



To: Members of Planning Committee

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

Our Ref TB/TM

Your Ref

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

Extension 01823 356573

Date 16 February 2016

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

Dear Councillor

I hereby give you notice to attend the following meeting:

**PLANNING COMMITTEE**

**Date: Thursday 25 February 2016**

**Time: 4.30 pm**

**Venue: Council Chamber, Council Offices, Williton**

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

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

Yours sincerely

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

**BRUCE LANG**  
Proper Officer

## PLANNING COMMITTEE

THURSDAY 25 February 2016 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

#### 1. Apologies for Absence

#### 2. Minutes

Minutes of the Meeting of the 3 December 2015 and 28 January 2016 - **SEE ATTACHED**

#### 3. Declarations of Interest or Lobbying

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

#### 4. Public Participation

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

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

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

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

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

**Report No: Eighteen**

**Date: 16 February 2016**

<u>Ref No.</u>	<u>Application/Report</u>
<b>3/24/15/003</b>	Extension and change of use of existing barn to form a two bed holiday let plus two-bay timber garage at Yarde Hill Building, Yarde, Near Williton
<b>3/21/15/076</b>	Display of illuminated signage on 6 meter pylon and fascia sign to front and side elevations at Former Aquasplash Site, Seaward Way, Minehead
<b>3/21/15/078</b>	Outline planning application for four dwellings with access from Bircham Road and The Shires at Homestead, Bircham Road, Alcombe, Minehead

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

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

8. **Appeals Lodged**

Appeal against the refusal of outline planning permission for the construction of a dormer bungalow at 1 Marshwood Cottages, Carhampton Road, Carhampton, Minehead, TA24 6JY (planning application 3/05/15/010).

9. **Appeals Decided**

Erection of a Solar PV Development and associated works. The proposed development will include the installation of ground based racking systems and mounted solar panels (max 3m high), power inverter stations, transformer stations, Substation and comms building, fencing and associated access gates, and CCTV security cameras mounted on free standing support poles (resubmission of 3/28/13/005) on land at Aller Farm, East of Woodford and North of Monksilver, Williton, TA4 4HH – Planning Appeal dismissed.

**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 3 December 2015 at 4.30 pm

#### Present:

Councillor S J Pugsley .....Chairman  
Councillor B Maitland-Walker .....Vice Chairman

Councillor I Aldridge  
Councillor G S Dowding  
Councillor Goss  
Councillor Hall  
Councillor Heywood

Councillor I Jones  
Councillor PH Murphy  
Councillor J Parbrook  
Councillor K Turner  
Councillor R Woods

#### Officers in Attendance:

Area Planning Manager – Bryn Kitching  
Assistant Director Planning and Environment - Tim Burton  
Planning Officer (Conservation) – Elizabeth Peeks  
Legal Advisor Martin Evans - Mendip DC  
Democratic Services Officer – Tracey Meadows

#### **P57 Apologies for Absence**

There were apologies for absence from Councillors Archer, Hadley and Morgan.

#### **P58 Minutes**

**RESOLVED** that the Minutes of the Planning Committee Meeting held on 5 November 2015 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor B Heywood and seconded by Councillor S Goss.

#### **P59 Declarations of Interest or Lobbying**

All Councillors declared that they had been lobbied on application No's 3/39/14/010 and 3/39/14/024.

#### **P60 Public Participation**

Min No.	Reference No.	Application	Name	Position	Stance
P61	3/39/14/010	Redevelopment of the site to provide a food store (A1), retail shops (A1), professional and financial services (A20, food and drink uses (A3), health services (D1), residential	Mr A Stiven Wendy Spencer Louise Martin  Mr S Gill  Cllr McDonald	Keep Williton special Group  Chartered planning Consultant  Chairman of Williton Parish Council	objector  Objector  Objector

		<p>dwellings (c3), vehicle and pedestrian access, associated car parking and landscaping (resubmission of 3/39/11/002) in association with 3/39/14/024 at land at Bank Street/Fore Street, Williton, Taunton TA4 4NH</p>	<p>Mr J Coombs</p> <p>Mr F Colinson</p> <p>Mr T Versey</p> <p>Mr C Miller</p> <p>Ms C Reeves</p> <p>Mr M Wood</p>	<p>Pegasus Group 9on behalf of the COOP Local Resident</p> <p>Local Resident and Chartered Surveyor</p> <p>Town Planning and Economic Regeneration Consultant</p> <p>Retail Planning Consultant</p> <p>Agent</p>	<p>Objector</p> <p>Objector</p> <p>In favour</p> <p>In favour</p> <p>In favour</p> <p>In favour</p>
P61	3/39/14/024	<p>Outline application (with all matters reserved) for the erection of up to 480 sq m gross of flexible Class A1/A2 floor space linked to proposed redevelopment of land associated with application ref: 3/39/14/010 to include vehicle and pedestrian access and landscaping at J Gliddon &amp; Sons Ltd, Bank Street, Williton, Taunton TA4 4NH</p>	<p>Mr J Coombs (registered to speak on this application, but covered both points on 3/39/14/010)</p>	<p>Pegasus Group on behalf of COOP</p>	<p>Objector</p>
P61	3/32/14/004	<p>Demolition of existing bungalow and redundant agricultural</p>	<p>Mr James Venton</p>	<p>Agent</p>	<p>In favour</p>

		building and construction of 12 new dwellings, associated parking and turning improvements to existing vehicular entrance at Land at and adjoining 16 Castle Street Stogursey, Bridgwater			
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**P61 Town and Country Planning Act 1990 and Other Matters**

Report Fifteen of the Planning Team dated 16 September 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**

**The below applications were debated together but voted on separately.**

**3/39/14/010 – Redevelopment of the site to provide a food store (A1), retail shops (A1, professional and financial services (A2), food and drink uses (A3, health services (D1), residential dwellings (C3), vehicle and pedestrian access, associated car parking and landscaping (resubmission of 3/39/11/002) in association with 3/39/14/024 at Land at Bank Street/Fore Street, Williton**

**3/39/14/024 Outline application (with all matters but access reserved) for the erection of up to 480 sq.m. gross of flexible Class A1/A2 floor space linked to proposed redevelopment of land associated with application ref: 3/39/14/010 to include vehicle and pedestrian access and landscaping at J Gliddon & Sons Ltd, Bank Street, Williton, Taunton TA4 4NH**

**Comments raised by the objectors included:**

- Delays of 4 minutes in response times for emergency vehicles due to extra Supermarket traffic;
- No gain in employment in this development, there would be 60 jobs lost. Hinkley is where jobs will be created not Williton;

- Williton would be without a Bank and Post Office if this development goes ahead;
- The need to retain the retail boundary to protect the vitality and viability of Williton;
- Previous applications were refused, what is different about this one;
- Peoples shopping habits are changing, more people are shopping online and larger supermarkets are closing. We need to support or village shops;
- Insufficient capacity in the local area to support a store;
- Application does not account for the new Lidl store being built in Minehead;
- Smaller application is great;
- Small commercial retail units would be more beneficial as would affordable housing;
- There are no empty shops at present in Fore Street, this development would destroy the ambiance of the village;
- The majority of residents do not want this development, you need to consider their quality of life;
- The emerging Local Plan has not yet been tested in the examination process;
- This development would result in a loss of trade to existing retailers;
- Anxious for the business people of Williton, we need to be loyal to them;
- Applicant's retail assessment states that 5% of residents consider Williton existing offer to be poor or limited. Williton and Watchet have 43.9% of the market share, more than Morrisons and Minehead put together. 63% of residents said that they never visit the Morrisons store and 35% never visit the Tesco store. However 73% of residents visit the Co-op in Williton at least once a week and just demonstrating an existing high degree of self-sufficiency. In short the detailed analysis buried in the appendices does not correspond with the dooms day scenario that is painted in the text;
- Emerging plan policies are not being adhered to, NPPF, EC12, SC6, and W11. Own emerging policies are against this proposal;
- Co-op was the anchor retailer in Williton;

**Comments raised by those in favour included:**

- Residents in outlying villages use Williton a lot for supplies that are needed, it was considered to be a hub for all the outlying villages;
- Biggest issues are car parking, you have to carry heavy shopping across a busy road to the car park opposite;
- Williton would benefit enormously by having this supermarket, it would increase footfall and people would use the small ancillary retail units;
- No one likes changes, but changes means growth and it means life;
- Williton and Watchet are in the top 20% of the most deprived wards in the country;
- No empty shop units in the prime shopping area to attract new businesses, this results in tourism and businesses spending elsewhere;
- Planned new housing growth will increase the need for jobs in the area thus bringing new economic benefits into the town;
- New Supermarket would create 135 full time jobs, these will include managerial, admin and professional as well as part time and lower skilled;
- Predicted value that this development will bring in is 2.5 million pounds a year, with direct benefits to local businesses and suppliers;
- Applicant has agreed to a local labour agreement which will benefit local people and apprentices;

- 94 business in West Somerset have written in support of this development, with eight local businesses publically support this development and four local business objecting;
- The new development will give a choice to people in Williton who do not drive to use local services instead of them shopping out of town;
- To do nothing scenario would result in the loss of revenue for the town, this proposal was for the long term sustainability of Williton;
- Lloyds Bank has been offered a unit in this development and this offer is still on the table;
- The investor has agreed to a contribution to a town centre investment fund;
- 50% of the application site area fall within the defined boundary so there is no requirement to consider the retail impact;
- A Lawful development certificate was granted in 2014, confirming that the land and buildings in the southern part of the site could be lawfully used for Class A1 retail use without restriction that extends to 4,500sq m, that is confirmed in the certificate, 10% less space than what is already authorised on the certificate;

### **The Member's debate centred on the following issues:**

- We had to look at this application against two sets of criteria, those of the existing Local Plan and those of the new Local Plan now deposited with Central Government for comment and amendment. We have to address the questions of how much notice is to be taken of each. The future plan that needs to be given the most weight;
- We need to listen to what the local people want as they are the people that live here;
- Shopping habits are changing with more internet shopping;
- Traffic would double with traffic going in and out of Williton;
- The impact on local businesses and highway infrastructure and transport; Local shops would fail if there were a supermarket here;
- More housing was needed West Somerset wide;
- The proposal did not enhance the historic core of Williton;
- Access issues and the proposed layout of the roundabout;
- The site is crying out for development, but not a supermarket;

Councillor K H Turner proposed and Councillor R Woods seconded a motion that both of the applications be **REFUSED**.

### **REASONS**

#### **Outline Planning Permission is refused for the following reasons:**

1 The proposed supermarket would have a significant adverse impact on the vitality and viability of Williton centre, which is likely to result in store closures and impact on investment in the centre. Such an impact on the centre would result in reduced consumer choice and competition. The adverse impact of the proposal is not outweighed by the benefits (i.e. reduced leakage of bulk/main shopping trips & some reduced journey lengths) of the scheme. This proposal does not accord with Policies SH/3 and SH/4 of the adopted West Somerset District Local Plan, Policy WI1 of the West Somerset Local Plan to 2032 Submission Draft and Policy within paragraphs 26 and 27 the National Planning Policy Framework.

**3/39/14/024** - Outline Planning Permission is refused for the following reasons:



1 The proposed retail unit would have a significant adverse impact on the vitality and viability of Williton centre, which is likely to result in store closures and impact on investment in the centre. Such an impact on the centre would result in reduced consumer choice and competition. The adverse impact of the proposal is not outweighed by the benefits (i.e. reduced leakage of bulk/main shopping trips & some reduced journey lengths) of the scheme. This proposal does not accord with Policies SH/3 and SH/4 of the adopted West Somerset District Local Plan, Policy WI1 of the West Somerset Local Plan to 2032 Submission Draft and Policy within paragraphs 26 and 27 the National Planning Policy Framework.

**The motion was carried.**

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

**3/32/14/004 Demolition of existing bungalow and redundant agricultural building and construction of 12 new dwellings, associated parking and turning and improvements to existing vehicular entrance at Land at and adjoining 16 Castle Street, Stogursey, Bridgwater, TA5 1TG**

**Comments raised by the speaker included:**

- Agents have worked tirelessly on this application. Comments that were received were taken on board and hopefully overcome;
- Application had been supported by all interested parties;
- All neighbourhood concerns had been fully resolved;
- Application will be an asset to the village of Stogursey;

**The member's debate centred on the following issues:**

- Pleased that this development has come to fruition. The new amendment to the application was aesthetically pleasing new amendment and the new dwellings would fit very well into the area of Castle Street. The planning officer took on board the Parish Council comments that it looked like a barrack block before and now that the houses are staggered it is much more in keeping with the rest of Castle Street;
- This application would improve what was a derelict site and detract from the setting of the castle;
- Delighted that £55,000 from the S106 Agreement has been allocated for community infrastructure, also happy with the level of affordable housing which will also be secured by the S106 agreement ;
- Great improvement to what was there before and looks forward to seeing the completion of the development;
- Affordable housing must be kept in perpetuity;
- There was a need for a TPO on the trees to maintain screening;

Councillor K H Turner proposed and Councillor S Y Goss seconded a motion that the application be **APPROVED SUBJECT TO LEGAL AGREEMENT**.

**The motion was carried**

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting in November of the Exmoor National Park Planning Committee. This included:

There was only one application for members of the park to consider, an erection of a lean to extension to an agricultural building together with a concrete block pen and bio mass building. Approval was given with conditions to paint all the white roofs, sheets and boiler chimney black. An important feature was that this was a retrospective application. It was approved but with a feeling amongst members that there were too many retrospective applications and there should be some way of discouraging them possibly by doubling the fees.

Reported that the proposed mast for the 4G communications on Haddon Hill has been withdrawn by the applicant. It was considered that there was not enough time to complete the construction by the deadline of the government's mobile infrastructure project that comes to the end in March 2016. Our MP had met with the energy minister to see if an extension to the scheme could be forthcoming. Stated that we were waiting a response on this.

Councillor Turner stated that this had been approved at the previous meeting, he indicated the he was concerned with the length of time that it took to get this application approved and now we had come up against a dead line of not being able to build the mast, he indicated that this was a real loss to the community in that area. He felt disappointed that the planning took so long to get. The Chairman stated that it was not the planning that took the time it was actually getting electricity to the site, that was one of the main delays because there were not any mains at the top of Haddon Hill, it had to be brought up from the valley below, one of the issues causing concern to Arqiva. One of the reasons why Arqiva thought that it may not be finished by the end of March was that they still had negotiations to go as well as installing the electrical supply. Stated that there was not any delays from the planners at all. It was a very difficult site, there was a lot of public opposition to it and lots of public support. It was a difficult one for the park to consider, the park overwhelmingly approved the application. There was considerable disappointment at the park that Arqiva had taken the view that they cannot progress to completing it and a lot of political pressure was being brought to bear to make sure that Arqiva do even now reconsider their decision and if necessary the government extend the time limit to enable it to be completed.

### **P63 Delegated Decision List**

Questions were raised and answered by the Officer.

The meeting closed at 7.50pm

## PLANNING COMMITTEE

### Minutes of the Meeting held on 20 January 2016 at 4.30 pm

#### **Present:**

Councillor S J Pugsley .....Chairman  
Councillor B Maitland-Walker .....Vice Chairman

Councillor I Aldridge  
Councillor D Archer  
Councillor G S Dowding  
Councillor A P Hadley  
Councillor T Hall  
Councillor B Heywood

Councillor I Jones  
Councillor C Morgan  
Councillor PH Murphy  
Councillor J Parbrook  
Councillor K Turner  
Councillor R Woods

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

Area Planning Manager – Bryn Kitching  
(Temp) Planning Officer – Hamish Laird  
Legal Advisor Martin Evans - Mendip DC  
Democratic Services Officer – Emma Hill

#### **P1 Apologies for Absence**

There were apologies for absence from Councillor S Goss.

#### **P2 Declarations of Interest or Lobbying**

Councillor Turner declared that he had been lobbied and met the applicant on application No. 3/02/15/002. Councillor Hadley declared that he delivered newspapers to the 'Hairy Dog Pub' application No. 3/21/15/091. Councillor J Parbrook declared that she was present as Mayor at the town Council meeting for application No.3/05/15/014.

#### **P3 Public Participation**

<b>Min No.</b>	<b>Reference No.</b>	<b>Application</b>	<b>Name</b>	<b>Position</b>	<b>Stance</b>
P4	3/02/15/002	Land at Cording's Cleeve, Brompton Ralph. Construction of timber loading bay, new forestry tracks and the upgrading of existing forestry tracks	Mr P Aslett	Neighbour	Objecting
P4	3/05/15/014	The Old Coach House, 3 Winsors Lane, Carhampton, Minehead. Conversion of	Mr Capp Mr F Barrington-Capp Mrs P Gubbins Mr A Featherstone	Neighbour Neighbour Neighbour Applicant	Objecting Objecting Objecting In favour

		stable to holiday cottage			
P4	3/28/15/008	School House, Main Road, Sampford Brett. Erection of one dwelling in the garden.	Dr E Driver Mr K Rufus	Neighbour Agent	Objecting In Favour
P4	3/21/15/091	3 Park Street, Minehead. Display of illuminated fascia and projecting signs.			
P4	3/21/15/104	Land to the rear of 32 The Avenue, Minehead. Erection of one 2 bedroom dwelling (resubmission of 3/21/15/042)			

#### **P4 Town and Country Planning Act 1990 and Other Matters**

Report Sixteen of the Planning Team dated 28 January 2016 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

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

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

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

**3/02/15/002 Land at Cording's Cleeve, Brompton Ralph. Construction of Timber Loading Bay, new forestry tracks and the upgrading of existing forestry tracks.**

#### **Comments raised by the objectors included:**

- This stretch of road is a single track along its complete length with very few passing places that will accommodate HGV vehicles. Hence the reason the road was designated as 'unsuitable for HGV vehicles';
- Increase in vehicle movements;
- Blocked drains due to occasional heavy traffic breaking down the verges causing mud to be deposited over the drain. These are regularly cleared by

local residents to prevent the lane from flooding, this would be more of a problem with regular HGV traffic;

- Disruption for people using the route to Brompton Ralph Post Office with logging vehicles not being able to reverse in the lane if faced with oncoming vehicles;

**The member's debate centred on the following issues:**

- The only difference from the previous application was the restrictions on operating during school term times;
- The road width was not wide enough for walkers and vehicles;
- The road was not suitable for construction/operational traffic without passing places.

Councillor K H Turner proposed and Councillor C Morgan seconded a motion that the application be **REFUSED**

**REASON**

Due to the lack of vehicle passing places on the highway between the site entrance and Forches Cross, construction and operational vehicles are likely to cause conflicts with other traffic, resulting in obstruction, delay and a highway danger. The proposal is therefore contrary to paragraph 32 of the National Planning Policy Framework.

**The motion was carried.**

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

**3/05/15/014 The Old Coach House, 3 Winsors Lane, Carhampton, Minehead. Conversion of stable to holiday cottage.**

**Comments raised by the speakers included:**

- The application site is designated under 2006 saved policy CAR/1 as an 'important amenity garden' for Carhampton. An objection was received on its designation as it was in private ownership but the Inspector upheld its designation.
- The entrance and frontage will be altered with the cutting down of trees and shrubs;
- Increase of light pollution and in view of windows of existing residents;
- Disruption to residents;
- Parking permission for holiday let not included. If this application was approved this will be an issue for residents;
- No additional comments raised report from Planning Officer covers comments raised by objectors.

**The member's debate centred on the following issues:**

- Inspector recommended no alterations to the garden;
- Development should minimise environmental impact;
- Area suffers with flooding;
- Concerns over access and sufficient parking on the site;

- Loss of amenity to residents nearby;
- Redevelopment of a tumble down building should be welcomed;
- Will be of economic benefit to the village for commercial business on the main road;
- Displacement of parking onto the highway due to increase in vehicles with the holiday cottage;

An amendment was proposed by Councillor B Maitland-Walker and seconded by Councillor C Morgan that the application be refused. On being put to the vote the amendment FAILED. There were no further discussions and on being put to the vote the original motion was declared **CARRIED**.

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

**3/28/15/008 School House, Main Road, Sampford Brett. Erection of one dwelling in the garden.**

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

- The design and siting of the proposed dwelling was detrimental to a group of historic buildings and at odds with the principles set out in the Local Plan to 2032 which will be coming into force in the foreseeable future;
- The proposed new dwelling would lead to a loss of openness which was likely to be detrimental to the character of the area;
- This application was to provide a modest disabled dwelling in the garden of the 'School House' this is basically an infill plot;
- Local properties that have full disabled facilities on an a level site are very scarce on the open market in that area;
- The proposed dwelling is positioned as such that it does not impact on other neighbouring properties and there is no case to suggest a loss of privacy or cause overlooking to neighbouring properties due to the dwelling being single storey;
- Highways and Wessex Water Authority have not raised any objection to the proposal;
- Proposal follows the guidance contained within the NPPF.
- This was a modest dwelling that sat comfortably within the site and provided disabled facilities to enable the applicant to continue independent living at Sampford Brett.

#### **The member's debate centred on the following issues:**

- The new building would be in the garden of the existing property;
- Applicant was a long term resident who wished to remain in Sampford Brett;
- The old school property takes up 50% of the land;
- Village does not have any amenities for a disabled person;
- Over development of the site and detrimental to the visual character of the area.

Councillor I Aldridge proposed and Councillor K Turner seconded a motion that the application be **REFUSED**

**The motion was carried**

## **Reason**

1.The proposed development is unacceptable because the subdivision of the existing curtilage serving School House, the siting of the new dwelling and the provision of a new access and car parking to serve it, the retention of the existing parking facilities to serve School House, and the erection of fencing on the boundary between the site and School House would result in an overdevelopment of the site which would leave School House with a sub-standard sized amenity area poorly related to it, and which would be too small for the size and scale of this retained dwelling. This would be compounded by the loss of the length of boundary wall fronting Main Street to provide the new access and overall the proposal would result in a form of development that would be detrimental to the character and visual quality of this part of Sampford Brett. As such, the proposed development would be contrary to the provisions of Saved Policies BD/1 Local Distinctiveness, and BD/2 Design of New Development, of the West Somerset District Local Plan (2006); and, PolicyNH10 Securing High Standards of Design in the Emerging West Somerset Local Plan 2015, and the advice contained in the National Planning Policy Framework (2012) particularly Paragraph 17 Core planning principles where it states: “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;” and the provisions of Paragraph 64 of the Framework which require that: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

2.The development of the site with a dwelling is unacceptable because the site is located in an unsustainable location due to the limited facilities available in Samford Brett, and the requirement for any new dwelling to rely on the private motor car for journeys beyond the village to access services and facilities, as there are no public transport services available from the village. As such, the proposal is contrary to the provisions of Policy SC1 Hierarchy of Settlements – Section 5 in the Emerging West Somerset Local Plan 2015.

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

**3/21/15/091 3 Park Street, Minehead. Display of illuminated fascia and projecting signs.**

Councillor P Murphy proposed and Councillor K Turner seconded a motion that the application be **APPROVED**

**The motion was carried**

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

**3/21//15/104 land to the rear of 32 The Avenue, Minehead. Erection of one 2 bedroom dwelling (resubmission of 3/21/15/045)**

**The member’s debate centred on the following issues:**

- Access was inadequate for the proposed development as the alley was not a vehicular roadway and there would be an increase in traffic;

- Noise from the pub would be disruptive in the summer;
- Over development, currently a builders yard which was used for parking;
- No access for Fire and Rescue Services.

Councillor K Turner proposed and seconded by Councillor A Hadley that the application be **REFUSED**.

**The motion was carried**

**Reason**

1. The proposed development is unacceptable because it introduces a residential dwelling directly adjacent to a known source of noise associated with The Hairy Dog Public House and its pub garden including outdoor seating and dining facilities, and children's play equipment. The pub garden is widely used, often late into the evening, particularly during the summer months of July and August, and also during the Easter spring break, and the spring, summer and autumn half-term school, holidays. Whilst the proposed development demonstrates an acceptable level of sound-proofing to the new dwelling, it does not account for the opening of windows for ventilation, or the quiet enjoyment of the garden area provided for the new dwelling. The amenities of occupants of the new dwelling in respect of the quiet enjoyment of the dwelling will be unacceptably affected by the close proximity to and noise from the lawful everyday activities associated with The Hairy Dog Public House, resulting in likely noise complaints. As such, the proposed development is contrary to the provisions of Saved Policies BD/2 Design of New development; and, PC/3 Noise Sensitive Developments of the West Somerset District Local Plan (2006); and, Policies MD1 Minehead Development; and, NH10 Securing High Standards of Design in the Emerging West Somerset Local Plan 2015, and the advice contained in the National Planning Policy Framework (2012) particularly Paragraph 17 Core planning principles where it states: "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;" and the provisions of Paragraph 64 of the Framework which require that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

**P5 Delegated Decision List**

Questions were raised and answered by the Officer.

**P6 Appeals Lodged**

Appeal against the refusal of 'Retention of mobile home for a temporary period as a rural workers dwelling in connection with the breeding and fibre production of alpacas and the breaking in and training of heavy horses' at Little Allshire, East Anstey, Tiverton EX16 9JG

Appeal against the refusal of 'Removal of conditions 3 and 4 from planning permission 3/39/11/046 in order to create a single car parking space for Riverside – at 18 Bridge Street, Williton.

Appeal against the refusal of the erection of three holiday units (resubmission of 3/39/14/025 at Shells Cottage, Shells Lane, Washford, Watchet.



**P7 Appeals Decided**

Erection of new dwelling in the garden of Pemswell Lodge at Pemswell Road, Minehead – Planning Appeal allowed.

Removal of 125m of hedgerow in order to incorporate narrow strip of land into a larger field at Perry Farm, East Quantockhead – Planning appeal dismissed.

Extension to enlarge bedroom, lounge and kitchen and new bathroom and study at 55 Cleeve Park, Chapel Cleeve, Old Cleeve – planning appeal dismissed (3/21/15/010)

Extension to enlarge bedroom, lounge and provide bathroom and study (resubmission of 3/26/15/010) at 55 Cleeve Park, Cleeve, Old Cleeve – planning appeal dismissed.

The meeting closed at 7.45pm

DRAFT

<b>Application No:</b>	<a href="#">3/24/15/003</a>
<b>Parish</b>	Nettlecombe
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Hamish Laird
<b>Grid Ref</b>	
<b>Applicant</b>	Mr Dan Cotterill
<b>Proposal</b>	Extension and change of use of existing barn to form a two bed holiday let plus two-bay timber garage
<b>Location</b>	Yarde Hill Buildings, Yarde, Near Williton
<b>Reason for referral to Committee</b>	The recommendation is contrary to the comments of the Parish Council

## Recommendation

Recommended decision: Refuse

### Reasons for refusal:

- 1 The site lies in the open countryside outside any defined settlement boundary. Its lawful use is for agricultural purposes. The barn on site is in a reasonable condition, but requires works of repair/maintenance to prolong its useful life. The development proposes the extension and change of use of the existing barn to form a two bed holiday let plus the erection of a two-bay timber garage. This involves works to the existing stone built barn on site involving the raising of its walls by 1.7m which the applicant claims would avoid the need for extensive underpinning, the process of which could lead to the collapse of the structure. The proposed development is unacceptable because the change of use of the site from agricultural land to the use of the land to a holiday let and the conversion/extension of the barn would be contrary to the provisions of Saved Policies SP/1 Settlement Hierarchy; and, SP/5 Development Outside Defined Settlements in the West Somerset District Local Plan (2006); and, Policies SC1 Hierarchy of Settlements, and OC1 Open Countryside Development in the emerging West Somerset Local Plan 2015, which in essence seek to restrict residential development in the countryside to that associated with an established need for local agriculture, horticulture and forestry.
- 2 The proposed development is unacceptable in that it effectively proposes new build residential development in the countryside. The nature and scale of the development arising from the proposed alterations and extensions to the existing barn to convert it into a unit of holiday let accommodation; and, the requirement for a double garage to serve it, will result in a form of development that will detract from the rural setting of the area and will, overall, result in a domestic appearance to this site in the countryside which will have

a harmful visual impact on the rural character of the site and its countryside surroundings. The proposed development is contrary to the provisions of Saved Policies LC/3, BD/1 and BD/2 in the West Somerset District Local Plan (2006); and, to the provisions of Policies NH2 Landscape Character Protection; and, NH10 Securing High Standards of Design, contained in the Emerging West Somerset Local Plan (2015).

- 3 The proposed development is unacceptable because the existing access serving the site has its junction with the public highway at Burrow Rocks, which is within close proximity to that roads junction with the B3188. The existing access is bounded on both sides by relatively steep banks that restrict visibility for vehicles exiting the site onto Burrow Rocks in both directions. It is clear that the 2.4m x 43.0m visibility splays required by Somerset County Councils - Highways Development Control Standing Advice (June 2015) cannot be achieved without works to cut back both banks either side of the access to provide the required visibility splays. The access is, therefore, substandard. This is unacceptable in terms of highway and pedestrian safety, and renders the proposed development contrary to the provisions of Saved Local Plan Policy T/3: Transport Requirements of New Developments.

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority. During the course of pre-application discussions the applicant was informed that, in the view of the local planning authority, the proposal was considered to be unacceptable in principle because it was contrary to strategic policies within the Development Plan and policies within the National Planning Policy Framework - [see Sections 3 and 7], as such the applicant was advised that it was likely that should an application be submitted it would be refused. Despite this advice the applicant choose to submit the application. The concerns raised during the pre-application discussions/ correspondence remain and, for the avoidance of doubt, were reiterated to the applicant during the course of the application.

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

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

## Proposal

The full application proposes the extension and change of use of an existing barn to form a two bed holiday let, plus the erection of a separate, two-bay timber garage. This involves works to the existing stone built barn on site which the applicant advises that following receipt of an Engineers report which indicated that lowering the floor and raising the walls by 1.0m as discussed at the pre-application stage with the Planning Department would lead to the need for extensive underpinning, the process of which could lead to the collapse of the structure. The solution to this is to raise the walls by 1.7m which would do away with the problem and preserve the building.

The existing building on site measures approximately 6.6m deep x 4.7m wide x 2.0m to the eaves and 3.9m to the ridge. The existing footprint/floor area equates to 31.02m<sup>2</sup>. It is noted that the height of the building varies owing to the sloping nature of the ground on which it stands. The north elevation represents the highest point – open end, whilst the south elevation represents the lowest side – walled end.

As advised above, the proposal involves an increase in the height of the walls to approximately 3.6m to the eaves, under a new roof measuring 5.5m to the ridge. The width of the main building at 4.7m wide will remain as presently shown on plan, its length will be extended with the addition of an extension to the north elevation by 2.0m. A further single storey 2.0m wide x 5.0m deep addition to the west side elevation of the building is proposed. This will provide an entrance lobby and shower room/WC. This single storey extension will be housed under a continuation of the roof slope on the west side resulting in an eaves height of 1.9m (internal floor level of 2.4m) due to the extension being set into the ground on this side of the building.

The above extensions will add to the footprint of the existing structure by:

9.4m<sup>2</sup> = increased length; and,  
10.0m<sup>2</sup> new single storey side extension.

The overall footprint of the structure will increase from approximately 31.02m<sup>2</sup> to 50.42m<sup>2</sup> an increase in footprint of 61.52%.

The converted and extended barn will provide the following holiday let accommodation:

Ground floor: entrance lobby and shower room/WC, kitchen area and sitting room with bi-fold doors opening out onto patio area, stairs up to

First floor: Two bedrooms and WC

In addition, a pre-fabricated, two bay garage to accommodate two vehicles side by side is proposed to be sited on the space occupied by the ruined walls of a previous

structure. The proposed garage will be approximately 6.0m wide x 6.0m deep x 2.3m to the eaves; and, 4.4m to the ridge. The walls are proposed to be of timber “with slate roof to match the house”.

## Site Description

The site is part of an old quarry. It comprises a small stone barn under a slate roof, which is single storey in scale and of small dimensions. Adjacent to it are the remains (ruins) of walls associated with a former structure, believed to have been pigsties and ancillary buildings forming part of a former Mill complex. The site is located on a hillside, with a wooded area to the north at a much higher land level. The northern and western sides of the site are steep, and the site is served by a concrete surfaced track that leads from the public highway past the barn and into the adjoining field to the south. It serves a farmstead dwelling and covered reservoir. The concrete surfaced track provides access onto the public highway which is a C Class Road called Burrow Rocks, and which in turn is in close proximity to this C Class Roads junction with the B3188 Yarde – Wiveliscombe Road. The site lies in the open countryside outside any settlement development limits.

## Relevant Planning History

The following planning history is relevant to this site:

Case Ref	Address	Proposal	Decision	Decision Date
3/24/92/005	Yarde Hill buildings, Yarde	Erection of house (adapting existing buildings)	Refuse	22 October 1992
Case Ref	Address	proposal	Decision	Decision Date
3/24/92/001	Yarde Hill buildings, Yarde	Erection of dwelling	Refuse	20 February 1992
Case Ref	Address	proposal	Decision	Decision Date
3/24/89/003	Yarde Hill buildings, Yarde	Single agricultural workers dwelling	Refuse	27 July 1989

Pre-application advice was sought from the District Council prior to this submission in respect for the development of the site as a farm diversification project to provide additional income from the development of 2 units of accommodation which involved converting the exiting smaller barn to make one cottage; and, replacing the older stone building (ruined structure) with a stone and slate cottage.

## Consultation Responses

*Nettlecombe Parish Council* – comments as follows

Thank you for forwarding details of the planning application for the Yarde Hill Buildings, which has been submitted by Dan Cotterill. As planning representative for

Nettlecombe Parish Council we would like to make the follow comments in relation to this application.

1. We have no objection to the conversion of these buildings for this use in principle. At present they are deteriorating and before long will be lost forever, which would be a shame. There will need to be a lot of careful work done in order to preserve what is left and make it into something habitable without knocking the whole thing down!

2. As long as there is good provision to prevent run off from the site we are happy. We already have examples further south on the B3188 where works have led to increased run off and soil erosion coming out onto the road and blocking important drains. We want to avoid problems like this.

3. Whilst the barn, as mentioned in the Design and Access Statement, is not overlooked by other properties, it is quite possible that it will overlook those on the West side of the B3188 opposite. Has this been looked into?

4. Clearly access is a major stumbling block. Whilst the entrance doesn't open onto the busier B3188 it does open onto the lane to Stream. Whilst this road is a lot less busy, people do tend to leave the B3188 onto the Stream road at reasonable speed and this would make exiting the new property a bit tricky to say the least. This would be made worse by the fact that the occupiers of a holiday let may not be familiar with the junction in question.

We are aware that a similar application was made before and this was turned down over access. We feel that unless the access is improved to make visibility better then this application should be refused.

I hope this clarifies the position of Nettlecombe Parish Council. If you need any further information please don't hesitate to contact me.

*Highways Development Control* – standing advice applies.

*Biodiversity and Landscaping Officer* - The proposed works involve the development of an existing barn in a former quarry at Yarde.

Somerset Ecology Services carried out an Ecological appraisal of the site in November 2015.

Findings were as follows

Bats - None of the structures on site possess more than low potential to support roosting bats. No evidence of bats was found. However foraging bats may use the hedge on the western site boundary and its associated scrubby margin. I therefore support the recommendation that lighting should be sensitively designed

Badger- No evidence of current use by badger was found.

Nesting Birds - Vegetation on site offers potential foraging and nesting habitat for a variety of birds. Removal of vegetation should take place outside of the bird nesting season.

Reptiles - Reptiles may be present within the existing rubble on site. I agree that this rubble should be removed by hand.

Recommends a condition to ensure that development is carried out in accordance with the submitted wildlife appraisal.

*Tree Officer* – No comments received

*Planning at Exmoor National Park* - No comments received

## **Representations Received**

Five letters of representation have been received from neighbouring residents in Yarde. All object to the proposed development. The concerns raised are summarised as follows:

- Overdevelopment – the conversion will also create a precedent.
- Why is a two-bay garage required to serve a holiday let?
- Sheltered, steeply sided site with steep banks and bounded by heavy tree growth resulting in little natural light and therefore unsuitable for a dwelling
- The access onto the road is extremely dangerous, and would not be safe. It would cause extra hazards for passing traffic.
- Traffic speeds on the B3188 through Yarde and Woodford, despite being a 30mph zone, are already excessive.
- Increased surface water run-off will exacerbate existing water run-off along road and flooding of properties
- No evidence presented to support the assertion of the much needed demand for holiday accommodation
- Loss of habitat for Protected Species – Owls and Bats
- Noise, disruption and disturbance from use of a holiday cottage
- Overlooking from converted building of two to three properties.
- Loss of privacy
- Loss of quiet, tranquil surroundings and adverse impact on health
- Increase in artificial lighting.
- traffic such as that generated by the proposed holiday cottage is wholly inappropriate
- Holiday cottages often result in more cars - due to group bookings.
- Tourism uses do not necessarily lead to increase spending in the local area.
- The holiday let could be sold off separately.

## **Planning Policy Context**

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

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

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

### **West Somerset Local Plan (2006)**

The following Policies are considered relevant to this application:

SP/1 Settlement Hierarchy  
SP/5 Development Outside Defined Settlements  
BD/1 Local Distinctiveness  
BD/2 Design of New Development  
LC/3 Landscape Character  
NC/4 Species Protection  
W/5 Surface Water Run-Off  
A/1 Farm Diversification  
T/3 Transport Requirements of New Development  
PC/3 Noise Sensitive Developments Pollution

### **Emerging West Somerset Local Plan (2015)**

The following Policies are considered relevant to this application:

SD1 Presumption in favour of Sustainable Development  
SC1 Hierarchy of Settlements  
OC1 Open Countryside Development  
EC9 Tourism Outside Settlements  
EC11 Agriculture  
CC2 Flood Risk Management  
NH2 Landscape Character Protection  
NH10 Securing High Standards of Design

### **National Policy**

The National Planning Policy Framework (March 2012) is a material planning consideration. Particularly the advice contained in Sections:

3. Supporting a prosperous rural economy; and,  
7. Requiring good design.



## Determining issues and considerations

The following issues are considered to be of relevance in determining this application:

- Principle of development
- Design and visual impact, and impact on the character of the area
- Residential amenity
- Highway safety
- Flood risk and drainage
- Protected Species

### Principle of development

The development proposes the extension and change of use of an existing barn to form a two bed holiday let plus the erection of a two-bay timber garage. This involves works to the existing stone built barn on site involving the raising of its walls by 1.7m which the applicant claims would avoid the need for extensive underpinning, the process of which could lead to the collapse of the structure. This solution would dispense with this problem and preserve the building. The building is also proposed to be extended on two floors at its northern end and on the ground floor only to part of its eastern side. A new 2-bay garage is proposed to be erected on site to serve the converted and extended holiday let building.

The site lies in the open countryside outside any defined settlement boundary. Its lawful use is for agricultural purposes. The barn on site is in a reasonable condition, but requires works of repair/maintenance to prolong its useful life.

The change of use of the site from agricultural land to the use of the land for a holiday let use and the conversion/extension of the barn and the erection of the garage would be contrary to the provisions of Saved Policy SC1 which seeks to restrict residential development in the countryside to that associated with an established need for Local agriculture, horticulture and forestry. Here, the nature and scale of the proposed development dictates the requirement for what would effectively be a rebuilding of the existing barn, plus the addition of extensions to enable it to provide holiday accommodation, which in the open countryside is contrary to the provisions of Policy SC1. Also, the proposed holiday let use runs counter to the principle of development in the open countryside. It is appreciated that such a use would assist in the running of the applicants farm as part of a farm diversification programme, thus improving the overall viability of the applicants agricultural holding. However, the extensions and new build garage would add to the scale of the overall development. It would have an adverse impact on the character of the countryside which would be contrary to the provisions of both Saved Local Plan Policy SC1 and Policy SC5, the implications for which are discussed further below.

In respect of Saved Policies in the West Somerset District Local Plan (2006), the

proposal fails to accord with the provisions of Saved Policy SP/5 Development Outside Defined Settlements which provides guidance on the control of development outside the settlement development limits.

Saved "Policy SP/5 Development Outside Defined Settlements", reads:

"In the countryside areas outside of settlement development limits, development will only be permitted where it both benefits economic or social activity without leading to a significant increase in car travel and maintains or enhances environmental quality and accords with other policies of the West Somerset District Local Plan."

In respect of the emerging West Somerset Local Plan, Policy SC1 (4) makes similar provisions to and Saved Policy SP/5 contained in the Adopted Local Plan.

Policy SC1 (4), reads:

"4. Development in the open countryside will be limited to that for which there is an established long-term need and for which such a and the location is essential, including agriculture, forestry, horticulture, equine and, hunting development in such locations will also need to demonstrate good proximity and easy accessibility to the existing highway network, or alternative transport modes, and settlements providing essential services and facilities."

Officers consider that the proposal does not adequately demonstrate that there is either a requirement or an established long-term need for holiday let accommodation in this locality, or that the proposal will benefit social or economic activity without leading to a significant increase in car travel to and from the site. In this respect, it is considered that the principle of the proposed development is unacceptable in respect of the combined provisions of Saved Local Plan Policy SP/5; and, Emerging Local Plan Policy SC1 (4).

There are two further elements which indicate that the proposed development is unlikely to prove acceptable. The scale of the development and the number of structures required; and, the use of the existing access close onto Burrow Rocks, which in turn is in close proximity to this C Class Roads junction with the B3188 Yarde – Wiveliscombe Road.

### **Design and visual impact and impact on the character of the area**

Saved Local Plan Policy LC/3 Landscape Character advises:

LC/3 Landscape Character

"Where development is permitted outside development limits, particular attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development, which does not respect the character of the local landscape will not be permitted."

The site is a sloping site lying on the east side of Burrow Rocks. It is served by a concrete surfaced access drive that also serves a covered reservoir and an isolated,

detached dwelling further to the south-east. The proposal consists of alterations and extensions to the existing barn to form a holiday let unit, and the erection of a two-bay garage to serve it.

The siting and physical extent of the barn is fixed. On its own it cannot be converted to provide a viable and habitable unit of holiday accommodation without the significant extensions and alterations to it proposed, and the addition of a garage to serve it. The garage is considered to be desirable rather than essential in serving the development. The size and scale of the proposed extensions and alterations, and the erection of the garage would result in a significant amount of built development, which Officers consider would have an overall adverse impact on the character of the site and surroundings.

Saved Local Plan Policies BD/1 and BD/2 provide the following Advice in respect of local distinctiveness and the design of new development:

#### POLICY BD/1: Local Distinctiveness

New development will only be permitted which is sympathetic to the scale and layout of existing buildings and spaces within a distinct neighbourhood or street or in the countryside which respect local land form, field patterns and tree and hedgerow cover.

#### POLICY BD/2: Design of New Development

Proposals for new development should respect the scale and character of their surroundings. Planning applications for new buildings will only be permitted where:

- i) The siting of the building(s) has regard to its relationship with adjoining buildings and open spaces.
- ii) The building materials and detailing are appropriate to the area and sympathetic to adjoining buildings.
- iii) The design of the building(s) is in scale and harmony with adjoining buildings and the area as a whole.
- iv) Walls, fences and outbuildings are appropriate to the area and will respect the character predominating in the locality.
- v) The siting and design of the building(s) - together with walls and fences are determined having regard to the interests of crime prevention.
- vi) Hard and soft landscaping (as appropriate) forms an integral part of the development - including the retention of existing trees and hedgerows where their removal would significantly harm the character of the area.

The proposed materials for the works to the barn are reflective of the existing structure (Stone, slate and painted timber). The proposed materials for the garage - pre-fabricated construction, timber boarding and slate to match the holiday let unit reflect traditional materials which are suited to this open countryside location. However, as previously advised, Officers consider that the nature and scale of the development will detract from the rural setting of the area and will, overall, result in a domestic appearance to this site in the countryside which will have a harmful visual impact on the rural character of the site and surroundings. The proposed development is, therefore, contrary to the provisions of Saved Policies LC/3, BD/1 and BD/2 in the West Somerset District Local Plan (2006); and, to the provisions of Policies NH2 Landscape Character Protection; and, NH10 Securing High Standards

of Design, contained in the Emerging West Somerset Local Plan (2015).

### **Residential amenity**

The comments received from the neighbours are noted. The nearest neighbouring dwelling to the site – Yarde Hill House – is sited to the west on the opposite side of Burrow Rocks to the site access. The dwelling is located between 40 and 45 metres away from the nearest wall of the proposed holiday let unit. This is considered to be an acceptable distance, and any views of this neighbouring dwelling in respect of overlooking and/or loss of privacy will be within acceptable limits.

Other neighbouring dwellings - The Old School, Forge Cottage, The Delvyn and Yarde Farm are sited to the south-west along the far side of the B3188 opposite its junction with Burrow Rocks. The minimum distance from the nearest point of the new holiday let structure on the site will be between 40 and 45 metres from the facing elevations of the nearest dwellings at Forge Cottage and The Delvyn which face the site. No windows at first floor level are proposed to be sited in the east elevation facing these dwellings. A rooflight is proposed in the east facing roof slope, the internal cill height of which would not be low enough to enable views of neighbouring properties to be easily obtained. A ground floor window is proposed in the east side elevation to serve the kitchen. No views of neighbouring dwellings are likely to be available given the relative height differences and distance between the holiday let unit and these neighbouring dwellings at The Old School, Forge Cottage, and, The Delvyn.

In respect of the impact on the residential amenities enjoyed by occupants of neighbouring dwellings, the proposed development accords with the provisions of Saved Policy BD/2 Design of New Development in the West Somerset District Local Plan (2006); and, the provisions of Policy, NH10 Securing High Standards of Design, contained in the Emerging West Somerset Local Plan (2015).

### **Highway safety**

Somerset County Council – Highways has advised that Standing Advice applies in this case given that the access to the site is located within a 30 mph speed limit area. Standing Advice covers development proposals including new single (or a pair of) dwellings. The access presently serves a single dwelling and the Wessex Water Authority covered reservoir. Within 30 mph zones, visibility splays of 2.4m x 43.0m are required to serve a residential access. The 2.4m is measured from the back edge of the carriageway along the centre line of the access, whilst the 43.0m is measured from the centre line of the access for a distance of 43.0m in either direction to the side of the access. A triangle is then drawn to indicate the area of the visibility splay either side of the access. The requirement is that no part of the area within the triangle formed by the visibility splay should be higher than 600mm above carriageway level. This allows occupants of vehicles leaving a site sufficient clearance to see and be seen in respect of pedestrians and vehicles moving past the access on the public highway.

The application advises that the existing access is proposed to be used to serve the holiday let unit. No works to the access to improve visibility at its junction with Burrow Rocks are proposed.

The concerns raised by neighbours and the Parish Council regarding the use of the access for the development and its location in relation to the road junction with the B3188, and visibility either side, are noted.

The existing access serving the site has its junction with Burrow Rocks, which is within close proximity of the that roads junction with the B3188, is bounded on both sides by relatively steep banks that restrict visibility for vehicles exiting the site onto Burrow Rocks in both directions. From the site visit on 14<sup>th</sup> December, 2015, it is clear that the 2.4m x 43.0m visibility splays required by Somerset CC Highway Standing Advice cannot be achieved without works to cut back both banks either side of the access to provide the required visibility splays. The access is, therefore, substandard. This is unacceptable in terms of highway and pedestrian safety, and renders the proposed development contrary to the provisions of Saved Local Plan Policy T/3: Transport Requirements of New Developments.

### **Flood risk and drainage**

The site lies in Flood Risk Zone 1 - Lowest Risk. In flood risk terms the proposed development is considered to be acceptable, as it should not lead to any risk of flooding from the development of the site or further downstream as it would not displace any flood storage space within a recognised floodplain.

The concerns raised by neighbours and the Parish Council regarding surface water run-off are noted. At the Council's site visit it was noted that an Arco drain is placed across the width of the access with the public highway with two drainage grids, placed one either side of the access to cater for any existing surface water run-off. In the absence of any specific comments from Somerset CC – Highways, it is considered that the existing drainage arrangements are sufficient to cater for any surface water run-off as the drain that runs across the access is set at the lowest point on the site, and there would be no net increase in any surface water run-off from the site as a result of the development. Any foul water drainage would be accommodated separately. In terms of drainage arrangements the proposal is considered to accord with the provisions of Saved Local Plan Policy W/5: Surface Water Run-Off; and, Emerging Local Plan Policy CC2: Flood Risk Management.

### **Protected Species**

The comments received from neighbours in this regard are noted. The Ecological Appraisal prepared by Somerset Ecology Services dated November, 2015, in support of the application is acceptable in respect of its scope, findings and proposed programme of mitigation arising from the development. In the event of any approval, the proposed programme of mitigation can be conditioned as advised by the Council's Landscape and Biodiversity Officer.

## **Conclusion**

The proposed development is unacceptable in principle because the proposal does not adequately demonstrate that there is a requirement or an established long-term need for holiday let accommodation in this locality, and it has not been adequately justified as an exception to the Council's normal policy for development in the countryside. It involves works to a building which is not capable of being re-used as a holiday let unit without significant alterations and extensions and, the requirement for a new building double garage is not justified. Also, the use of the existing vehicular access onto the public highway without modification to provide visibility splays to the standard required by Somerset CC – Highways renders the proposed development unacceptable in terms of highway and pedestrian safety. The application should be refused.

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

**Contact Officer: Hamish Laird**







<b>Application No:</b>	<a href="#">3/21/15/076</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Advertisement Consent
<b>Case Officer:</b>	John Burton
<b>Grid Ref</b>	Easting: 297817    Northing: 145852
<b>Applicant</b>	Mrs Rickford c/o Lapworth Architects
<b>Proposal</b>	Display of illuminated signage on 6 metre pylon and fascia sign to front and side elevations
<b>Location</b>	Former Aquasplash Site, Seaward Way, Minehead
<b>Reason for referral to Committee</b>	The recommendation is contrary to the comments of the Town Council

## Recommendation

Recommended decision:

### Recommended Condition(s) (if applicable)

- 1 This consent shall expire at the end of a period of five years from the date of this approval.

Reason: These conditions are specified in the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 and Saved Policy BD/7 of the West Somerset District Local Plan (2006).

- 2 (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour, or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(iv) Any structure of hoarding erected or used principally for the purpose of

displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: These conditions are specified in the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 and Saved Policy BD/7 of the West Somerset District Local Plan (2006).

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions or correspondence with the Local Planning Authority, during the consideration of the application concerns were raised and the Local Planning Authority contacted the applicant seeking amendments to the scheme to address them. An amended plan was submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

## **Proposal**

Advertisement consent is sought for one new pylon and sign to accompany the new Lidl foodstore approved last year (2015). The sign is shown at 6 metre in height, with a width of 2.1 metre and a depth of 0.5 metres. It will be a sign typical of Lidl and very similar to that recently granted for the new store in Taunton. It will comprise a square portion at the top displaying the corporate logo in red, yellow and blue, with as yet undecided notices below, typically displaying opening times, store facilities and parking arrangements. The advertisement will be illuminated. The sign is shown located in the extreme south of the site, adjacent to Seaward Way and next to the proposed vehicular access into the site.

The application, as originally submitted, also included proposals for the required wall mounted bubble sign at the entrance to the building itself. However, this has now been omitted from this proposal and is covered separately by concurrent application 3/21/15/074.

## Site Description

Site of the former Aquasplash swimming pool on the western side of Seaward Way just to the north of Tesco's. The site now has the benefit of planning permission for a new foodstore for Lidl.

## Relevant Planning History

3/21/15/074 - Display of illuminated fascia sign, concurrent application not as yet determined.

3/21/15/005 - Erection of neighbourhood foodstore (Lidl). Granted 4th June 2015.

3/21/10/060 - Illuminated and non-illuminated signs for Tesco, Seaward Way.

Advertisement consent granted 30 June 2010.

3/21/01/079 - Pole sign (McDonalds), Vulcan Road. Advertisement consent granted 21 June 2001.

3/21/00/052 - Retention of illuminated signs at the Somerfield store, Seaward Way.

Advertisement consent granted 10 July 2000.

3/21/00/052 - Retention of illuminated signs at the Somerfield store, Seaward Way.

Advertisement consent granted 10 July 2000.

3/21/92/019 - 3 externally illuminated signs at the aquasplash leisure pool.

Advertisement consent granted 26 March 1992.

## Consultation Responses

*Minehead Town Council* - Recommend refusal.

The Town Council ask that signage is consistent at 4 metres in keeping with signage already existing at Tesco and Mcdonalds.

*Highways Development Control* - no objection

*Trinity House General Lighthouse* - No observations received

## Representations Received

None received

## Planning Policy Context

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

material considerations indicate otherwise.

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

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

### **West Somerset Local Plan**

- BD/5 New Industrial and Commercial Buildings
- BD/7 Advertisements
- SH/3 Retail Development Outside of Minehead Town Centre

## **Determining issues and considerations**

The pertinent issues to consider are the impact of the proposed advertisement upon visual amenity and highway safety within the area.

The totem/pole sign is shown sited adjacent to the access into the site on an area of open landscaping. It is set back from the edge of Seaward Way so that the prescribed visibility splay is kept free from development. Although it would be seen when driving along Seaward way in either direction, that is the purpose of the sign. It is located in a very similar position in relation to Seaward Way as the Tesco's sign is, which was approved in 2010.

The totem sign would be viewed against the backdrop of trees, the car park at both Lidl's and Tesco's and would fit in with the development on this side of Seaward Way. It is not that it would harm the visual amenity of the County Wildlife site on the other side of Seaward Way as the road forms a distinct break between the built up area and the open and tree'd wildlife site opposite. The signs are not considered to harm the visual amenity of the area and are considered to comply with Local Plan policy.

The luminance level is thought to be acceptable and would be similar to that approved for the Tesco sign. It is not considered to significantly detract from amenity within the area, as there are street lights along this side of Seaward Way and there are no residential properties in the immediate vicinity.

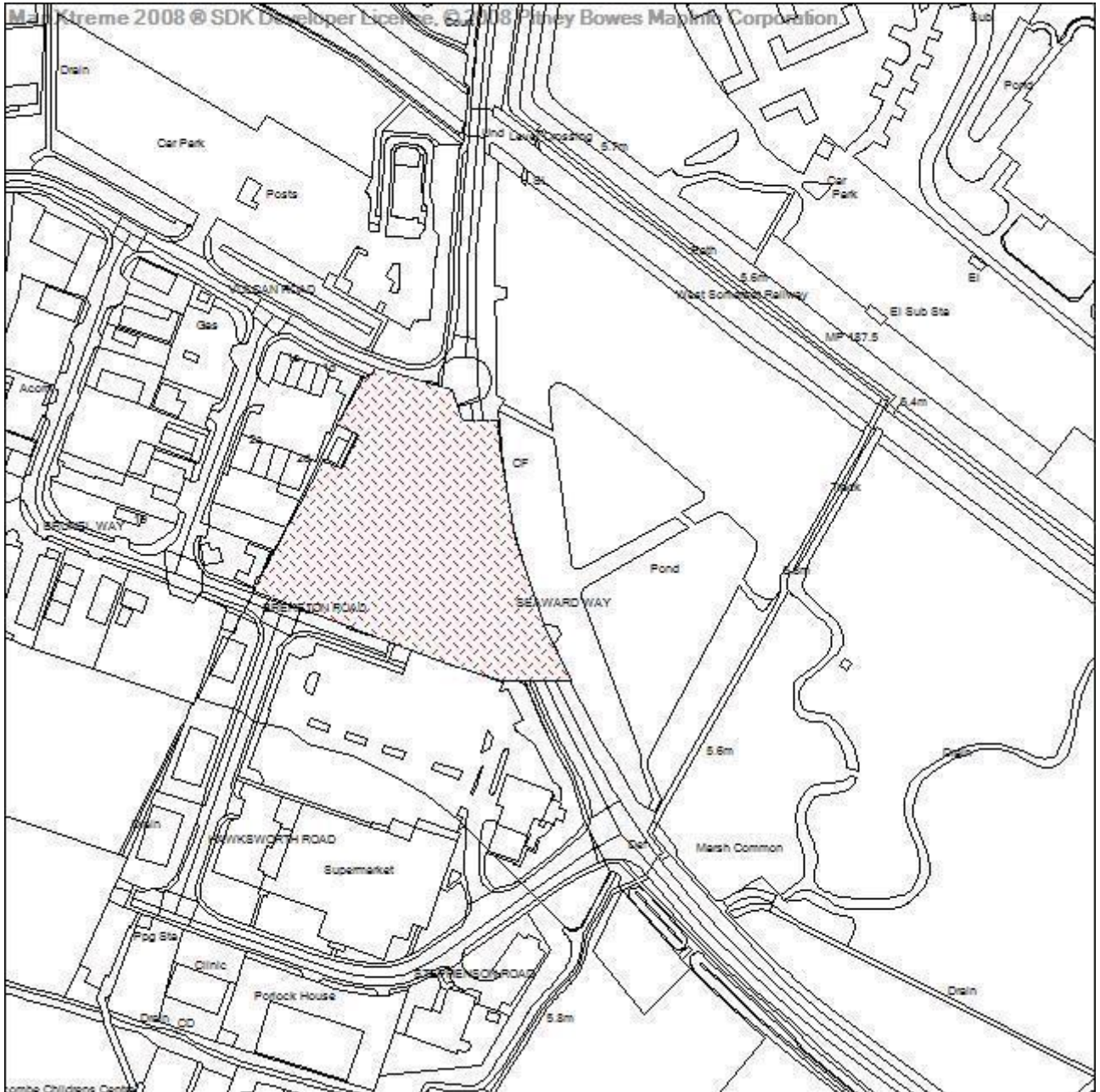
The proposed advertisement will be in prominent view from along the highway. However, it is situated close to the approved Tesco sign and the Highway Authority does not consider that it would be a distraction to highway users. It is therefore considered that the proposed advertisements will not impact detrimentally upon highway safety.

It is noted that the Town Council have objected on the basis that they want the signage to be consistent at 4 metres in keeping with signage already existing at Tesco and Mcdonald's. The advertisement consent granted in the case of

McDonalds, approved a sign at a height above ground level of 5.48 metres (ref: 3/21/01/079). In the case of Tesco's, the sign was approved at a height of 7 metres (ref: 3/21/10/060). It is accepted that the signs might not actually be these heights in situ, but the LPA has clearly authorised these heights regardless. Therefore, there can be no issues in recommending approval to a 6 metre high sign, as this would be consistent with other approved signage in the area.

In general the advertisement is not considered to detract from visual amenity or highway safety. There is an objection from the Town Council, but there has been some confusion with the size of other signs in the vicinity and the proposed pole sign for Lidl's is considered to be in keeping. The sign is therefore considered to be acceptable subject to conditions.

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



Application No 3/21/15/076  
 Display of illuminated signage on  
 6 metre pylon and fascia sign to  
 front and side elevations  
 Former Aquasplash Site,  
 Seaward Way, Minehead  
 24 September 2015  
 Planning Manager  
 West Somerset Council,  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council  
 Licence Number: 100023932



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<b>Application No:</b>	<a href="#">3/21/15/078</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Outline Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	Easting: 297998    Northing: 145035
<b>Applicant</b>	Mr M Collins
<b>Proposal</b>	Outline planning application for four dwellings with access from Bircham Road and The Shires
<b>Location</b>	Homestead, Bircham Road, Alcombe, Minehead, TA24 6TW
<b>Reason for referral to Committee</b>	Called in by Members

## Recommendation

Recommended decision: Subject to the further views of the Highway Authority, conditional approval.

### Recommended Condition(s) (if applicable)

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

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: Location Plan, dwg. no. 5390/E/01, Amended site plan and floor plans, dwg. no. 5390/P/01A, Proposed Sections, dwg. no. 5390/P/02A and Proposed amended access/visibility at Bircham Road, dwg. no. 5390/P/03B submitted on 23/09/15 and 04/02/16.

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

- 3 No works shall be undertaken on site, other than those required by this



condition, unless the access to the site has been provided in accordance with the approved plans (dwg. nos. 5390/P/01A, 5390/P/03B, Dated July 2015). Both of the accesses shall thereafter be retained in the approved form.

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

- 4 There shall be no obstruction to visibility greater than 600mm above the adjoining carriageway level within the visibility splays shown on the approved plans (dwg. nos. 5390/P/01A, 5390/P/03B, Dated July 2015). Such visibility shall be provided prior to any other works being carried out in relation to the development hereby approved. The visibility shall thereafter be retained in the approved form.

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

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

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

- 6 The development hereby approved shall not be occupied or the use commenced until space has been laid out within the site in accordance with the approved plan(s) for the parking of bicycles, and that area shall not thereafter be used for any purpose other than the parking of bicycles associated with the development.

Reason: To ensure that sufficient provision of bicycle parking/storage is provided having regard to the provisions of Policies T/3 and T/7 or T/8 of the West Somerset District Local Plan (2006).

- 7 Any gates erected at the access to the site shall be erected so that they only open into the site and shall be set back a minimum of 5 metres from the edge of the adjacent carriageway.

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

- 8 No works shall be undertaken on site unless details for the consolidation of the first 5 metres of the access, as measured from the back edge of the adjoining

carriageway, has been first submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to any other works being carried out in relation to the development hereby approved. The access shall thereafter be retained in the approved form.

Reason: To prevent loose material being carried on to the highway, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 9 No works shall be undertaken on site unless details for the proposed boundary treatments on the application site have been first submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The works shall be carried out in accordance with the approved details, prior to the occupation of the dwelling(s) hereby approved.

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

- 10 No works shall be undertaken on site unless a phase 1 Habitats Survey of the site has been carried out, submitted to and approved in writing by the Local Planning Authority. Any necessary mitigation measures identified by the survey shall be incorporated into the development in accordance with an approved schedule of implementation and subsequently retained.

Reason: To enable the Local Planning Authority to retain control where development affects a species protected by law having regard to the provisions of saved policy NC/4 of the adopted West Somerset District Local Plan (2006), policy NH3 of the West Somerset Plan to 2032 and section 11 of the National Planning Policy Framework.

- 11 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).

- 12 No works shall be undertaken on site unless a schedule of materials and finishes and samples of the materials to be used in the construction of the

external surfaces, including roofs walls and paved areas, have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out only in accordance with the details so approved.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006) and policy NH10 of the deposit draft.

- 13 No development (other than that required to provide the areas identified on the approved plan(s) for the:

(i) parking of vehicles of site personnel, operatives and visitors;

(ii) loading and unloading of plant and materials; and

(iii) storage of plant and materials used in constructing the development during the period of construction.

shall be carried out on the site until these areas have been provided in accordance with the approved plans. These areas shall be retained for these purposes during the period of construction.

Reason: To ensure that the development does not prejudice the free flow of traffic or highway safety nor cause inconvenience to other highway users having regard to the provisions of Policies T/3 and T/7 or T/8 of the West Somerset District Local Plan (2006).

- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (CCon1) above, and where remediation is necessary a remediation scheme must be prepared and implemented in accordance with the requirements of conditions (CCon1 AND CCon2) above, which is subject to the approval in writing.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to Saved Policy PC/4 accordance with policy of the West Somerset District Local Plan (2006) and advice set out in Planning Policy Statement 23: Planning and Pollution Control.

- 16 The applicant shall ensure that all vehicles leaving the site are in such a condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement

of development and thereafter maintained during the construction period.

Reason: To safeguard the amenities of local residents and in the interests of highway safety having regard to the provisions of Saved Policy T/3 of the West Somerset Local Plan (2006).

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

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

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

## **Proposal**

Outline proposal for four dwellings using the one existing access from Bircham Road and extending the estate road within The shires and adjacent to the rear of the site. The proposal seeks approval of the proposed accesses and principle of development only, with the Appearance, Landscaping, Layout and Scale to be considered under Reserved Matters.

The original application proposed the new access adjoining the Shires development, and use of the existing drive from Bircham Road and the formation of another separate additional access from Bircham Road to serve The Homestead only. Following Highway safety concerns the additional new access from Bircham Road has been removed and amended plans have been submitted.

## Site Description

The Homestead site measures approximately 1600sqm, and is located on the outskirts of Alcombe/Minehead on the northern side of Bircham Road. The site comprises of a large detached two storey dwelling with a range of outbuildings located to the rear of the house in the large generous garden.

Boundaries of the site are the West Somerset Community College to the north and east and also The Shires housing estate. The existing dwelling is set back from the adjoining Bircham Road, and is well screened by existing tall planting around the perimeter.

Materially the existing house is constructed in painted render, clad with red/brown tiles and has a central mock tudor dual pitched entrance porch with habitable space on the first floor.

The submitted indicative plans show two types of houses ('A' and 'B'). Two of the houses are shown as being sited directly behind the existing detached house known as the Homestead which would be accessed via the existing drive serving The Homestead, from Bircham Road. The remaining two houses would be located to the north (rear of the plot) and would be accessed via another small private access road from the existing Shires estate access road.

## Relevant Planning History

3/21/00/239, 13 no. Proposed bungalows and garages, residential use as amended by plans rec. 07/02/01, 00.26.08/07/06/05/03A/02A Grant 22/03/01.

## Consultation Responses

### *Minehead Town Council -*

Recommend Refusal. The committee is concerned on the following issues:-

- Overdevelopment of the site
- 2nd access inappropriate
- No turning circle, difficult to go in and out
- Potential overlooking of other properties through rooms in the roof space
- with more students at College, extra traffic will be a danger in this area.

### *Highways Development Control -*

Two access points have been proposed onto the A39 in a 30mph speed limit, this means both should provide visibility splays of 2.4 metres x 43 metres in either direction. In addition to this, considering pedestrian movements will be high due to the college being in close proximity, pedestrian visibility splays of 2 metres x 2 metres are required. It does not seem that these splays can be achieved on the access that serves two of the proposed dwellings from the A39. Visibility to the right is obscured by a large hedge which is not within the land ownership of the applicant - this presents as a significant highway safety issue. This access currently serves

the existing dwelling, however the intensification of its use is not acceptable by The Highway Authority's safety standards.

In addition to the above, other issues are apparent within this scheme. The minimum spacing between junctions, on the same side of the A39, should be 100 metres; the proposal would result in four access points onto the A39 within 55 metres on the same side of the carriageway. This is unacceptable from a highways safety point of view. Adequate radii are required at 4.5 metres so that vehicles can enter and exit the site without having to manoeuvre on the highway. This is not achievable on the westerly access that adjoins the A39 because of its proximity to the land owned by West Somerset College.

Turning Space is needed for the three dwellings that gain access directly from the A39. This is so that vehicles, such as delivery lorries, do not have to reverse onto the highway in order to exit the site. Adequate turning space has not been shown in the provided drawings. Due to the many concerns from a highways perspective, The Highway Authority must recommend refusal.

Reasons for refusal:

The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy T/3 of the West Somerset Local Plan (adopted 06/13) since the existing western access onto the A39 (despite the proposed amendments), by reason of its severely restricted visibility to the right and lack of adequate radii, is considered unsuitable for use in connection with the development proposed.

- The proposal does not incorporate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear, which is essential to highway safety. The

proposal is therefore contrary to Section 4 of the National Planning Policy Framework

(NPPF) and Policy T/3 of the West Somerset Local Plan (adopted 06/13).

- The proposed development would result in a multiplicity of accesses onto the public

highway, which would be likely to increase the risk of hazards and inconvenience to all

users of the highway. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy T/3 of the West Somerset Local Plan

(adopted 06/13).

Comments received 14/12/15

I refer to the above mentioned planning application received on 29/09/15. The Highway Authority has the following observations to make on the highway and transportation aspects of the proposal after receiving additional information.

The Highway Authority acknowledge that appropriate visibility and pedestrian visibility can now be achieved as shown on amended plan drawing no. 5390/P/03.

Constructing an additional access between The Shires and the College Access Road is still unacceptable.

Although guidelines may have not been followed precisely they still apply and having 4 access points in such close proximity causes a significant highway safety

concern.

Any dwellings served from Bircham Road must provide turning for each dwelling considering the needs of the future residents. Future residents of the dwellings may own vans or caravans and so these needs must be considered. Application 3/21/14/014 has been mentioned and in this application the Highway Authority did request turning for the dwellings served by the classified road.

On balance the proposal is still prejudice to highway safety due to the concentration of access points within a small stretch of road. Because of this we must recommend the refusal of this application for the following reason;

- The proposed development would result in a multiplicity of accesses onto the public highway, which would be likely to increase the risk of hazards and inconvenience to all users of the highway. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy TR1 of the West Somerset Local Plan (adopted 06/13).

Further comments received 21/12/15

The Highway Authority are happy to support our reason for refusal due to the multiplicity of access points in close proximity on a key route (and 'A' road) in Minehead. Two of these access points have high vehicle movements (West Somerset College and The Shires). We feel the complexity of vehicle movements will cause a significant highway safety concern.

Further comments received by email on 19/01/16

This design looks like a positive step forward to me.

The singular access has the appropriate width of 5.5 metres for its initial length to allow vehicles to pass and the visibility splays also meet the Highway Authority's requirements. Parking and turning will have to be provided for the 3 dwellings (1 existing 2 proposed) that are served from this access, the dwellings served from The Shires will not necessarily require turning but adequate parking will still be required.

Moving forward I would ask that you submit this amended access plan along with an amended site plan to the Local Planning Authority. The Highway Authority will then be formally consulted and may send revised comments back to the LPA based on the amended plans.

*Wessex Water Authority -*

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk). Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

### Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

### S105a Public Sewers

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

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

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

*Wales & West Utilities* - We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West utilities in its role as a licensed gas transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections etc are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West utilities, its agents for any error or commission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

## **Representations Received**

A total of 9 neighbour representations have been received.

Two are letters of comment raising the following issues -

- New additional access on Bircham Road,
- Scale and design of proposed dwellings,



- extension of private access drive from The Shires,
- water run-off,
- current parking restrictions and damage to existing boundary fencing at The Shires
- Increase in the width of the existing Homestead Driveway.

The further 7 letters of objection raising the same points as above plus

- type of dwellings,
- loss of privacy from dwellings in The Shires and
- highway safety issues.

## **Planning Policy Context**

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

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

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

### **Adopted West Somerset Local Plan**

- SP/2 Development in Minehead and Rural Centres
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking

### **Submission version West Somerset Local Plan**

- SC1 Hierarchy of settlements
- SD1 Presumption in favour of sustainable development
- NH10 Securing high standards of design

## **Determining issues and considerations**

- \* Principle of proposed development (Outline).
- \* Character and Appearance of the Area.
- \* Use of existing access onto Bircham Road and Highway Safety.
- \* Impact on residential amenity.
- \* Other matters.

## **Principle of Proposed Development.**

This site of the existing dwelling, is located within the development limits of Minehead. The current lawful use of the site is residential (a dwelling house, plus outbuildings) . The provision of an additional 4 dwellings within the residential curtilage of the site is acceptable in principle and would accord with the provisions of Policy SP/2 of the West Somerset District Local Plan and submission policies SC1 and SV1. It would also accord with the National Planning Policy Framework (NPPF) in respect of promoting sustainable development delivering a choice of quality homes and ensuring the vitality of the town of Minehead. This is considered to be a sustainable location. There is no conflict with general development policy and it is considered that the proposal is acceptable in principle.

Reserved Matters to be considered in more detail at a later date are; Appearance, Landscaping, Layout and Scale.

## **Character and Appearance of the area.**

The relatively level site is not within a Conservation Area and there are no listed buildings in the vicinity.

The existing site has existing tall screening around a large part of the perimeter and some of this will need to be altered/removed along the southern Bircham Road boundary in order to achieve the required visibility of the existing access and to the rear of the site for the rear access.

The site has an existing access from Bircham Road and also from the rear of the site. It is also surrounded by built up development of the Community Collage to the north and west and a housing estate (The Shires) to the North east. Dwellings opposite range from a series of detached houses and bungalows.

It is considered that the development of this site will not have a significant impact on the character and appearance of the area and is acceptable in terms of local planning policies SP/2, BD/1 and BD/2 of the West Somerset Local Plan and policy NH1 and NH10 of the Submission version.

## **Use of existing access onto Bircham Road and Highway Safety.**

The current scheme has been amended to remove the separate access serving the host dwelling (The Homestead). This follows an objection received from the Highway Authority who recommended the proposal be refused due to the concentration of accesses onto the public highway that would increase the risks of hazards and inconvenience to highway users. Bircham Road is classed as an 'A' road and the main route into the town of Minehead, where there are already a series of existing access within a short distance. These accesses include the bus bay in the adjoining college, The Shires and Briar Rose to the north east.

Comments have been received from the Highway Authority on the amended details and specifically amendments to the existing Bircham Road access. The visibility requirements and the width of the access (5.5m) meet the highway requirements. It was also noted that Parking and turning space would be required for the three dwellings to be served from Bircham Road as well as the two at the rear from The Shires access (dwg. no. 5390/P/01A). Final formal comments are awaited at the time of writing this report.

Several comments have been received from adjoining neighbours with objections to the additional new access from Bircham Road (now removed) and also regarding the extension of the private access spur from The Shires. Concerns regarding the latter (The Shires) also related to parking restrictions which would be either a police matter or Somerset County Council matter.

The proposed amended access and parking details are considered acceptable in accordance with local policies T/3 and T/8 of the West Somerset Local Plan and policies TR1 and TR2 of the submission version. Subject to the formal views of the Highway Authority on the latest amendments to, the scheme is now considered acceptable in highways terms.

### **Impact on residential amenity.**

Concerns regarding damage to existing fencing in The Shires have been raised, however, this is a civil matter between private land owners and not within the planning remit.

Concerns relating to loss of privacy and overlooking have been raised. However, whilst an indicative layout dwg. no. 5390/P/01A has been submitted, this shows how four dwellings could be laid out within the site. The comment on whether these dwellings are bungalows or houses, whilst noted cannot be fully addressed at this stage as further detail of size appearance and scale are Reserved Matters to be finally considered at a later date.

There are no construction plans or times specified as this proposal is an Outline application only with matters reserved and where only the principle of the development in this location and the proposed accesses to the site are being considered at this stage.

The proposed siting of four dwellings is not considered to have any adverse impact on residential amenity in the area as the site is surrounded by residential development and existing landscaping around the new dwellings is to be supplemented with extra planting to an agreed layout thereby being screened from any adjoining neighbours.

The site is capable of accommodating the number of dwellings indicated and is considered to be the correct and acceptable density for the site.

It is considered that there will be no significant impacts on residential amenity in the

area and the proposal accords with policies BD/1 and BD/2 of the West Somerset Local Plan and emerging policy NH10 of the publication draft.

## **Other matters.**

### **Utilities**

New connections will be required by the development and further detail will be considered at Reserved Matters Stage.

### **Contamination of Land**

The agent has confirmed in the submitted Design and Access that there are no known issues with land contamination, however, a survey of possible contamination is to be carried out prior to the start of works at the site and this is secured by condition.

### **Wildlife**

Part of the existing site is garden land as well as a series of outbuildings where it is possible that local wildlife might be present. Therefore a Phase I habitat survey should be submitted prior to any works commencing and including any demolition associated with either the provision of the new accesses or the overall development of the site. A condition therefore is attached to this recommendation.

## **Conclusions.**

On all of the primary considerations, the proposal is considered to be acceptable, both in principle and in terms of its impact. Final confirmation of the Highway Authority's position is awaited, but this is expected to confirm that the proposal as amended is now acceptable on highways grounds. The proposal now meets all of the tests of both national and local policy considerations and therefore, subject to the further views of the Highway Authority, the recommendation is one of approval. As the proposal is for less than 5 dwelling units, the proposal will not be liable for any contributions under s106 of the Town and Country Planning Act.

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



Application No 3/21/15/78  
 Outline planning application for  
 four dwellings with access from  
 Bircham Road and The Shires  
 Homestead, Bircham Road,  
 Alcombe, Minehead, TA24 6TW  
 23 September 2015  
 Planning Manager  
 West Somerset Council  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council  
 Licence Number: 100023932



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### Delegated Decision List

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/01/15/015	Quantock Barn, Woolston Lane, Woolston, Bicknoller, TA4 4LN	Erection of a wooden shed for storage of a lawn tractor and other equipment associated with maintenance and use of the two paddocks.	08 February 2016	Grant	<a href="#">HL</a>
3/02/15/006	Land off Cordings Ball, Brompton Ralph	Erection of an agricultural livestock and fodder building	04 February 2016	Grant	<a href="#">HL</a>
3/09/15/003	Ridlers Barn, Oldway Road, Dulverton, TA22 9RZ	Removal of conditions 2 and 3 on planning permission 3/09/97/015 in order to allow Ridlers Barn to be used as a dwellinghouse without holiday occupancy restrictions	21 January 2016	Grant	<a href="#">HL</a>
3/16/15/007	Ge Mare Farm, Holford, Bridgwater, TA5 1DU	Erection of agricultural workers dwelling	29 January 2016	Grant	<a href="#">HL</a>
3/18/15/014	Kiln Cottage, Main Road, Kilve, Bridgwater, TA5 1DZ	Alterations to existing boundary walls and insertion of new entrance gates	05 February 2016	Grant	<a href="#">BM</a>
3/18/15/015	Hillcrest, Kilve, Bridgwater, TA5 1EQ	Extension of garage to the rear and creation of hardstanding	21 January 2016	Grant	<a href="#">SW</a>
3/21/15/107	Lloyds Pharmacy, Irnham Lodge, Townsend Road, Minehead, TA24 5RG	Display of illuminated and non-illuminated signage	27 January 2016	Grant	<a href="#">BM</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/15/109	1 Mount Royal, Minehead, TA24 5QF	Replace four existing timber sash windows with upvc sash windows	28 January 2016	Grant	<a href="#">BM</a>
3/21/15/110	Wyndham House, Martlet Road, Minehead, TA24 5PR	Erection of a new porchway to the main entrance	04 February 2016	Grant	<a href="#">SW</a>
3/21/15/111	Minehead Service Station, Townsend Road, Minehead, TA24 5RE	Internal and external alterations to the existing retail unit	27 January 2016	Grant	<a href="#">BM</a>
3/21/15/112	Land at Green Hollow, Bratton Lane, Minehead, TA24 8SG	Application for approval of reserved matters following outline application 3/21/13/110 in respect of appearance for the erection of one detached dwelling and garage	08 February 2016	Grant	<a href="#">HL</a>
3/21/16/003	Minehead First School, Townsend Road, Minehead, Somerset, TA24 5RG	Certificate of lawfulness for a proposed development being the replacement of windows and doors to the Pratten Hut, the Elliott Building and Block A	27 January 2016	Permissio n Required	<a href="#">HL</a>
3/26/15/022	Abbey Mill House, Washford, Watchet, TA23 0PS	Restoration and erection of rear extensions including full structural repair and refurbishment and the change of use of agricultural land to garden.	04 February 2016	Grant	<a href="#">EP</a>
3/26/15/025	Sans Souci, Cleeve Park,	Conversion and extend the existing garage to	02 February	Grant	<a href="#">BM</a>



Chapel Cleve,  
Old Cleeve,  
Minehead, TA24  
6HZ

form ancillary  
accommodation and  
erection of a detached  
single garage to the  
south west of the site.

2016

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/26/15/027	The Smugglers, Blue Anchor, Carhampton, Minehead, TA24 6JS	Change of use of first floor function room (Class A4) to three guest suites (Class C1)	05 February 2016	Grant	<a href="#">HL</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/31/15/012	The Beacon Field, Station Road, Stogumber, Taunton, TA4 3TQ	Change of use of section of agricultural land to hardstanding for a village car park	21 January 2016	Grant	<a href="#">HL</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/31/15/013	James Barton, 4 Vellow Road, Stogumber, Taunton, TA4 3TL	Removal of existing stairs and construction of new stairs	04 February 2016	Grant	<a href="#">EP</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/32/15/017	Wick Moor Drove, Shurton	Erection of one 'H' pole and the removal of one 'H' pole and five existing poles together with approximately 560m of overhead conductor.	25 January 2016	Raise No Objection	<a href="#">HL</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/36/15/004	Haddon Down, Upton, Taunton, TA4 2HX	Erection of extension to the principal elevation	27 January 2016	Grant	<a href="#">BM</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/37/15/029	Anchor Inn, Anchor Street, Watchet, TA23 0AZ	Change of use from public house (Class A4) to radio/TV museum (Class D1) and cafe (A3) with ancillary workshop for restoration and repair of exhibits.	21 January 2016	Grant	<a href="#">HL</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/39/15/019	1 Long Street, Williton, Taunton, TA4 4QN	Change of use of barn (class B8) to residential (class C3) with associated parking and amenity space	09 Februar y 2016	Grant	<a href="#">EP</a>
3/39/15/020	1 Long Street, Williton, Taunton, TA4 4QN	Internal and external alteration of barn to convert it to residential use	08 February 2016	Grant	<a href="#">EP</a>
CA/21/15/017	Land at Burgundy Road, Minehead, TA24 5QT	Cut back overhanging branches of Lime Tree	25 January 2016	Raise No Objection	<a href="#">DG</a>
CA/21/15/018	Elgin Towers, Burgundy Road, Minehead, TA24 5QJ	Raise canopy of Beech Tree by removing lower overhanging branches and remove partially dead and diseased branches	25 January 2016	Raise No Objection	<a href="#">DG</a>
NMA/18/16/0 01	Putsham Farmhouse, Pardlestone Lane, Kilve, Bridgwater, TA5 1DZ	Non-material amendment in order to change the window design from applied lead 12 pane to applied lead 16 pane	04 February 2016	Grant	<a href="#">SW</a>
T/26/15/004	Cedar Lodge, 17 Cleeve Park, Old Cleeve, Minehead, TA24 6JB	To fell Cedar	25 January 2016	Grant	<a href="#">DG</a>
T/26/15/005	74 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JG	To fell Sycamore tree	26 January 2016	Grant	<a href="#">DG</a>