



To: Members of Planning Committee

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

Our Ref TB/TM

Your Ref

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

Extension 01823 356573

Date 4 January 2017

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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 12 January 2017

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

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

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

Yours sincerely

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

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 12 January 2017 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 1st December 2016 - **to follow**

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: 4 January 2017

<u>Ref No.</u>	<u>Application/Report</u>
3/26/15/024	Erection of one 4 bedroom dwelling and altered shared access road. Land adjoining Magnolia House, Washford, TA23 0PR
3/02/16/008	Change of use of land to mixed agriculture / tourism use and the erection of three glamping tents. Middle Stone Farm, Brompton Ralph to Gandstone Cross, Brompton Ralph, Taunton, TA4 2RT
3/02/16/009	Erection of two-storey extension to east elevation in order to link dwelling house with outbuilding plus porch and hall extensions to south elevation and new stair pod to the north elevation to access proposed first floor corridor linking existing cottage and first floor of new extension. Leigh Cottage, Brompton Ralph, TA4 2SF

3/37/16/022	Extensions to existing bungalow. The Westerlies, West Street, Watchet, TA23 0BJ
3/21/16/098	Erection of 1 No. dwelling and associated works in the garden to the rear. 78 Bampton Street, Minehead, TA24 5TU

6. Exmoor National Park Matters - Councillor to report

7. Delegated Decision List - Please see attached

8. Appeals Lodged

Appeal against the refusal of the retention of canopy at 10 College Close, Minehead, TA24 6SX (planning application 3/26/15/099).

Appeal against the refusal of the erection of detached dwelling with associated vehicle parking and garden at 62 King George Road, Minehead, TA24 5JE (planning application 3/21/16/055).

Appeal against the refusal of the erection of a single storey extension at 9B King Edward Road, Minehead, TA24 5EA (planning application 3/21/16/056).

Appeal against the refusal of the notification for prior approval for a proposed change of use of agricultural building to a dwelling house (Class C3) and for associated operational development at the building east of Luckes Lane, Lower Weacombe, Williton, TA4 4LP (planning application ABD/28/16/001).

Appeal against the refusal of the conversion of stable building to a holiday unit at Higher Thornes Farm, Lower Weacombe, Taunton, TA4 4ED (planning application 3/28/16/005).

9. Appeals Decided

3/04/15/004 – Proposed residential development of 13 properties including associated landscaping, parking and a new vehicular and pedestrian access from Ellersdown Lane on land to the north of Ellersdown Lane, Brushford
– Appeal Dismissed.

3/26/16/012 - Demolition of existing dwelling and erection of a replacement 3 bedroom dwelling to the rear of Woodhey at Grooms Cottage, Old Cleeve, TA24 6HQ – Appeal Dismissed.

3/21/15/071 – Erection of a detached two bedroom bungalow with associated parking within the garden area at North Hill View, The Warren, Minehead, TA24 5SL – Appeal Dismissed.

10. Reserve date for site visits – No site visit for this meeting

11. Next Committee date – Thursday 26 January 2017

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
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	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:	3/26/15/024
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 304641 Northing: 140870
Applicant	Mr Short
Proposal	Erection of one 4 bedroom dwelling and altered shared access road.
Location	Land adjoining Magnolia House, Washford, TA23 0PR
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thereafter the resting places and agreed accesses shall be permanently maintained

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

Informative notes to applicant

- 1 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.
- 2 STATEMENT OF POSITIVE WORKING
In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application issues/concerns were raised by a statutory consultee regarding trees, flooding and Japanese Knotweed. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission

was granted.

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

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

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

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

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

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

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

Proposal

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

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

It is proposed to provide the following accommodation:-

Ground floor: Dining room/lounge; kitchen utility room; hall and, cloakroom/WC;

First floor: 4 bedrooms (2 with en-suite shower rooms); and, a family bathroom.

Outside: a double garage is proposed to be sited to the south-east of the dwelling and will be constructed in rendered walls above a brick plinth to match the adjacent property with slate roof tiles.

Site Description

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

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

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

Relevant Planning History

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

Consultation Responses

Old Cleeve Parish Council -

Old Cleeve Parish Council make the following comments:

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

Highways Development Control - 'Standing Advice' applies.

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

We have advised the agent that we would recommend a sequential approach, i.e. locating the proposed dwelling to the rear (north) of the site in Flood Zone 1 outside of the Flood Zone 3 extent. Whilst the applicant has undertaken a topographic survey which shows the land to be higher than the 1:100 20 % climate change extent, due to the proximity of the watercourse, modelling uncertainties and catchment characteristics there is always a residual flood risk.

The application site and location of the dwelling is partly within Flood Zone 3 as

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

Further comments.

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

Condition

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

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

Condition

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

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

Informative

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

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

Guidance to local planning authority and applicant

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

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

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

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

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

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

Wessex Water Authority - No objection.

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

Biodiversity and Landscaping Officer - Condition for protected species:

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

Reason: to protect breeding birds

Informative Note

1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Further comment (27/9/16)

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

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

Comment (3/10/16)

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

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

Comment (18/10/16)

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

Representations Received

No representations have been received.

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

The following policies are of relevance:

SD1 Presumption in favour of sustainable development
SC1 Hierarchy of settlements.
SC5 Self containment of settlements
SV1 Development at Primary and Secondary Villages
NH1 Historic Environment
NH6 Nature conservation and the protection and enhancement of Biodiversity
NH13 Securing High Standards of Design
ID1 Infrastructure delivery
CC6 Water management

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

Determining issues and considerations

The primary considerations with this application are

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

Planning policy and principles.

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

The adopted West Somerset Local Plan makes clear that Washford is a village where development will be limited to that which supports the social and economic viability of the settlement, which protects and enhances its environmental qualities and where it is unlikely to lead to a significant increase in car travel. This policy goes on to define development as being limited to conversions, infilling, or the redevelopment of previously used land. This proposal is clearly not a conversion and is not redevelopment of previously used land since the Government have taken residential curtilages out of this definition. However, whilst the proposal is not infilling in the traditional sense of being between two or more other uses, it does constitute the filling in of land within the settlement boundary as defined by the adopted Local Plan. On this basis, the proposal is seen not to be in conflict with adopted Local Plan policy SC5. Policies NH1 and NH13 relate to the need to respect existing environments and through design and local distinctiveness. Whether the proposal achieves this is a somewhat more subjective judgement, but it is officers view that it does.

With respect to the arguments above, it is considered that the adopted local plan (The West Somerset Local Plan to 2032) is now in place and in respect of these principles, the pertinent considerations here are policies SD1 and SC1. SD1 reiterates the presumption in favour of sustainable development as given in the NPPF. As this proposal utilises garden space at the edge of an existing settlement, then this is seen as being a sustainable location. Policy SC1 looks at the hierarchy of settlements and identifies Washford as being a 'primary village'. In primary villages, development will be allowed where it can be demonstrated that it will contribute towards wider sustainability benefits for the area. It is considered that residential development achieves this because there would be a greater use of the local facilities and help the economic and social aspects of the community. The environmental dimensions of the proposal will be judged by the appearance of the development and how well it integrates into the local environment. These issues will be discussed later and are matters of judgement rather than principle. With regard to the principles of the development, policy SC1 is quite clear that new development must meet the following criteria -

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

(b) There needs to be safe and easy pedestrian access to the essential services and social facilities. This is more difficult to judge as there is no footway on either side of Abbey Road from the application site to the centre of the village. However, people do walk that route and indeed people are encouraged to walk to Cleeve Abbey

opposite the site. Abbey Road is not a primary route and outside of the tourist season would generally take only local traffic. There are traffic calming measures in Abbey Road and so the traffic would not normally be travelling at excessive speeds. There are other residential properties and some businesses that already utilise this road. Therefore, despite the lack of footways, walking down this road to and from the centre of Washford is not considered to be so dangerous as to justify refusing this proposal.

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

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

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

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

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

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

Flood Risk.

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

Policy W/6 of the local plan permits development within areas of flood risk where environmentally acceptable mitigation measures will mitigate flooding risks. The application site is partly located within Flood Risk zone 3. A Flood Risk Assessment has been submitted with the proposal, prepared by RGP Architects Ltd and dated

November 2015. This report confirms that surface water run-off should be controlled by a sustainable drainage system (SUDS) and seeks to mimic natural drainage systems. Flooding from the Washford river has not previously occurred, however, the Environment Agency indicates that the site being partly within Flood Risk zone 3 would have a 1 in 100 or greater risk of flooding.

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

Heritage impact.

The site lies opposite a significant Heritage Asset. Cleeve Abbey is a Scheduled Ancient Monument as well as a Grade 1 Listed Building. The grounds also form part of the listing. The proposal does not affect the fabric of the old Abbey, so the question is whether or not the proposal would impact upon the setting of the Abbey. The proposal site is just outside of Heritage England's statutory consultation zone for the Scheduled Ancient Monument. That begins on the other side of Abbey road. Discussions with the Heritage and Conservation Officer have led to the conclusion that a dwelling at this position and of the design shown would not impact adversely upon the setting of Cleeve Abbey. It would be true to say that it would not enhance it either. In fact the impact is considered to be neutral. Given the other uses along Abbey Road, given that this site is part of a residential curtilage, and given the distances involved to the Abbey ruins themselves, it is not considered that there is any adverse impact that would justify a refusal on heritage grounds.

Arboricultural and landscaping issues.

A Tree Preservation Order has been served on the multi-stemmed, mature Horse Chestnut tree situated close to the existing vehicular access in the southern site corner (see Drawing No. 15048/P1B). This tree was TPO'd because it was considered to be a specimen worthy of retention and at the time, other trees in the site were being felled. It is certainly a significant landscape feature and has good

amenity value. It also provides some screening for the site from the direction of the Grade I Listed, Cleeve Abbey and its grounds. The Council's Trees Officer has advised that the nearest south facing wall of the new dwelling is shown on plan to be approximately 6.0m, well within the Root Protection Area (RPA) of this tree, and the tree should be afforded a greater clearance from any part of the house structure to enable it to be retained and also to enable it to grow without there being pressure to remove branches and limbs to improve light levels, and mitigate against wind-blown debris – leaves, twigs and branches – to the rear (south facing) elevation of the dwelling and the adjoining patio area. A suitable distance for the RPA could only be achieved by moving the footprint of the dwelling back into the site.

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

Highways issues.

Standing Advice comments have been received from the local Highways department. The site location plan shows a block pavior entrance drive with a width of 4.8m wide, and extends for approximately 18m in length to serve Magnolia House and the new paved area linking the main drive to the proposed new garage. No entrance gates are proposed. The adjoining road passing the site has a 30mph speed limit and where the required visibility splays expected in this case would be 43m in each direction. However, the applicant has indicated that he is able to achieve only 21.2m to the right towards the village of Washford and 26.2 to the left towards Torre and Roadwater only. However, the site is located adjoining a straight length of road, where speeds are low due to the nature of the road and traffic calming measures. The new entrance will be provided instead of the existing entrance to the site which is shown as being closed up, so in this way it is not making the situation any worse than currently exists. The new access will have a much better central position between the proposed and the existing dwellings. The front roadside boundary walls will be set a 900mm for a length of 9m to the left of the driveway with a further stone wall of 13.6m in length and will be angled back from the adjoining highway. With all of these factors in mind, the visibility splays are considered acceptable in this case.

A new detached double garage will serve the new dwelling with further parking for two other cars parked in tandem in front of the garage (totaling 4 spaces). In this case the site is located in zone C in the SCC Parking Strategy and where a 4

bedroom dwelling should provide 3.5 spaces plus visitor parking and 1 cycle space per bedroom, total of 4, details of the cycle storage are to be required via condition. It is therefore considered that the development accords with local planning policies ID1,(Infrastructure delivery) and policy TR2 (reducing reliance on the private car) of the West Somerset Local Plan to 2032.

Design, appearance and impact of the dwelling.

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

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

Comments from the Parish Council.

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

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

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

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

at the appropriate time in their growing stages.

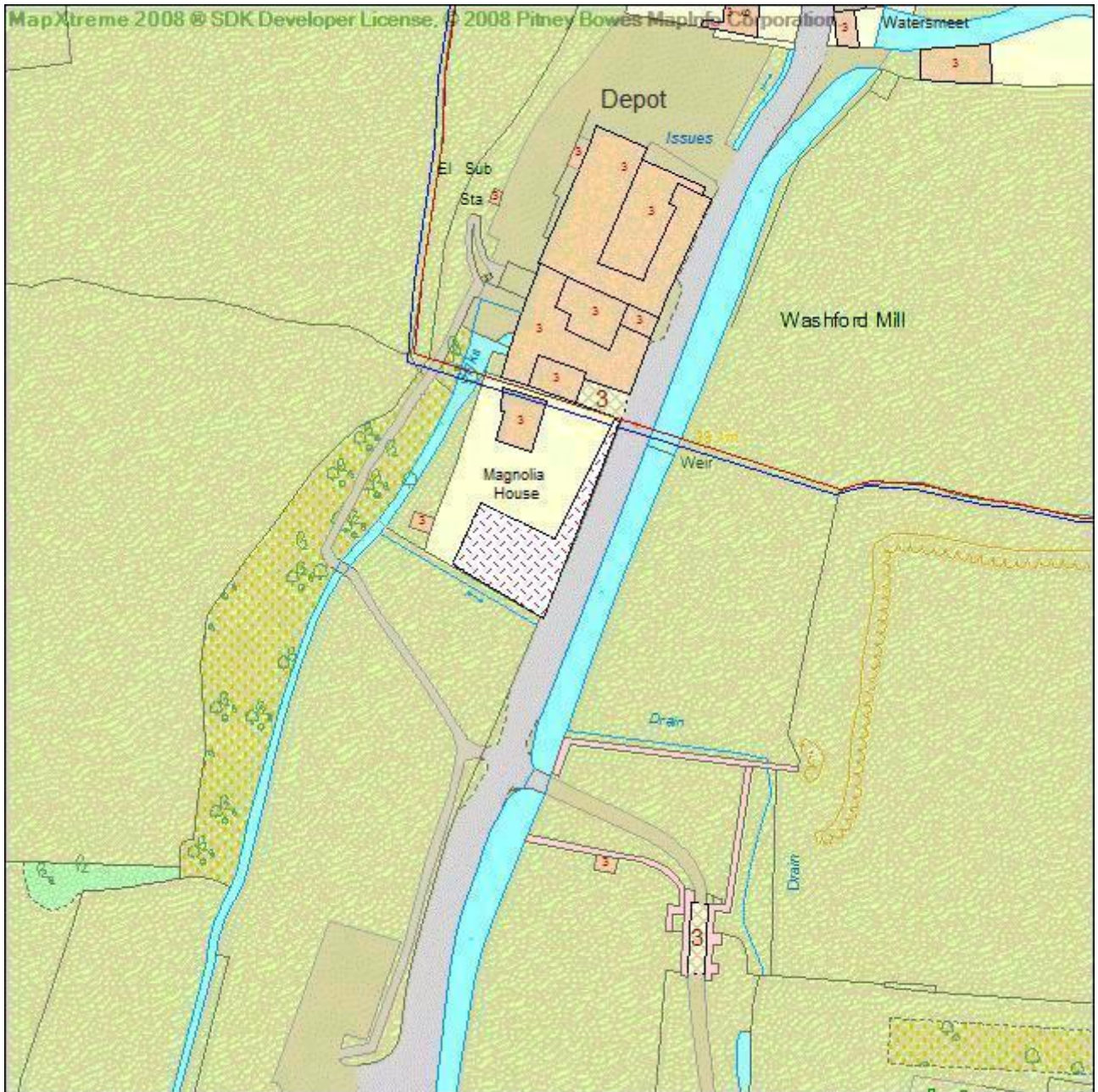
Biodiversity.

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

Conclusion

Given all of the above considerations, it is considered that the proposed development accords with conditions, SD1, SV1, SC1, SC5, NH1, NH6, NH13, CC6 and ID1 of the adopted local plan to 2032. Whilst many of the issues discussed above are marginal, Officers are mindful of the presumption in favour of development imposed by both the NPPF and policy SD1 of the West Somerset Plan to 2032. Therefore, for all of the reasons given in this report, the recommendation is one of approval subject to conditions as listed.

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



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

West Somerset Council
Licence Number: 100023932



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Easting: 304632 Northing: 140843

Scale: 1:1250

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

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

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

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

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

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

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

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

Reason: In the interests of the appearance of the development and the surrounding area having regard to the provisions of Policies OC1, EC9, NH1, NH5 & NH13 of the West Somerset Local Plan (2032).

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

Reason: To safeguard the character and appearance of the area having regard to the provisions of Policies OC1, EC9, NH1, NH5 and NH13 of the West Somerset Local Plan (2032).

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

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

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

Reason: To ensure the adequate provision of drainage infrastructure having regard to the provisions of Policy CC6 of the West Somerset Local Plan (2032).

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

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

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

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

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

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

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

Proposal

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

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

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

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

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

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

Site Description

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

Relevant Planning History

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

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

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

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

Consultation Responses

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

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

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

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

Highways Development Control - Comments as follows:

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

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

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

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

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

Biodiversity and Landscaping Officer - Comments as follows:

The parking is already in place.

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

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

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

Representations Received

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

SUPPORT:

Economic benefit

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

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

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

Visual amenity

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

Highways/traffic

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

Residential amenity/noise

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

Other

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

- Additional accommodation required for Hinkley workers moving to area.

NEUTRAL:

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

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset District Local Plan to 2032, saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

West Somerset Local Plan

T/8 Residential Car Parking

Emerging West Somerset Local Plan

SD1	Presumption in favour of sustainable development
OC1	Open Countryside development
EC1	Widening and strengthening the local economy
EC9	Tourism outside settlements
EC11	Agriculture
TR2	Reducing reliance on the private car
NH5	Landscape character protection
SC1	Hierarchy of settlements
CC6	Water Management
NH1	Historic Environment

Determining issues and considerations

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

Principle of development

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

There are three existing glamping units on site that were previously approved under planning application ref. 3/02/15/001. The principle of development was assessed as part of the previous application, where the development was considered to contribute towards the diversification of the farm, as per the requirements of Policy A/1 (since been replaced with Policy EC11 of the West Somerset Local Plan 2032). The development of a further three glamping units is considered to be of a scale that is commensurate with the continued diversification of the site and is of a size that is compatible with its surroundings.

Sustainability and reducing the need to travel is an important policy issue for consideration, given that any future visitors and users of the accommodation would be heavily reliant on the use of a private motor vehicle. This issue was also assessed under the previous application, where it was recognised that due to the rural nature of the area, the lack of sufficient public transport and the distance between service centres and attractions, most visitors would travel via motor car. It was, however, acknowledged that Policy A/1 was worded in such a way as to recognise the constraints of rural diversification, which supported a minimal increase in the use of private transport for visitors. It is recognised that this policy has now been superseded with Policy EC11. Whilst the proposed new development would result in additional vehicle movements, the provision of three additional glamping tents is not considered to significantly conflict with the policy requirements of Policy EC11 to an extent that would warrant refusal in this instance.

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

Visual amenity/Landscape

The proposed 'glamping' units would be situated in a field to the north-east of the main farm buildings and adjacent to a private access track that is well screened by an existing belt of trees to the south-east. Whilst the units are a fair distance from the main farm buildings, sightlines of the development from the public realm would be limited, primarily as a result of existing tree and hedge planting toward the north-east and south-east of the site. Furthermore, the site itself does not fall within

an Area of Outstanding Natural Beauty or any other landscape designation that requires a high level of protection.

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

Highway safety

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

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

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

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

Taking the above into account, it is considered unreasonable to request changes to the visibility splay for the provision of an additional three glamping tents.

The applicant has indicated that there is sufficient space available within the site for the parking and turning of vehicles. Having visited the site, it is evident that there is an existing graveled area situated toward the south-western corner of the field that

could be utilised for parking. As this is not clearly shown on plan, it is considered reasonable to secure the parking area via condition.

Residential amenity

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

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

Conclusion

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

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

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

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

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



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



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 Easting: 309070 Northing: 131224

Licence Number: 100023932 Scale: 1:1250

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

Recommendation

Recommended decision: Refuse

Reasons for refusal:

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

Informative notes to applicant

1 **STATEMENT OF POSITIVE WORKING**

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

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

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

Proposal

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

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

Site Description

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

Relevant Planning History

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

Consultation Responses

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

There were no material planning considerations against the application and they therefore recommend approval.

The decision was unanimous.

Highways Development Control - See Standing Advice.

Tree Officer -

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

Biodiversity Officer - comments

Richard Green carried out a protected species Survey dated September 2016

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

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

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

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

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

The mitigation should be shown on the architect's drawings

Birds - Several active swallow nests were found in the outbuilding

Representations Received

None received.

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH6 Nature conservation & biodiversity protection & enhancement

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

BD/3 Conversions, Alterations and, Extensions

Determining issues and considerations

Design

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

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

Landscape

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

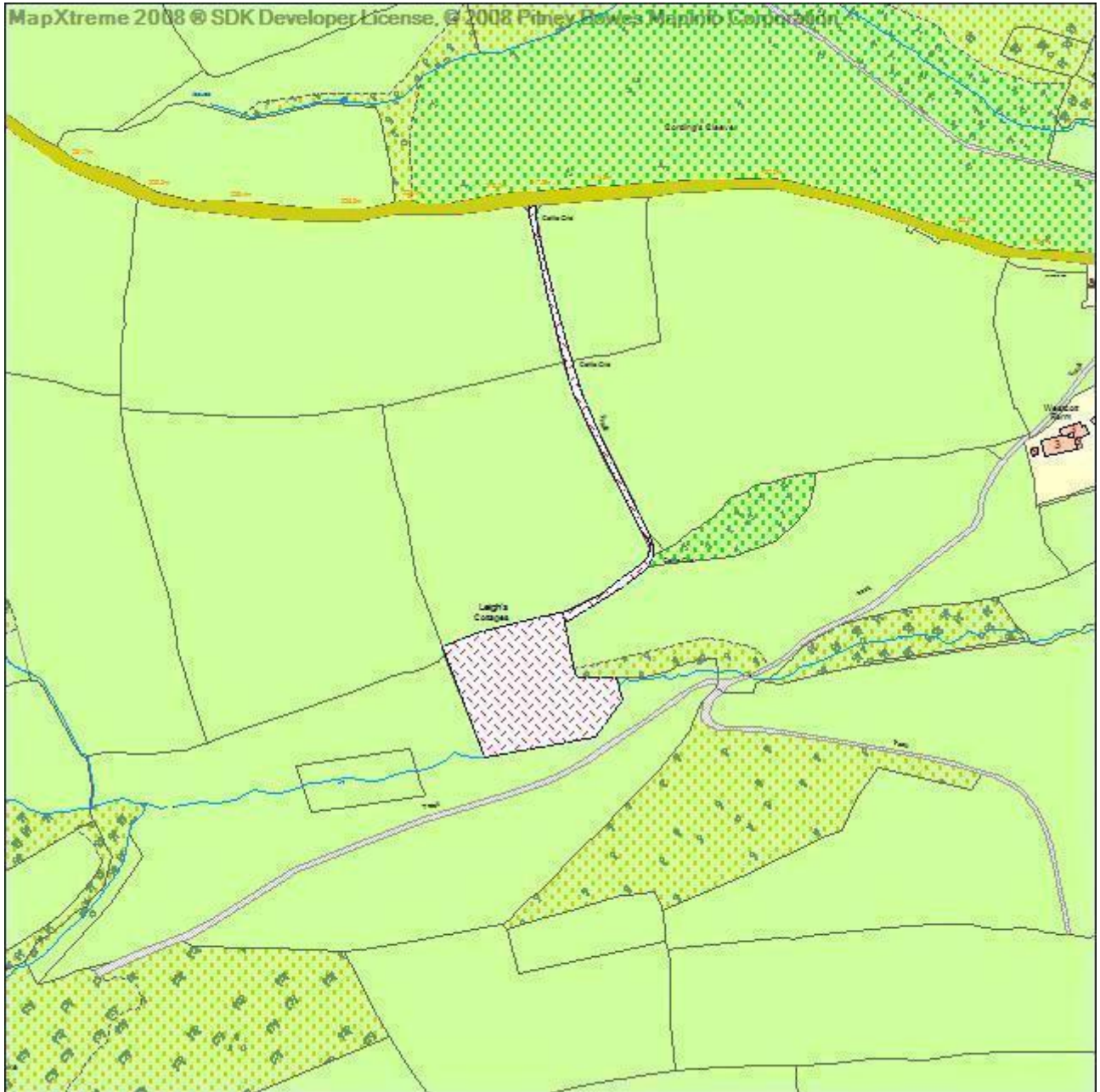
Wildlife

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

Conclusion

The siting, size, scale and design of the extensions are not in keeping with the existing cottage and will affect the character of the property to such an extent that the proposals do not comply with retained policy BD/3 of the West Somerset Local Plan (2006) and policy NH13 of the West Somerset Plan (2032).

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



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



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Easting: 307591 Northing: 131640 Scale: 1:3500

Application No:	3/37/16/022
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Briony Waterman
Grid Ref	Easting: 306706 Northing: 143442
Applicant	Mr Martin Kent
Proposal	Extensions to existing bungalow
Location	The Westerlies, West Street, Watchet, TA23 0BJ
Reason for referral to Committee	The views of the Parish Council conflict with the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

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

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

(A4) Site Location plan
(A3) Proposed Garage / Store
(A3) Proposed Plan and Elevations
(A3) Planning Drawings
(A3) Proposed Ancillary Building Planning Drawings

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

- 3 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy BD/3 of the West Somerset District Local Plan (2006).

- 4 The parking space/s in the garage(s) hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

- 5 The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Westerlies and shall not be occupied as a separate dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers having regard to the provisions of Saved Policies SP/2, BD/2 and T/8 of the West Somerset District Local Plan (2006).

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. 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.

Report Update

This application was considered by the planning committee on 3rd November 2016 where members resolved to defer the consideration of the application in order for the applicant to undertake a land stability investigation survey (a Geotechnical Report). The applicants have submitted a report from David Roche GeoConsulting Ltd who visited the site in November 2016 and this concludes that:

“Based on our observations and review of relevant information, as summarised above, the main conclusions to be drawn are that the sea cliffs below the property are formed in mainly mudstone bedrock, the house is set back generally more than 30m from the sea cliffs, and whereas there has been some local cliff instability in the past this appears to be of relatively minor scale, and it is therefore considered unlikely that there might be any significant cliff instability risks affecting this property in the foreseeable future.

On this basis it is concluded that the cliffs and any future instability of the cliff slopes would be unlikely to pose any significant threats or adverse impacts on the property of The Westerlies in the foreseeable future.

The proposed redevelopment of the property involves construction works set well back from the cliff edge, with minimal disturbance of the ground and with all drainage to combined sewer. It is concluded that such building works should not cause any adverse influences or impacts on the cliff slope stability, either in the short or longer terms.

Traditional shallow standard strip foundations should be most appropriate for the dwelling extensions, based on the ground conditions observed in the trial pit, and on the adjacent cliff exposures. Building foundations in clayey soils should be not less than 1m depth, and taken down below any surface topsoil or fill layers and into the underlying clay of stiff or better consistency, and constructed in accordance with NHBC guidelines. Based on the local source geology, it should be assumed that the clay may be of medium to high plasticity, and therefore medium to high shrinkage/swelling potential, and also that the clay may have medium to high sulphate content and that sulphate resisting cement should be used. These conditions could be checked prior to construction by additional exploratory holes and laboratory tests on clay samples (for natural moisture content, plasticity indices and sulphate/pH)”

Proposal

Permission is sought for extensions to the existing bungalow to include a rear extension, raising of the roof to include a first floor. Replacement of the caravan to the rear with an ancillary accommodation unit and replacement of the caravan to the front with a single garage and the erection of a fence to the southern boundary.

Site Description

The Westerlies is a detached rendered bungalow with a tiled roof in a state of disrepair. It is set back and above the main highway between West Bay Caravan Park and a car park, it backs on to the coast.

Relevant Planning History

No relevant planning history

Consultation Responses

Watchet Town Council - Committee is concerned about the destruction of a period

1930's bungalow, and that the extension to the seaward side of the property will cause extensive foundation works to be carried out on a naturally weak, unsafe, geological area.

Highways Development Control - No comments received.

Technical Officer - Comments on land stability report awaited.

Representations Received

No comments received.

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the saved policies of the West Somerset District Local Plan to 2032, saved policies of the West Somerset District Local Plan (2006), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

West Somerset Local Plan (2006)

BD/3	Conversions, Alterations and, Extensions
T/8	Residential Car Parking

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages

Determining issues and considerations

The main consideration in determining this application is the impact on the neighbouring properties and the character of the property.

The proposed garage to the south of the existing dwelling is to replace an existing caravan. The dimensions of the proposed garage comply with those set out in the highways standing advice document and is therefore considered acceptable. There are no windows proposed on the western or southern elevation it is therefore considered that the garage will not have a significant impact on the residential amenity of the neighbouring properties. The proposed use of rendered walls and a

tiled roof will allow the garage to blend with the existing dwelling and to sit comfortably within the site.

The addition of a 2 metre fence above the existing wall is considered acceptable and will partially screen the proposed garage from the public highway. The fence replaces an existing hedge and as there are other fences along West Street, including at the neighbouring property, it is considered that this would not be an incongruous addition to the streetscene, nor will there be any impact on the highway users due to the location of the fence. It is therefore considered acceptable.

To the rear of the property sits a caravan which has been used for ancillary accommodation the proposal is to replace this with a more permanent structure rendered and tiled to match the existing dwelling. The proposed structure is 10.1 metres long by 3.5m wide compared to the caravan which measures 6.3m x 2.6m. It is considered that due to the length of the garden that this would be acceptable. It is considered that there would be no significant impact on the neighbouring properties due to the location of the annexe, it will be screened from the south by the existing dwelling and partially screened from the east and west by existing boundary treatments. A condition has been proposed limiting the use to ancillary only as the use as a separate dwelling would be unsuitable in this location.

There are significant alterations proposed to the existing bungalow, which is in a poor state of repair, outside of the conservation area and well screened by existing boundary treatments. The alterations proposed to the south include altering and raising the roof to allow for a first floor. Whilst this proposal does alter the appearance and changes the character of the dwelling it is considered that it is an improvement on the existing frontage. The neighbours to the south in Lorna Doone are approximately 29 metres away over a public highway and are not considered to be significantly impacted by the proposals. The Westerlies sits slightly behind the building line for West Bay House and it is considered that the proposals to the south elevation would not cause any harm to their residential amenity.

The proposed alterations to the eastern elevation include the addition of a large dormer window. It is considered that this would not have a significant impact on the residential amenity of the neighbouring properties as it looks out towards a car park, with the nearest neighbours being approximately 89 metres away. The increased height will make the elevation visible when travelling west along West Street, however as it is a residential area surrounded by two storey properties this is considered acceptable.

The proposals on the north elevation include an extension to square off the rear with the addition of a floor to ceiling window at first floor level. These alterations are not considered to have an impact on the residential amenity of the neighbouring properties as the elevation faces to the sea.

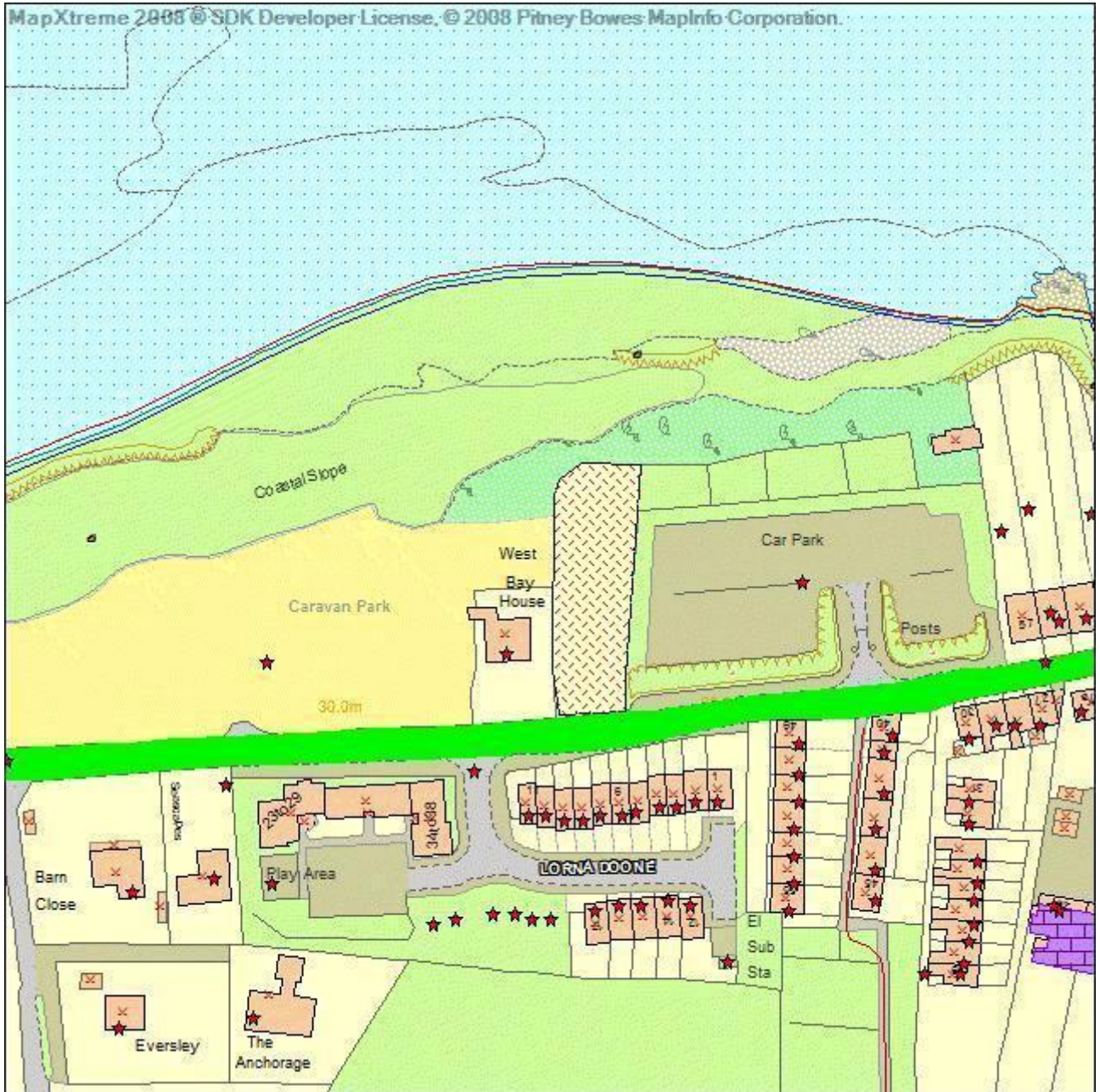
The alterations proposed on the west elevation include the addition of three dormer windows it is considered that these alterations are considered acceptable as they do not directly face the existing windows of West Bay House it is therefore considered to significantly exacerbate the existing situation.

It is therefore considered that as the proposals do not have a significant impact on the residential amenity of the neighbouring properties and the current bungalow is in a state of poor repair that permission be granted.

The submitted geotechnical report has been sent to the Councils Technical Officer who will review the contents and make comments that will be updated at the planning committee. Subject to these views, it is considered that the risk of land stability has been identified and suitably addressed by the submission of the report. The report concludes that the building works should not cause any adverse influences or impacts on the cliff slope stability, either in the short or longer terms.

The proposal is therefore considered acceptable by policy BD/3 of the West Somerset Local Plan 2006 and policy SV1 of the new West Somerset Local Plan to 2032

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



Application No 3/37/16/022
Erection of extensions
The Westerlies, West Street,
Watchet
17/08/2016



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

West Somerset Council
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Easting: 306706 Northing: 143442
Scale: 1:1250

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

Recommendation

Recommended decision: Refuse

Reasons for refusal:

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

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

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

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

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

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

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

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

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

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

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

The applicant confirmed that they would be unable to submit amendments in a timely manner. It was suggested that the most appropriate course of action would be for the application to be withdrawn so that changes could be made and pre-application discussions/ correspondence could take place. The

applicant choose not to withdraw the application and the applicant was informed that the application would be recommended for refusal.

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

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

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

Proposal

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

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

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

Site Description

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

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

Relevant Planning History

None

Consultation Responses

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

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

Wessex Water Authority -

Water Supply and Waste Connections

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

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

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

Building Near to a Public Sewer

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

Highways Development Control - See Standing Advice

Environment Agency -

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

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

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

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

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

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

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

Representations Received

SEVEN LETTERS OF OBJECTION: -

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

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH13	Securing high standards of design
SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
CC2	Flood Risk Management
CC6	Water Management
ID1	Infrastructure delivery

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

T/8	Residential Car Parking
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Determining issues and considerations

Principle

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

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

As well as the relevant local policies, guidance given within the National Planning Policy Framework (NPPF) is also a material consideration. Paragraph 11 of the NPPF advises that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise". One of the core principles of the NPPF is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" (paragraph 17). Chapter 9 (pursuing sustainable development) states that development should seek positive improvements in the quality of the built, natural and historic environment as well as people's life. Section 7 requires 'good design' and advises in paragraph 64 that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". Section 10 'Meeting the challenge of climate change, flooding and coastal change' is also relevant in this case and is discussed below. It is contended that this application fails to meet the criteria of these relevant parts of the NPPF.

Impacts on character and appearance of the area

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

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

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

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

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

Impact on residential amenity

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

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

Bampton Street where there would be an unacceptable level of shadowing during part of the day.

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

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

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

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

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

Highway safety and parking

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

One parking space is proposed to the rear of 78 Bampton Street, accessed via an existing narrow access. The parking area shows no turning space available within the site, and given the limited width of the access road, no vehicles would be able to turn and leave onto West Street in a forward gear. As access onto West Street is between a public footpath, reversing onto the street would be unacceptable and detrimental to users of the footpath. Whilst vehicles could leave and drive along the access road towards Dugdale Street, this does not overcome the limited and confined area proposed to park a vehicle.

The provision of one parking space is an under provision as set out in the Somerset Parking Strategy. Whilst an under provision can sometimes be accepted, given location of a dwelling to services and facilities, in this case the surrounding area is

already under pressure from off road parking, and given the awkward arrangement for the proposed parking space, it is unlikely that this space would be utilized. As such, there would be an increased pressure for further parking onto surrounding streets that are already congested.

Flood Risk and Drainage

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

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

Conclusion

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

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



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



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

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Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/10/16/003	The Old Dairy, Lower Marsh, Dunster, TA24 6PJ	Installation of additional window to stable block/garage	28 Novem ber 2016	Grant	SW
3/10/16/004	THE OLD MANOR, LOWER MARSH LANE, DUNSTER, MINEHEAD, TA24 6PJ	Retention of works and proposed works to convert the study to a bathroom	22 Decem ber 2016	Grant	EP
3/16/16/005	Copse Cottage, Combe Lane, Holford, TA5 1RY	Erection of dormer to the south elevation, replacement windows, exterior cladding and re-roofing	09 Decem ber 2016	Grant	SW
3/16/16/006	Sir Alicks Reservoir, Holford, Bridgwater, TA5 1LF	Replacement of 3No. antenna and installation of 2No. 600mm diameter dishes on the 20m high lattice tower and ancillary works	16 Decem ber 2016	Prior approval not required	KW
3/17/16/003	Scott Hill Farm, Scotts Hill, Huish Champflower, Taunton, TA4 2EB	Demolition of cowsheds and erection of 4No. stables and 1No. haystore	09 Decem ber 2016	Grant	KW
3/18/16/008	8 Millands Lane, Kilve, Bridgwater, TA5 1ED	Erection of a single storey glazed canopy to the rear of the property	12 Decem ber 2016	Grant	SW
3/21/16/083	Land at Seaward Way, Minehead	Variation of conditions 2 on planning permission 3/21/15/017 in order to revise the site layout.	25 Novem ber 2016	Grant	KW

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/16/102	Telecommunication Site, Beacon Wood, Beacon Road, Minehead, TA24 5RZ	Upgrade of equipment to enable use of the site by ENS, comprising of replacement of 2 No. antennas on the 15m monopole, addition of 2 No. 600mm diameter dishes and development ancillary thereto	29 November 2016	Prior approval not required	DA
3/21/16/103	8 Alexandra Road, Minehead, TA24 5DR	Erection of single storey side extension	30 November 2016	Grant	SW
3/21/16/104	Quay House, 61 Quay Street, Minehead, TA24 5UL	Proposed loft conversion and erection of two dormers on the front elevation	19 December 2016	Grant	SW
3/21/16/105	30 King George Road, Minehead, TA24 5JD	Erection of single storey side extension	15 December 2016	Grant	SW
3/24/16/004	Joy Cottage, Torre, Washford, Old Cleeve, Watchet, TA23 0LA	Erection of first floor rear extension (resubmission of 3/24/16/003)	30 November 2016	Grant	SW
3/26/16/017	Langtry Country House, Minehead to Williton Road, Washford, Old Cleeve, Watchet, TA23 0NT	Change of Use from Guest House (C1) to residential family home (C3)	29 November 2016	Grant	DA
3/26/16/022	18 Old Cleeve, Minehead, TA24 6HJ	Erection of replacement shed	23 November 2016	Grant	SW

Ref No. 3/31/16/013	Application Vellow Wood Farm, Lower Vellow, Stogumber, TA4 4LT	Proposal Application for a Lawful Development Certificate for the proposed conversion of Barn D from agricultural storage to Class C3 Dwellinghouse	Date 25 November 2016	Decision Grant	Officer KW
Ref No. 3/32/16/017	Application Coleacre, Gorpit Lane, Stogursey, Bridgwater, TA5 1TW	Proposal Erection of new double garage and utility room	Date 13 December 2016	Decision Grant	Officer SW
Ref No. 3/32/16/020	Application Land 7338, Ridgeway Lane, Stolford	Proposal Prior Notification for the erection of 2 No. agricultural buildings for storage of hay and machinery	Date 19 December 2016	Decision Prior approval not required	Officer KW
Ref No. 3/37/16/023	Application Belmont, 51 Brendon Road, Watchet, TA23 0AX	Proposal Outline planning permission for the erection of one dwelling, all matters reserved.	Date 01 December 2016	Decision Grant	Officer JC
Ref No. 3/37/16/030	Application Post Office, 26-27 Swain Street, Watchet, TA23 0AD	Proposal Display of 1 no. non-illuminated logo panel	Date 22 December 2016	Decision Grant	Officer DeG
Ref No. 3/39/16/015	Application 27 Fore Street, Williton, Taunton, TA4 4PX	Proposal Installation of refrigeration plant and condensers, louvres, access doors, bollards, barrier rail and 2 No. cycle racks with refurbishment of shop frontage	Date 23 November 2016	Decision Grant	Officer SK
Ref No. 3/39/16/017	Application 19 High Street, Williton, Taunton,	Proposal Erection of conservatory to the	Date 28 November	Decision Grant	Officer SW

	TA4 4NW	front elevation	ber 2016		
Ref No. 3/39/16/018	Application Red Deer Country, 3 Fore Street, Williton TA4 4PX	Proposal Installation of shop front with replacement of windows and doors	Date 28 Novem ber 2016	Decision Grant	Officer DA
Ref No. 3/39/16/020	Application 27 Fore Street, Williton, Taunton, TA4 4PX	Proposal Display of 1 No. internally illuminated fascia sign, 1 No. internally illuminated projecting sign and 1 No. non-illuminated sign on the front elevation and 1 No. non-illuminated fascia on the north elevation	Date 06 Decem ber 2016	Decision Grant	Officer SK
Ref No. ABD/28/16/00 2	Application Building east of Luckes Lane, Lower Weacombe, Williton, Taunton, TA4 4LP	Proposal Notification for Prior Approval of proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development (resubmission of ABD/28/16/001).	Date 15 Decem ber 2016	Decision Prior approval is required and refused	Officer SK
Ref No. C/04/16/002	Application Allshire, Allshire Lane, Brushford, Tiverton, EX16 9JG	Proposal Approval of details reserved by part condition 3 (relating to materials for roof of barn to be used for parking) and condition 5 (relating to details for the stabilisation and re-roofing of the barn to be used for parking) in relation to Listed Building Consent 3/04/15/012	Date 22 Novem ber 2016	Decision Grant	Officer EP
Ref No. C/07/16/002	Application Land adjacent to Steepy Piece, Crowcombe Hill,	Proposal Approval of details reserved by condition 3(i) (relating to	Date 23 Novem ber	Decision Grant	Officer SW

Crowcombe, landscaping) in relation 2016
 Taunton, TA4 4AA to planning permission
 3/07/16/009

Ref No.	Application	Proposal	Date	Decision	Officer
C/07/16/003	Station House, Stogumber Road, Crowcombe, Taunton, TA4 3TR	Approval of details reserved by condition 6 (relating to the stone retaining wall) in relation to planning permission 3/07/16/004	23 Decem ber 2016	Grant	KW

Ref No.	Application	Proposal	Date	Decision	Officer
C/21/16/020	6 Brook Street, Alcombe, Minehead, TA24 6BP	Approval of details reserved by Condition 3 (in relation to a sample panel) in relation to Listed Building Consent 3/21/16/039	23 Decem ber 2016	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
C/21/16/021	The Old Sweet Shop, 22 Vicarage Road, Minehead, TA24 5RP	Approval of details reserved by conditions 3 (relating to samples of rosemary tile), 4 (relating to joinery details), 5 (relating to floor details), 6 (relating to details of area of wall to be left as stone) in relation to Listed Building Consent 3/21/16/060	23 Decem ber 2016	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
CA/21/16/011	5 Irnham Road, Minehead, TA24 5DL	Notification to carry out management works to two apple trees within Wellington Square Conservation Area	28 Novem ber 2016	Raise No Objection	DG

Ref No.	Application	Proposal	Date	Decision	Officer
EUA/21/16/001	Alcombe Substation, Lower Marshfield Road, Alcombe, Minehead, TA24 6AG	Erection of a new 11kV switchroom - approval of the design and external appearance	14 Decem ber 2016	Grant	KW

