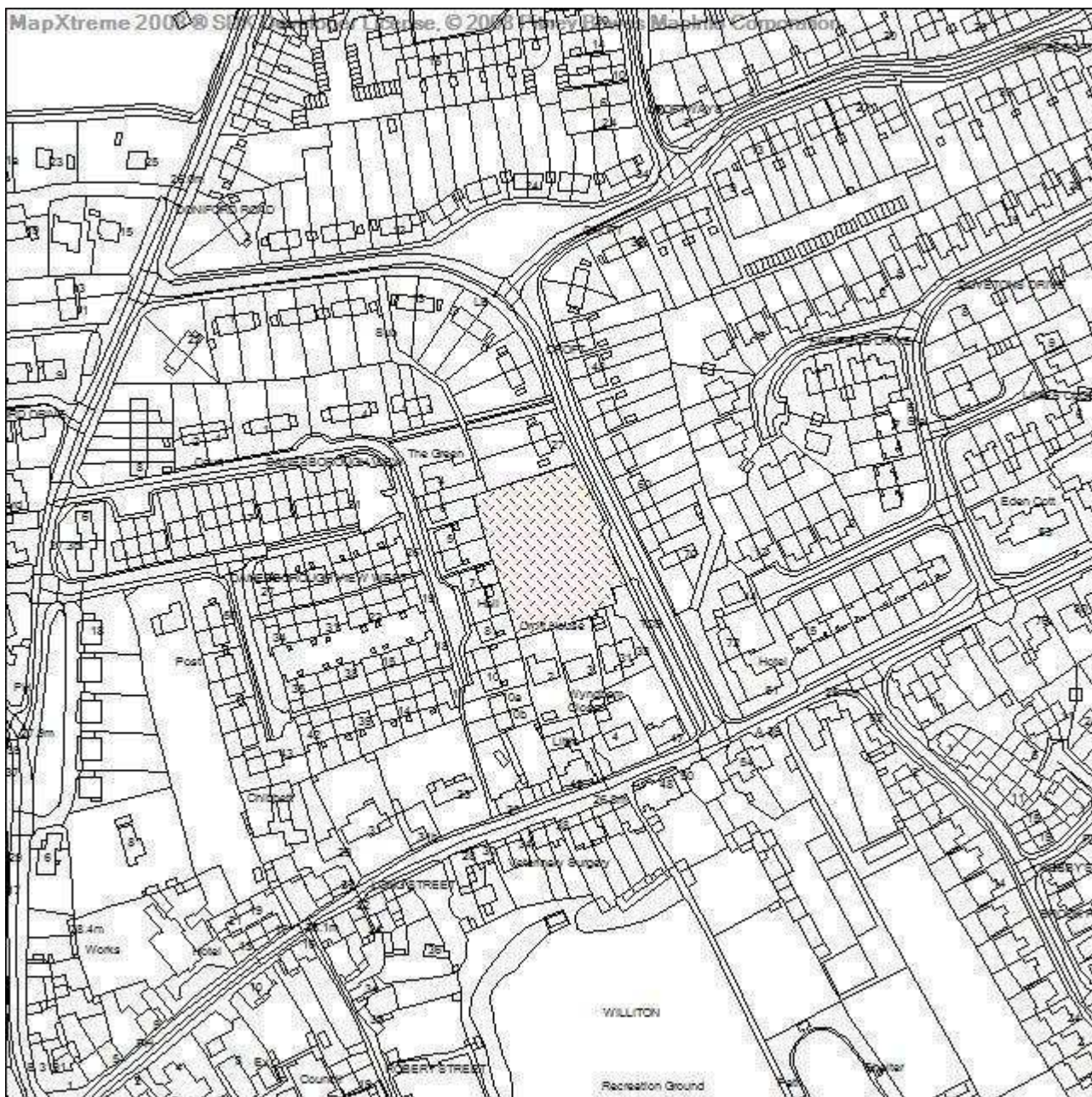
It is considered that the variation to allow all the dwellings to be affordable housing with an affordable rent tenure is acceptable and still comply with the provisions of Policy H/4 of the Local Plan.

With regard to the request to delete the need for a Management Company to maintain the public open space, it is recommended that the Council do not agree to this as the land needs to be maintained. The Management Company can be Knightstone and it is understood that they are willing to take on this role.

Recommendation

It is recommended that:

1. A Deed of Variation to the Section 106 Agreement be made to allow for all 12 dwellings to be affordable dwellings at an affordable rent.
2. A Deed of Variation to the Section 106 Agreement to delete the need for a Management Company not be accepted.



Application No 3/39/14/031
Variation of condition 2 on planning permission 3/39/13/013 in order to change plots 9 to 12 from 3-bed semi-detached dwellings to 2-bed semi detached dwellings and to change the development road surface finish to tarmac with the parking bays remaining as block paving.
The Former Croft House, North Croft, Williton, TA4 4RR
14 October 2014
Planning Manager
West Somerset Council
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
Licence Number: 100023932



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Easting: 307909 Northing: 141333 Scale: 1:2500

Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/01/14/009	Rainbows End (also known as Halway Nurseries), Halsway, Crowcombe, Taunton, TA4 4BB	Erection of two extensions to the north west and south west elevations of the existing bungalow, plus increasing the overall width of the dwelling by 2.4m to the south west and raising the wall-plate height of the dwelling by 1.6m and the ridge height by 900mm (resubmission of 3/01/14/005)	10 November 2014	Grant	SK
<u>Ref No.</u> 3/02/14/003	<u>Application</u> Moor Mill Barn, Lydeard St Lawrence, Taunton, TA4 3RG	<u>Proposal</u> Erection of wooden balcony and change of a window to a door on the south east elevation	<u>Date</u> 27 October 2014	<u>Decision</u> Grant	<u>Officer</u> SK
<u>Ref No.</u> 3/06/14/002	<u>Application</u> Land between Welshes Farm and St Mary's Church, Clatworthy	<u>Proposal</u> Outline application with all matters reserved for the erection of two bungalows	<u>Date</u> 10 November 2014	<u>Decision</u> Refuse	<u>Officer</u> CM
<u>Ref No.</u> 3/07/14/006	<u>Application</u> Triscombe Farm, Bishops Lydeard, TA4 3HE	<u>Proposal</u> Proposed new glasshouse and associated landscaping	<u>Date</u> 28 October 2014	<u>Decision</u> Grant	<u>Officer</u> EP
<u>Ref No.</u> 3/10/14/001	<u>Application</u> 2 Bridges Mead, Dunster, Minehead, TA24 6RN	<u>Proposal</u> Proposed extension and improvements to replace existing conservatory and provide extra bedroom.	<u>Date</u> 19 November 2014	<u>Decision</u> Grant	<u>Officer</u> BM
<u>Ref No.</u> 3/16/14/003	<u>Application</u> The Orchard, Hodder's Combe, Holford, Bridgwater, TA5 1SA	<u>Proposal</u> Change of use from agricultural land to residential amenity land and erection of new boundary fence and hedge.	<u>Date</u> 05 November 2014	<u>Decision</u> Refuse	<u>Officer</u> CM

Ref No.	Application	Proposal	Date	Decision	Officer
3/17/14/008	Stolford Farm, Brendon Hill, Watchet, TA23 OLP	Demolition of an agricultural building and engine shed and erection of stables and tennis Court on the site of the existing agricultural building plus four bay garage on the site of the existing engine shed.	21 October 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/18/14/004	Sturmeay Cottage, Kilton Road, Kilve, TA5 1SS	Erection of a glazed, oak framed front porch	20 November 2014	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/14/077	Butlins, Warren Road, Minehead, TA24 5SH	Change external finishes to SW corner of two storey leisure building. Section of profiled metal cladding to be replaced with curtain walling, new entrance porch, 4no. new door openings. Insert 2no. ventilation louvre panels to replace windows and cladding at high level. Remove external metal stair and clad over doors to stair at first floor level.	20 October 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/14/085	Clanville Lodge, Clanville Road, Minehead, TA24 5PD	Erection of ornamental entrance gates	03 November 2014	Refuse	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/14/089	39 Poundfield Road, Minehead, TA24 5ER	Convert the existing loft space into habitable accommodation plus the installation of dormer window extensions to the north and south roof slopes.	28 October 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/14/090	The Old Harbour House, Quay Street, Minehead, TA24	Alterations to convert restaurant into part of main dwelling	03 November 2014	Grant	CM

5UJ

Ref No.	Application	Proposal	Date	Decision	Officer
3/30/14/003	Dieppy Cottage, Skilgate, Taunton, TA4 2DQ	Retrospective change of use of annex to holiday let accommodation	05 November 2014	Grant	CM
3/31/14/011	Catford Cottage, Excott, Williton, Taunton, TA4 4JQ	Alterations to existing rear extension	13 November 2014	Grant	EP
3/31/14/012	Zinch Cottage, Station Road, Stogumber, TA4 3TQ	Installation of an array of solar voltaic panels to the south-east roof of garage/log store	18 November 2014	Grant	CM
3/32/14/015	Hinkley Point B, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UD	Proposed outage welfare building	17 November 2014	Grant	AG
3/37/14/021	18 Alamein Avenue, Watchet, TA23 0TY	Remove degraded front porch to front of property. Erect new block built porch.	17 November 2014	Grant	SK
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)	27 October 2014	Grant	CM
3/39/14/027	Abbey Barn, A39, Washford TA23 0NS	Erection of external masonry staircase and two balconies at first floor level	13 November 2014	Refuse	EP
3/39/14/028	Abbey Barn, A39, Washford, Somerset, TA23	Erection of external masonry staircase and two balconies at	12 November 2014	Refuse	EP

ONS first floor level

Ref No.	Application	Proposal	Date	Decision	Officer
CA/21/14/005	Elgin Tower, 6 Burgundy Road, Minehead, TA24 5QJ	Reduction of Cupressus Macrocarpa and Pinus by 10.6 to 12 metres	28 October 2014	Raise No Objection	SK

Ref No.	Application	Proposal	Date	Decision	Officer
NMA/21/14/003	Minehead Seafront opposite Minehead Railway Station, Minehead, TA24 5RG	Non-material amendment to planning permission 3/21/14/068 in order to affix 4 no. marine grade brushed stainless steel plates one showing commemorative plaque, the other 3 showing typical contributors' names, All 4 to be fixed to the base of the column.	13 November 2014	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
T/26/14/009	Cedar Lodge, 17 Cleeve Park, Old Cleeve, Minehead, TA24 6JB	Removal of one Holm Oak	27 October 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
T/28/14/001	Orchard Drive, Sampford Brett, Taunton, TA4 4JT	Crown reduction of Beech (T1). Crown lifting of Sweet Chestnut (T2).	28 October 2014	Grant	SK