



To: Members of Planning Committee

Councillors A F Knight (Chair), I R Melhuish (Vice Chair),  
A Chick, S Dowding, A Hadley, B Heywood, E May, K Mills,  
C Morgan, S J Pugsley, D Ross, L Smith,  
M Smith, A H Trollope-Bellew, K H Turner

Our Ref TB/TM

Your Ref

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

Extension 01823 356573

Date 15 March 2015

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING  
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Dear Councillor

I hereby give you notice to attend the following meeting:

**PLANNING COMMITTEE**

**Date: Thursday 23 April 2015**

**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 23 April 2015 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

#### 1. Apologies for Absence

#### 2. Minutes

Minutes of the Meeting of the 26 March 2015 (attached)

#### 3. Declarations of Interest or Lobbying

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

#### 4. Public Participation

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

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

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

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

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

**Report No: Nine**

**Date: 15 April 2015**

<u>Ref No.</u>	<u>Application/Report</u>
<b>3/16/15/00</b>	Combe House Hotel, Holford, Somerset, TA5 1RZ Removal of condition 6 from planning permission 3/16/10/007 in order to permit continuous use of the marquee
<b>3/21/15/005</b>	Former Aquasplash Site, Seaward Way, Minehead, TA24 5BY Erection of a new neighbourhood food store with associated car parking
<b>3/37/15/003</b>	3 Sea View Terrace, Watchet, TA23 0DF Demolition of existing derelict garden storage buildings and partial demolition of garden boundary walls and fences, to be replaced by new boundary walls and fences. Erection of a four bedroom house on part of the garden and enlargement and resurfacing of adjoining parking area.

- 6. **Exmoor National Park Matters** - Councillor to report
- 7. **Delegated Decision List** - Please see attached
- 8. **Appeals Lodged**

**Proposal and Site** **Appeal Type**

No Appeals Lodged

9. **Appeals Decided**

Hedgerow Retention Notice appeal – hedgerow on land off the A39, Kilve. Appeal dismissed 25/3/15.

Erection of three detached holiday units with associated vehicle parking at Shells Cottage, Washford, Watchet. Appeal dismissed 30/03/2015.

Outline application for the erection of one3-bed detached dwelling on land at West Street, Watchet. Appeal allowed 23 March 2015.

**RISK SCORING MATRIX**

Report writers score risks in reports uses the scoring matrix below

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

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

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

## PLANNING COMMITTEE

### Minutes of the Meeting held on 26 March 2015 at 4.30 pm

#### **Present:**

Councillor A F Knight ..... Chairman  
Councillor I R Melhuish ..... Vice Chairman

Councillor G S Dowding  
Councillor A H Trollope-Bellew  
Councillor L W Smith  
Councillor C Morgan  
Councillor A Hadley

Councillor E May  
Councillor K H Turner  
Councillor S J Pugsley  
Councillor D Ross  
Councillor M Smith

#### **Officers in Attendance:**

Area Planning Manager – Bryn Kitching  
Planning Officer – Liz Peeks  
Planning Officer – Susan Keal  
Committee Administrator – Tracey Meadows  
Legal Advisor -Brian Convery, Mendip DC

#### **P208 Apologies for Absence**

There were apologies for absence from Councillor Heywood and Councillor K Mills. There were no apologies from Councillor A Chick

#### **P209 Minutes**

**RESOLVED** that the Minutes of the Planning Committee Meeting held on 29 January 2015 circulated at the meeting be confirmed as a correct record. Proposed by Councillor D Ross and seconded by Councillor E May. All present voted in favour.

The minutes of the Planning Committee Meeting held on 26 February 2015 circulated at the meeting be confirmed as a correct record with corrections. Proposed by Councillor K Turner and seconded by Councillor L Smith. All present voted in favour.

#### **P210 Declarations of Interest**

Name	Min No	Ref No.	Personal or Prejudicial	Action Taken
Cllr K Turner	P212	3/01/14/011	Personal - Farmer	Spoke and Voted
Cllr A Trollope-Bellew	P212	3/01/14/011 3/28/14/005	Personal – Farmer and Chairman of the Quantock Hills ANOB	Spoke and Voted
Cllr S Dowding	P212	3/01/14/011	Personal and Prejudicial	Spoke and left the chamber

#### **P211 Public Participation**

Min No.	Reference No.	Application	Name	Position	Stance
P212	3/28/14/005	Land at Aller Farm	Mr Jamison	Applicant	In favour
P212	3/28/14/005	Land at Aller Farm	Mr Johnston	Land Owner	In favour

P212	3/28/14/005	Land at Aller Farm	Dr J Swan	Chair of Sampford Brett Parish Council	Objector
P212	3/28/14/005	Land at Aller Farm	S Meneilly	Local Resident	Objector
P212	3/28/14/005	Land at Aller Farm	Mr D Lloyd	CPRE	Objector
P212	3/01/14/011	Quantock Moor Farm	Mr J Payton	-	Applicant
P212	3/01/14/011	Quantock Moor Farm	Mr D Lloyd	CPRE	Objecting
P212	3/01/14/011	Quantock Moor Farm	Mrs N Hume	Local Resident	Objecting
P212	3/01/14/011	Quantock Moor Farm	J Harrison	Local Resident	In favour
P212	3/01/14/011	Quantock Moor Farm	Mr C Warren	Local Resident	In favour

## **P212 Town and Country Planning Act 1990 and Other Matters**

Report Eight of the Planning Team dated 17 February 2015 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

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

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

### **Reference Location, Proposal, Debate and Decision**

**3/28/14/005 Land at Aller Farm, East of Woodford and North of Monksilver, Williton**  
Erection of a Solar PV Development and associated works

#### **Objections raised by the speakers included:**

- This application is inappropriate in this location. TGC Renewables had failed to see the impact of their application.
- This is a large industrial development visible from far afield.
- The Coleridge Way attracts many visitors, their view will be spoilt.
- Our attributes need to be protected
- The colour of the panels was irreverent as in the full sun they will reflect a lot of light.

#### **The Members debate centred on the following issues:**

- This development was proposed to be erected on grade 3b Agricultural land. It would stick out like a 'sore thumb'
- The development would be a blight on the landscape.
- Renewable energy was our future. Concerns with traffic moving in and out of the site.
- We should be conserving our energy not sacrificing our assets to renewable energy.

- This is a hill top site, government advice has got it right this time.

Councillor K Turner proposed and Councillor C Morgan seconded a motion that planning permission be **REFUSED** IN accordance with the Officers recommendation.

The motion was carried.

**Reference      Location, Proposal, Debate and Decision**

**3/01/14/011      Quantock Moor Farm, Quantock Moor, Bicknoller, Taunton**  
Outline application for the construction of an occupational dwelling

**Objections raised by the speaker included:**

- There is no case for a dwelling in this location.
- This application is outside of the planning curtilage.
- Detrimental effect on the ANOB.
- This dwelling will only be used on a part time basis it was not essential.

**The Members debate centred on the following issues:**

- The Parish Council were happy with this application, we should listen to their views.
- The proposed dwelling would encourage economic regeneration.
- This dwelling is replacing an existing building and will enhance the property.
- This dwelling will reduce the land owner's mileage each day, cutting down on the carbon footprint.

Councillor A Trollope- Bellew proposed and Councillor K Turner seconded a motion that outline planning permission be **GRANTED** against the Officers recommendation. Councillor A Turner requested that the detailed planning application come back to the planning committee for consideration. This would also include adding a condition for an agricultural tie to the proposed dwelling.

The motion was carried.

**P213      Exmoor National Park Matters**

Councillor S Pugsley reported on matters relating to West Somerset considered at the last meeting of the Exmoor National Park Planning Committee. This included:

**APPEAL DECISION**

The Authority noted the decision of the Secretary of State for Communities and Local Government to allow the appeal against refusal to grant planning permission in relation to application no. 6/35/14/101 – proposed erection of 5 telegraph poles for power supply – land adjacent to Treborough Common, Treborough, Somerset TA23 0QW.

**P214      Delegated Decision List**

The Planning Manager answered questions from the report.

**P215      Appeals Lodged**

Appellant	Proposal and Site	Appeal Type
Strongvox Homes Minehead	Land at Ellicombe Meadow Proposed residential of eight semi-detached Dwellings (plots 23,23A, 24, 24A, 25 25A, 26 and 26A) in place of Four approved detached dwelling and a block of nine rather that the approved block of eight flats (plots 5 to 12A) together with vehicular parking, access and associated infrastructure (amended scheme to planning permission 3/21/13/084)	Written Reps

**P216 Appeals Decided**

Proposal and Site	Outcome
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No Appeals decided	
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The meeting closed at 6.30pm

DRAFT

<b>Application No:</b>	<a href="#">3/16/15/003</a>
<b>Parish</b>	Holford
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Russell Williams
<b>Grid Ref</b>	Easting: 315121 Northing: 140581
<b>Applicant</b>	Mr Gareth Weed
<b>Proposal</b>	Removal of condition 6 from planning permission 3/16/10/007 in order to permit continuous use of the marquee
<b>Location</b>	Combe House Hotel, Holford, Somerset, TA5 1RZ
<b>Reason for referral to Committee</b>	Called in and agreed by Chairman and Vice-Chairman

### Risk Assessment

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

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

### Site Location:

Combe House Hotel, Holford, Somerset, TA5 1RZ

### Description of development:

Removal of condition 6 from planning permission 3/16/10/007 in order to permit continuous use of the marquee

### Consultations and Representations:

The Local Planning Authority has received the following representations:

#### ***Holford Parish Council***

The meeting was convened to discuss Planning Application Number 3/16/15/03 removal of Condition 6 from previous consent 3/16/10/007 in order to permit continuous use of the marquee.

Members heard from Mr Weed how well the Wedding and Function business of the Hotel was performing which allowed development of the tourism aspect of the hotel in terms of local employment and good maintenance of the facilities.

The Hotel is an integral part of Holford Village and there had been very few complaints with regard to noise from near neighbours and these had been dealt with promptly and effectively.



It is important to note that the Hotel plays an important role in the Hinkley Point Development by providing accommodation and conference facilities to EDF UK Ltd

The issue of speeding traffic was discussed and Mr Weed confirmed that he had plans to install "speed bumps" on the access in his ownership.

Members felt that the continuous presence of the marquee would further the development of the hotel and make a serious contribution to the Village of Holford and Somerset Tourism and there for had no objections to the application and would support the grant of Planning Permission.

### ***Highways Development Control***

No observations

### ***Public Consultation***

The Local Planning Authority has received 9 letters of objection/support making the following comments (summarised):

- Problems of noise and disturbance which disrupts the evenings. Would only support the continuation of the marquee if suitable measures were put in place to soundproof it.
- The number of cars or revellers walking down the Combe after an event can cause disturbance but no more than large parties of walkers and mountain bikers who use the road throughout the year. Noise pollution should be a matter of negotiation using established guidelines on audio levels.
- The removal of the condition in order to permit continuous usage will not fundamentally affect the current position as the business needs to attract year round customers and the volume of such business is unlikely to increase substantially.
- As very close neighbours to the Hotel and marquee there have been no occasions when we affected by possible noise and we do not object to the sight of the marquee.
- We are regular customers and users of the Hotel and marquee and support proposals that will enable the proprietors to keep the Hotel going as a thriving village business.
- Being owners of a local, family run hotel ourselves, located just a mile or two from Combe House, we enjoy a direct benefit to our own business by being able to provide accommodation for wedding guests who cannot be accommodated at the Combe House. The loss of the marquee would have a detrimental impact to our own business and also on the wider economy.
- We have developed an excellent working relationship with the owners and wish to see them progress their business as it has a direct and positive effect on ours.
- The Combe House Hotel provides local employment. The Hotel and marquee are an asset for the local community and host local fund raising events.

### **Planning Policy Context**

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

stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

*Retained Local Plan Policies:*

LC/3 – Landscape Character  
E/5 - Business Development outside Settlements  
E/6 – Expansion of Existing Businesses  
PC/2 - Noise Pollution

*Emerging Policies:*

EC1 – Widening and Strengthening Local Economy  
NH1 – Historic Environment  
NH/2 – Landscape Character Protection

## **Proposal**

The application seeks planning permission for the removal of condition 06 of planning approval 3/16/10/007 (dated 26th August 2010) at Combe House Hotel, Holford. The condition concerned states:

*The marquee hereby approved, shall be removed within 5 years of the date of this consent unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To allow the Local Planning Authority to monitor the effect of the extended hours of operation on the amenities of neighbouring properties, the impact on the Listed Building and the permanent impact upon the landscape, within the AONB in accordance with the Policies LC/2, Policy 9 and STR1.*

Accordingly, the application seeks permission for the permanent siting of a white marquee within the grounds of Combe House Hotel and its use for private functions and events.

## **Site Description and History**

Combe House Hotel is a Grade II Listed Building, located Southwest of Holford and accessed along a single track lane which cuts between residential properties positioned at the bottom of a steep sided, wooded valley. The House is set back from the lane and is surrounded by open gardens to the North and East.

The marquee is of a white uPVC material to the walls and roof; it measures approximately 21m x 9m and has a ridge height of approximately 4m.

The marquee subject of this application was first granted planning permission for siting on the tennis court in 2008; the permission at the time was for a temporary 6 month siting and use during the year, after which it was to be removed. Permission was subsequently granted in 2010 for a 5 year temporary permission to allow the year round siting and use of the marquee.

## **Planning Analysis**

The site is located within open countryside where planning policy aims to strictly control development particularly that which would usually be aimed towards sites within settlements, whilst also ensuring that development does not adversely impact upon the character and appearance of the landscape. That said, retained Local Plan Policy E/6 supports the expansion of existing businesses outside of settlement limits. The applicant has provided supporting information to justify the need for the marquee in business terms and based upon the support of local residents and the wider community, the principle of the development is considered to be acceptable.

It is noted that an objection has been received from a neighbouring resident relating to noise and disturbance from the use of the marquee for functions. Whilst the use of the marquee will not doubt cause some disturbance, this has previously been found to be acceptable by the LPA and I am not aware of any formal complaints having been made to Environmental Health. Whilst soundproofing has been suggested by the objecting neighbour, none of the other three neighbouring properties have raised complaint in this regard. In contrast, one close neighbour has stated that there have been no adverse impact upon amenity from noise since the marquee was first erected. Taking the evidence and comments into account, together with previous determinations over noise impact, the removal of condition 06 is not considered to impact so significantly upon neighbouring amenity as to warrant the refusal of planning permission.

Notwithstanding the principle of development as above, the pertinent issues to consider in determining the proposed development are the impact of the marquee upon the setting of the Listed Building and upon the character and appearance of the Quantock Hills Area of Outstanding Natural Beauty.

Combe House is located along a route that is well used by walkers and mountain bikers within the area. The combe can be easily accessed from Holford and has good links to the public parking area at Dead Woman's Ditch to the South, via unmade paths through Butterfly Wood. As a result the site is passed on a daily basis by members of the public.

### Impact upon Listed Building

Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses".

Emerging Policy NH/1 requires development to safeguard and/or enhance the built heritage of the area. In addition, the NPPF requires great weight to be attached to the conservation of a heritage asset. The more important the asset, the greater the weight that should be attached to its conservation (Para 132). Para 133 of the NPPF makes it clear that where there is substantial harm to a heritage asset then permission should be refused unless there is a substantial public benefit to outweigh the harm. If harm is less than substantial, the harm should be weighed against the public benefit (Para 134).

Combe House is Grade II Listed; it is a historic building set within an attractive natural setting at the base of the combe. A key element of the heritage asset and its setting is the grounds within which the building is sited. When seen from public vantage points to the East/Northeast, the building can be seen set back from the lane with attractive well

maintained gardens to the front; these gardens include a mature trees, some of which are subject to Tree Preservation Orders.

The marquee is sited forward of Combe House, between the listed building and the access lane. Consequently it is visibly dominant within the area. The eastern boundary of the property grounds is bound by a low level stone wall, which allows for clear views into the site; views of the Listed Building would, under normal circumstances, be available from as much as 100 metres to the North from along the access track. Currently, instead of having uninterrupted views of the listed building from these public vantage points, the view of the heritage asset is interrupted by the marquee; as a consequence instead of there being a view of the listed building, the public and any passer-by will instead have a view of the white marquee from the North/Northeast. The marquee interrupts views of the listed building and the surrounding grounds to a significant degree.

In addition to the marquee dominating views of the listed building within the area from the North/Northeast, the marquee is also visually dominant from within the grounds of the Listed Building. The bright white appearance of the uPVC walls and roof sheeting is at odds with the softer appearance of Combe House and surrounding properties, which benefit from traditional materials.

The finished materials, in addition to the scale and siting of the marquee are considered to significantly detract from the setting, character and appearance of the Listed Building. Whilst temporary permission has been granted previously, to allow the permanent siting of a marquee in this location would have a significant adverse impact upon the setting of the Listed Building, contrary to guidance within the National Planning Policy Framework, Emerging Policy NH/1 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Once approved, the permanent siting of the marquee cannot be reversed and to allow such adverse impact to become permanent cannot be supported.

#### Impact upon the Quantock Hills Area of Outstanding Natural Beauty

The site is located within an attractive woodland setting at the base of the combe. The area is characterised by the steep sided valley, dense woodland and sporadic pepper-potting of residential properties, the vast majority of which are of traditional materials and rural in character.

Para 115 of the NPPF states that great weight should be attached to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Retained Policy LC/3 and Emerging Policy NH/2 are implicit in that development that would harm the character and appearance of an areas within the open countryside will not be permitted.

The site is open to views from along the lane; the marquee is sited between Combe House and the lane and is clearly visible. The materials, form, design and general appearance of the marquee is considered to conflict with the character and appearance of the surrounding area and has a significant detrimental impact upon the AONB. This impact should not be allowed to become permanent and therefore the removal of condition 06 cannot be supported.

It is not considered that any suitable landscaping or other mitigation could be provided as to lessen the impact of the marquee when seen from public vantage points.

## **Conclusion and Recommendation**

There is a clear level of public support for the removal of condition 06 so as to allow the permanent siting of the marquee within the grounds of Combe House Hotel. The marquee no doubt provides benefit to the local community through the generation of employment and also for social activities. However, the marquee has benefitted from a temporary permission so as to allow the impact of the structure upon the setting of the Listed Building to be reassessed.

Notwithstanding, the applicant has stated within the submission that the marquee is used between 25 and 30 times per year for various events. This equates to approximately 1 event every 2 weeks give or take. I am also mindful that the marquee is said to provide 39% of business revenue turnover.

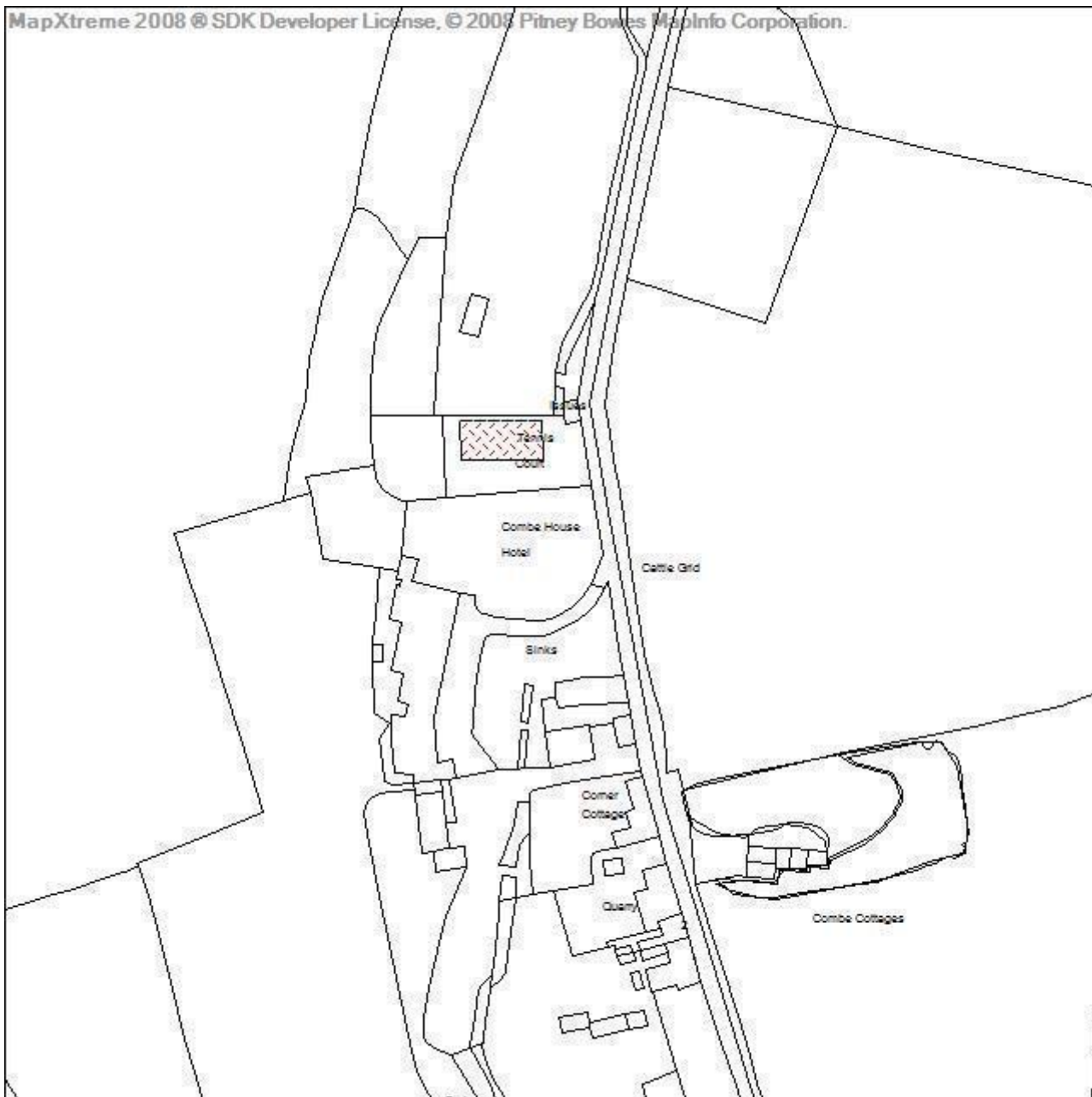
The above sections have concluded that the permanent retention of the marquee within the site will have a significant adverse impact upon the setting of the Listed Building and upon the landscape and scenic beauty of the AONB.

It is essential to appreciate that the impact of the marquee as set out above will be permanent, 24 hours a day, 365 days per year. In contrast, the marquee is used for events only 25-30 times per year. In weighing the benefits of the marquee for the business against this harm, the permanent impact and harm to the AONB and setting of the Listed Building is considered to significantly outweigh the benefits to the business and local community.

Taking the above matters into consideration, it is recommended that planning permission be refused for the removal of condition 06 of planning permission 3/16/10/007.

### **Reason for Refusal :**

Virtue of its siting, scale, design, form and finished appearance, the permanent siting of the marquee will result in significant harm upon the setting of the Listed Building known as Combe House Hotel and will further detract from the landscape and scenic beauty of the Quantock Hills Area of Outstanding Natural Beauty. The proposals will therefore be contrary to Retained Local Plan Policy LC/3, Emerging Local Plan Policies NH1 and NH2, guidance contained within the National Planning Policy Framework and the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Application No 3/16/15/003  
Removal of condition 6 from  
planning permission 3/16/10/007  
in order to permit continuous use  
of the marquee  
Combe House Hotel, Holford,  
Somerset, TA5 1RZ  
3 March 2015  
Planning Manager  
West Somerset Council  
West Somerset House  
Killick Way  
Williton TA4 4QA  
West Somerset Council  
Licence Number: 100023932



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Northing: 140575

Scale: 1:1250



<b>Application No:</b>	<a href="#">3/21/15/005</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	John Burton
<b>Grid Ref</b>	Easting: 297817      Northing: 145852
<b>Applicant</b>	Mrs Rickford Lidl UK
<b>Proposal</b>	Erection of a new neighbourhood foodstore with associated car parking
<b>Location</b>	Former Aquasplash Site, Seaward Way, Minehead, TA24 5BY
<b>Reason for referral to Committee</b>	This is a major application with controversial and significant local interest.

### Risk Assessment

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

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

### Site Location:

Former Aquasplash Site, Seaward Way, Minehead, TA24 5BY

### Description of development:

Erection of a new neighbourhood foodstore with associated car parking

### Consultations and Representations:

The Local Planning Authority has received the following representations:

#### **Minehead Town Council**

The Committee have raised the following points:

- The Committee believe that this application is being driven by the financial needs of West Somerset Council and not the needs of the local community.
- Why have Lidl Stores not given a presentation to the Town Council about the proposed development before the application was submitted?
- Direct access from Seaward Way is undesirable. An alternative entrance for customers could be from Brereton Road. The Seaward Way access could cause possible traffic problems on the main road due to cars backing up waiting to turn into Lidl Stores.
- The Transport Assessment statement in para 6.3.1 *'to determine the base traffic within the study area.....the dates used were Friday 8th and Saturday 9th November 2014.*
- This is not a 'neutral' month as stated but a one of the quietest months of the year. Ideally, there should have been two traffic surveys carried out; one in the summer and one in the winter to give a fairer comparison



### **Highways Development Control**

Full observations are still awaited and will be reported to Members at the meeting

### **Environment Agency**

We have no objection to the proposed development subject to the following conditions and informatives being included in any planning permission granted.

#### Flood Risk

We note that the application is supported by a Flood Risk Assessment dated December 2014 by RPS Group. We are satisfied with the Flood Risk Assessment and that it accords with the National Planning Policy Statement. The development must be undertaken in accordance with the mitigation. You must ensure that your Authority is satisfied with the Sequential Test position put forward by the applicant.

#### Surface Water

You should speak to the Local Authority Technical Services / Internal Drainage Board Engineers regarding this matter and seek their agreement to the surface water attenuation volume and proposed discharge rate.

#### Flood Proofing

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: [communities@twoten.com](mailto:communities@twoten.com) for a copy or alternatively go to: <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf> as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

#### Safe Access / Egress

The National Planning Policy Framework Planning Practice Guidance states that Access considerations should include the voluntary and free movement of people during a 'design flood', as well as the potential for evacuation before a more extreme flood. Access and egress must be designed to be functional for changing circumstances over the lifetime of the development.

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We strongly recommend that you prepare a Flood Warning and Evacuation Plan for future occupants. We do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying 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.

#### Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas

and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

### Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

### **SCC - Ecologist**

The application has been submitted with an Ecological Appraisal by Devon Wildlife Consultants dated October 2014. This Appraisal identifies the application site as comprising amenity grassland with low ecological value. The site is on the edge of Dunster Marsh County Wildlife Site but it is separated from the CWS by a busy road and I do not anticipate that the non-statutory CWS will be adversely affected by the proposed development. The Lighting Statement that has been submitted with the application does not suggest to me that there will be significant light spill into the CWS.

The Appraisal has identified a low risk that nesting birds might be affected by the proposed development if trees and hedgerows are removed during the nesting season. For this reason I recommend a condition be imposed requiring that either this vegetation is removed outside of the nesting season or, if this is not possible, it is removed under the supervision of an ecologist. An informative note should be added to any planning certificate issued drawing the developers' attention to the legal protection afforded to nesting birds.

I hope these comments are of help to you in determining the application. Please do not hesitate to contact me if I can be of further assistance with respect to this case.

### **Arboricultural Officer (Taunton Deane B. C.)**

The existing trees on this site are all relatively young and, although establishing well, are not of high enough amenity value at this stage to merit a TPO or to hinder the principle of development on this land. If some of the trees can be incorporated into the design, so much the better, particularly the maple in the northern corner (as indicated on the architect's plan) and the oak near the south east boundary. There ought to be some tree planting as part of the scheme to replace those lost and to improve the development aesthetically, even at the expense of some car-parking spaces if necessary. Any retained trees should be protected to BS5837 (2012) and details of any proposed encroachment on the Root Protection Areas provided.

### **Public Consultation**

The Local Planning Authority has received 20 letters of objection/support making the following comments (summarised):

#### Comments in favour.

- The town should not be dictated to by Morrison's who claim they are going to leave if Lidl's come
- Minehead should welcome Lidl's

#### Comments against.

- We do not need another supermarket in Minehead. A B&Q or Homebase would be preferable
- The proposal to construct a right hand lane after the Vulcan Road roundabout towards the A39 is unsatisfactory and a cheap option. Exit from the store will be dangerous for motorists and delivery vehicles turning right and within such a short stretch of the highway to Stephenson Road. Perhaps a mini roundabout might be a better option.
- When approval was given to Aquasplash and the subsequent coach park, access was only permitted from Brereton Road.
- There should be a minimum of 12 disabled spaces.
- No provision has been made for those wishing to walk to the store. There should be a footpath alongside the store from Hawksworth Road to Vulcan Road so as to have a continuous path from Alcombe to the seafront.
- The assessments provided are not robust, and, as such mean that the applicant has failed to demonstrate compliance with current retail planning policy. On this basis we conclude that the current application should not be approved.
- Our concern relates to the catchment area used in the study. It is suggested that it would comprise of 6 zones. This is a significant over-statement, given the size of store proposed and consider that a more appropriate assessment would be one based on the 3 zones that cover the Minehead and Alcombe area. It is certainly not appropriate to include Zones 7 (TA23 0) and 8 (TA4 4), which should look to the second tier centres of Williton and Watchet, if the aim of development is to improve sustainability and reduce the need to travel, in line with Council and national objectives.
- We question the reliability of the assessment of current shopping patterns and the subsequent impact analysis, given that it is based on a 2011 household survey. This was undertaken very shortly after the opening of the Morrisons store in Minehead, and, as a consequence, we consider the survey under-records the use of this store. A new household survey needs to be undertaken, if the retail assessment accompanying this application is to be robust.
- The applicant states that there is a qualitative need for the proposed store and that residents wishing to shop at a Lidl currently have to travel further afield to meet their shopping needs. We question the evidence for this claim.
- We consider that the situation in Minehead makes it extremely unlikely that shoppers at a Lidl would generate any measurable spin-off trade for existing outlets in Minehead town centre. Indeed, the combination of two large stores operated by national retailers (Tesco and Morrison's) and a Lidl in close proximity, does, in our view, make it less likely that shoppers to any of these stores would link a food shopping trip to one of these outlets with a trip to the town centre. On this basis, very little weight can be given to any of the statements suggesting that the proposed Lidl will encourage linked trips to the town centre outlets or benefit these traders, as there is no evidence to support these claims.
- We consider that the impact analysis is flawed and cannot be relied upon to understand the effect of the proposed development on Minehead town centre.
- We consider that the potential impact on the Iceland store is under-estimated given its offer is aimed at price-conscious shoppers.
- We consider that the sequential site assessment provided by DPP, is incomplete, in that it only includes a consideration of sites within Minehead. If the proposed store is expected to serve a trade area extending to Watchet and Williton then it would be appropriate to also consider the availability of sequentially preferable in and edge of centre sites in these two second tier centres. There is clearly a sequentially preferable site available for a similar scale of supermarket development within Williton, namely the Gliddon's site at Bank Street.
- We disagree with the conclusion of the retail assessment as we do not consider that it has been based on a robust analysis of the available sites. In particular the Metropole Garage, occupies a town centre site with an adjoining car park and potentially further

buildings including ambulance hall and social club.

- The proposed store is well in excess of the average sized Lidl store. It is common knowledge that Lidl's existing stock is very comparable throughout the UK in terms of store sizes and therefore there is limited justification for a store some 37% larger than the average.
- At the very least should the Council be minded to grant planning permission, it is considered that the net retail floorspace should be restricted by condition referencing the given floorspace and any other sales areas.
- A more centrally located site also offers further scope to reduce car parking numbers by virtue of good public transport access and use of other town centre car parking locations.
- There is not any quantitative need for the store being proposed and certainly not a quantitative need for the store size being proposed.
- The overall impact of the trade diversion, bearing in mind the trading performance (below benchmark) of the existing Co-Operative Group store, in conjunction with the optimistic growth as projected for Lidl's will place the Co-op store into a loss-making position, potentially with the inevitable consequence. Consideration of the figures for the Iceland store may demonstrate a similar concern. This would be a significant disadvantage to the town centre and would potentially result in the loss of its key current retailer.
- The potential for linked trips to the rest of the centre of shoppers undertaking main and top-up food shopping at the store will diminish, having a wider impact on the health of the town as a whole.
- The proposed site sits to the east of the town centre, sandwiched between the Tesco and Morrison's stores. This would place all three out of centre retail stores in a single location with associated transport and access implications. Linked trips are therefore considered more likely to be between the three stores than between one of the stores and the town centre itself. This will be to the overall disadvantage to the town centre and reduce the current level of linked trips achieved by shoppers.

#### Neutral comments.

- The loss of the swimming pool is terrible for the town of Minehead
- Can we have a real swimming pool? What about the old hospital.
- Members of the Planning Committee should determine the application only on planning grounds and in accordance with planning policy and not because they are about to sell the land.

#### **Planning Policy Context**

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

The following Policies are considered relevant to this application:

- NC/3 Sites of Local Nature Conservation and Geological Interest
- 1 Nature Conservation
- 61 Development in Areas Liable to Marine Flooding
- W/6 Flood Plains

- SH/3 Retail Development Outside of Minehead Town Centre
- SH/1 Retail Development in Minehead Town Centre
- SH/2 Type of Retail Use in Minehead Prime Shopping Area

## National Policy

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

## Local Policy

West Somerset Local Plan (2006)  
West Somerset Local Plan to 2032 Published version (February 2015)  
West Somerset Planning Obligations Supplementary Planning Document (2009)  
Somerset County Council Parking Strategy (2013)

## Planning History

The following planning history is relevant to this application:

3/21/10/038	Change of use of land to a temporary coach park (expiring Oct 2011)	Granted	29/04/2010
3/21/94/188	One illuminated and one non-illuminated sign	Granted	13/10/094
3/21/91/074	Erection of a leisure pool including health suite, fitness and spectators facilities.	Granted	April 1991
3/21/88/343	Change of use from agricultural to industrial development	Granted	Dec 1988

## Proposal

The application proposes the erection of a new foodstore (2,264 sq. m. gross; 1,407 sq. m. net), together with associated car parking, servicing and landscaping. The store will be occupied by Lidl. The scheme provides for 100 car parking spaces, including 6 disabled parking spaces. A service area is located on the southern side of the building, whilst car parking is located to the north and east. Both vehicular and pedestrian access/egress to the site is proposed from Seaward Way. The site is relatively level but the new store floor level will be raised as required to meet flood risk requirements. A small retaining structure will be included on the Seaward Way site boundary to help achieve this requirement and maintain a maximum gradient across the site of 2%.

## Site Description

The application site is located along the western side of Seaward Way, approximately 750m south-east of Minehead town centre. The site extends approximately 0.76 hectares, with a principal frontage to Seaward Way. It has an area of 1.08 hectares and previously accommodated a leisure centre which was cleared in 2008. As the site has accommodated development previously, it is classed as 'brownfield land'. It currently comprises a mix of cleared hard-standing and grassed areas. An electricity substation is also located along the north-eastern boundary of the site. The land is bounded by a Morrison's foodstore and McDonald's Restaurant to the north, industrial and business units

to the west and a Tesco foodstore to the south. The site's eastern boundary is formed by Seaward Way, beyond which lies vacant grassland which forms part of a County Wildlife Site.

## **Planning Analysis**

There are a number of key areas under which this application needs to be assessed,

### Planning policy

At a national level, the relevant policy guidance is given in the National Planning Policy Framework (NPPF). In section 2 on 'the vitality of town centres', paragraph 24 makes clear that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. It also states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. This clearly fits in with the underlying premise within the NPPF that there is a presumption in favour of sustainable development, because town centre sites which are often well served by public transport and usually have a good range of services all accessible in easy walking distance of one another are clearly sustainable sites for retail development, whereas those further out from the town centre tend to be less sustainable.

Given that the site for the proposed Lidl's supermarket is not a town centre location, it is reasonable to consider the application against paragraph 26 of the NPPF which discusses the need for an impact assessment. Such a document has been produced as part of the submission. It concludes that there are no sequentially preferable sites that are available and suitable to accommodate the application proposal and that in these circumstances, planning policy allows for the consideration of less centrally located sites. The Impact Assessment also argues that the key impact test embodied in the Development Plan and the NPPF is not whether an 'economic development' such as a Lidl store would be likely to divert trade from an existing centre but, rather, whether such trade diversion would have a significant adverse effect by seriously undermining any planned in-centre development and a centre's overall vitality and viability. The submitted assessment concludes that no such harm to Minehead town centre as a whole, or indeed, any other centre, will arise in this case and so the development proposed by Lidl does satisfy the relevant retail impact policy tests. Whether or not this is the case gets to the very heart of the main consideration of this application and will be looked at in more detail in the following sections. Basically, if it can be proven beyond reasonable doubt that there are no sequentially preferable sites available and that there would be no significant impact on the defined town centre of Minehead, then the proposal can be said to be compliant with the policies of the NPPF. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the town centre (as defined) then paragraph 27 of the NPPF is quite clear that it should be refused.

At a more local level, the relevant policy guidance comes from the Adopted West Somerset District Local Plan (April 2006). The most relevant policy in the adopted Local Plan is SH/3 (Retail development outside of Minehead Town Centre). Although the local plan is now in the process of being updated and is currently at publication draft stage, it is not intended to replace policy SH/3 as the requirements of SH/3 are very much in accordance with the more up to date NPPF and are seen to be in compliance. For this reason, the original policy would still carry weight. SH/3 states that The Local Planning Authority will not permit proposals for retail development (including wholesale, retail, trade, 'cash and carry' and 'club

warehouses') outside Minehead Town Centre, as defined on the Proposals Map, unless it can be satisfactorily demonstrated that:

- (i) All potential town centre options have been thoroughly assessed;
- (ii) Sites on the edge of the town centre have been assessed before out of town centre sites;
- (iii) Provision can be made for access, servicing and parking and the site is in a location where a choice of means of transport (including public transport) is available; and
- (iv) the proposal, by its nature and scale, will not adversely affect the viability and vitality of Minehead Town Centre or the shopping centres of Watchet or Williton.

Again, whether or not the proposal meets the tests imposed by Local Plan policy SH/3 is a matter to be determined by the Retail Impact Assessment (RIA). Whilst the submitted RIA concludes that these tests have been satisfied, there is evidence from other third party retailers that maintains to the contrary. For this reason, the LPA has sought independent retail analysis and the results of this will be reviewed in the following sections.

### The Sequential Test.

As the proposed development is located out of the town centre and the Prime Shopping Area as defined on the Minehead Town Centre inset plan and by policies SH/1, SH/2 and SH/3, in retail policy terms, it is necessary to demonstrate that there are no suitable, available and viable sequentially preferable sites that could accommodate the proposed development. The applicant has undertaken such an assessment as part of the submission. The 'Retail Assessment' states that there are no premises or sites identified in its sequential search that are suitable, available and viable to accommodate the application proposal, even when demonstrating a reasonable degree of flexibility in the format and size of the proposed development. Furthermore, it states that there are no retail allocations in sequentially preferable locations that might otherwise accommodate the application proposal. The assessment demonstrates that there are no sequentially preferable in-centre options that are available or suitable and therefore it concludes that local and national planning policy permits the consideration of sites such as that at Seaward Way.

The submitted retail assessment and the evidence underpinning its conclusions has been challenged by retail competitors who argue to the contrary based on their own research and understandings. For this reason, the Council has commissioned its own independent retail assessment to review all of the submitted evidence and give considered and impartial advice on the Sequential approach. The independent consultant has made the following comments. In relation to the sequential test, it is considered that the majority of the alternative sites in and around Minehead town centre can be dismissed on the grounds of suitability. The one site where there are some outstanding issues to resolve is the Metropole Garage site and surrounding area. If sufficient land can be made available, this area is potentially large enough to accommodate the proposed foodstore development although at the present time there is not sufficient information regarding the availability of the different parts of the site. The applicant has been asked to demonstrate that sufficient parts of this area are not available, and if this can be done then this site can also be dismissed from the sequential test exercise, leading to a situation where none of the alternative sites can be considered to be suitable, available and viable alternatives to the application site. The applicant has since submitted clear and verifiable evidence, agreed by the independent consultant to demonstrate that the Metropole Garage site and surrounding properties and land does not represent a sequentially preferable site.

In reaching this conclusion the consultant has taken into account his view that the applicant has not yet been able to demonstrate that it has been flexible in terms of scale and format. Although even when smaller store and site sizes have been considered, the alternative sites can be dismissed (including now the Metropole Garage site).

### Impact on Minehead Town Centre

Paragraph 26 of the NPPF states that when assessing applications for retail development outside of town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m.). This should include assessment of:

- (i) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (ii) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. Paragraph 27 clearly states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

The applicant has submitted a retail statement that looks at this issue. It reasons that the overall level of estimated trade diversion from Minehead town centre would be likely to total £0.53 million, representing a percentage impact of only 1.1%. It argues that this would be no basis for any concern in terms of the NPPF retail impact test and very much smaller than the overall impact of the previously consented Morrison's store which was estimated at the time to total 5.5%. From this, the assessment concludes that the town centre as a whole will not be subject to a "significant adverse effect" and, as such, the "presumption in favour" embodied in the NPPF should be upheld and consent granted accordingly.

The assessment also adds that in Minehead town centre, the service sector accounts for 35.3% of the total number of retail/service uses. Therefore on this issue it concludes that this comparatively well represented sector is positively contributing to the centre's vitality and viability and Minehead town centre's role and attraction is greater than that associated solely with its convenience/comparison sectors.

With regard to linked shopping trips and associated spin-off economic benefits, the assessment makes the case that approximately half of all main food shoppers using the Tesco and Morrison's stores also link shop with the town centre. The report makes the case that the vast majority of the proposed Lidl's turnover is likely to be derived from these two stores. Notwithstanding, both stores, particularly Tesco, are estimated to continue trading above their respective "benchmark" levels and, as such, neither store's sustained viability will be affected by the estimated trade diversion to the new Lidl store. Such economic competition is not in any event a planning consideration in the absence of policy guidance protecting the two existing stores. Given the similar location of the proposed Lidl store relative to the town centre, the report concludes that there is no basis for any concern that shoppers switching from either Tesco or Morrison's to the new Lidl store would be less likely to undertake a linked shopping trip.

Finally, the retail assessment looks at other nearby locations, namely Alcombe, Watchet and Williton, and concludes that a major part of their role is in serving comparatively localised catchments. It also states that shoppers use stores at these locations notwithstanding the presence of the Tesco and Morrison's stores at Minehead. On this basis, the assessment does not anticipate a major switch in shopping patterns across the district as a consequence of shoppers deciding to shop in Minehead at the new Lidl store.

As with the sequential testing, the Council has received correspondence from rival retailers indicating that the conclusions on the likely impact upon Minehead town centre should be treated with caution. The independent retail assessment commissioned by the Council has reviewed all of the submitted evidence and given considered and impartial advice on this issue. In relation to the impact on Minehead town centre, it is the view of the consultant that the proposed Lidl foodstore would have an adverse impact Minehead town centre. However,



this adverse impact is likely to be concentrated upon the convenience goods sector, given the primary function of the proposed store and recent wider trends following the opening of the Morrison's store, although there is the potential for wider impacts given the contribution that foodstores make to the overall attractiveness of the centre and via linked trips. However, whilst there is likely to be an adverse impact upon the centre, paragraph 27 of the NPPF asks local planning authorities to consider whether there is significant adverse harm. On this issue, and having considered all factors in detail, the consultant does not consider that a significant adverse impact will result from the proposed Lidl store. However, this is his view based upon the information to hand and he makes clear that the Council, as decision maker, will need to reach the final judgement on this issue taking into account any other issues which are material to the wider assessment of town centre impact.

### Character and Appearance of the Area

The application site, which comprises vacant brownfield land, is currently cleared, having last been used as a swimming pool some years ago. Its current empty state clearly adversely affects the area's environmental quality, and whilst this is not in itself a reason to allow development, the beneficial and appropriate use of the land could improve the townscape on this important route into Minehead and its seafront area, enhancing the overall character and appearance of this prominent brownfield site.

The Lidl's proposal is typical of the stores corporate design, incorporating a modern building with landscaping. The proposed building is single storey, rectangular in shape with a mono-pitched roof with the highest face facing the parking area and the lowest adjacent to the western site boundary. The main entrance to the store is in the north east corner of the building with a glazed facade to Vulcan Road creating an active frontage which then wraps around a small part of the corner of the eastern elevation facing Seaward Way.

Apart from the glazed entrance feature in the corner of the building, there are some openings (doors and high level windows) on the eastern elevation facing Seaward Way, but the bulk of this elevation is currently proposed as a blank wall. It is felt that this arrangement could be improved visually, and negotiations have been undertaken with the applicant to improve the architectural treatment of this important visible facade. It is now known that the applicant is prepared to place false windows in this elevation in a similar fashion to those recently approved at the new store (as yet unbuilt) in Castle Street, Taunton. This is considered to be an acceptable solution.

The service access is on the southern side of the building where the elevation is entirely blank except for a louvred access to a plant room. As this elevation is adjacent to industrial and other commercial uses at the end of a cul-de-sac without such high public visibility, it is not felt that there is a need to negotiate architectural improvements to this facade. The building is shown clad with Alucobond aluminium cladding arranged in bays over the glazing line with rendered walls below which include a grey rendered plinth. The external walls are shown consisting of all-through colour render with contrasting coloured plinth. Below eaves level, the external cladding changes to silver grey Alucobond panels, laid horizontally. The glazing frames and entrance screens will be finished in grey colour coated aluminium with external doors finished in grey.

Pedestrian access to the site is provided via a footpath directly off Seaward Way or from a dedicated footpath with crossings through the car park to the other shopping areas.

There is no overwhelming local vernacular and the nearest similar use is the modern Tesco store immediately opposite. The height of the scheme is around 8m and it is considered that this reflects the scale of the Tesco store opposite.

### Flood risk and drainage

The site lies within an allocation for a mixed use as identified in the Local Plan and as such has been considered in terms of the Strategic Flood Risk Assessment. As a consequence the development does not require a Sequential Test. A Flood Risk Assessment has been submitted with the application which identifies the proposal to be within an area of flood risk but the proposed use is a less vulnerable one. In order to address the risk, the finished floor level of the building is recommended to be set at 7.15 metres AOD approximately 950 mm above the extreme modelled 1 in 200 year overtopping flood level. It is recommended that a flood management plan should be prepared for this site.

The Environment Agency has commented that they have no objections to the proposed development, but they do helpfully suggest conditions that should be attached to any approval.

### Access

Vehicular access to the site is proposed from Seaward Way. A total of 100 car parking spaces are provided including 6 designated disabled and 4 parent and child spaces. Access for delivery vehicles is via the same access road as customers - a dedicated loading bay is provided on the northern side of the store and the car parking has been arranged to ensure that the delivery vehicles can manoeuvre into the delivery bay without crossing car parking spaces.

The application is submitted with a full Transport Assessment and a Travel Plan. The Assessment concludes that -

- The proposal is compliant with all transport related policies at a national and local level;
- Based on the existing conditions on the surrounding highway network and a review of the accident history for the area, it is forecasted that the proposed development would not bring about an adverse impact on highway safety;
- A stage 1 Road Safety Audit has been undertaken on the proposed site access junction and did not identify any significant safety issues;
- The addition of the vehicle trips associated with the proposed development to the surrounding highway network will have an immaterial impact on the operation of the junctions within the study area; and
- The site is shown to be sustainable and the traffic impact is not forecasted to be severe.

The above referenced conclusions would, if accurate bring the development in-line with the NPPF on highways grounds, but the County Council as Highway Authority are yet to pass comment on the submitted data and evidence. This is clearly crucial and will be reported to Members at their meeting.

### Wildlife and arboricultural issues

The application has been submitted with an Ecological Appraisal by Devon Wildlife Consultants dated October 2014. This Appraisal identifies the application site as comprising amenity grassland with low ecological value. The site is on the edge of Dunster Marsh County Wildlife Site but it is separated from the CWS by a busy road and the County Ecologist has stated that he does not anticipate that the non-statutory CWS will be adversely affected by the proposed development. The Lighting Statement that has been submitted with the application does not suggest that there will be significant light spill into the CWS. The County Ecologist accepts this verdict.

The Appraisal has identified a low risk that nesting birds might be affected by the proposed development if trees and hedgerows are removed during the nesting season. For this reason this reason the County Ecologist recommends a condition be imposed requiring that either this vegetation is removed outside of the nesting season or, if this is not possible, it is removed under the supervision of an ecologist. An informative note should be added to any

planning certificate issued drawing the developers' attention to the legal protection afforded to nesting birds.

In respect of trees, those on site are all relatively young and, although establishing well, are not considered by the Council's arboricultural officer to be of high enough amenity value at this stage to merit a TPO or to hinder the principle of development on this land. The Arboricultural officer has asked if some of the trees could be incorporated into the design, particularly the maple in the northern corner (as indicated on the architect's plan) and the oak near the south east boundary. This can be sought by means of an appropriately worded condition, as can tree planting to replace those lost and to improve the development aesthetically. Any retained trees should be protected to BS5837 (2012) and details of any proposed encroachment on the Root Protection Areas provided. Again this is a matter for condition.

#### Other issues

The Council currently has a CCTV camera on the site and negotiations are in hand with the applicant to get this moved.

#### Environmental Impact Assessment

This development does fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 and so the development has been screened appropriately. The screening opinion is that the proposal is not EIA development and so Environmental Impact Assessment is not required.

#### **Conclusions and recommendation.**

Subject to the formal views of the Highway Authority, the views of the Lead Local Flood Authority at Somerset County Council, and negotiations regarding the design of the Seaward Way elevation, the proposal is considered to be acceptable and is recommended for conditional approval.

#### **Planning Permission is subject to the following conditions:**

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 1470/03; 1470/04; 1470/05 and 1470/06 submitted on 20 January 2015.

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

- 3 No works shall be undertaken on site unless a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include [numbers, density, size, species and positions of all new trees and shrubs] [positions, species and size of all new trees and the located of grassed areas and areas for shrub planting]; details of the hard surface treatment of the open parts of the site; and a programme of

implementation.

Reason: To ensure the provision 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).

- 4 No works shall be undertaken on site unless samples of the materials to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

- 5 Unless otherwise first agreed in writing by the Local Planning Authority the finished floor levels shall be constructed in accordance with the approved details given in the submitted Flood Risk Assessment (ref: RCEF32723-006 R) hereby approved.

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

- 6 The development hereby approved shall not be occupied or the use commenced until provision has been made within the site in accordance with the approved plan for the parking of customer's vehicles and the loading/unloading of service vehicles, and such areas shall not thereafter be used for any purpose other than the parking and loading/unloading of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking, turning, loading and unloading of vehicles in the interests of highway safety having regard to the provisions of Policies T/3 and T/7 of the West Somerset District Local Plan (2006).

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

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

- 8 The mitigation measures identified in the Ecological Appraisal submitted by Devon Wildlife Consultants (Report no: 14/2641) and dated October 2014, shall be incorporated into the development in accordance with the schedule of implementation identified, and subsequently retained.

Reason: To ensure that suitable mitigation measures are incorporated into the development to minimise the impact on species protected by law having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

- 9 The net retail sales area of the proposed new neighbourhood foodstore shall not exceed 1,407 sq. m. unless planning permission has first been granted for such an increase.

Reason: 1,407 sq. m. is the figure proposed by this application and it is considered that this level is acceptable in the context of the 'out of town' location of the site without having any significant adverse impact on the town centre. As such the proposal is in accordance with policy SH/3 of the adopted West Somerset District Local Plan and the emerging draft local plan. Any proposal to increase the net retail sales area would be a separate matter that would need to be considered on its own merits in relation to the relevant policy considerations and potential impact upon the town centre.

- 10 The amount of total comparison goods for sale at any one time in the neighbourhood foodstore hereby approved shall not exceed 20% of the total sales for the shop and the amount of total convenience goods for sale shall be a minimum of 80% at any one time.

Reason: This 80/20 split is considered to be acceptable in the context of the 'out of town' location of the site without having any significant adverse impact on the town centre. As such the proposal is in accordance with policy SH/3 of the adopted West Somerset District Local Plan and the emerging draft local plan. Any proposal to increase the amount of comparison goods sold at any one time would therefore need to be a separate matter that would be considered on its own merits in relation to the relevant policy considerations and potential impact upon the town centre.

- 11 The A1 outlet hereby approved shall operate only as a discount foodstore and shall not be used for any other purpose, including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: The operation of a discount foodstore is considered to be acceptable in the context of the 'out of town' location of the site without having any significant adverse impact on the town centre. This has been the applicant's key guiding principle in its analysis of both the sequential test and retail impact matters. As such the proposal is in accordance with policy SH/3 of the adopted West Somerset District Local Plan and the emerging draft local plan. Any proposal to increase the amount of comparison goods sold at any one time would therefore need to be a separate matter that would be considered on its own merits in relation to the relevant policy considerations and potential impact upon the town centre.

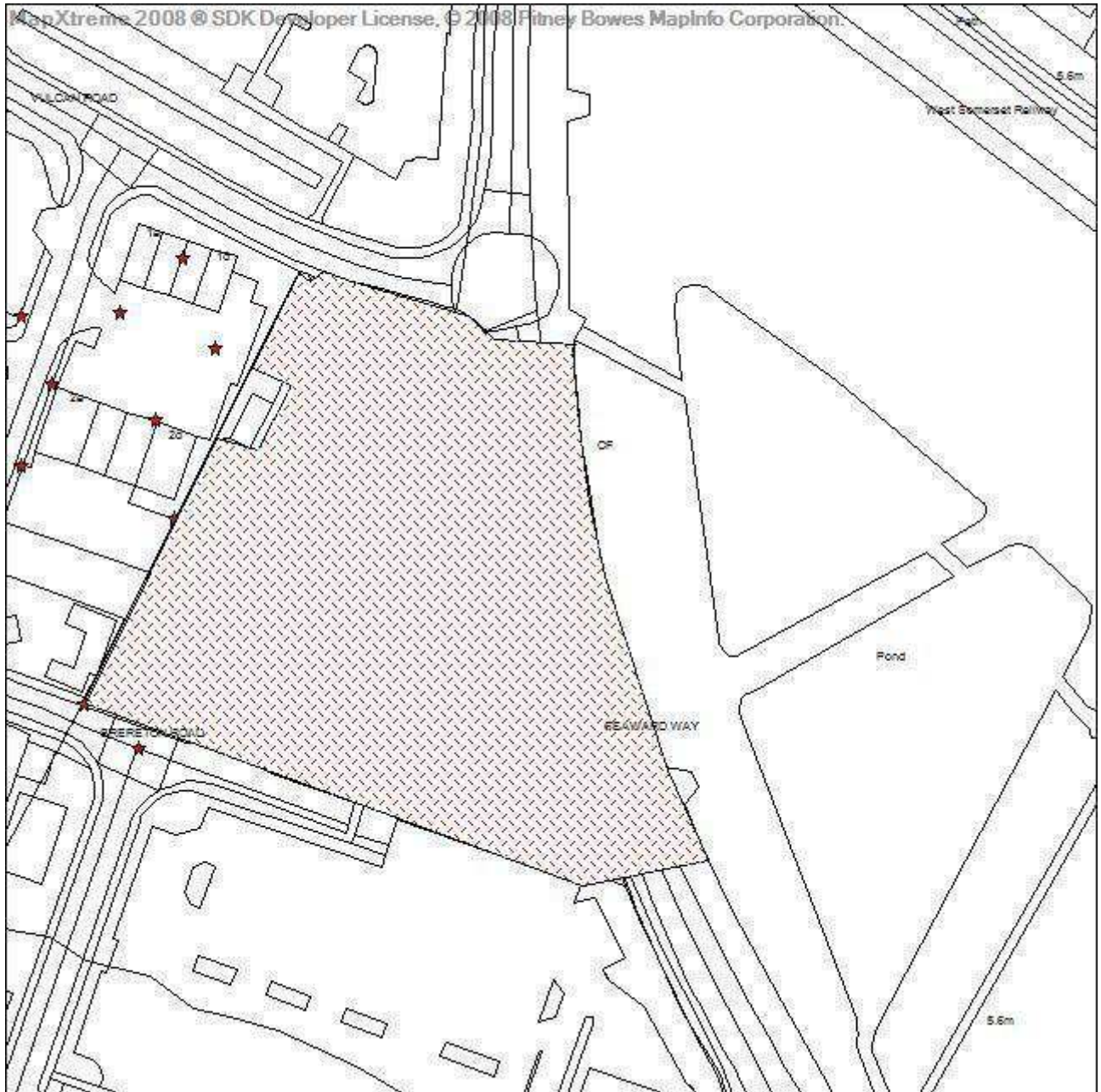
- 12 Any condition(s) that the Highway Authority may require.

## Notes

- 1 The applicant is hereby notified that the Environment agency recommends consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. These would include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with the local building control department is recommended when determining if flood proofing measures are effective. Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods'. This is available by email: [communities@twoten.com](mailto:communities@twoten.com) for a copy or alternatively go to: <http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf> as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood> It

is also strongly recommended that the applicant prepares a Flood Warning and Evacuation Plan for future occupants.

- 2 Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. It is recommended that the applicant refers to the Pollution Prevention Guidelines compiled by the Environment Agency, which can be found at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>



Application No 3/21/15/005  
 Erection of a new neighbourhood  
 foodstore and associated car  
 parking  
 Former Aquasplash Site,  
 Seaward Way, Minehead, TA24  
 5BY

20 January 2015  
 Planning Manager  
 West Somerset Council  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council  
 Licence Number: 100023932



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Easting: 297823  
 1:1250  
 Northing: 145860

Scale:





<b>Application No:</b>	<a href="#">3/37/15/003</a>
<b>Parish</b>	Watchet
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Elizabeth Peeks
<b>Grid Ref</b>	Easting: 307284    Northing: 143262
<b>Applicant</b>	Mrs k Morgan
<b>Proposal</b>	Demolition of existing derelict garden storage buildings and partial demolition of garden boundary walls and fences, to be replaced by new boundary walls and fences. Erection of a four bedroom house on part of the garden and enlargement and resurfacing of adjoining parking area.
<b>Location</b>	3 Sea View Terrace, Watchet, TA23 0DF
<b>Reason for referral to Committee</b>	<b>Called into Committee by the Chairman and Vice Chairman of the Planning Committee</b>

### **Risk Assessment**

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

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

### **Site Location:**

3 Sea View Terrace, Watchet, TA23 0DF

### **Description of development:**

Demolition of existing derelict garden storage buildings and partial demolition of garden boundary walls and fences, to be replaced by new boundary walls and fences. Erection of a four bedroom house on part of the garden and enlargement and resurfacing of adjoining parking area.

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

#### ***Watchet Town Council***

The Environment & Planning Committee is strongly opposed to this application on the following grounds:

- Considers this application as an overdevelopment of the site.
- Concerns with regard to the overlooking and the overshadowing of neighbouring properties
- Concern on the impact on access to the town during the construction phase, noting that Goviers Lane is a no through road, and the main pedestrian access to the town from the south leading to the railway crossing on the level, and the lack of a safe alternative.

- Main amenities of the town are located to the north and are accessed by Goviers Lane.
- Concerns about the increase in traffic on Goviers Lane during construction and afterwards, and would draw the attention of the Planning Officer to the need to secure a highways comment in respect of the substandard junction at the top of Goviers Lane, at the junction with Doniford Road, and the increase in traffic at the Beverly Drive/South Road junction.
- Concerns over the stability of neighbouring sites affected due to the amount of earth to be moved during the construction phase.
- Concerned with the freedom of use of the pedestrian access between Seaview Terrace and Goviers Lane, at the northern side of the proposed dwelling, as this route has been used by people for decades.

### ***Highways Development Control***

As requested, I have taken a further look at this site and can add further to our previous comment (that standing advice applies).

The views of the local community are clearly expressed and understood, and indeed representations have been made direct to SCC as the Highway Authority.

There is no question that an additional dwelling in this location will add to the traffic on the narrow lane, which has not been well received by the local residents. Being mindful however of section 4 of the NNPF and the requirement to only refuse development where impacts are 'severe' it could be difficult to substantiate a refusal at appeal.

It is essential however that appropriate parking and visibility splays are provided to allow safe access and egress to/from the site, and these provisions should be in accordance with the standing advice when considering the size of the proposed property and the speed of passing traffic. If this is not achievable, it is of course entirely appropriate for you to refuse the scheme on highway safety grounds.

I appreciate that this view will not be well received locally, but I suggest that it is for the LPA to weigh the responses to applications as part of the planning process and determine accordingly.

### ***SCC - Ecologist***

Thank you for consulting me on this application which has been submitted with a Protected Species Survey report prepared by Country Contracts and dated 'February 2015'. The survey focussed on assessing likely use by bats, breeding birds and reptiles & amphibians.

That part of the application site that comprises tarmac will be of very limited wildlife value but the gardens on the site do have some potential to support protected species as is acknowledged in the Country Contracts report.

Bats – From the Report it seems clear that there are no potential roost sites within the application site itself. The garden area could provide some foraging habitat for bats and it is possible that there might be roosts in some of the adjoining properties. However, in my opinion, the loss of a relatively small area of possible foraging habitat is unlikely to affect the favourable conservation status of any bat species particularly when it is considered that there appear to be significant areas of suitable habitat nearby in association, for example, with the railway line.

Breeding birds – According to the survey submitted with the application: "The shrubs/trees within the development area offer some suitable habitat for nesting sites for a variety [sic]

resident and passerine bird species.” For this reason, if you are minded to approve the application, I would recommend that a condition is imposed restricting the timing of shrub/tree clearance to outside of the bird nesting season unless the work is supervised by an ecologist. An informative note should be added to any planning certificate issued reminding the developers of their obligations under the Wildlife and Countryside Act 1981 (as amended) with regards to nesting birds.

Reptiles and Amphibians - The Survey report indicates that the pond on site is unlikely to support newts (because, presumably, of the presence of Goldfish in the pond) but it does not comment on the suitability of the terrestrial habitat that occurs for other amphibians or reptiles. From the photographs appended to the report I would judge that the garden is likely to support a range of amphibians and reptiles. The report mentions nearby records of Slow-worms and Smooth Newts. The presence of protected species is capable of being a material consideration in the planning process and ODPM Circular 06/2005 (still in force) makes this clear: “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.”

As I have indicated, the presence of protected amphibians and reptiles at this site is likely and they would be affected by the development as suitable habitat will be disturbed and lost during construction of the new building.

Watchet Station County Wildlife Site lies under 50 metres from the application site to the northeast. I do not anticipate that the CWS will be affected significantly by the proposed development.

In my consultation response to West Somerset Council regarding 3/37/15/003 Seaview Terrace, Watchet, I referred to the reported presence of Slow-worms in the vicinity of the application site and noted that: “The presence of protected species is capable of being a material consideration in the planning process”.

The applicant’s ecologist (Adrian Coward, Country Contracts) has been in touch with me to propose some mitigation measures (see below). In the light of Mr Coward’s e-mail I would request that, if you are minded to approve the application, a condition be imposed to require that prior to any site clearance works there is a destructive search of vegetated areas of the site that could support Slow-worms carried out under the supervision of a suitably qualified and experienced ecologist.

Further, the retention of the existing garden pond ought to be conditioned, or if this cannot be achieved there ought to be creation of a replacement within the development site.

With respect to point 4 in Mr Coward’s e-mail, I think it would be better to agree the potential receptor site for translocated amphibians and reptiles in advance of the destructive search. From aerial photos of the area, I believe suitable habitat exists nearby, so I do not anticipate

that lack of habitat should be a problem.

### **Watchet Conservation Society**

The committee of Watchet Conservation Society has considered the above planning application in detail at a recent site visit and has many concerns.

Goviers Lane is a very special thoroughfare in Watchet. It forms an important pedestrian link between the town harbour area and the many properties to the south. It is an ancient road, linking the harbour to Doniford Road which was once the main thoroughfare between Bridgwater and Minehead. Its sunken, enclosed feel, with its odd mixture of houses, walls and hedges is familiar to most Watchet residents. Its foot is marked with the end of Sea View Terrace. The chronology and dates of the houses in the terrace are uncertain, but No 1, alongside Goviers Lane is probably the earliest and may have served as a customs house for goods passing up and down Goviers Lane to the east wharf when this was the main route to Doniford Road. This, as the rest of Sea View Terrace is listed Grade II and is within the Conservation Area. Just above is the proud edifice of Almyr House, its tall east elevation with two oriel windows almost abutting the road. Between the two is the site of the proposed house, at present an overgrown patch behind a poorly maintained wall, but with an interesting piece of stainless steel sculpture. Here too is the access to the public footpath to Beverley Drive – again a much-used pedestrian link to town. This is a place where the built environment and the spaces between may be seen as amenities in themselves.

The Conservation Society Committee considers that it would be inappropriate to alter this important streetscape with another building and that the character of Goviers Lane should be maintained or improved as it is. We acknowledge that the proposed building design takes cognisance of the architectural features of its adjacent buildings, and that its scale in relation to them has been carefully considered. However, these adjacent buildings stand as examples of their time. To draw architectural features from them would appear no more than pastiche, and would demean both. We consider that such a building, being within the cartilage of a listed building, would affect its and the adjoining listed buildings' setting and, although not within it, the Conservation Area.

Goviers Lane is clearly most important as a pedestrian route, and very little traffic uses it. Increased traffic use, turning and parking would clearly make this a more dangerous and unattractive place. Highway difficulties have not in the past been a consideration when the Conservation Society has objected to planning applications, as its main concern is the built and natural environment. However, in this case we feel that Goviers Lane's importance suggests that it should as far as possible be traffic-free.

We believe that the development does not accord with Policy BD/2 of the Local Plan in that it does not have regard to its relationship with adjoining buildings and open spaces (Policy BD/2i). Its mass would have an overbearing impact upon Almyr House and The end of Almyr Terrace. Even the flat-roofed west extension would be of sufficient height to affect outlook of Almyr Terrace. A sedum roof would not make this a more attractive feature and would be out of keeping with the area.

Additionally the proposal does not accord with Policy 9 or Policy LB/1:

*POLICY 9: The Built Historic Environment The setting, local distinctiveness and variety of buildings and structures of architectural or historic interest should be*

*maintained and where possible be enhanced. The character or appearance of Conservation Areas should be preserved or enhanced.*

*POLICY LB/1: Listed Buildings Alterations and Extensions Development which involves alteration or extension to a listed building, or is within the curtilage of a listed building, will only be permitted where its features and setting are preserved and where: the essential form, scale and appearance of the building is not adversely affected, any new details are designed so as to respect the character or appearance of the building, materials for the extension or alteration are in harmony with the existing building, features of architectural or historic interest are retained unaltered including those in the interior of the building.*

Although the building is not actually within the Conservation Area, it is adjacent to it and is within the curtilage of a listed building.

The Society's raison d'être is to conserve the best of Watchet's heritage and Goviers Lane is too precious to be spoilt by this development or any other on this site. We therefore object to the proposal.

#### *Public Consultation*

The Local Planning Authority has received 24 letters of objection making the following comments (summarised):

- The dwelling will block the access onto Goviers Lane for those using the footpath from Beverley Drive
- Goviers Lane is narrow with no passing places which is used by many pedestrians including those with pushchairs, mobility scooters and wheelchairs. Adding garages with access from Goviers Lane will create a dangerous situation and affect residents' lifestyles detrimentally. This is the only safe route to Watchet from this part of Watchet for pedestrians etc.
- Approval of this application would set a precedent for other gardens in the area to be developed which would be detrimental to our community, flora and fauna.
- Overdevelopment
- Disturb views and light for the surrounding properties in Almyr Terrace, Sea View Terrace and Goviers Lane
- There would be disruption when the house is being built
- There are newts and glow worms on the site plus other fauna and the development will lead to a loss of habitat
- It is alleged that a Planning Officer has been assisting on how to gain planning permission. The Planning Officer should be unbiased
- Vehicle access to the house will cause a danger
- No need for a house and there is no demand for a large house
- The visibility from the new side path onto Goviers Lane means that pedestrians will step out on to Goviers Lane blind.
- Existing cars using Goviers Lane creates considerable inconvenience for pedestrians and makes it impossible for mobility scooters to negotiate the lane.
- There is no turning point so vehicles either reverse into or out of Goviers Lane
- It is incorrectly stated that Almyr Terrace backs onto the Southern boundary of the application site
- The proposed dwelling is 6 metres closer to Almyr terrace than the house that was dismissed on appeal at the other end of Sea View Terrace

- Previous applications have been refused on the application site on the grounds that there was insufficient space to accommodate a dwelling, garage, turning space and a parking space, the proposed dwelling would be overlooked creating an undesirable lack of privacy, the dwelling would be too close to Alymr Terrace and Sea View Terrace and the proposed access from Mount Pleasant and the existing rear access would be unsatisfactory. The situation has not changed.
- Ambient light readings have been taken in front of the houses in Alymr terrace and near the start of Alymr Terrace where there is a large 2 storey building in a similar distance and height to the proposed dwelling from the wall. Readings show that where there is a large building in close proximity the ambient light levels fall considerably. The readings have been supplied.
- There is likely to be a greater impact of the sedum roof from the second floor windows and the open aspect of Alymr Terrace rather than that than shown on the submitted site section plan for the ground floor of Alymr Terrace. Looking down on the green roof which is weed covered is not going to be aesthetically pleasing.
- Overlooking from the windows above the green roof of Alymr Terrace and their gardens.
- Junction of Goviers Lane and Doniford Road is substandard.
- If the dwelling is built who is going to be responsible in the event of an accident due to lack of access caused by the building works
- Will additional strain be put on the drainage system?
- Who would be responsible for costs for any accidents along Goviers Lane?
- The highway impact is severe
- A new dwelling would completely overshadowed and day light would be reduced to an unacceptable level.
- The new dwelling will lead to loss of privacy and sunlight to a property on the eastern side of Goviers Lane.
- The land should be excavated to Lane level and a bungalow built
- Access to the garaging should be from Beverley Drive
- The dwelling will have a dominating and overbearing impact on 1, Sea View Terrace and there will be a loss of privacy
- A precedent has been set with the appeal that was dismissed in 2012 at the far end of Sea View terrace where 18m distance to Alymr terrace was unacceptable. The distance to Alymr House is 10m which is worse
- The application does not take into account Policy 49 or SP/1 (Note: Policy 49 is no longer an extant policy)
- The quality northern light required in our artist studio will be lost and the dwelling will have an overbearing effect
- Part of the character and charm of this part of Watchet is the space between Sea View Terrace, Alymr Terrace and Alymr House, a historically important and iconic building built by the owner of the Mineral Line.
- Policy CA/1 has not been adhered to.
- There is already more than 4 cars parked in the parking area so where will the displaced cars go?
- The shadow plan is inaccurate
- There is a moral, social, political, ethical, commonsensical, neighbourly etc view that the view from Alymr House should be protected even if there is no legal right
- The reason for the single storey section is so that the open aspects of Alymr Terrace are not affected should also apply to Alymr House where these aspects are destroyed completely.
- Will the sculpture which is a memorial be resited?
- Loss in property values
- There are bats in hibernation
- There is no structural engineers survey which should be submitted before this application is determined.

The petition with 119 signatures object to the application on the grounds that:

- An unacceptable safety issue for pedestrians using Goviers Lane which is the only safe route for pushchair, wheelchair and mobility scooter users
- No place to turn vehicles in Goviers Lane
- The use of heavy goods vehicles during the construction period will mean that from a safety point of view Goviers Lane will need to be closed at times which is not acceptable. This may also happen at Beverley Drive and Rope Walk
- Extra cars from the proposed dwelling will park in Beverley Drive and Rope Walk or in Doniford Road especially as garages are often used for storage not the parking of cars
- Will have a negative impact on Alymr House and Alymr terrace due to its dominating nature
- There will be perceived and actual overlooking to properties in Alymr terrace and loss of light to Alymr House
- Safety issues during construction concerning the footpath link passed Sea View Terrace
- Set a precedent that will result in another terrace on the current green area between Alymr terrace and Sea View Terrace

### **Planning Policy Context**

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

The following Policies are considered relevant to this application:

- LB/1 Listed Buildings Alterations and Extensions
- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- NC/4 Species Protection

### **National Policy**

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

### **Local Policy**

[West Somerset Local Plan \(2006\)](#) \_  
[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#)  
[Somerset County Council Parking Strategy \(2013\)](#)  
[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

## Planning History

The following planning history is relevant to this application:

3/37/74/028	Erection of dwelling in garden	Refuse	25 September 1974
3/37/75/002	Erection of dwelling	Refuse	28 February 1975
3/37/15/001	Erection of a 4 bedroom dwelling on detached garden/parking area belonging to 3 Sea View Terrace	Withdrawn - Invalid	10 February 2015
3/37/15/004	Demolition of existing derelict garden storage buildings and partial demolition of garden boundary walls.	Not yet determined	

## Proposal

The application seeks planning permission to erect one detached four bedroom house together with the enlargement and resurfacing of an existing parking area where one of the spaces can be used by the occupiers for the proposed dwelling and four spaces are for the benefit of 3 Seaview Terrace. These parking spaces are accessed via Beverley Drive. The site forms part of the garden of 3 Sea View Terrace but is detached from the property by a footpath link that runs from Beverley Drive to Goviers Lane. Pedestrian access is also proposed to the south of the site between the site and Alymr House. with access to Goviers Lane and the rear parking area. The existing footpath link from Beverley Drive to Goviers Lane will be retained. The metal sculpture in the garden will be removed and the applicant is currently in the process of securing another location within Watchet for it.

The proposed dwelling comprises a double garage on the lower ground floor which is accessed via Goviers Lane together with a pull in in front of the double garage. Above the double garage are two floors. The ground floor comprises an open plan kitchen/dining/family room, and a utility room together with a single storey extension on the rear of the property which would accommodate a bedroom, ensuite and living room. The first floor is reached via stairs that are located in a two storey curved side extension and includes 2 double bedrooms, one single bedroom and a family bathroom. The walls of the lower ground floor would be natural stone and the upper floors would be rendered. The roof of the dwelling would be natural slate with the single storey extension having a sedum roof. A rendered retaining wall to the parking area is proposed together with the erection of a 1.8m close boarded fence to the rear and northern boundary of the proposed single storey extension. A stone outbuilding which is in disrepair will need to be demolished for the dwelling to be built. A separate listed building consent application (3/37/15/004) has been submitted for the demolition of this curtilage building.

## Site Description

The site lies between Seaview Terrace, Alymr House and Alymr Terrace. It is raised up above Goviers Lane. The site is generally level and is a car parking area and garden for 3 Sea View Terrace. A stone wall, approximately 1.6m high forms the southern boundary between the site and between Alymr Terrace. There are a number of stone and render retaining walls within the site.

## Planning Analysis

### 1. Principle of Development

The site lies within the development limits of Watchet, a rural centre where saved policy SP/2 is the relevant settlement policy which states,



"Within the development limits of Minehead, Watchet and Williton commercial or residential development will be permitted where:

It does not result in the loss of land specifically identified for other uses.

- (i) There is safe and convenient access by bus, cycle or on foot to facilities or employment.
- (ii) It involves infilling or small groups of dwellings, conversion, sub-division or redevelopment of an existing building or buildings or the redevelopment of previously used land."

The proposed erection of a dwelling will not result in the loss of land specifically identified for other uses, is accessible by bus, cycle and on foot and involves infilling between existing dwellings. The principle of development is therefore acceptable.

## *2. Character and Appearance of the Area*

The immediate area to the west of Goviers Lane is characterised by rendered or stone terrace houses with slate roofs on land which slopes down towards the West Somerset Railway. The site is not within the Watchet Conservation Area but adjoins the Conservation Area as Sea View Terrace forms the southern boundary of the Conservation Area together with the section of Goviers Lane that runs adjacent to 1 Sea View Terrace. Sea View Terrace are Grade II listed buildings. The application site lies within the curtilage of a listed building. This means that the setting of the Conservation Area and the listed buildings needs to be assessed as part of this application. It is considered that the location and orientation of the proposed dwelling takes in to account the street plan of Goviers Lane as Alymr House fronts onto Goviers Lane and 1 Sea View Terrace runs adjacent to Goviers Lane. The use of stone and render for the proposed dwelling reflects the materials used in the vicinity as does the use of various details including pitched roofs, timber sash windows, oriel windows and brick quoins. The proposed dwelling is not as tall as Sea View Terrace or Alymr House and is set back from Goviers Lane thus making it visually subservient to these properties. The stair turret adds interest to the building but does not detract from the setting of the Conservation Area or Sea View Terrace. The space between Alymr House and 1 Sea View Terrace will be lost but it is considered that this is not harmful to the setting of the listed buildings or the Conservation Area. It is therefore concluded that the setting of Sea View Terrace and Watchet Conservation Area is preserved.

## *3. Residential Amenity*

Due to the location, size and design of the proposed dwelling there is potential for the amenities of existing occupiers of houses in Alymr Terrace, Alymr House, High Bank and Sea View Terrace to be affected in particular overlooking, loss of light/ sunlight and being over bearing.

In terms of overlooking, with regard to Alymr House the only windows that look towards Alymr House are at ground floor level and the boundary wall between the two properties will ensure that there is no overlooking. With regard to 1 Sea View Terrace there is a window at first floor window from the proposed stair turret and a dining window which look towards this property. Due to the distance involved ( a minimum of 17m) and as there is a wall around the patio area of the property it is considered that there is very limited overlooking. At the rear of the property one bedroom and one bathroom window are proposed at first floor and glazed french doors from a bedroom at ground floor. These windows will not cause any direct overlooking into any nearby property as the windows are at right angles to both

Almyr Terrace and Sea View Terrace. On the front of the property that overlooks Goviers Lane two oriel windows at ground floor level are proposed for the open plan dining and family room. A window in the stair turret that is the height of the turret is proposed. As the stairs will not be in front of this long window there will be no overlooking. At first floor level two bedroom windows are proposed. There is likely to be a degree of overlooking from the bedroom windows into the garden of the bungalow opposite as these windows will be at a higher level than the bungalow. The distance between these windows and 7 High Bank is 22.2m. It is considered that due to the distance between these windows and 7 High Bank and as they are bedroom windows these rooms are not occupied for the majority of daylight hours so that the overlooking is not so harmful that refusal should be recommended to the scheme.

As part of the application details of shadowing that would occur to neighbouring properties has been submitted. These details are taken at different times of the year; February, March, June, August, and September. In February there is no shadowing of Sea View Terrace, Almyr House or High Bank that can be contributable to the proposed dwelling until 5pm where the garden of High Bank is in shadow which is when it is already dark. At other times of the year the proposed house will not adversely cause shadowing to any property.

Consultees have also raised concern over the proposed dwelling being over bearing, loss of light and loss of views. With regard to loss of views this is not a planning consideration whereas being over bearing and loss of light are. In relation to loss of light this has been assessed and it is considered that there will be no significant loss of light to any property due to the location and size of the proposed dwelling in relation to adjoining properties. It is noted that there is concern that there will be loss of quality northern light in to the studio (which is dual aspect) at Almyr House. This window is 10m away from the proposed side wall of the proposed dwelling and due to the distance involved and as there are two windows into this room whilst there may be a reduction in northern light this is not considered to be so significant that this application should be recommended for refusal on this ground. Concerns over the proposed dwelling being overbearing have been received. The proposed dwelling however is only 2 storey for the section that is in line with Almyr House. It is single storey for the section that is located in front of 23 and 24 Almyr Terrace. The sedum roof will be approximately 0.4m higher than the stone boundary wall at its highest point. The highest point is about 15.4m away from the front wall of Almyr Terrace. Due to the small difference in the height of the roof above the wall and the distance to Almyr Terrace it is not considered that this will not be overbearing on these properties.

The property will have the benefit of a garden. 9 trees and shrubs will be removed. A landscaping scheme has been submitted which shows that two areas, the steep bank that fronts Goviers Lane and an area around the single storey extension will incorporate ground cover, specimen shrubs and climbers. The pond will also be retained. This will improve the visual amenity of the area.

#### *4. Highway Safety*

A lot of local concern has been raised relating to highway safety issues including the increased use by vehicular traffic of Goviers Lane, the fact that Goviers Lane is widely used by pedestrians, mobility users etc especially as it is the only safe route on foot from this part of Watchet to reach the centre of Watchet and there is no turning area for vehicles. The Highway Authority are aware of these concerns and have advised that whilst the proposed dwelling will add traffic to Goviers Lane any impact of this additional traffic will not be severe and as such it is considered that refusal on highway safety grounds could not be substantiated. Further advice has been sought concerning the junction of Goviers Lane with

Doniford Road and will be reported to the Planning Committee meeting.

It is noted that amenity issues and highway safety issues could arise during the construction phase and as such it is recommended that a construction management plan condition be imposed so that the hours of working, the route for deliveries and the mitigation of dust is controlled.

#### *5. Biodiversity*

A protected species survey was completed in February 2015 and concluded that at least one bat box should be installed, planting should primarily be of native species and any security and safety illumination should be designed to minimise light spill, that vegetation should not be removed if there are any nesting birds present, bird nesting boxes should be provided, the pond should be retained, the northern bank be retained, discarded materials on the site should be carefully removed and if any reptiles or amphibians are found a scheme to relocate them be agreed in writing by the Local Planning Authority. The Council's ecological advisor has confirmed that the mitigation measures should be incorporated within a condition. Such a condition is recommended.

#### *6. Other Implications*

It is noted that two outline applications for a bungalow were refused in the 1970's on the grounds that there was insufficient space to accommodate a dwelling, garage, turning space and a parking space, the proposed dwelling would be overlooked creating an undesirable lack of privacy, the dwelling would be too close to Alymr Terrace and Sea View Terrace and the proposed access from Mount Pleasant and the existing rear access would be unsatisfactory. This scheme if a full application for a dwelling on a larger site than the applications that were refused and Beverley Drive had not been constructed. As the access from Beverley Drive is an improvement to the one that was previously there, there is sufficient parking and room to turn, no significant overlooking or lack of privacy of the occupiers of the new dwelling and it is considered that the proposed dwelling is not too close to Alymr Terrace or Sea View Terrace it is considered that the reasons for refusal have been overcome and that there are no new additional reasons that would justify a refusal to this scheme.

The Town Council and other residents consider that the proposed development is an overdevelopment of the site. The proposal accommodates a four bedroom house with sufficient parking and garden area for the property and also accommodates sufficient parking spaces for 3 Sea View Terrace. The living conditions for the occupiers of the proposed dwelling and for neighbouring properties are felt to be acceptable and as such it is considered that the proposal is not overdevelopment of the site.

Precedent has also been cited as an issue that means the application should be refused. As each application is assessed on its merits there is no such thing as a precedent as each site has its own issues that need to be addressed.

Concern has been raised over the stability of the site as soil will need to be removed to accommodate the double garage at road level. This is an issue that is controlled by Building Regulations.

#### **Environmental Impact Assessment**

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 and so Environmental Impact Assessment is not required.

#### **Conclusion and Recommendation**

It is considered that the proposal subject to advice from the Highway Authority, is acceptable and it is recommended that planning permission be granted subject to the conditions below and any additional conditions required by the Highway Authority.

**Planning Permission is subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 13.40.05B and 06A, SPP1928 - 01A and the Protected Species Survey dated February 2015 by Country Contacts incorporating email dated 29 March 2015 from Adrian Coward.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No works shall be undertaken on site unless samples of the materials [including colour of render, paintwork and colourwash] to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.  
Reason: To safeguard the character and appearance of the building and the setting of the adjacent listed buildings having regard to the provisions of Saved Policies BD/2 and LB/1 of the West Somerset District Local Plan (2006).
- 4 No works shall be undertaken on site unless full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include elevations at 1:20 scale and cross-sections, profiles, reveals, surrounds, at full or half scale and details of the materials, finish and colour in respect of new windows and external doors. The works shall thereafter be carried out in accordance with the approved details and thereafter retained as such.  
Reason: To safeguard the character and appearance of the building and the setting of the adjoining listed buildings having regard to the provisions of Saved Policies LB/1 and BD/2 of the West Somerset District Local Plan (2006).
- 6 The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plan for the parking and turning of vehicles, and such area 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).
- 7 The dwelling hereby approved shall not be occupied unless the garages identified on the approved plan has/have been provided and such garages shall not thereafter be used for any purpose other than for the garaging of vehicles associated with the development.  
Reason: To maintain adequate off-street parking 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).
- 8 No works shall be undertaken on site unless details for the provision of parking and servicing of vehicles and operating hours during the construction phase have been

submitted to and approved in writing by the local planning authority. The details shall include plans for the:

- (i) parking of vehicles of site personnel, operatives and visitors;
- (ii) hours of operation
- (iii) loading and unloading of plant and materials; and
- (iv) storage of plant and materials used in constructing the development

The parking/servicing area(s) shall be provided in accordance with the approved details prior to any other works being undertaken on site or in accordance with an alternative implementation scheme which has been approved in writing by the local planning authority. The parking/servicing area(s) shall be retained for the duration of the site clearance and construction phase.

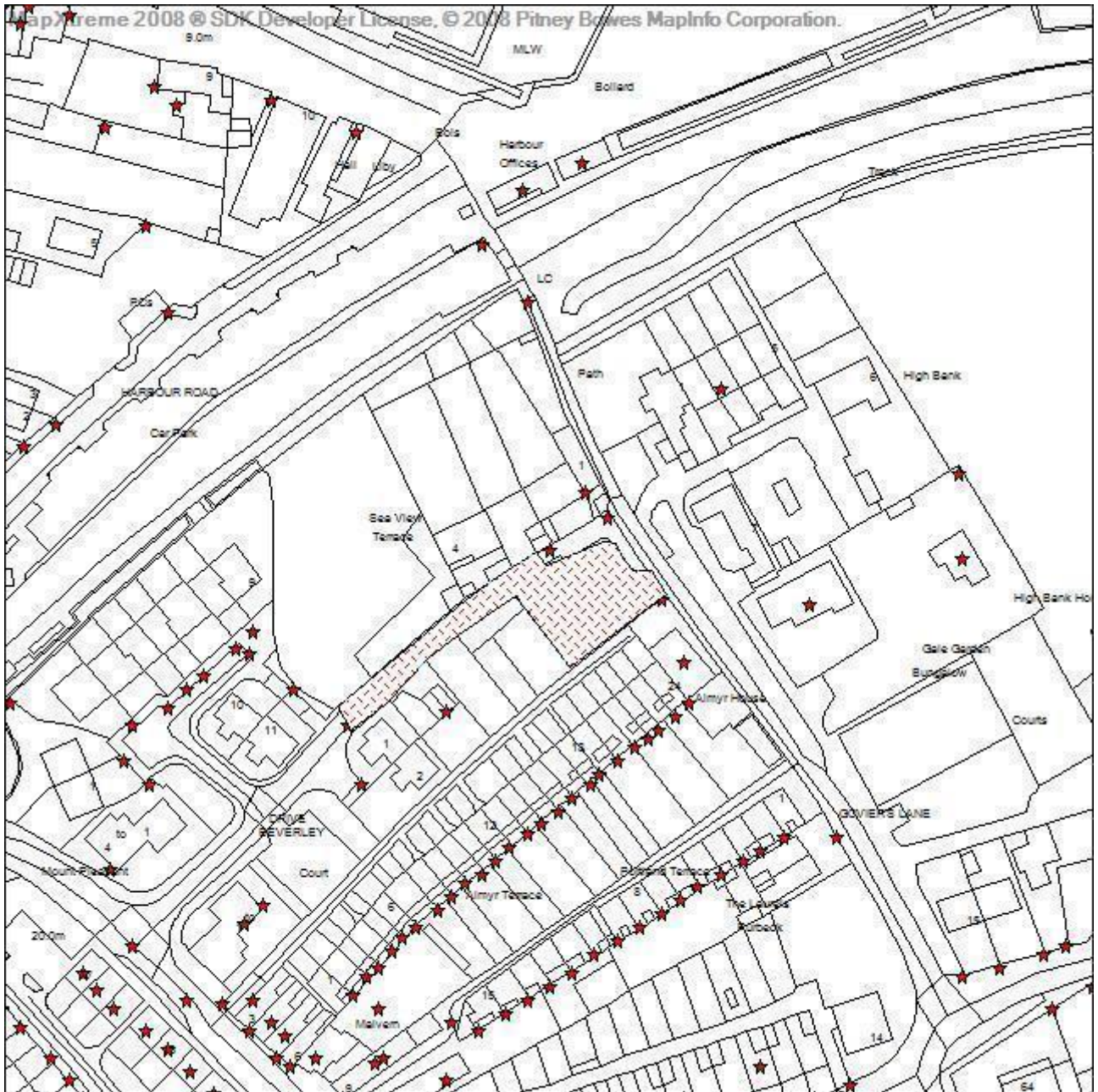
Reason: To ensure that the development does not prejudice the free flow of traffic or highway safety nor cause inconvenience to other highway users and the amenities of neighbours are not adversely affected..

- 9 No work shall commence on the hereby approved scheme until an implementation plan for the mitigation measures identified in the Protected Species Survey dated February 2015 by Country Contacts and email dated 29 March 2015 from Adrian Coward has been submitted to and agreed in writing by the Local Planning Authority . Only the approved implementation plan shall be used and subsequently retained.  
Reason: To ensure that suitable mitigation measures are incorporated into the development to minimise the impact on species protected by law having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling house other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and the character of the building and the surrounding area. For this reason the Local Planning Authority would wish to control any future development to comply with Saved Policies BD/1, BD/2 and BD/3 of the West Somerset District Local Plan (2006).
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, without the granting of express planning permission from the Local Planning Authority.  
Reason: The Local Planning Authority considers that the introduction of further curtilage buildings could cause detriment to the amenities of the occupiers of nearby properties and the character of the building and the surrounding area and for this reason would wish to control any future development to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).

## **Notes**

### **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. No substantive issues were raised by consultees through the application process. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.



Application No 3/37/15/003  
 demolition of existing garden  
 storage buildings and partial  
 demolition of garden boundary,  
 to be replaced by new boundary  
 walls, erection of 4 bedroom  
 house  
 3 Seaview Terrace, Watchet  
 16/02/2015  
 Planning Manager  
 West Somerset Council,  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA



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Easting: 307284  
Scale: 1:1250

Northing: 143262



### Delegated Decision List

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/01/15/003	Little Paddocks, 4 Honey Row Lane, Bicknoller, Taunton, TA4 4EE	Replacement roof to form new loft conversion, extension, alterations to windows and doors, removal of chimney, demolition of existing garage and replacement with new detached double garage and associated ground works.	27 March 2015	Grant	<a href="#">BM</a>
3/07/15/002	Glebe House, Mark Herniman Hill, Crowcombe, Taunton, TA4 4AA	Minor Alterations to existing house	09 April 2015	Grant	<a href="#">EP</a>
3/16/15/001	Moorhouse Distribution Site, Kilton Road, Holford, TA5 1SS	Temporary widening of existing access and resurfacing to facilitate works at Moorhouse Distribution Site	20 March 2015	Grant	<a href="#">TW</a>
3/16/15/002	Holford Village Hall, Holford, Bridgwater, TA5 1SD	Refurbishment and extension to village hall including a change of use of land for additional car parking.	26 March 2015	Grant	<a href="#">SK</a>
3/21/14/108	Shiplap, Flat 2, 43 Quay Street, Minehead, TA24 5UL	To fix a bannister rail for the internal spiral staircase	26 March 2015	Grant	<a href="#">EP</a>
3/21/15/007	Flat 7, Mount Royal, Weirfield Road, Minehead, TA24 5QF	Replace upvc tilt and turn window in bedroom and upvc window in kitchen with upgraded upvc windows of same design and colour.	18 March 2015	Grant	<a href="#">BM</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/15/009	8 The Parks, Minehead, TA24 8BS	Remove the existing large window and door on the south west elevation and replace with a sash window. It is also proposed to make internal alterations to provide a further bedroom and kitchen within the existing single storey side extension.	19 March 2015	Grant	<a href="#">EP</a>
3/21/15/010	2 Cuzco Gardens, Periton Road, Minehead, TA24 8DU	Variation of condition 1 on planning permission 3/21/14/054 in order to use untreated oak cladding instead of red cedar cladding on the approved dwelling.	26 March 2015	Grant	<a href="#">EP</a>
3/21/15/012	5 King George Road, Minehead, TA24 5JD	Removal of existing flat roof extension to rear and erection of pitched roof single storey extension (Resubmission 3/21/14/027)	16 March 2015	Grant	<a href="#">BM</a>
3/21/15/015	35 Regents Way, Minehead, TA24 5HS	Proposed side extension	27 March 2015	Grant	<a href="#">BM</a>
3/21/15/019	Flat 2, Blenheim Park, 41 Blenheim Road, Minehead, TA24 5QA	Remove the existing ground floor sash window on the south east elevation and replace with a painted timber door.	13 April 2015	Grant	<a href="#">SW</a>
3/26/15/001	2 Binham Cottage, Old Cleeve,	New vehicular access with off street parking and the change of use	16 March 2015	Grant	<a href="#">SK</a>

MINEHEAD,  
TA24 6HU of part of a paddock  
from agricultural to  
residential use.

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/28/15/001	Pendray House, Sampford Brett, Taunton, TA4 4JT	Removal of existing pedestrian access gate and formation of new vehicular access to highway with on-site parking and turning area (resubmission of 3/28/14/008)	13 April 2015	Grant	<a href="#">BM</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/31/15/003	Quantock View, Wood Lane, Stogumber, Taunton, TA4 3TJ	Amendments to previous application 3/31/09/011 to include, reduction in size of north east elevation, removal of balcony to South West elevation, addition of patio doors and Juliet balcony to North West elevation, change hips, to north east and north west elevations, to gables, change blue black slates to blue black Marley Modern tiles (or similar), re-position chimney, change porch.	02 April 2015	Grant	<a href="#">BM</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/32/15/002	Little Thatch, Stolford, Stogursey, Bridgwater, TA5 1TW	Demolition of existing house and erection of replacement house	25 March 2015	Grant	<a href="#">SK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/32/15/003	Fernlea, Knighton Lane, Stogursey, Bridgwater, TA5 1QB	Proposed demolition of outbuildings and erection of a two storey extension.	25 March 2015	Grant	<a href="#">BM</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/37/15/002	Land adjacent to 5 High Bank, Goviers	Erection of one 3-bed dwelling (amended	27 March	Grant	<a href="#">SK</a>

Lane, Watchet,  
TA23 0DG

scheme to  
3/37/12/031)

2015

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision Officer</b>
3/39/14/031	The Former Croft House, North Croft, Williton, TA4 4RR	Variation of condition 2 on planning permission 3/39/13/013 in order to change plots 9 to 12 from 3-bed semi-detached dwellings to 2-bed semi detached dwellings and to change the development road surface finish to tarmac with the parking bays remaining as block paving.	18 March 2015	Grant <a href="#">EP</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision Officer</b>
ABD/31/15/001	Barn at Lower Vexford Farm, Lydeard St Lawrence, Taunton, TA4 3QJ	Prior approval of proposed change of use of agricultural building to a dwellinghouse	25 March 2015	Prior approval required and given subject

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision Officer</b>
ABD/36/15/001	Building near Leeford Road, Upton, TA4 2DB	Prior approval of proposed change of use of agricultural building to a dwellinghouse	02 April 2015	Prior approval is required and refused

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision Officer</b>
C/05/15/001	Townsend Farm, Main Road, Carhampton	Approval of details reserved by conditions 11 - Shear Design drawings 13152-200C (external surfaces layout) and 13152-210A (external surfaces adoptable standard details). 15 - Hydrock Highway lusses and Travel Plan Technical Note and Travel Plan Correspondence dated 7 April 2014. 16 - Shear Design drawing	27 March 2015	Grant <a href="#">EP</a>

13152-101B (proposed drainage). 18 - GreenEcology RMS, GCP drawing 13044-004G (planting schedule) and condition 18 commentary in relation to planning permission 3/05/13/006

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
C/07/14/008	The Homestead, Crowcombe, Taunton,TA4 4AW	Approval of details reserved by condition 7 (relating to walls or roof structures to be demolished or rebuilt), condition 11 (relating to external materials and wall surface treatments), condition 12 (relating to the curtilage of each dwelling), condition 14 (relating to a detailed site investigation in order to assess degree and nature of contamination present) in relation to planning permission 3/07/09/006	20 March 2015	Grant	<a href="#">SK</a>
<b>Ref No.</b> NMA/04/15/001	<b>Application</b> Upcott Farm, Langaller Hill, Brushford, Dulverton, TA22 9RS	<b>Proposal</b> Non-material amendment in order to change the roof line on the 2-bed cottage, remove window on south elevation, insert a window on the east elevation, widen the French doors and create a balcony and undertake a replacement window design on planning permission 3/04/14/014	<b>Date</b> 26 March 2015	<b>Decision</b> Grant	<b>Officer</b> <a href="#">SK</a>
<b>Ref No.</b> NMA/37/15/001	<b>Application</b> Eversley, Saxon Ridge, Watchet, TA23 0BL	<b>Proposal</b> Non-material amendment to reduce the depth of the north facing window on the	<b>Date</b> 26 March 2015	<b>Decision</b> Grant	<b>Officer</b> <a href="#">SK</a>

approved extension  
(ref: 3/37/14/017).

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# Appeal Decision

Site visit made on 17 March 2015

**by Mike Robins MSc BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 March 2015**

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**Appeal Ref: APP/H3320/A/14/2228973**

**Shells Holiday Cottages, Washford, Watchett, Somerset TA23 0PU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Lloyd Morgan against the decision of West Somerset Council.
  - The application Ref 3/39/141025, dated 16 September 2014, was refused by notice dated 21 October 2014.
  - The development proposed is three detached holiday units with associated vehicle parking on the site to the east of Shells Cottage.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the countryside.

## Reasons

3. The appeal site is a triangular area of open grassland formed by the provision of a new access road, granted permission in 2009, to Shells Cottage. The site is separate from this property and the associated existing holiday units. It lies on a slope rising to the south and is in open countryside between Washford and Williton, to the south of the A39.
4. Shells Cottage holiday accommodation currently comprises five detached units, granted permission in 2011 and 2012, which are located to the west of the appeal site. These, along with the original cottage, are surrounded by a copse of mature trees. In contrast, the appeal site has hedgerows only to the southern side and along part of the eastern boundary that abuts the minor road, which provides access from the A39. New planting associated with the permission for the access is not yet established.
5. Despite the large zoo complex, Tropiquaria with its associated tall mast elements to the north of the A39 junction, this is open countryside. The slope up from the road means that site is clearly visible over a considerable distance passing along the A39. The proposal would introduce three new units, reported to be similar but slightly larger than the existing units.
6. The development plan for the area includes the West Somerset Local Plan, adopted 2006, the Local Plan. The policies in this plan are saved and set out a general principle of directing development to the existing settlements and protecting the open and undeveloped countryside. Policy SP/5 explicitly states

that development outside of settlements will only be permitted where it both benefits economic activity and maintains or enhances environmental quality. This is reinforced in Policy LC/3, which addresses proposals outside of development limits and seeks to ensure particular attention is given to the scenic quality and distinctive local character of the landscape.

7. The Local Plan was adopted prior to the publication of the National Planning Policy Framework (the Framework). While the starting point for determination of any appeal remains the development plan, paragraph 215 indicates the importance of consistency with the Framework, which continues to recognise the intrinsic character and beauty of the countryside, and addresses rural economy in paragraph 28. While permissive of schemes that support sustainable rural tourism, this paragraph also notes the need to respect the character of the countryside. I find the development plan policies are essentially consistent with this approach.
8. It is therefore necessary to address the effect on the character and appearance of the countryside in a balanced approach that also considers the economic and social benefits of the proposal. This would properly reflect the Framework's approach to sustainable development set out in paragraph 7.
9. I accept the site is now separated from the large agricultural field to the north and west, but as open grassland it retains the typical agricultural character of the area. The presence of the masts and buildings at Tropiquaria do not detract from the undeveloped character along the southern side of the road or the visual qualities of the sloping landscape here. While glimpsed views of the existing units were available under winter foliage conditions, these buildings are generally well contained and the trees are of a scale and maturity to allow these holiday units to sit comfortably within the landscape.
10. The site is set above the minor road, although the bank and hedgerow diminishes towards the entrance, where planting has yet to establish. It is well screened from the south, but currently the site is open to views from the main road and on approach from the north. The three units are proposed to be screened by additional planting extending the hedgerow a short distance along the existing driveway.
11. Even were this hedgerow to become established within a reasonable period, I consider that it would not effectively screen the bulk of the development, and initially it would only reduce views to the lower side of the site. Relatively open views would remain and would encompass the two units away from the entrance. The development would be visible to drivers along the main road, those entering and leaving Tropiquaria and from those using the bus stops near the junction.
12. The proposal would introduce a substantial area of parking, buildings and associated paraphernalia, which would conflict with the prevailing character. It would be highly visible in the short to medium term, and even were fast growing or non-native trees to be used to provide the proposed screening, this would neither be adequate nor would it respect the character of the countryside in itself. The proposal would lead to material harm to the character and appearance of the countryside.
13. However, both Policy SP/5 and the Framework recognise that economic benefits must be considered. Tourism is clearly an important part of the rural



economy, albeit it is likely to be dependant in part on the attractive and unspoilt character of the countryside. I accept that the appellant has argued that this would be a justified extension of the business to provide for excess demand and disabled visitors. This would result in some economic benefits to the area. I also accept that this is a reasonably accessible location for such provision, including the footpath to Washford, which has a range of services and facilities, and access to the public transport network.

14. Nonetheless, while I acknowledge these positive aspects of the scheme, I consider that they are insufficient to outweigh the material harm to the character and appearance of the open and undeveloped countryside that I have identified. The proposal would conflict with Local Plan Policies SP/5 and LC/3 in this regard, and would not represent sustainable development that respects the character of the countryside, as sought by the Framework.
15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Mike Robins*

INSPECTOR



## Appeal Decision

Site visit made on 23<sup>rd</sup> February 2015

**by Alison Roland BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 March 2015**

---

### **Appeal Ref: APP/H3320/A/14/2225365**

### **West Street, Watchet, Somerset, TA23 0BQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr John Franklin against the decision of West Somerset Council.
  - The application Ref: 3/37/14/008, dated 12 May 2014, was refused by notice dated 1 July 2014.
  - The development proposed is outline consent (with some matters reserved) to erect a dwelling located at the end of West Street, Watchet.
- 

### **Procedural Matter**

1. The application was submitted in outline with details of access and layout submitted for consideration. I shall determine the appeal on that basis. The submitted plan Ref: 1166/203 depicts the external appearance of the dwelling. However, as appearance and scale are reserved matters, I have treated this as illustrative material.

### **Decision**

2. The appeal is allowed and outline planning permission is granted (with some matters reserved), to erect a dwelling located at West Street, Watchet, Somerset, TA23 0BQ, in accordance with the terms of the application Ref : 3/37/14/008, dated 12 May 2014, subject to the following conditions:
    - 1) Details of the appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
    - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
    - 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
    - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plans Drwg No: 1166/100A; Existing Site Layout Plan Drwg No: 1166/101; Proposed Site Plans Drwg No: 1166/200C; Proposed Plans and Elevations: Drwg No: 1166/203.
-

- 5) No development shall commence until a construction management plan has been first submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the measures approved in that plan.

### **Main Issues**

3. The main issues in this appeal are (1) whether the development of the site for one dwelling makes optimal use of the site and (2) whether the proposal is acceptable in the absence of on site parking.

### **Reasons**

4. Paragraph 58 of the National Planning Policy Framework (the Framework) seeks (amongst other things), to optimise the potential of sites to accommodate development. The Council's case on this point is that the size of the site is capable of accommodating more than one dwelling and at over 500 sq metres I agree in principle, this could be the case.
5. However, the reality is that the site comprises a series of sloping terraces roughly formed into a relatively steep hillside. This being the case, it is evidently not a straightforward site to develop, notwithstanding the apparent lack of vehicular access (although I note the Council's case that access is theoretically available from Lorna Doone). Moreover, I also take the appellant's point that much of the housing in the locality is of a tightly knit terraced nature with limited gardens and in this respect, the development of the site for one detached dwelling with a larger than average (albeit terraced) garden would introduce welcome variety into the local housing stock.
6. Overall on the first main issue, I conclude that given the inherent site constraints, the development of the site for one dwelling would constitute an optimal use of the site and I therefore find no conflict with the advice in paragraph 58 of the Framework.
7. In relation to the second main issue, Policy T/8 of the West Somerset District Local Plan April 2006 (LP) seeks the provision of car parking at the level shown in Appendix 4, which equates to 2 spaces per dwelling. Where a reduced level of car parking is appropriate, developers will be required to provide a contribution towards improving deficiencies in public transport, cycleway or pedestrian facilities associated with the development. The Somerset County Council Parking Strategy 2013 (PS) sets out an optimum requirement for 2.5 spaces. As no parking provision is proposed, neither of the standards set out in these documents are met. However, I note that there is a degree of latitude set out in both documents, where local circumstances justify deviation from the standards.
8. The appellant maintains that the provision of a public seat on the Eastern side of the appeal site would amount to a contribution towards improving deficiencies in pedestrian facilities envisaged in T/8. Whilst such a seating facility would doubtless prove convenient for users of the public footpath, in the absence of any deficiencies in this regard identified by the Council, I do not consider it has been demonstrated that its provision is a necessary corollary for the development to proceed. Neither have any other deficiencies to which the appellant should be required to contribute, been highlighted by the Council.

9. The appeal site is accessed from a hard surfaced public footpath onto West Street. Almost opposite the point where the footpath emerges onto the road is West Street residents' car park, which has controlled entry via a barrier. The Council sought the provision of a Section 106 Agreement to ensure the provision of parking to meet the needs of the dwelling, but the appellant states this cannot be achieved due to legal issues. However, the parties agree that spaces can be rented from the Town Council through a permit system and the Council do not dispute the appellants' submissions that spaces are available.
10. Moreover, the appeal site is just a short walk from Watchet centre which has a range of facilities, including a number of small shops, a Co-Operative outlet and rail and bus links. I note the Council say that the rail line is a heritage railway with seasonal and somewhat expensive rail fares. Nonetheless, by any measure, it appears to me that the site is sustainably sited relative to local shops and facilities, which would tend to reduce reliance on the private car for day to day needs. I accept the Council's case that the public footpath to the South of the appeal site is un-surfaced and steep in parts, but given the range of facilities accessible from West Street, it seems to me more likely that the tarmac surfaced footpath onto that street would offer the most attractive and convenient route to the town centre.
11. Crucially on this issue, the Council have failed to elucidate any tangible harm that would ensue from the absence of on site parking. Given the double yellow lines along West Street, it seems to me improbable that occupiers of the proposed dwelling would choose to blatantly disregard these restrictions and I noted at my visit that there is some on street parking available to the East on West Street although doubtless, there will be considerable competition for those spaces.
12. Overall on the second main issue, whilst the proposal would not meet the optimal parking standards set out in the LP or PS, I nonetheless conclude that the specific circumstances of this case, most notably the sustainable location of the appeal site relative to shops and services and the availability of nearby parking provision, render the appeal proposal acceptable.
13. In addition to the standard conditions relating to the submission of the reserved matters, the Council suggest a condition requiring the submission of a construction management plan for agreement. Given the restricted access to the site, I consider this is reasonable in the interests of the amenity of nearby residents. A condition confining the approval to submitted drawings is necessary to clarify the extent of the appeal site for the avoidance of doubt and in the interests of proper planning. It is unclear why the appellant believes this would hinder flexibility in the development of the site, since as outlined in the procedural matters paragraph, this permission is confined to the details of access and layout only, with all other matters reserved for future consideration.

### **Other Matters**

14. The Town Council express concern that the proposal would amount to overdevelopment of the site. It is unclear why they believe this to be the case, especially as the Planning Authority considered the appeal site could accommodate more dwellings. Either way, as the density would be markedly lower than the tightly packed housing surrounding the site, I consider the appeal proposal would be acceptable in this regard. Nearby residents express

concern about disruption during the construction process, but this can be addressed through the imposition of a condition dealing with a construction management plan, as suggested by the Council.

*ALISON ROLAND*

INSPECTOR



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## Appeal Decision

Site visit made on 3 March 2015

**by Martin Joyce DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Decision date: 25 March 2015**

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**Appeal Ref: APP/HGW/14/381**

**Land off the A39, Kilve, Somerset**

- The appeal is made under Section 97 of the Environment Act 1995 and Regulation 9 of the Hedgerow Regulations 1997 against a Hedgerow Retention Notice (HRN).
  - The appeal is made by Mr Nicholas Thorne against the decision of the West Somerset Council to issue a Hedgerow Retention Notice, Ref: H/18/14/00 dated 16 July 2014, in response to a Hedgerow Removal Notice dated 2 June 2014.
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### Decision

1. The appeal is dismissed and the Hedgerow Retention Notice is upheld.

### Main Issue

2. The purpose of the legislation contained in the Hedgerow Regulations 1997 is to protect hedgerows which are considered to be important, allowing their removal only in certain exceptional circumstances.
3. The main issue in this case is whether there is sufficient justification to allow the removal of the hedgerow.

### Reasoning

4. The hedgerow in question is about 48m in length. It is situated on a bank about 4m wide and 1m in height. It is located within parcel No 2696, an L-shaped 5.1ha field, on the north-eastern side of the A39 Bridgwater to Minehead road, east of the small village of Kilve. The land rises generally in a north-easterly direction away from the road. The hedgerow formerly bounded the north-eastern side of a smaller field, and continued in a north-westerly direction. That section, and that which formed the north-western boundary of the field, have been removed. The appellant states that this occurred, in the 1980's, before he obtained ownership of the land.
5. There is no dispute over the criteria stated in respect of the importance of the hedgerow<sup>1</sup>. In respect of archaeology and history, it fulfils Criterion 5(a) as it is recorded in the Kilve Tithe Map of 1839 as an integral part of a field system predating the Inclosure Acts. With regard to wildlife and landscape, it falls within Criterion 7(a) as it contains at least seven woody species, namely two types of elm (although they count as one), field maple, blackthorn, dogwood, hazel, rose and elder. This was assessed, as required, through a survey of the central 30m section of the hedgerow.

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<sup>1</sup> Schedule 1 to the Hedgerow Regulations 1997.

6. The appellant wishes to remove the hedgerow because it is an isolated feature in the larger field created by the removal of other hedgerows. It traverses the slope of the field and presents an obstacle when negotiating around it using large machinery. As the field is regularly laid into grass for silage, this presents a particular danger when it comes to silaging, as cut grass is slippery and the risk of jack-knifing the tractor and trailer is ever-present, even for an experienced driver. Moreover, even when the field is used for other crops, the ground can be wet and slippery. Consequently the removal of the hedgerow would negate the need to traverse a severe slope with heavy farm machinery.
7. Further, in relation to the Council's reasons for issuing an HRN, the appellant rejects the suggestion that the field could be harvested in two sections, using, if necessary, smaller machinery. This would not remove the danger identified, and, from a business point of view, it is extremely impractical to buy or hire in smaller machinery just for this field.
8. In considering these matters, I start by observing that the appellant has supplied very little in the way of firm technical data to support his submissions. Whilst the field rises in a south-west to north east direction, no contour drawings have been produced to show the actual gradients, and it seemed to me, from my inspection, that the general rise in level is fairly even until a point some distance to the north-east of the hedgerow in question. The hedgerow does not, therefore lie on the steepest part of the slope, and it was agreed, at the inspection, that there is a difference in ground level of between about 2m and 3m between the cultivated area of the field to the north-east of the hedgerow and that to the south-west.
9. I have attempted to calculate the gradient myself using the 1:25,000 Ordnance Survey map for the area. The field within which the hedgerow lies is about 300m at its widest point, measured from the boundary with the A39 road to the north-eastern boundary. The 1:25,000 map shows that the land level rises from about 45m to 95m over this distance. This indicates an overall gradient of about 1 in 6, or 16.7%. However, the lower slopes, and that around the hedgerow itself, appears to be significantly less, and it is clearly not a situation where cultivation is impossible, as shown by the fact that a crop of oil seed rape is currently being grown.
10. Even with an estimated gradient before me, I cannot verify or confirm the accuracy of the appellant's submissions without essential technical information about the type of farm machinery used on the field in question, and its ability to work on slopes. Moreover, no agricultural appraisal has been supplied which could provide information on matters such as the frequency of cultivation, crop rotation and alternative types of crops, and the importance of the field in question to the overall holding. I do not doubt that crop rotation is an important part of the farming practices carried out on the holding as a whole, but the appellant's case in this appeal amounts to little more than assertion, and reliance upon a press report of a tragic accident, without any firm analysis based upon accepted agricultural practice.
11. Against this, there is, however, a strong presumption that important hedgerows will be retained and protected, and the published guidance<sup>2</sup> is quite clear on this point. This states, at paragraph 8.16, that the circumstances in

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<sup>2</sup> "The Hedgerow Regulations 1997 – A Guide to the Law and Good Practice" (DEFRA amended reprint August 1998).

which removal of an important hedgerow is allowed to proceed are likely to be exceptional. I find nothing exceptional in this case, rather the removal of the hedgerow in question is likely to be more of a matter of convenience for the appellant than a situation where there is a provable need for removal in the overriding interests of safety.

12. I accept that the value of the original field system in this area has been lessened by the removal of two other hedgerows shown on the Tithe Maps, but that does not provide a reason for further destruction of a hedgerow of undisputed importance.

**Conclusion**

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and the Hedgerow Retention Notice upheld.

*Martin Joyce*

INSPECTOR



