

## PLANNING COMMITTEE

THURSDAY 25 JULY 2013 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 27 June 2013 - **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: THREE**

**Date: 17 JULY 2013**

<u>Ref No.</u>	<u>Application/Report</u>
<b>3/21/13/057</b> <b>Advertisement Consent</b>	<b>Land at Wellington Square and junctions of Holloway Street/The Parade, The Avenue/Blenheim Road, The Avenue/Summerland Road, Minehead</b> The Display Of Four Non-Illuminated Locational And Directional Business Directory Signs
<b>3/21/13/065</b> <b>Full Planning Permission</b>	<b>2 Wellington Square, Minehead</b> Change Of Use From A1 (Retail) To A Mixed (A1/A3) Coffee Shop Use With Shopfront Alterations And An Area Of External Seating (Resubmission Of 3/21/13/051)
<b>3/28/13/004</b> <b>Full Planning Permission</b>	<b>Land At Higher Thornes Farm, Lower Weacombe, West Quantoxhead,</b> Change Of Use And Conversion Of Equestrian/Domestic Store To Equestrian Manager's Dwelling And Change Of Use Of Buildings And Land For Dual Agricultural And Equestrian Use.

<b>3/37/13/015 Full Planning Permission</b>	<b>Lorna Doone Park, West Street, Watchet</b> Construction Of Seven Linked Town Houses In Lieu Of Five Linked Town Houses As Previously Approved By 3/37/06/007 And 3/37/06/051
<b>3/37/13/016 Full Planning Permission</b>	<b>Land Adjoining 5 Harbour Road, Watchet</b> Two Proposed New Dwellings With Associated Parking Spaces.
<b>3/39/13/013 Full Planning Permission</b>	<b>Croft House, North Croft, Williton, Taunton</b> Proposed Demolition Of Existing Building And Erection Of Twelve Semi-Detached, Two-Storey Dwellings

6. **Exmoor National Park Matters**

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

8. **Appeals Lodged**

<b>Appellant</b>	<b>Proposal and Site</b>	<b>Procedure</b>
Mr & Mrs Watson	5 Whitehall, Watchet Two Storey Rear Extension	Written Reps

9. **Appeals Decided**

<b>Appellant</b>	<b>Proposal and Site</b>	<b>Decision</b>
Mr M Pena-Romero	37 Quarry Close, Alcombe Construction of a Raised Patio Area (Enforcement Appeal)	Dismissed 25/06/2013

10. **Adoption of Local Validation Requirements**

To view this report please follow the link below:

<http://www.westsomersetonline.gov.uk/getattachment/Planning---Building/Planning/New-Local-Validation-Checklist---For-Consultation/New-Local-Validation-Checklist---For-Consultation.pdf.aspx>

**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.

<b>Application No:</b>	3/21/13/057
<b>Parish</b>	Minehead
<b>Application Type</b>	Advertisement Consent
<b>Case Officer:</b>	Michael Hicks
<b>Grid Ref</b>	Easting: 297062 Northing: 146550
<b>Applicant</b>	Ms Maclean West Somerset Council
<b>Proposal</b>	The display of four non-illuminated locational and directional business directory signs
<b>Location</b>	Land at Wellington Square and junctions of Holloway Street/The Parade, The Avenue/Blenheim Road, The Avenue/Summerland Road, Minehead
<b>Reason for referral to Committee</b>	West Somerset Council is the applicant

### **Risk Assessment**

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

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

### **Site Location:**

Land at Wellington Square and junctions of Holloway Street/The Parade, The Avenue/Blenheim Road, The Avenue/Summerland Road, Minehead

### **Description of development:**

The display of four non-illuminated locational and directional business directory signs

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

#### ***Minehead Town Council***

Recommend approval but at different locations and with the added condition that additional signage is put on the seafront.

No 4. Should be put by the railway

No 2. Lower down the avenue towards the Blenheim garden entrance

No 3. Ok

No 1. Ok

#### ***Highways Liaison Officer***

The Highway Authority held pre application discussions with the applicant on this proposal. It is understood that the proposed signs would be for pedestrian use only and are purely information boards and will be properly licensed as they will be located on the adopted highway. As a consequence the Highway Authority has no objection in principle to this proposal.

In terms of the detail the applicant has provided details of the location of each of the signs. From the information provided the Highway Authority is satisfied that their positioning will not impact on visibility at the junctions and the free flow of pedestrians.

As a consequence I raise no objection to this proposal and they should contact Somerset County Council's Licensing and Road Records Team on 01823 356181 to obtain a licence for these signs.

#### *Public Consultation*

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

#### **Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

- BD/7 Advertisements
- CA/4 Advertisements in Conservation Areas
- TW/1 Trees and Woodland Protection

#### **Site Description**

The proposed sites for the advertisements would be within the Wellington Square Conservation Area and three of the four advertisement signs are located within the Primary Retail Frontage Zone as defined in the West Somerset Local Plan (2006). All of the proposed advertisement signs are located within the Minehead Town Centre as defined in the West Somerset Local Plan (2006). Three of the proposed signs are located adjacent to trees that are protected by tree preservation orders.

#### **Proposal**

Advertisement consent is sought for four identical free standing non illuminated town centre information and business directory signs. The proposed advertisement signs would be located in two locations at the eastern end and two locations at the western end of The Parade. Through the course of the application amendments were made to the overall design of the signs.

As amended the details of the proposed signs are as follows:

- The proposed signs would be double sided and would consist of an aluminium composite advertising board mounted onto two aluminium supporting posts. They would have a maximum height of 2.10 metres and would measure 1.22 metres in width. The bottom edge of the advertising board would have a clearance of 0.59 metres above the footway.
- The proposed signs would be located at each of the following locations:
  1. On the footway on the corner of Summerland Road and The Avenue.
  2. On the footway on the corner of Blenheim Road and The Avenue.
  3. On the footway on the corner of Holloway Street and The Parade.
  4. On the eastern side of Wellington Square, adjacent to the footway.

#### **Planning History**

There is no relevant history relating to this proposal.

#### **Analysis**

##### ***Amenity, Design and Character of the Area***

National Planning Policy Framework 2012, states that the display of outdoor advertisements can be controlled in the interests of amenity and public safety, and should have regard to the visual amenity in the immediate neighbourhood and seek to ensure the proposal would not result in cumulative visual clutter (paragraph 67).

The following saved policies of the West Somerset Local Plan (2006) are relevant to this application:

*POLICY BD/7: Advertisements*

Proposals for advertisements will be permitted unless:

- i) they would be prejudicial to public safety.
- ii) they would be visually obtrusive and detrimental to the appearance of a rural or urban area.
- iii) visual clutter would result.
- iv) they would detract from the character of the building or the street scene by reason of design, size, materials, colour or illumination.

*POLICY CA/4: Advertisements in Conservation Areas*

Proposals for advertisements in conservation areas will be permitted where they do not:

- i) Detract from the character or appearance of the neighbourhood or building or structure with which they are to be associated by reason of design siting, materials, colour, proportions or illumination.
- ii) Result in visual clutter.
- iii) Project above the eaves or parapet of buildings.
- iv) Obscure architectural details on buildings or associated structures.

*POLICY TW/1: Trees and Woodland Protection*

Development proposals that would adversely affect woodlands, groups of trees or individual trees of significant landscape, wildlife or amenity value will only be permitted where conditions can be attached to planning permissions to protect trees and, where appropriate, to require replacement and/or additional tree planting.

***Visual Amenity and Impact on the Character and Appearance of the Conservation Area.***

The impact of the proposed advertisement signs on the character and appearance of the conservation area is considered to be acceptable. The proposed signs would be appropriate in terms of scale, having regard to their proposed function whereby they are required to be relatively visible and provide information at eye level. The signs will be located on the footway and would be set away from the front elevations of adjacent buildings. The proposed advertisement signs would therefore have a minimal or no impact on the appearance or setting of buildings within the conservation area. Furthermore, the proposed colour and lack of illumination are considered to be appropriate within the conservation area. Overall, the proposed design, proportions, siting and lack of illumination would have an acceptable impact on the character and appearance of the conservation area and would not result in advert clutter. Sign number 1 is located to the front of 2 The Avenue which is a Grade II \* listed building. In town centre locations, signs and street furniture are common features and it is considered that in view of the distance from the front of the listed building and the modest scale of the sign the setting of the listed building would not be harmed. The proposal therefore complies with saved policies BD/7 and CA/4 of the West Somerset Local Plan (2006) and paragraph 67 of the National Planning Policy Framework (2012).

***Protected Trees***

Three of the proposed signs (No. 1,2, and 3) would be located within the root protection zone of street trees that are subject to tree preservation orders. The County Council's tree officer has no objections to the proposal provided that the foundations for the proposed signs are dug with hand tools only. It is therefore considered necessary to secure this through a condition on the decision notice.

***The impact of the advertisement on public safety***

The Highway Authority has been consulted on the application and have not objected to the proposal on grounds of highway safety.

**Other matters:**

It is noted that Minehead Town Council have suggested alternative locations for the two of the proposed advertisement signs. The council's regeneration department have confirmed that the proposed sites have been finalised through extensive consultation with relevant stakeholders. Nevertheless, the assessment within this report is made having regard to the merits of the proposal and its impact upon visual amenity and highways safety only. A potential alteration to the locations of the sites is not a material consideration.

**Conclusion and Recommendation:**

Subject to conditions the proposal is considered to be acceptable and it is recommended that advertisement consent be granted.

**Reason for Approval:**

The proposed signage would be in keeping with the amenity of the surrounding area, would preserve the character and appearance of the Conservation Area would not adversely impact upon public safety. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

Saved Policy CA/4, BD/7, TW/1 of the West Somerset District Local Plan (adopted December 2006).

**Advertisement Consent is subject to the following conditions:**

- 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).

- 3 Any excavation works for the foundations for the proposed signs in locations 1, 2 and 3 identified on the site location plan shall be with hand tools only.  
Reason: To safeguard the existing trees which are subject to tree preservation orders having regard to saved policies TW/1 of the West Somerset District Local Plan (2006).

**Notes**

- 1 This decision relates to Drawing Numbers: Site Location Plan, 22; Unnumbered plan titled '1. Corner of Summerland Rd/The Avenue'; Unnumbered plan titled '2. Corner of Blenheim Road outside Holland and Barratt'; Unnumbered plan titled '3. Corner of The Parade/Holloway Street'; Unnumbered plan titled '4. Wellington Square; only.
- 2 The applicant is advised that the excavation undertaken within the root protection zone should be carried out in accordance with the recommendations within British Standard 5837:201; *Trees in relation to design, demolition and construction – Recommendations*.





Application No 3/21/13/057

The display of four non-illuminated locational and directional business directory signs Land at Wellington Square and junctions of Holloway Street/The Parade, The Avenue/Blenheim Road, The Avenue/Summerland Road, Minehead 4 June 2013

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



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Easting: 296784 Northing: 146208

Scale: 1:1250



<b>Application No:</b>	3/21/13/065
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Elizabeth Peeks
<b>Grid Ref</b>	Easting: 296771    Northing: 146215
<b>Applicant</b>	Costa Ltd.
<b>Proposal</b>	Change of use from A1 (retail) to a mixed (A1/A3) coffee shop use with shopfront alterations and an area of external seating (resubmission of 3/21/13/051)
<b>Location</b>	2 Wellington Square, Minehead, TA24 5NH
<b>Reason for referral to Committee</b>	A previous application for an identical proposal was considered by the Planning Committee

### Risk Assessment

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

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

### Site Location:

2 Wellington Square, Minehead, TA24 5NH

### Description of development:

Change of use from A1 (retail) to a mixed (A1/A3) coffee shop use with shopfront alterations and an area of external seating (resubmission of 3/21/13/051)

### Consultations and Representations:

The Local Planning Authority has received the following representations:

#### ***Minehead Town Council***

At the time of writing a consultation response had not been received. However it is noted that the Town Council recommended approval of the previous proposal.

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

No observations

#### ***Public Consultation***

At the time of writing 3 consultation responses had been received. An update of additional responses will be provided to Members at the Planning Committee meeting. The following issues have been raised to date (summarised):

#### *Support:*

- The proposal will transform an empty grubby looking unit in to a vibrant attractive corner.
- Attracting a large company to our town can't be a bad thing.
- Planning should not be about controlling competition.
- Costa outlets are attractive and well respected.
- The proposal would help draw visitors further up the Avenue to the benefit of nearby businesses.
- This shows that a national company sees Minehead as a worthy investment.
- There is already a lot of clutter on the pavements, some smart tables and chairs with people enjoying themselves would be a nice addition.

- Some locals would want to use this facility.
- As the previous refusal reason was about cluttering the front of the building with tables and chairs will the Council take action to remove all the signs blocking the pavements in Minehead?

### Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

- CA/1 New Development and Conservation Areas
- BD/3 Conversions, Alterations and, Extensions
- SH/1 Retail Development in Minehead Town Centre
- SH/2 Type of Retail Use in Minehead Prime Shopping Area
- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- PC/2 Noise Pollution
- CA/5 Shop Fronts in Conservation Areas
- BD/2 Design of New Development
- W/6 Flood Plains

### National Policy

The National Planning Policy Framework (NPPF) is a material planning consideration.

### Planning History

The following planning history is relevant to this application:

3/21/89/259	Installation of a key vending machine in existing shopfront	Granted	10/11/1989
3/21/95/120	Change of use of shop premises to Class A2 (Financial and professional Services) and alterations to shop front.	Granted	24/08/1995
3/21/13/053	Display illuminated and non-illuminated signage	Granted	01/07/2013
3/21/13/051	Change of use from A1 to a mixed use of retail and the sale of drinks and cold food for consumption on or off the premises (mixed A1/A3 use), alterations to the shopfront and an area of external seating.	Refused	29/06/2013

### Proposal

The application seeks permission to change the use of the former Blockbusters premises (ground floor and first floor) into a mixed use coffee shop with alterations to the shop front and the provision of seating outside the premises. Internally there will be a servery area, 21 tables and 52 chairs together with customer toilets and a 'back of house area' which provides for storage, washing up and staff facilities on the ground floor. On the first floor a secondary 'back of house' area is to be provided. There are also an additional 4 rooms and toilets on the first floor. The applicant does not intend to use these for trade purposes at present as the ground floor area is currently considered to be sufficient but they could be used for either staff or storage (as at present) or if demand exists in the future they could be used for trade. Externally 7 tables are proposed of which 2 tables will be on the Wellington Square side with 6 covers and 5 tables with 10 covers are proposed on the Holloway Street side. Free standing balustrades are proposed at either end of the outside seating.

The proposed alterations to the shop front involves repositioning the door to be on the junction of Wellington Square and Holloway Street with the area outside being raised to give level access so that it is DDA compliant. The piers on the shop front will be covered in black ceramic tiles. The Holloway Street elevation will remain fully glazed with the column and stall riser matching those on the Wellington Square elevation. The framing for all the glazed areas will be aluminium finished in grey. Two fabric awnings are proposed which will protrude 2m out from the face of the building over the external seating areas. The awning boxes and the canopies will be Costa red in colour. The advertising on the canopies and on other parts of the building were subject of a separate application for advertisement consent.

The proposal is to sell hot and cold drinks for consumption on and off the premises along with sandwiches, other cold food and confectionary. There will be no hot food production for either eat in or for takeaway other than a small element of sales of Pannini and toasted sandwiches (approximately 4%). This does not require any kitchen facilities or extraction systems. The percentage of takeaway is likely to be between 20% (as found in Winchester) to 30% (as found in Bristol outlets). This therefore means that the proposed use is a mixed use of A1 and A3 where an A1 use means the premises can be used for "the retail sale of goods other than hot foods, the sale of sandwiches or other cold food for consumption off the premises and for the display of goods for sale". An A3 use is defined as the "use for the sale of food and drink for consumption on the premises."

It is proposed that the opening hours will be 6.30am - 8pm every day of the week including Bank Holidays and 8 - 10 full time equivalent jobs are expected to be created.

### **Site Description**

The site lies in a prominent position on the junction of Wellington Square, Holloway Street and The Parade. From The Parade and from Friday Street looking towards Wellington Square the building is very prominent within the street scene due to the design of the flat roofed three story building with full glazing on the ground floor and with rendered white walls on the first and second floors. The metal windows in the first and second floor are of a very distinct and strident design. In front of the building the area is paved but the sections on which the external seating is proposed is covered in red paving slabs rather than grey paving slabs that are found on the rest of the pavement. The areas proposed to be used for the external seating do not form part of the public highway. The buildings adjoining the application site are three storey buildings that rise above the roof of 2 Wellington Square.

### **Planning Analysis**

#### **1. Background**

This application has been submitted following the recent refusal of an identical proposal by the Planning Committee. That decision was issued on 28/06/2013. The Planning Committee resolved to refuse the application due to the impact of the proposal on the conservation area. An application for advertisement consent was also considered by the Planning Committee at the June Committee meeting. The Planning Committee resolved to approve the application for advertisement consent. That application included fascia signs on both elevations with external illumination, a single non-illuminated hanging sign, two retractable awnings with logos and vinyl applied to the lower portion of some of the windows with coffee bean logos.

The approved advertisements are therefore considered to be in keeping with the character of the building and would result in the character of the conservation area being preserved. The approved adverts are similar in character to other advertisements on nearby retail/ cafe premises also located within the conservation area.

Other than the physical change of use, this proposal also involves an alteration of the location of the entrance doors, from the left hand side of the south elevation to the right hand side of the south elevation. The current location of the doors is not integral to the character of the building and the proposed alteration will have a neutral effect on the character of the

conservation area. Arguably, overall there would be a small enhancement through the proposed works to the exterior of the building as this unit is currently a little tired in its appearance.

As such the only change brought about by the proposed development that would result in a significant change to the character of the conservation area was and remains the introduction of tables and chairs to the outside of the building (south and east). The wording of the reason for refusal of the previous application was as follows:

*Policy CA/1 of the West Somerset District Local Plan requires that development within conservation areas is compatible with the preservation or enhancement of the character or appearance of the conservation area. The application site relates to a prominent building located on a prominent corner within the conservation area. The proposal will result in the introduction of tables and chairs to the front of the building resulting in visual clutter which would harm the character and appearance of the conservation area. As such this proposal would fail to preserve or enhance the character or appearance of the conservation area and the development is contrary to the provisions of saved Policy CA/1 of the West Somerset District Local Plan.*

### **1. Principle of Development**

This proposal has been submitted following a recent application for the same development. There have not been any substantive changes in planning policy or to the local area and as such the main considerations of the previous application are equally as relevant to this proposal. As such this Committee report will focus on the previous reason for refusal and analyse whether this was well founded. The previous Committee report has been provided as Appendix 1 and all other elements of that report should be considered as equally relevant to this proposal.

### **2. Impact on the character and appearance of the conservation area**

When considering development in a conservation area the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area (Section 72 of the Planning (Listed Building and Conservation Area) Act 1990). In broad terms the planning policies at a local and national level echo this.

Policies BD/1 and BD/2 of the Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments. Policy BD/3 of the Local Plan requires that the scale, proportions, detailing and use of materials for extensions and alterations to buildings are in character with the buildings to which they relate.

Policy CA/1 of the Local Plan also requires that proposals would preserve or enhance the architectural and historic character or appearance of the conservation area. This Policy sets out criteria which requires that:

- The proposal must be in keeping with the scale, architectural quality and features of the area and not detract from the setting of historic or architecturally important buildings.
- External building materials must be appropriate to those that are traditional in the conservation area.
- The proposal should not detract from the existing landscape elements of the conservation area including trees, hedgerows, walls, banks, footpaths and open spaces.

Policy CA/5 relates to alterations to shopfronts in a conservation area. This policy requires that shopfronts of historic merit are retained and new shopfronts should reflect the proportions, style and details of the building and they should be constructed from compatible materials.

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

As stated above the physical changes to the building, primarily centred around an alteration to the location of the entrance, are modest. The alteration to the shopfront reflects the proportions, style and detail of the existing building. The associated advertisements are in keeping with the character of the building and similar in size, style and means of illumination to other advertisement within the nearby area and have already been approved. The applicant has submitted an additional document (Conservation Area Statement) which analysis the character of the conservation area and provides an assessment of the relevant planning policies. The document concludes that part of the character of Wellington Square Conservation Area is made up of retail frontage interspersed with pockets of tables and chairs outside existing cafes. The applicant states that the proposed tables and chairs will be of a high quality and a consistent style. They also state that the tables and chairs will be monitored regularly by staff, cleaned and repositioned if customers seek to rearrange them.

Following the refusal of planning permission by the Planning Committee, an assessment of character of the conservation area in terms of the prevalence of tables and chairs to the front of business premises has been undertaken. A very large proportion of the premises used for food and drink uses, or which include an element of these uses, have tables and chairs to the front of the buildings. In the immediate vicinity of the application site there is a cafe known as Butterflies. This is located at 8 Wellington Square in the same building as the application site, three units to the west. This cafe has an awning to its front similar to that which has been approved at the application site through the advertisement consent application. Under the canopy at Butterflies there are several tables and chairs as well other paraphernalia. Two of the retail units within the building (number 4 and 10) have items on display for sale to the front of the building.

Looking at the town centre area and Wellington Square Conservation Area as a whole there are many premises that have tables and chairs to the front of buildings on forecourts and, in some cases, directly on the pavement. The front area of several retail premises are also used for displaying items for sale. In general a degree of clutter to the front of the commercial premises is an established part of the character of the conservation area. This proposal would introduce one table with four chairs and one table with two chairs to the south of the building (facing Wellington Square). To the front of the elevation fronting Holloway Street five tables are proposed with two chairs at each. In total three free standing balustrades with advertisements are proposed adjacent to these outside seating areas. Canvas balustrades are also a common feature in the locality. Having regard to the number and layout of the tables and chairs along with the prevalence of existing tables and chairs in the area, the proposed tables and chairs are not, after careful thought and reflection considered to result in excessive and harmful clutter. Having regard to the previous reason for refusal, the new information submitted by the applicant and the character of the conservation area it is considered that the introduction of tables and chairs in this location will not result in harm to the character or appearance of the conservation area. As such it is considered that the proposal is acceptable and the character of the conservation area would be preserved.

### **3. Other issues**

It is appreciated that there was a significant number of consultation responses received as part of the previous application both in favour of and in objection to the proposal. The issues raised were addressed in the previous report and given consideration through the previous application process. As there have not been any material changes since the previous application, the acceptability of the proposal in respect of the concerns raised remain as with the earlier application.

### **Environmental Impact Assessment**

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

### **Conclusion and Recommendation**

It is recommended that delegated authority be granted to the Planning Manager to grant planning permission with any additions or alterations to the conditions considered to be necessary.

### **Reason for Approval:**

The proposal accords with the Council's settlement strategy for the location of new development and no demonstrable harm to the vitality and viability to Minehead's town centre would arise. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. The character and appearance of the Conservation Area would be preserved. The setting of adjoining Listed Buildings would not be harmed. The proposal, by reason of its layout, opening hours and use would safeguard the amenities of neighbouring residents and adjoining land users. The risk of flooding will not be increased and highway safety will not be adversely affected. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:-

Saved Policies SP/1, SP/2, CA/1, CA/5, BD/2, BD/3, SH/1, SH/2, PC/2 and W/6 of the West Somerset District Local Plan (adopted December 2006).

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: The site location plan and Drawing Numbers: 1.2G and 2.1F submitted on 28 July 2013.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The premises shall be used only for Class A1 retail purposes and/or as a coffee shop serving coffee, other hot and cold drinks, sandwiches and similar refreshments for consumption on or off the premises and the selling of merchandise.  
Reason: To safeguard the viability and vitality of Minehead Town Centre and to be in accordance with saved policies SH/1 and SH/2 of the adopted West Somerset District Local Plan.
- 4 No primary cooking of unprepared food shall be carried on within the premises. Only reheated or cold food that has been prepared elsewhere shall be served within the premises.  
Reason: To safeguard the amenity, viability and vitality of Minehead Town Centre and to be in accordance with saved policies BD/2, SH/1 and SH/2 of the adopted West Somerset District Local Plan.
- 5 The premises shall not be open to customers outside the hours of 06:30 to 20:00.  
Reason: To protect the amenities of nearby residential occupiers and to be in accordance with saved policy PC/2 of the adopted West Somerset District Local Plan.
- 6 The front edge of the retractable awnings/canopies, measured horizontally, shall not extend more than 2.2 metres from the eastern elevation of the building.  
Reason: To ensure adequate clearance between the bottom of the awning and the highway and in the interests of highway safety.



**Notes:**

**1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the Committee report, the application 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 in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.



<b>Application No:</b>	3/28/13/004
<b>Parish</b>	Sampford Brett
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Michael Hicks
<b>Grid Ref</b>	Easting: 310374      Northing: 140426
<b>Applicant</b>	Mr Ken Bosley
<b>Proposal</b>	Change of use and conversion of equestrian/domestic store to equestrian manager's dwelling and change of use of buildings and land for dual agricultural and equestrian use.
<b>Location</b>	Land at Higher Thornes Farm, Lower Weacombe, West Quantoxhead, TA4 4ED
<b>Reason for referral to Committee</b>	At the request of the ward Member and Chairman and Vice Chairman of the Planning Committee

### **Risk Assessment**

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

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

### **Site Location:**

Land at Higher Thornes Farm, Lower Weacombe, West Quantoxhead, TA4 4ED

### **Description of development:**

Change of use and conversion of equestrian/domestic store to equestrian manager's dwelling and change of use of buildings and land for dual agricultural and equestrian use.

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

#### ***Environment Agency***

No comments received.

#### ***Highways Liaison Officer***

The current proposal does not involve any alterations to the scheme from a highways perspective and therefore the Highways Authority have referred to their comments under the previous planning application reference 33/28/12/003:

From a highways point of view this application appears identical to previous application 3/28/12/001 and as such, comments made with regard to that previous application apply equally in this instance, and are reproduced below for your information. I would however mention that there appears to be a discrepancy in the submitted information with regard to the proposed temporary mobile home. The letter from Wills & Co. dated 7<sup>th</sup> August 2012 states in paragraph 3 that "the only significant difference between the recently withdrawn scheme and the current proposal is the omission of the temporary mobile home". However, paragraph 1.4 of the submitted Design and Access Statement says that "the proposal includes provision for a temporary mobile home to be sited adjacent to the barn" and the submitted proposed site plan (drawing no. BOS 006) also shows this mobile home.

*The proposed development site lies outside any development boundary limits and is remote from any urban area, and therefore distant from adequate services and facilities, such as, education, employment, health, retail, leisure and public transport services. As a consequence, occupiers of the new development are likely to be wholly dependant on private vehicles for most, if not all, of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the National Planning Policy Framework and RPG10, and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 (adopted April 2000).*

*Notwithstanding the aforementioned comments, it is noted that the proposed is being described as an equestrian manager's dwelling and as such it must be a matter for the Local Planning Authority to decide whether there is sufficient justification for such a development in this location that outweighs the transport policies that seek to reduce reliance on the private car.*

*In terms of detail, the site is accessed from Weacombe Lane via a Restricted Byway, and as such the applicant will need to ensure that they have a legal right of access to the site, which would also need to be for the proposed use.*

*No specific parking spaces are shown on the submitted plan (drawing no. BOS 006) but the parking area shown is large enough to provide sufficient parking, (including cycle parking at a level of one space per bedroom as required by the County Parking Strategy, adopted March 2012). However, it isn't entirely clear how this proposal and parking area relates to the footings for the stables permitted under applications 3/28/01/013 and 3/28/97/006, as there appears to be some degree of overlap. Regardless of this, it is nevertheless accepted that, given the distance of the site from the highway, the proposal will not be likely to have a detrimental effect on the Highway Authority.*

*Given the above, in the event of permission being granted I would recommend that the following condition below be imposed. In addition, given the unsustainable location of the site the Highway Authority would not wish to see two dwellings in this location, and I would therefore request a suitable condition be attached to any permission to ensure the mobile home is removed once the dwelling is occupied.*

*The area allocated for parking on the submitted plan (drawing no. BOS 006) shall be fully provided within the site before the dwelling hereby permitted is first occupied. Such parking area shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the dwelling hereby permitted.*

#### **Rights of Way Protection Officer**

No comments received.

#### **Quantock Hills AONB**

No comments recieved.

#### **Sampford Brett Parish Council**

With reference to Mr Goodchild's letter dated 12th June 2013, the Parish Council has considered the above application and makes the following comments:

*The application is in direct contravention of condition 2 of the planning decision notice reference number 3/28/07/002 (application registered 20/03/2007) which states "The building hereby permitted shall only be used for the storage, preparation and/or maintenance of feed, tack and other equipment related to the private and commercial livery of houses on the site and for rider accommodation, facilities for refreshments and rest associated with such use. The building shall not be used for permanent and/or temporary residential or holiday accommodation at any time".*

The Parish Council appreciates this is a new application and is for a different business venture, but question whether the change of use is at least partially to get round the above condition.

In the absence of the financial figures we are unable to comment on the financial viability of the business, but note from the comments made by your planning consultants that they consider the business case remains insufficient to justify a permanent dwelling. Furthermore, the business has been developed by the applicant in the full knowledge that there is no house associated with the land.

The proposed dwelling is in the open countryside and should be refused unless there is a clear proven need for a full time worker to live on site and that the business is viable.

### **Quantock Hills ANOB**

No comments received.

### **Rural Planning Limited (reference to sensitive information has been redacted)**

*First response:*

1. Further to my letter of 20 June 2013 I have the following comments regarding the additional information now provided by Mr Ken Bosley.

2. Bloodstock valuation basis and breakdowns. I had pointed out (rather than “requested”) that the normal trading stock basis should apply (lower of cost or market value), as set out in the Bloodstock Taxation Guide. What was unclear is whether this approach has been applied properly, and consistently from year to year.

3. From what Mr Bosley now says it appears that there has not been consistency in the year to year valuations. He has tried to use the Guide for 2012/13, but not for previous years (he says the accounts cannot be redone) – but he does not explain what approach was used for earlier years or give any figures to justify the figures that gave the large notional uplifts for 2010/11 and 2011/12 which were a significant part of the assumed profits for those years.

4. Mr Bosley says that if the Guide had been used before 2012/13, the figures would have been higher for previous years; if that were correct, the opening valuation as at 31 March 2012 would have been higher, reducing the assumed profit for 2012/13.

5. In any event it does not appear that Mr Bosley has applied the Guide correctly. Contrary to any approach specified in the Guide, he attributes value to broodmares (initially transferred into the business for minimal assumed overall outlay – see further below) based on stud nomination fees (for 2 of the mares) and costs of the mares’ keep, implying an increasing value year on year derived from those costs, whereas (in the absence of any special factors) breeding stock will decrease in value as they age.

6. Mr Bosley also appears to have added value to foals based on assumed cost of keep from birth, rather than only from weaning as per the Guide.

7. Acquisition costs of mares Only Farleigh has an attributed acquisition cost. 3 of the current mares (Mrs Penny, Team Secret, and Roaming West) appear to have been bought by Mr Bosley but supposedly “gifted” by him to the business. There appears to be no valid or logical reason for excluding their costs (which remain unstated) – if the horses are owned by Mr and Mrs Bosley and they form part of their business, then their costs should appear in the accounts. There is also no mention of the cost of Borasco, who was bought in but subsequently died.

8. There is no explanation of the basis by which So Peaceful has now been transferred in for no cost, for example whether there as any reciprocal arrangement (as with Rutland Water) for subsequent profit sharing.

9. Sales I note as yet there is no independent verification of the sales referred to, or of the apparent discrepancies in sales figures in the 2012/13 and 2010/11 accounts.

10. Business Plan Rather than the generalised and fairly brief statement submitted, it might be expected, given the specialised type of business, that a fully cogent business plan would give more specific details and strategies referring to individual (named) animals, as I previously indicated. Also there is still no detailed breakdown of the future sales assumptions.

11. No details have been given as to the ownership, or training stables, where the Bosleys' foals have gone, and their progress there, but we are advised that none have yet raced.

12. No details have been given as to the racing results, or private sales figures, for foals born to these mares before they were bought by the Bosleys. I can find no winners or placed runners for such progeny that have been raced, from such public data as is readily available.

13. Regarding any public auction sales for such progeny, the only results I have found relate to that of Rutland Water, an un-raced brood mare the Bosleys acquired in March 2013. Her 2012 colt foal was sold last November at auction for just 3000gns and her 2011 filly foal was sold last October as a yearling for just 4500gns, despite both having been sired by studs that were previous Derby winners (Motivator and Sir Percy respectively) with stud fees in the £xx £xxx range. Rutland Water's 2010 filly foal was auctioned as a yearling in October 2011 and was unsold, being bought back by the vendor at just 2000gns, albeit having been sired by Avonbridge, winner of 3 Group races including the Prix de l'Abbaye de Longchamp and the 2005 European Champion Sprinter, whose stud fees were some £xxx.

14. This illustrates some of the unpredictability of racehorse breeding and the difficulty in assuming that every horse bred and raised will achieve a high price and a profitable sale. The lack of any track record yet as to actual performance of the Bosleys foals, or any other clearly favourable statistical indicators, also suggests a need for caution in attributing high values to future foal sales. In summary, therefore, I cannot advise that this new information adds confidence as to the accounting results and procedures to date, or verification of sales, or the accuracy of future business assumptions, and the gist of my advice remains as previously set out.

*Second response:*

1. I refer to your request for a desktop assessment of the latest application submitted by Mr Ken Bosley for the conversion of a store to an equestrian manager's dwelling, with associated change of use of buildings and land, at the above site. This follows the refusal of the similar application 3/28/12/003 which was the subject of my report dated 29 August 2012 and follow-up letter dated 26 September 2012.

2. I concluded that the permanent dwelling criteria, as set out in Annex A of the former PPS7, had not been shown to be met. I also explained that notwithstanding its effective withdrawal as national policy consequent upon the introduction of the NPPF, the Annex A criteria still had a useful application in judging the NPPF's requirement as to "the essential need for a rural worker to live permanently at or near their place of work in the countryside", amounting to "special circumstances" as an exception to the avoidance of isolated new homes in the countryside.

3. In reaching my conclusion I noted inter alia: -that if the assumed level of profits were sustainable they ought to be able to support the rent of the applicant's former dwelling nearby, Blakes Farmhouse

-that information was lacking to show the bloodstock breeding business was well-established here i.e. for at least 3 years -that there was no detailed breakdown and justification of the overall stock valuation figures, assumed increases in which were a significant element of the calculation of profits in the accounts



- that there were no clear details as to the cost of acquisition of all the breeding stock, demonstrating that this had been allowed for, in full, in the accounts
- that there was a lack of clarity as to the inclusion of "loaned" horses and what terms or conditions applied in that regard
- that there was a lack of clarity as to stud fee costs in the accounts
- that there was a lack of verifiable evidence as to horse sales, with confirmation as to invoices paid as raised and the sales completed, and a discrepancy in the 2010/11 accounts regarding the horse sales total
- that there was a lack of any detailed business plan describing how the business is projected to operate and perform over the coming years

4. The latest application is supported in particular by an updated equestrian appraisal from Greenslade Taylor Hunt, dated 23 May 2013, with appendices; a Planning Statement, of no stated authorship but also dated 23 May 2013 and with an Appendix listing invoiced sales from 11/12 onwards (no actual invoices are included but they are said to be available for inspection); by the financial accounts for the 3 years ending 31 March 2011, 2012, and 2013; by a single sheet "Business Plan" which is essentially a summary of budget figures for the next 3 years; and by an accountant's letter dated 03 October 2012 referring to the sales total in the 2010/11 accounts.

5. The 2012/13 accounts indicate a gross income total of £xxx, and a net profit of £xxx, compared to £xxx and £xxx respectively for 2011/12.

6 I would comment as follows as to how (if at all) the latest submissions address the above issues that I had previously raised:

7. Blakes Farmhouse. It is re-affirmed on the applicant's behalf that the dwelling is not now available, and I have no reason to question that. It is also claimed to be unsuitable due to the rental level, and the issue as to lack of longer term security, which would be a significant risk to the business. Whilst I am not convinced as to the rental argument, the lack of security issue (and lack of current availability) does suggest, in my view, that the Farmhouse should not be seen as a feasible alternative as matters stand.

8. Well-established. The further year's accounts now bring to just three years the period during which racehorse breeding is identifiable in the accounts. However Annex A refers to a period of "at least" 3 years, and from 01 April 2010 up to 31 March 2013 it appears that only 8 foals were bred that ultimately survived, and only 7 foals or yearlings were sold. In my view it currently remains rather too soon (bearing in mind some of the other issues referred to below) to conclude that racehorse breeding (a somewhat precarious and specialist venture) is sufficiently "well-established" here for the purposes of Annex A.

9. Stock valuation figures. It remains the case that there are no detailed breakdowns explaining and justifying the assumed valuation totals for the stock of horses at each year end.

10. Cost of acquisition of breeding stock. This application is supported, as indicated above, by accounts for the 3 years ending 31 March 2011, 2012, and 2013. Excluding Polar Party (which was bought earlier by another family member, and loaned to the business, but has since died), according to earlier submissions the business seemingly bought 5 horses in the first 2 of those years (Team Secret in foal and with a foal at foot, Roaming West, in foal, Farleigh, Mrs Penny, and Borasco). The latest Planning Statement, however, states that the only mare purchased over these accountancy periods was Farleigh. The confusion remains, therefore, as to ownership and acquisition costs, and as to the absence of acquisition costs (other than for Farleigh) in the accounts.

11. Loaned horses. Other than Polar Party, who died, another horse "So Peaceful" was said to be loaned to the business by a local business patron. The terms or conditions that apply in that regard have yet to be clarified.

12. Stud Fees It is noted that these are now separately shown in the 2012/13 accounts (£8,262) and that certain earlier stud fees were included under veterinary fees.

13. Horse sales. Three further invoices during 2012/13 for £xxx, £xxx and £xxx are referred to, but not submitted -as previously advised, in my view these sales should be independently verified by the identifiable purchasers, in confidence if need be.

14. This view is not lessened by a further apparent discrepancy in that the above sales total £xxx, yet the figure in the accounts for horse sales in 2012/13 is £xxx.

15. Regarding the equivalent disparity for 2010/11, the accountant's letter states that " an adjustment for the brought forward debtor of £xxx was made resulting in the figure of £xxx being shown in the accounts". However this is not readily understood -usually the raised invoice date is the date on which the income is recognised for accounting purposes, so if during March 2011 sales invoices were indeed raised to the sum of £xxx, that should be the total in the accounts, notwithstanding that some or all of the total was still unpaid at the year end and thus a debtor sum. Nor is any carried-forward sales income of £xxx identifiable in the 2011/12 accounts.

16. There is a clear need, in my view, to identify and verify exactly what was paid, and when, for each horse sold to date.

17. Business Plan As indicated above, this effectively comprises a sheet of budget figures, but does not attempt to amplify the underlying business approach and rationale, explaining for example the perceived overall breeding and sales strategies, the progeny potential of individual chosen sires and mares, and assessment of their resultant foals to date. The basis for assuming the values attributed to foal and yearling sales has not been explained.

18. Nor is there any risk analysis or allowance for failures to conceive, lost pregnancies, and deaths (various examples of which have been encountered already in this case). Indeed, according to the General Stud Book breeding records, the mare Borasco died during 2012, something not mentioned in the applicant's submissions, so that (as matters stand) there would appear now to be just 5 brood mares, including one said to be on loan.

19. In conclusion, therefore, whilst at face value the further information now submitted goes some way towards demonstrating a progressing venture, I consider the business case is not yet sufficiently well-supported to meet the Annex A PPS7 guidance as to adequate financial soundness and sustainability for a permanent dwelling.

#### *Public Consultation*

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

#### **Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

BD/3 Conversions, Alterations and, Extensions

H/2 Agricultural and Forestry Workers Accommodation

LC/3 Landscape Character  
H/6 Conversion to Residential of Holiday Accommodation  
SP/1 Settlement Hierarchy  
SP/5 Development Outside Defined Settlements

### National Policy

The National Planning Policy Framework, March 2012 (the NPPF) is a material planning consideration. Paragraph 55, relating to sustainable development in rural areas is of particular importance to this application.

It should be noted that the Somerset and Exmoor National Park Structure Plan Review was revoked on the 20<sup>th</sup> May 2013. The Structure Plan remains a material consideration in determining planning applications, albeit one of diminished weight as it no longer forms part of the Development Plan.

### Planning History

There is no relevant history for this site.

3/28/12/003	Conversion of store to equestrian manager's dwelling and change of use of buildings and land for dual agricultural and equestrian use (resubmission of 3/28/12/001).	Refused*	22/10/2012
3/28/12/001	Change of use and conversion of equestrian/domestic store to equestrian manager's dwelling; siting of temporary mobile home for duration of conversion works; and change of use of buildings and land for dual agriculture and equestrian use	Withdrawn	27/06/2012
3/28/07/002	Retention of barn with modifications to fenestration & external materials.	Granted	26/04/2007
3/28/04/001	Demolition of existing barn & rebuilding to form facilities for riders & storage for commercial and private use (retrospective)	Withdrawn	14/04/2004
3/28/02/005	Formation of manege as amended by plans received 02/05/2002	Granted	09/05/2002
3/28/01/013	Erection of 7 stables, demolition of existing barn and rebuilding to form facilities for riders and storage for commercial and private use - as amended by plans received 09/11/2001	Granted	15/11/2001
3/28/98/008	Proposed 5 no static holiday caravans & drainage	Refused	24/09/1998
3/28/97/006	Erection of 14 stables and store for personal and livery use	Granted	18/09/1997
3/28/87/002	Erection of dwelling house	Refused	23/07/1987

\* It should be noted that the following reasons for refusal relate to application 3/28/12/003:

*1. Within open countryside the provision of isolated new dwellings should usually be avoided. The justification for the dwelling, relates to need for the occupants to be on site to support an equestrian business (race horse breeding). Permission should only be granted for isolated dwellings in the countryside in special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.*

- There is no evidence to show that a blood stock breeding business has been properly established as a business for three years, nor that the business is currently financially sound or that the business is likely to be able to support the applicant with an adequate income, from selling the progeny from the brood mares. Furthermore no business plan has been submitted to detail how the horse breeding business is projected to operate and perform in the coming years. As such the applicant has not demonstrated that the business has a reasonable prospect of remaining financially sound.*

- *There is a dwelling adjacent to the site, which was occupied by the applicant until recently and was available for rent after the applicant vacated the dwelling. That dwelling would adequately meet any perceived functional need for a worker to live near the site. There is no strong evidence that the perceived functional need could not have been met by other existing accommodation in the area.*

*As such it is considered that the proposal does not meet the special circumstances for allowing a dwelling in the countryside described in the first bullet point of paragraph 55 of the National Planning Policy Framework or Policy H/2 of the West Somerset District Local Plan.*

*Planning policy supports sustainable economic development. In order that a business is sustainable development it must be financially viable. As there is not clear evidence that the business is financially viable and profitable with a reasonable prospect of remaining so, the provision of a dwelling in support of this business constitutes unsustainable and harmful development and as such is not in accordance with Policy contained within the National Planning Policy Framework (2012).*

*2. The application site is located outside of any development limits set out in the Local Plan, in the open countryside, and remote from community facilities nor does the site have good access to jobs, key services and infrastructure. In such locations development should 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. The provision of the dwelling would not have any substantive social or economic benefits and the occupants of the dwelling would be reliant on the private car to meet many of their daily needs. Without special justification the provision of a dwelling in this location is unsustainable and harmful development and contrary to the provisions of Policies SP/5 of the West Somerset Local Plan, STR1 and STR6 of the Somerset & Exmoor National Park Joint Structure Plan.*

*Paragraph 55 of the National Planning Policy Framework which promotes sustainable development in rural areas and specifies that housing should be located where it will enhance or maintain the vitality of rural communities. The proposed dwelling would neither maintain or enhance the vitality of the rural communities in the surrounding area and as such the provision of a dwelling in this location is also contrary to Policy in the National Planning Policy Framework.*

*3. Policy H/6 of the West Somerset District Local Plan allows for the conversion of existing buildings outside designated settlements to holiday accommodation or permanent residential use provided that the applicant can demonstrate that every reasonable attempt has been made to secure a business use of the building. The applicant has not demonstrated that every reasonable attempt has been made to secure a business use of the building and as such the proposal does not comply with the criteria of Policy H/6 of the West Somerset District Local Plan.*

## **Proposal**

The application seeks consent for the change of use & conversion of an existing equestrian/domestic store into an equestrian manager's dwelling. The applicant also wishes to secure a change of use of land and buildings for dual agricultural and equestrian use. The current proposal follows a previous refusal under reference 3/28/12/003. The current application seeks to overcome the previous reasons for refusal listed above. Whilst the description and nature of the proposal has not changed, additional documents relating to the justification for the change of use have been submitted with the application.

The following additional documents have been submitted:

- Updated equestrian appraisal.

- Updated design and access statement.
- Planning statement
- List of invoices (confidential).
- Business plan (confidential).
- Copies of financial accounts for the 3 years ending 31st March 2011,2012 and 2013 (confidential).
- Accountant's letter dated 3rd October 2012 (confidential).
- A further letter from the applicants on the 8th of July to provide further clarification in response to a request from the council.
- Copies of six letters of support which were received during consideration of the previous application 3/28/12/003.
- A copy of a letter from the Valuation Office Agency dated 2nd October 2012 referring to the update of their records with the applicants property (Higher Thornes farm).

### **Site Description**

Thornes Farm is located within the parish of Sampford Brett and is located at Lower Weacombe. Lower Weacombe lies to the north of the village of Bicknoller and the to south west of West Quantoxhead. The farm is located in a relatively isolated position and is located within the open countryside. The Quantock Hills Area of Outstanding Natural Beauty is located approximately 600 metres to the east of the site.

### **Planning Analysis**

#### **1. Principle of Development**

The application site lies in open countryside. It should be noted that since the determination of the previous planning application the Somerset Structure Plan has been revoked. Whilst the Structure Plan policies have some weight, primarily the proposal is assessed against the NPPF and saved policies of the Local Plan. Significant weight is given to the NPPF.

It should be further noted that the Local Planning Authority are currently unable to demonstrate a five year housing land supply in accordance with paragraph 47 of the NPPF. As such proposals for housing are assessed against sustainability criteria in the NPPF, specifically paragraph 7 which sets out three dimensions to sustainability, economic, social and environmental. There would be some economic benefit to the local economy in that local businesses such as feed merchants, agricultural contractors, farriers and veterinary services are used. The proposed dwelling will bring economic benefits only during the conversion period due to businesses being employed to carry out the conversion works. The provision of a dwelling in itself does not result in any substantive economic benefit. No substantive social benefit will be accrued from the proposal.

In terms of transport sustainability paragraph 17 (11) states (inter-alia) that planning should '*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling*'. Paragraph 37 states that; "*Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities*".

The site is approximately 1km away from the nearest settlements of Bicknoller and West Quantoxhead where there are very limited facilities. Williton, a rural centre, is approximately 3km away. Due to the terrain, nature of the roads and distances involved the occupiers of the new dwelling are likely to be wholly dependent on private vehicles for their daily needs. This fosters a growth in the need to travel. This has to be balanced with the reduction in traffic associated with the applicants living on site. Whilst journeys to work would reduce, all other journeys associated with daily life (shopping, leisure, education etc) would still be carried out. The provision of a dwelling would result in a number of journeys from servicing, deliveries etc. It is considered that the reduction in traffic movements due to living on the site will not outweigh the traffic associated with the provision of a dwelling in an isolated location.

As such the proposed location for the dwelling would be unsustainable in terms of transport sustainability and would therefore not accord with NPPF in this regard. The primary policy consideration would therefore relate to paragraph 55 of the NPPF which specifies the approach Local Planning Authorities must take in dealing with applications for agricultural workers dwellings.

## **2. Dwellings for rural workers**

It is recognised that for the proper functioning of rural enterprises, including equestrian businesses, that individual dwellings are sometimes required in the open countryside. This is identified in the local plan as policy H/2 but has only identified agricultural and forestry workers accommodation. As equestrian workers are similar in nature to agricultural workers the guidance given in this policy is relevant to this application. The policy contains 5 criteria that need to be complied with if a dwelling is to be permitted. These are:

- *there is a proven need for the dwelling on the holding.*
- *the design and materials of the dwelling and associated ancillary activities are in keeping with the local vernacular and the rural character of the area.*
- *the siting of the dwelling minimises impact on the surrounding landscape;*
- *an appropriate landscaping scheme is proposed.*
- *they are of a size commensurate with the established functional requirement of the holding.*

Paragraph 55 of the NPPF states (inter-alia) that:

*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.*

The NPPF superseded Planning Policy Statement 7 (PPS 7) in March 2012 as the relevant government guidance. PPS 7 referred to an "essential need for a worker to live at or near their place of work", the NPPF requires there to be an "essential need for a rural worker to live permanently at or near their place of work in the countryside". As discussed within the report to the previous proposal (3/2/8/12/003), there has not been any substantive change with the publishing of the NPPF and the revocation of PPS7. Annex A of PPS 7 provided the detailed criteria against which "essential need" should be judged. There is nothing, within paragraph 55 of the NPPF, to suggest there should be a significant departure from the sort of considerations that were required by Annex A when assessing an "essential need". Several appeal decisions have suggested that Annex A remains an appropriate way to assess "essential need" as it is well established and well understood. As such Annex A of PPS 7 is considered to be an appropriate means of assessing the "essential need" test, although it is acknowledged that it is no longer National Planning Policy and does carry less weight than previously. It is noted that the applicant has also had regard to Annex A in seeking to demonstrate an "essential need".

The Council have commissioned a consultant to appraise the submitted information against the functional and financial tests. The appraisal by the consultant was undertaken on the basis of the initial submission. Following the consultants report, the Council requested additional information from the applicant which was subsequently received during the consideration of the application. In response the Council's consultant undertook a further



appraisal of the additional information. The consultants two reports contain commercially sensitive information. In order to retain confidentiality, the relevant details have been omitted from the reports which are included above (titled Rural Planning Limited).

As the supporting information to the application contains some commercially sensitive information, the appraisal report deals with the assessment in general terms. In order that there is the opportunity to retain confidentiality, relevant confidential details have been omitted from the two reports

Details within this report in general terms only. Annex A of PPS7 (paragraph 3) states: New permanent dwellings should only be allowed to support existing agricultural activities on *well-established* agricultural units, providing:

1. A clearly established existing functional need for a dwelling.
2. The need should relate to a full time worker
3. The unit and business activity should have been established for at least 3 years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so.
4. The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation.
5. Other planning requirements, eg in relation to access, or impact on the countryside, are satisfied. Further to this paragraph 9 of Annex A states that agricultural dwellings should be of a size commensurate with the established functional requirement.

*Functional need/full time worker (criteria 1 and 2):*

The assessment of the application on the basis of the functional and financial tests are interlinked in that the financial test would provide evidence of the scale of the enterprise, how it functions and whether it is sustainable. Clearly, the assessment of the functional need is in part dependant on an acceptable degree of evidence to establish the track record and sustainability of the rural enterprise. It is considered that the applicant has not demonstrated that there is an *established existing functional need* as there is not clear evidence that the business is sufficiently 'well established' as required by paragraph 3 of Annex A.

It was acknowledged that a racehorse breeding business of the type and scale proposed (6 brood mares) may require the full time functional attendance of a worker. However, there are significant deficiencies and inconsistencies within the supporting information that suggest the business has not been sufficiently 'well established' for the purposes of Annex A.

*Financial test (criteria 3):*

*Paragraph 8 of Annex A states:*

"New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned".

A race horse breeding business is the rationale for providing on-site accommodation. The 2005 Equine Business Guide indicates that profitability is not easy to achieve for horse breeders. As such any application should be supported with complete and reliable supporting information.

The further years accounts submitted with the current application bring to just three years the period during which the racehorse breeding business is identifiable in the accounts. However, Annex A refers to a period of "*at least 3 years*". The rationale behind this wording is that rural enterprises have significant variation in terms of risk and profitability. An enterprise that is high risk and unpredictable (for example where there is a

fluctuating/unpredictable market) would require a longer period from its establishment to demonstrate long term financial viability and sustainability. The nature of the horse breeding is generally considered to be relatively unpredictable and high risk. The proposal should be able to demonstrate through clear evidence that the enterprise has been planned on a sound financial basis, a firm intention (often demonstrated by significant actual investments) and an ability to develop the enterprise. Whilst, against this underlying requirement, it is considered that the enterprise is not sufficiently well established in accordance with the requirements of paragraph 3 of Annex A for the following reasons:

#### *Horse sales*

- The applicant has indicated that 8 foals were bred between April 2010 to March 2013 that ultimately survived and 7 foals or yearlings were sold. There was no identifiable breeding by the applicant prior to 2010/11.
- The applicant has submitted an invoice summary detailing horse sales with the date and amount of sale. As in the previous application, no independent verification of these sales has been received despite this information being requested during consideration of this application and the previous application in 2012. Furthermore, these are private sales and the applicant contends that it would be difficult to get verification from the purchasers in writing, despite it being offered by the council that any such disclosures are treated confidentially.
- Given the apparent high value and low number of horse sales, it is considered that independent verification is essential in order to demonstrate a proven track record for the business. This is further amplified by the nature of horse breeding businesses whereby it is difficult to assume that every horse bred and raised will achieve a high price and profitable sale. It is noted that no details have been given as to the racing results, or private sales figures for foals born to the businesses mares prior to acquisition by the applicants. The only information available relates to that of 'Rutland Water' an un-raced brood mare the applicants acquired in March 2013. Prior to the applicant purchasing her in 2012 two of her foals were sold (in 2011 and 2012). Despite being sired by studs that were previous Derby winners the prodigy were sold for approximately half the likely stud fees. These sales would represent significant losses which again demonstrate the difficulty in assuming a high sale value for every horse that is bred.
- An invoice summary has been submitted which provides a breakdown of horse sales, however no independent verification has been provided of these sales. It is further noted that during 2012/13 the total of three sales exceeds the figure in the accounts.

#### *Bloodstock valuation basis and breakdowns*

- There were no detailed stock valuations or breakdowns submitted with the initial application. Overall figures are included within the financial accounts. Concerns were also raised during consideration of the previous application over the valuation of stock and the significant uplift in stock values between 2010/11 and 2011/12. These values are significant as they form a significant proportion of the assumed profits of the business on the basis of which the new dwelling is justified.
- Following a request of the Council the applicant has submitted valuations based on the 'Bloodstock Valuation Taxation Guide' (the guide) for 2012/13. Concerns remain over this aspect of the justification for the dwelling. Whilst the applicants have based the last financial year end stock valuations on 'the Guide', this has not been done for previous years, of significance; no methodology is given for the years where there were large notional uplifts in stock value (2010/11 to 2011/12).
- The applicant maintains that were the guide to have been used in previous years, the figures would have been higher for those years. The impact of this would be that the opening valuation as at 31st March 2012 would have been higher, reducing the assumed profit for 2012/13.

- It is further noted by the Council's consultant that in any case, the guide does not appear to have been applied correctly. Contrary to any approach specified in the guide, the applicant attributes value to brood mares (initially transferred into the business for little or no outlay) based on stud nomination fees (for 2 of the mares) and costs of mares keep, implying an increasing value year on year derived from those costs. However (in the absence of any special factors) breeding stock will decrease in value with age). Furthermore, the applicants appear to have added value to foals based on assumed cost of keep from birth rather than only from weaning as per the Guide.

#### *Acquisition cost of mares*

- It is noted that three of the six mares were registered as being in Mr and Mrs Bosley's ownership relatively recently ('Farleigh' and Ruland Water' in March 2013, and 'So Peaceful' in May 2013). The applicants maintain that these horses have been within the business prior to these dates (2011, 2013 and 2010 respectively). Notwithstanding this inconsistency, this demonstrates the relatively fledgling nature of the business.
- The additional information submitted with the application indicates that only one mare was given an acquisition cost (£1250). Three of the mares appear to have been purchased by the applicant and gifted to the business as a 'capital investment'. The applicant has confirmed verbally that 'So Peaceful' was transferred to the business from Mrs Powell with the applicants retaining full rights to proceeds of future sales.
- Proceeds of sales resulting from the first foal of 'Rutland Water' will be split 50/50 between the applicants and the previous owner.
- The applicant has not submitted justification as to why purchase costs for three of the horses are not included within the business accounts.

#### *Business Plan*

- In terms of assessing a proposal against the requirements of Annex A, a detailed and sound business plan indicates the intention and provides further confidence that a business can be further developed and be sustainable. The submitted business plan includes a summary of predicted budget figures for the business on the assumption that (subject to approval of the current planning application) the number of mares would increase from 6 to 8 over the next 3 years. However, the business plan does not attempt to amplify the underlying business approach and rational, for example explaining the perceived breeding and sales strategies, the progeny potential of chosen sires and mares and assessment of their resultant foals to date.
- The business plan does not include risk analysis for failures to conceive, lost pregnancies and deaths (the mare Borasco who was acquired by the applicants died in 2012).

#### *Stud fees*

These are shown in the 2012/13 accounts as £8262. The applicants submit in the planning statement that favourable deals have been negotiated in relation to stud fees and that there is no reason why this would not continue in the future. The planning statement further states that fees are paid at market rates. As specified by the Council's consultant under the previous application, stud fees run into several thousands and for top stallions into tens of thousands and given the unpredictability of sale values (even with the use of high quality studs) these figures further demonstrate the difficulty of this business model to turn a profit.

#### *Other accommodation in the area (Criteria 4)*

Blakes Farmhouse, a four bed roomed detached thatched dwelling, is located to the west of the application in very close proximity to the buildings and yard where the main activities of

the business take place. The applicants previously lived in the farmhouse. Shortly before to the submission of the previous application (3/28/12/003) the applicants moved out of the farmhouse, into a mobile home within the application site. In the intervening period the applicants have occupied the subject building for use as a dwelling.

It appears that Blakes farmhouse has subsequently been let and is currently unavailable as alternative accommodation. In addition, the applicants maintain that:

*"renting locally would not be suitable for the purpose of running a business on the scale of the applicants"*. However, taken on face value, the 2011/12 and 2012/13 accounts show a sufficient net profit to support the cost of renting. Annex A refers to the suitability and availability of accommodation as primary considerations in assessing the suitability of alternative accommodation. A brief internet search has been conducted on one website to establish whether there is accommodation available in the area for rent or sale. This has demonstrated that there are two locally available properties priced below £250,000 and one property priced below £200,000. In addition one property was found for rent below £600.00 a month. All of these properties are within one mile of the subject site.

At present, these are secondary issues as the applicant has currently not demonstrated that the business is sufficiently financially sound and well established and therefore the principle of the proposed change of use is unacceptable.

*Conclusion:*

Notwithstanding the revocation of PPS7 (and the associated Annex A) it is considered that the means of assessing "essential need" as advocated within Annex A remains a sound basis for decision making. There are four key tests that should be met in order that an "essential need" should be accepted.

The information submitted with the application and additional details submitted during the course of the application does not provide sufficiently demonstrate that the existing business is financially sound and well established. As such it is considered that an *existing, established* functional need for a dwelling has not been demonstrated.

The current application shows a progressing enterprise. However, particularly given the unpredictable and high risk nature of the business model, there is insufficient consistent and substantive information to show that a blood stock breeding business has been sufficiently well established as a business for a sufficient period of time and that the business is currently financially sound or that the business is likely to be able to support the applicant with an adequate income, from selling the progeny from the brood mares.

Furthermore, there is insufficient detail as to the future business's plan to provide sufficient confidence that the business will develop profitably and the requirement to demonstrate that the business has a reasonable prospect of *remaining* financially sound has also not been proven.

**3. Conversion of the existing building:**

Paragraph 55 of the NPPF states (inter-alia) that;

*'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting'.*

In this instance, the conversion of the existing building is not considered to constitute sufficient justification for the change of use to residential accommodation. The building has not existed for a significant period of time since the original (retrospective) approval for its construction in 2007. The building has predominantly been used for associated equestrian storage in relation to activities on site and as such is not a redundant building. Furthermore, the relevant section of paragraph 55 above requires an *'enhancement to the immediate*

*setting* in addition to the reuse of the building. This would imply a redevelopment where buildings have been redundant for some time and have fallen into significant disrepair, such as for example a historic stone barns, where significant benefits arise with the conversion. In this instance, the conversion of the building would have a neutral impact on its immediate setting and there is insufficient 'special justification' relating to change of use of the building contrary to paragraph 55 of the NPPF.

Saved policy H/6 of the adopted Local plan (2006) states:

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

The application site is located within the open countryside. Policy LC/3 states that:

*"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 that does not respect the character of the local landscape will not be permitted".*

The siting of the dwelling amongst a cluster of buildings together with the building being clad in wood with a natural slate roof blends into the surrounding area. The proposed dwelling can be viewed from the restricted byway but distance views illustrate that the environmental quality of the area is not adversely affected. On balance it is considered that the domestication of the area will be limited and set within a cluster of buildings with other dwellings which are located in close proximity. Furthermore, additional soft landscaping such as native hedge planting can be secured through a planning condition. As such it is considered that proposed change of use would not adversely affect the landscape significantly or views of the site from the Quantock Hills. With regard to the use of the buildings and land for the dual use of agriculture and equestrian these would not adversely affect the rural character of the area.

The other aspect of the application seeks, via a change of use a joint agricultural and equestrian use, this dual use applies to the existing buildings and land within the red line. In terms of character and appearance little will differ as a result, with the exception of possible additional equestrian equipment and paraphernalia being present on site. Having said this the use of farmland for a equestrian use is fairly typical and would not adversely impact the character and appearance of the area.

Taking all of the above into account it is concluded that the proposal would have an acceptable impact on the character and appearance of the area.

#### **5. Residential Amenity**

The proposed dwelling would be located approximately 60 metres from the nearest dwelling, Blakes house. In planning terms, this is a significant distance and therefore there would be no impact upon nearby properties in terms of residential amenity.

#### **6. Highway Safety**

The Highway Authority note that the application site is located outside of the development boundary of any settlement and is therefore contrary to guidance given within the NPPF. However, they go on to note that the dwelling is being progressed as an exemption and it is a matter for the Local Authority to decide if this is sufficient to override the wider policy concerns. This issue has been discussed within section 1 of this report.

In terms of detail the site is accessed from Weacombe Lane via a Restricted Byway and as such they note that the applicant will need to ensure they have a legal right of access to the site, which would need to be in place for the proposed use.

The Highway Authority also notes that no specific parking spaces are shown on the submitted plan (BOS 006A) but the parking area is big enough to provide sufficient parking,

although the existing uses on the site complicate the parking requirements of the site. However, given the distance from the highway and there being sufficient ability to accommodate adequate parking on site. The Highway Authority ultimately concludes that the proposal would not result in an unacceptable impact on the highway. They do request a condition be attached which ensures the planned parking area is put in place prior to the occupation of the dwelling.

## **7. Flood Risk**

The site is located within Flood Zone 1, which is the lowest zone of risk. The applicants do not propose to erect any significant new structures on the site but are proposing to change the use of a store facility into a permanent residential unit. No comments have been received from the Environment Agency. However, it is noted that under the previous application (3/28/12/003) the Environment Agency confirmed they did not have any specific comments to make in respect of this proposal. It is therefore concluded that the application is acceptable in terms of the impact on the level of flood risk.

## **8. Other Implications**

### *Enforcement Investigation*

It should be noted that there are inconsistencies between the 'existing' submitted plans and the extent of development on site. A site visit on 9th July 2013 revealed that the building has largely been internally partitioned in accordance with the proposed plans. Furthermore the site visit confirmed, in addition to the applicants confirmation in writing that the building is being used as a dwelling. The use of the building as a dwellinghouse is subject to a separate enforcement investigation.

### *Parish Council Comments*

The Parish Council has objected to this proposal on the basis that the scheme would be contrary to condition 2 of the planning permission for the barn. That condition prevented the building being used for residential accommodation. The purpose of this planning application is to allow an assessment as to whether the justification for the dwelling, put forward by the applicant, is sufficient so that planning permission should be granted. It is not reasonable for the Council to simply refuse permission because a condition would be breached. Consideration must be given the individual merits of the case. In the event that planning permission was granted, the previous permission and any associated conditions would be superseded.

## **Environmental Impact Assessment**

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

## **Conclusion and Recommendation**

It is considered that the proposal, is unacceptable and it is recommended that planning permission be refused.

### **Reason for Refusal:**

- 1 Within open countryside the provision of isolated new dwellings should usually be avoided. The justification for the dwelling, relates to need for the occupants to be on site to support an equestrian business (race horse breeding). Permission should only be granted for isolated dwellings in the countryside in special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

There is no evidence to show that a blood stock breeding business has been sufficiently well established as a business for a sufficient period of time, nor that the business is sufficiently currently financially sound or that the business is likely to be



able to support the applicant with an adequate income, from selling the progeny from the brood mares. Furthermore, the applicant has not provided a sufficiently detailed or evidenced business plan to demonstrate how the horse breeding business is projected to operate and perform in the coming years. As such the applicant has not demonstrated that the business has a reasonable prospect of remaining financially sound.

As such it is considered that the proposal does not meet the special circumstances for allowing a dwelling in the countryside described in the first bullet point of paragraph 55 of the National Planning Policy Framework or Policy H/2 of the West Somerset District Local Plan.

- 2 The application site is located in the open countryside, remote from community facilities and the site does not have good access to jobs, key services and infrastructure. In such locations development should 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. The provision of the dwelling would not have any substantive social or economic benefits sufficient to justify the provision of a dwelling in an isolated location and the occupants of the dwelling would be reliant on the private car to meet many of their daily needs. Without special justification the conversion of the building to a dwelling in this location is unsustainable.

Paragraph 55 of the National Planning Policy Framework promotes sustainable development in rural areas and specifies that housing should be located where it will enhance or maintain the vitality of rural communities. Paragraphs 6 and 7 of the National Planning Policy Framework specify that the purpose of the planning system is to contribute to the achievement of sustainable development: economic, social and environmental. The proposed dwelling would neither maintain or enhance the vitality of the rural communities in the surrounding area and as such the provision of a dwelling in this location is contrary to Policy in the National Planning Policy Framework. Furthermore, the proposed dwelling would not have any substantive economic or social benefits sufficient to justify a dwelling in an unsustainable location, contrary to paragraphs 6 and 7 of the National Planning Policy Framework.

- 3 The subject building has been constructed relatively recently, has remained in use in association with activities on the site since its construction and is therefore not a redundant building. The proposed conversion of the subject building would have a neutral impact on its surroundings and would not enhance its immediate setting. As such the proposal would fail to demonstrate compliance with bullet point 3 of paragraph 55 of the National Planning Policy Framework.

## Notes

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

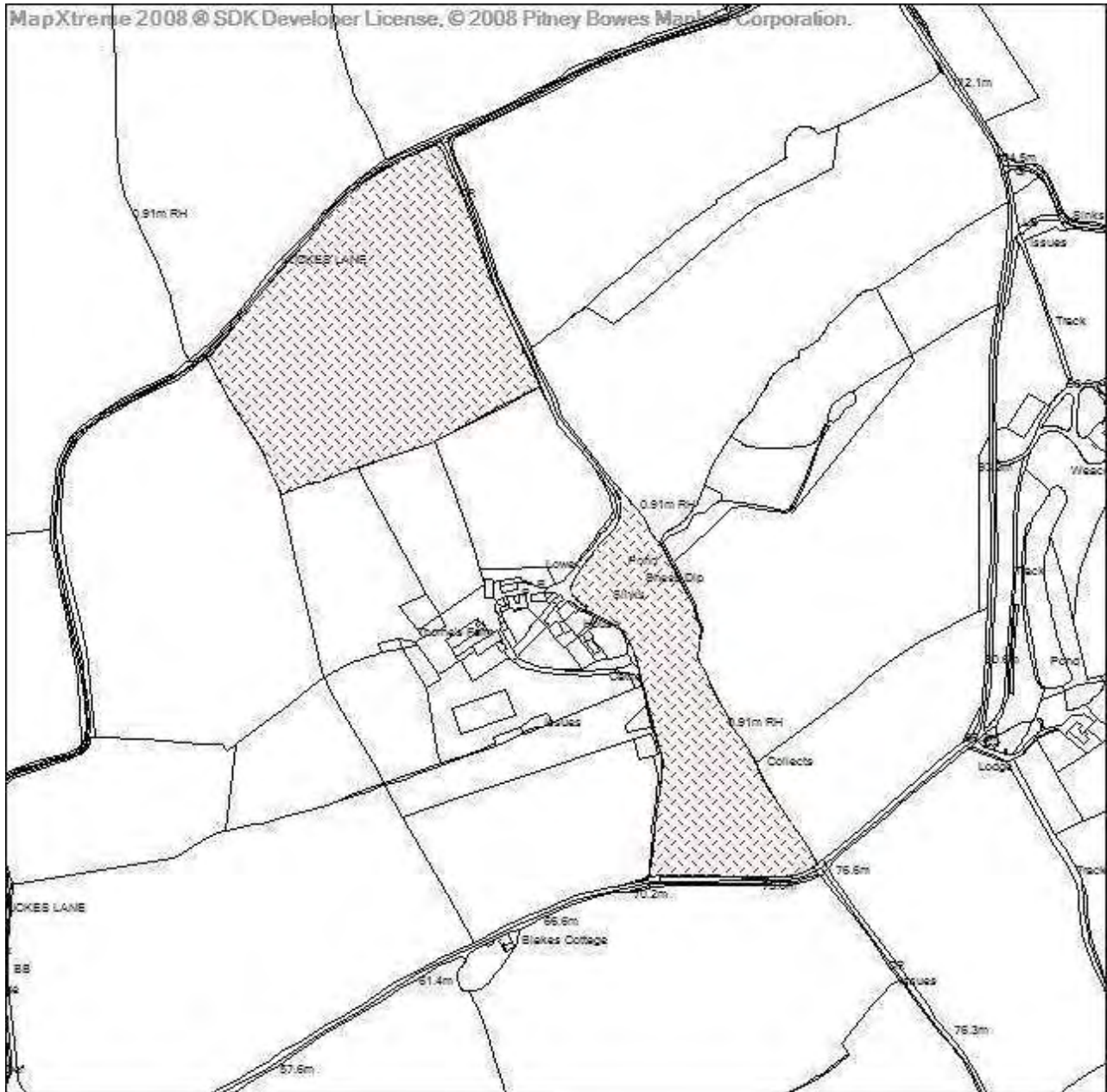
Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority.

During the consideration of the application certain elements of the proposal were deemed to be unacceptable and additional information was sought from the applicants. The local planning authority contacted the applicant in writing to inform them of the concerns at an early stage. In addition the Local Planning Authority set out in writing the additional information required to address the issues/concerns raised. Furthermore, this application follows a previous refusal of planning permission whereby the applicant was provided with full details as to the issues being considered and was given opportunity to address the issues raised.

Although the applicant submitted some additional information, this did not fully address the concerns and therefore the applicant has been unable to adequately demonstrate that the proposal complies with the relevant planning policies. The application was considered not to represent sustainable development and the development would not improve the economic, social or environmental conditions of the area. In the determination of this application the local planning authority complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

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

- 2 This decision relates to Drawing Numbers: BOS001, BOS002, BOS003A, BOS004, BOS005A, BOS006A, Planning Statement titled 'Application for planning permission on behalf of Mr and Mrs K Bosley', Design and Access Statement, Flood Statement, Equestrian Appraisal, Financial accounts titled 'Appendix 2, Invoice list titled 'Appendix 1', Business Plan, letter from accountant dated 3rd October 2012 received 10th June 2013, letter from applicant received on 8th July 2013, Letter from accountant dated 4th of July and received on 5th of July 2013 only.
- 3 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.



Application No 3/28/13/004  
 Change of use and conversion of equestrian/domestic store to equestrian manager's dwelling and change of use of buildings and land for dual agricultural and equestrian use. Land at Higher Thornes Farm, Lower Weacombe, West Quantoxhead, TA4 4ED  
 10 June 2013  
 Planning Manager  
 West Somerset Council  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council  
 Licence Number: 100023932



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 Easting: 310547      Northing: 140477      Scale: 1:5000

<b>Application No:</b>	3/37/13/015
<b>Parish</b>	Watchet
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Michael Hicks
<b>Grid Ref</b>	Easting: 306687      Northing: 143391
<b>Applicant</b>	Mr Elliott-Ogden Regal Heritage Ltd
<b>Proposal</b>	Construction of seven linked town houses in lieu of five linked town houses as previously approved by 3/37/06/007 and 3/37/06/051
<b>Location</b>	Lorna Doone Park, West Street, Watchet, TA23 0BJ
<b>Reason for referral to Committee</b>	If planning permission is granted this application would be subject to a Section 106 Agreement

### **Risk Assessment**

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

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

### **Site Location:**

Lorna Doone Park, West Street, Watchet, TA23 0BJ

### **Description of development:**

Construction of seven linked town houses in lieu of five linked town houses as previously approved by 3/37/06/007 and 3/37/06/051

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

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

No comments received at the time of writing the report. Members will be updated at the committee meeting through late correspondence should comments be received.

#### ***Highways Liaison Officer***

The proposal relates to the construction of seven linked town houses.

The principle of residential development has already been established under both outline and reserved matters permissions.

In terms of vehicle movements the proposal would see an increase in vehicle movements as the site would see a net increase of two dwellings. However the existing estate road layout is of sufficient standard to accommodate the additional vehicle movements which would be associated with this residential development.

Regarding the design detail Drawing No. 10034-01 shows that provision has been made for the parking of two vehicles per residential unit. Somerset County Council's Parking Strategy requires that three bed room developments in Watchet are required to provide three spaces. As a consequence there is a short fall of seven spaces and may result in vehicles having to parking on the adopted highway.

It is noted from the internal layout of the parking area that parking bay 1 is quite narrow and only provides a width of 2.7m. The Highway Authority would require a width of 3.0m which is set out in the Parking Strategy. The proposed dwellings are not set back from the edge of the carriageway as such any garage doors that would be fitted would need to be a roller shutter type and not an up and over type. The Highway Authority would not require turning to be provided as Lorna Doone is designated as Unclassified Highway.

Therefore to conclude there is no objection in principle to this proposal, however in terms of the detail there are some points that the Highway Authority would need to be addressed. But if the Local Planning Authority were minded to grant planning permission the Highway Authority would require the following conditions to be attached:

- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- Before the garage hereby permitted is brought into use, the garage door as shown on the submitted plans shall be of roller shutter type and permanently retained as such.
- The area allocated for parking on the submitted plan, Drawing No. 10034-01, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Note:

- The proposal will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the West Somerset Area at the Highways Depot, Mart Road Industrial Estate, Minehead, Tel No. 0845 345 9155, He will be able to advise upon and provide the relevant licences, necessary under the Highways Act 1980.

### ***Wessex Water Authority***

No objections to the proposal. Comments are provided regarding water supply and waste connections, protection of existing public sewers and new regulations regarding the adoption of new private sewers.

### ***Somerset Drainage Board Consortium***

The above site is outside of the Board's operating area and therefore the Board would have no input to make regarding the development.

### ***Public Consultation***

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

Three letters have been received from adjoining neighbours objecting to the proposal. The following objections are raised:

- The land to the south of No. 17 has already slipped. Who will be responsible if the land slips again.
- The depth of the buildings does not allow for 2 cars to be parked in the garage space. This has been discovered when Nos 12 to 17 were completed.
- Double yellow lines have been drawn outside the proposed properties so the residents

and building workers will not be able to park outside their homes. Where will the additional vehicles be parked?

- The area is already very congested so another 7 houses will cause chaos.
- the extra houses should have been completed at the same time as Nos. 1 to 17 and the flats. To start construction work again when the residents are settled is unacceptable.
- Space for construction vehicles is extremely small and could cause accidents.
- Building in such a small area will cause dust and dirt and there will not be space for lorries to deliver and/or park.
- The economic downturn does not warrant causing a significant increase in vehicular and pedestrian traffic to increase the profitability of the site.
- The Local Authority should insist that the developer undertake measures to ensure the bank is adequately reinforced.
- Will the spaces that exist for the existing flats be taken up by people visiting the houses that are to be built?

### **Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

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

### **National Policy**

The National Planning Policy Framework is a material planning consideration

### **Planning History**

The following planning history is relevant to this application:

3/37/06/051	Construction of 21 houses & 16 flats with associated site works as amended by: revised phased programme of construction/working method statement received on 11/01/07; revised drawing no. 06048-41a received on 1/2/07 and revised drawings no. 06048-01a, 04a, 05a, 10a, 11a, 30a and 40a received on 29/1/07	Granted	02/03/2007
3/37/06/007	Residential development of 37 residential dwellings, new access road.	Granted	28/11/2006

### **Proposal**

The site is located within 'Lorna Doone' a recent, uncompleted residential development previously approved under planning references 3/37/06/051 and 3/37/06/007 for the construction of 21 houses and 16 flats. Lorna Doone is accessed from the southern side of

the B3151 to the west of Watchet and is an adopted estate road. The flats and 15 of the 21 approved dwellings have been completed and are occupied. The site is located on the final undeveloped portion of the site and currently has an extant permission for the construction of a terrace of five, four bedroom dwellings.

The scheme, as amended is as follows:

- The proposed terrace of 7 dwellings would measure 30.3 metres in width by 8.8 metres in depth (compared to a width of 29.4 metres under the extant permission). It would have a dual pitched roof with an eaves and maximum height of 7.4 and 11.4 metres respectively. The principle amendment to the proposed scheme related to the lack of width within the proposed garages. Amended plans were received to increase the width of each dwelling by 0.3 metres (a total of 2.1 metres over the length of the proposed terrace).
- The proposed terraced dwellings would have four stories. An integral garage and open fronted car port is located within the ground floor and is intended for the parking of two vehicles. The ground floor would be located largely below ground level towards the rear of the dwellings due to the sloping site.
- The first floors would contain the proposed kitchen and living areas whilst the second and third floors would contain a total of three bedrooms.
- The proposed rear amenity spaces would be located at first floor level due to the sloping site.
- Proposed design features within the front elevation would include the following: Juliet balconies to plots 17-21 at first floor level, a single dormer window to the front roof slope for five of the proposed dwellings, twin roof lights to the front roofslope of the remaining two dwellings, open fronted integral car ports and a mixture of dual and mono pitch door canopies.
- Proposed materials would include fibre cement slates for the roofs, a mixture of red brick, horizontal cladding and smooth painted render to the walls and softwood windows and doors.
- Vehicular access to the site would be through the existing estate road.

## **Site Description**

The proposed site measures approximately 31 metres in width with a maximum depth of 12 metres and is located on the southern side of Lorna Doone. Ground levels within the site rise from the front to the rear of the site. There is a parking court directly to the west of the site and a completed terrace of 5 dwellings located directly to the east.

## **Planning Analysis**

### ***1. Principle of Development***

The site is located within settlement limits for Watchet. Whilst it should be noted that since the last application was considered the Somerset and Exmoor National Park Structure Plan has been revoked, the site has an extant permission for the construction of 5 dwellings and the site is located within a 'rural centre' as defined by saved policies SP/1 and SP/2.

The National Planning Policy Framework (The Framework) Section 6, para.49 advises that "*housing applications should be considered in the context of the presumption in favour of sustainable development*". The Framework does highlight that sustainability comprises of three roles; economic, social and environmental, with the social role requiring the need to provide a supply of housing available to meet the needs of present and future generations.

Policy SP/1 of the Local Plan designates Watchet as a rural centre. Policy SP/2 of the Local Plan permits commercial or residential development within the development limits of Watchet subject to a range of criteria. Collectively the settlement policies within the Local Plan seek to focus the majority of development within Minehead and the Rural Centres and

larger villages.

The principle of residential development at this location is therefore acceptable. The remaining consideration relates to other planning considerations such as design, amenity and planning obligations.

## **2. Planning Obligations**

The proposal would result in a net increase within the site of 2 dwellings (an increase from 37 to 39 residential units). The thresholds in the adopted West Somerset Planning Obligations SPD for affordable housing and community infrastructure contributions within Watchet are 5 or more dwellings. The proposal would therefore trigger additional community infrastructure and affordable housing contributions.

The existing residential scheme has not been completed due to viability issues associated with completing the development that have been brought about by a range of issues associated with the downturn in the economy. The viability of the extant permission has been further affected by a lack of demand in the market for the previously approved four bedroom dwellings. The smaller three bedroom dwellings proved to be more saleable than the four bedroom units and would therefore be the most viable design for the applicant to construct in order to complete the development. The applicant has submitted a viability appraisal, including a viability assessment, construction cost estimate and a sales forecast estimate through pre application discussions. These demonstrate that the profit margin for the 7 dwellings is no greater than for the previously approved 5 dwellings and therefore there would be no additional funds to provide additional planning contributions.

The underlying consideration relates to the benefit of enabling the developer to complete the development in lieu of the previously approved scheme with a scheme that responds to market demand and is viable. Of significance there is an outstanding contribution of £37000 payable under the previously approved scheme for community infrastructure. The proposed scheme would include an amendment to the original unilateral undertaking with amended triggers for the payment of these funds. The original trigger for payment is worded as follows:

"£37000 upon first occupation of the nineteenth dwelling to be occupied on the land".

This would be deleted and replaced with:

"£37000 on the sooner of:

- (a) the first occupation of the third (3rd) dwelling to be constructed pursuant to the revised permission on the revised Development Land; or
- (b) the expiration of a period of 2 years following the date on which the Revised Permission has been agreed".

The Framework is clear that in respect of planning obligations local planning authorities should take account of changing market conditions and where appropriate be sufficiently flexible to prevent planned development being stalled. It is considered that in this case it has been demonstrated that, due to viability issues, it is appropriate to not seek additional contributions as part of this revised proposal. It is also considered appropriate to alter the existing obligation to allow a later payment of the outstanding contribution once a portion of the final phase of the scheme is occupied.

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

The proposed dwellings would be similar in appearance to those that have already been constructed on site. Whilst the dwellings would be narrower than those within the adjacent terrace to the east of the site the, proposed elevations and streetscene elevation indicates



that the overall appearance of the dwellings would not appear overly cramped or incongruous. Furthermore, the street scene elevation indicates that the height and width of the proposed terrace remains similar to that of the previously approved scheme. The proposed materials would tie in well with the existing dwellings on the site. Overall the proposed dwellings relate well with the scale, design and appearance of the existing dwellings adjacent to the site and would not harm the appearance of the streetscene.

#### **4. Residential Amenity**

The impact of the proposal on residential amenity is considered to be acceptable. The location of the front elevation of the proposed terrace would be located a minimum of 15 metres from the front of the facing terrace on the northern side of the estate road (plots 10 and 11). This distance would accord with the relevant dimension on the extant permission and is therefore considered to be acceptable.

The bedroom windows to the rear elevation of the proposed terrace would be in the same plane as those in the adjacent terrace, (Nos 12-16). As such whilst there would be some mutual overlooking of rear amenity space between occupiers of the existing and proposed terraced dwellings, it would be at an acceptable level that is widely accepted in residential areas. The two small windows to the eastern flank elevation would be acceptable as they would serve a bathroom and staircase and would face a blank elevation and side passage to the side of No. 16. As such there would be no undue impact on the occupiers of Nos 12-16 Lorna Doone in terms of actual or perceived overlooking.

There would be an increased overlap between facing front elevations between plots 38 and 39 within the proposed terrace and existing studio flats on the northern side of the estate road. (Nos 37-39). The overlap would increase by 1.8 metres. Overall, this is not considered to be materially different to the previously approved scheme. In addition, the facing windows to the adjacent studio flats are secondary windows as these existing studio units have dual aspects. Notwithstanding this, in order to minimise perceived overlooking and inter visibility between windows the amended scheme proposes a standard window to the front elevation of plot 39 as opposed to a Juliet balcony which is proposed for the other units.

#### **5. Highways**

##### *Access*

Vehicular access to the site would be provided via the existing estate road which is accessed off the B3151. The proposed development would result in an increase in vehicular movements resulting from a net increase of two dwellings within the site. However the Highways Authority has stated that the existing estate road is of sufficient standard to accommodate the development.

##### *Parking*

The proposal has made provision for 14 parking spaces. Watchet is located within parking zone B where the Somerset Parking Strategy 2012 (the parking strategy) requires 2.5 spaces for a three bedroom dwelling. The proposed scheme would therefore result in a shortfall of 3.5 parking spaces. These standards are regarded as 'optimum standards' and therefore lower levels can be provided where it may be justified by site circumstances. In this instance it is considered that the shortfall in parking spaces would be a sufficiently low level. Furthermore, the parking provision would exceed that of the adjacent four bedroom dwellings which provide 2 spaces per dwelling (under current standards an optimum provision for these dwellings would be 3.5 spaces). The completion of the current extant permission, i.e. the construction of a terrace of five, four bedroom dwellings would result in a shortfall under the parking strategy of 7.5 dwellings. As such the shortfall in parking provision would be lower with the current submitted scheme compared to the extant permission. Nevertheless, assuming the occupancy and car ownership levels are to be the

same per dwelling comparing the current scheme with the extant permission, the provision of an additional two dwellings within the site would not be materially different in highway terms, taking into account the design of the estate road and the number of existing occupied dwellings.

The highway Authority have commented on the original submitted plans and stated that the proposed garage widths of 2.7 would be insufficient. The amended scheme has increased the garage widths to 3.0 metres in accordance with the requirements of the parking strategy and is therefore acceptable in this regard. A comment has been received from a neighbour regarding the insufficient depth of garages within the existing 4 bedroom dwellings. However the depth of the proposed garages is considered sufficient by the Highway Authority for the parking of two vehicles. It would therefore be considered unreasonable to require additional depth to be provided.

Comments have been received from an adjoining neighbour regarding congestion and the insufficient size of garages within existing dwellings. These issues have been considered by the Highway Authority and are discussed in the report above.

Cycle storage space would be provided within the integral garage and would measure 3.7 by 1.3 metres. This is considered to be sufficient for the storage of three cycles to accord with the requirements of the parking strategy.

## **6. Other Implications**

An adjoining neighbour has raised concerns over the issues that may occur during construction such as resident's safety and general disruption resulting from noise and dust, potential land slippage and any compensation claims that may result as a result of these issues. Some of these concerns raised are not material planning considerations and some of the issues are covered by other, non-planning related legislation. The impact of the proposed development in respect of these concerns would not be materially different to the impact of the extant scheme for 5 dwelling on this site and as such it is not reasonable to seek to withhold planning permission on this basis.

## **Environmental Impact Assessment**

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

## **Conclusion and Recommendation**

For the reasons discussed above, the proposed development is considered to be acceptable and it is recommended that planning permission be granted. Delegated authority is sought to negotiate the final wording of the supplemental agreement in accordance with the relevant section of the above report and to make any amendments to or provision of additional planning conditions if required.

## **Reason for Approval:**

The proposal accords with the Council's settlement strategy for the location of new development and would safeguard the amenities of neighbouring residents and adjoining land users. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. The means of access and parking arrangements meet the required safety standards and will ensure the free flow of traffic on the highway. The lack of additional onsite affordable housing or contribution towards off site affordable housing is considered appropriate due to the proven lack of viability for additional contributions on the site. A contribution towards the provision / enhancement of community infrastructure off site pursuant to the extant planning permission for the site is considered to be appropriate. The proposal has been tested against the following Development Plan policies. In the opinion of

the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

Saved Policies SP/1, SP/2, BD/1, BD/2, W/1, W/5, T/3 and T/8 of the West Somerset District Local Plan (adopted December 2006).

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

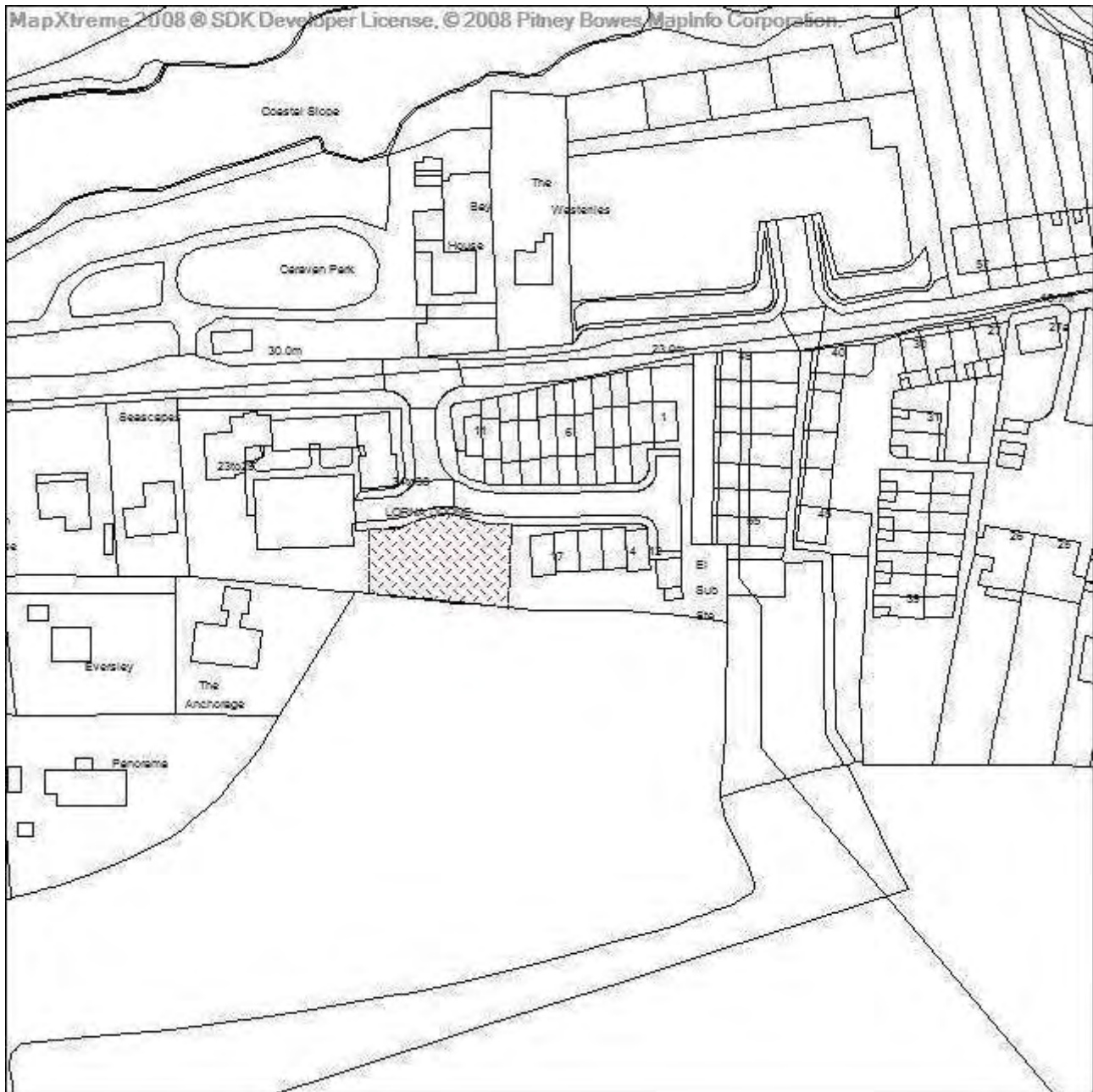
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 10034-A Rev. P1, 10034-B Rev. P1, 10034-01 Rev. A, 10034-02 Rev. A submitted on 10th July 2013.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No works shall be undertaken on site unless details and samples of the materials to be used in the construction of the external surfaces of the works hereby permitted, including hardsurfacing to front of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.  
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).
- 4 The windows within the development hereby approved shall be recessed a minimum of 50mm from the face of the wall.  
Reason: In the interests of the appearance of the development and the surrounding area having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).
- 5 No works shall be undertaken on site unless a hard landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of existing and proposed ground levels and finished floor levels and boundary treatment have been submitted and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwellings and thereafter retained.  
Reason: In the interests of the appearance of the development and the surrounding and residential amenity area having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).
- 6 No works shall be undertaken on site unless details for the disposal of surface water drainage showing details of gullies, connections, soakaways and means of attenuation on site and a programme for implementing the drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and the programme of implementation and thereafter be retained in that form.  
Reason: To ensure the adequate provision of drainage infrastructure having regard to the provisions of Saved Policies W/1 and W/3 of the West Somerset District Local Plan (2006).
- 7 The garage hereby approved shall only be fitted with a roller shutter door, no up and over or side hung doors shall be fitted to the garage at any time.  
Reason: To ensure that the garage door does not impinge on the parking space to the

front of the garage, in the interests of highway safety, having regard to the provisions of Saved Policy T/3 of the West Somerset District Local Plan (2006).

- 8 The parking spaces in the garages hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use.  
Reason: To retain adequate off-street parking provision having regard to the provisions of Saved Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

#### **Notes**

- 1 **STATEMENT OF POSITIVE WORKING**  
In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application concerns were raised by a statutory consultee and the Local Planning Authority contacted the applicant and sought amendments to the scheme to address the concerns and amended plans were submitted. For the reasons given above and expanded upon in the committee report, the application 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.
- 3 The proposal would involve construction works within the existing highway limits. these works must be agreed in advance with the Highway Service Manager for the West Somerset Area at the Highways Depot, Mart Road industrial Estate, Minehead, Tel No. 0845 345 9155, who will be able to advise upon and provide the relevant licences necessary under the Highways Act 1980.



Application No 3/37/13/015  
 Construction of seven linked town houses in lieu of five linked town houses as previously approved by 3/37/06/007 and 3/37/06/051  
 Lorna Doone Park, West Street, Watchet, TA23 0BJ  
 12 June 2013  
 Planning Manager  
 West Somerset Council  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council  
 Licence Number: 100023932



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 Easting: 306687      Northing: 143391      Scale: 1:1250

<b>Application No:</b>	3/37/13/016
<b>Parish</b>	Watchet
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Elizabeth Peeks
<b>Grid Ref</b>	Easting: 307202      Northing: 143329
<b>Applicant</b>	Mr Mark Doveston
<b>Proposal</b>	Two proposed new dwellings with associated parking spaces.
<b>Location</b>	Land adjoining 5 Harbour Road, Watchet, TA23 0AQ
<b>Reason for referral to Committee</b>	The access to the proposed dwellings is provided over land owned by West Somerset Council

### **Risk Assessment**

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

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

### **Site Location:**

Land adjoining 5 Harbour Road, Watchet, TA23 0AQ

### **Description of development:**

Two proposed new dwellings with associated parking spaces.

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

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

No comments at the time of writing.

#### ***Highways Liaison Officer***

Regarding the level of vehicle movement associated with this proposal. The average dwelling will generate 6-8 vehicle movements per day. As a consequence this proposal, taken as a whole, could generate up to 16 vehicle movements per day. This would result in additional vehicle movements on the Harbour Road/Swain Street junction. However these additional movements are not considered to be significant enough to warrant an objection to this proposal as Harbour Road serves as access to public car park and also the West Somerset Railway which generates a reasonable flow of traffic especially during peak summer periods.

In terms of the design detail the proposal will have accessed to an un-named section of Un-classified highway and will provide a shared access for both dwellings. From the details shown on Drawing No. 13-14\_03 the access provides a width of 4.7m. The applicant should note that this would need to be widened to a minimum of 5.0m. There also appears to be no details relating to surface water runoff. The applicant will need to provide details on how the site will drain. At the point where it joins the adopted highway there appears to be a parking space in close proximity to the access. This has the potential to cause conflict between vehicles utilising the space and vehicles associated with the proposed dwellings.

The proposal has made provision for two parking spaces per residential unit. Somerset County Council's Parking Strategy requires that new residential development for three bed

units in Watchet are required to provide three parking spaces per unit. Therefore there is a short fall of two parking spaces. This would usually be a cause of concern for the Highway Authority. However the new parking standards are considered to be optimum levels rather than maximum. Therefore the applicant would be required to provide justification on why a departure from the parking standard would be considered appropriate in this location. It is noted that the drawing shows a secure cycle store for each dwelling, which is considered to be acceptable.

Therefore to conclude there is no objection in principle to this development, however in terms of the detail the Highway Authority would need further details and clarification from the applicant on some of the points raised above. Until these details are provided the Highway Authority is not in a position to comment further on this application.

### **SCC - Archaeology**

No comments received at time of writing.

### **Asset Management Group**

The Asset Management Group has considered the proposal in some detail and are supportive. There would be no loss of income due to the creation of a new access and disabled parking is sufficient. Any identified issues with vehicle movements within this area can be kept under review and addressed accordingly if appropriate.

### **Public Consultation**

The Local Planning Authority has received 1 letters of objection/support making the following comments (summarised):

- Concerned about the safety of creating an access into the car park.
- It is understood that West Somerset Council will not grant legal rights of access across their land.
- There are nice views of the rear of Esplanade House and this building would be intrusive.

### **Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- AH/3 Areas of High Archaeological Potential
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- CA/1 New Development and Conservation Areas
- T/5 Loss of Public Car Parking Provision
- T/8 Residential Car Parking
- UN/2 Undergrounding of Service Lines and New Development

### **National Policy**

The National Planning Policy Framework (The Framework) is a material planning consideration.

### **Planning History**

The following planning history is relevant to this application:

3/37/03/055	Erection of a single storey rear extension	Approved	26/11/2003
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## Site Description

The site relates to a part of the garden of 5 Harbour Road, with access to the site derived through Swain Street car park. The application site is located within the conservation area of Watchet and there are several Listed Buildings located in the vicinity of the site, the closest being Esplanade House, located to the north of the application site.

## Proposal

The application is for the erection of a pair of semi-detached dwellings within part of the garden of 5 Harbour Road. The dwellings would provide accommodation on three floors, with the second floor being accommodated within the roof space. Each dwelling has a kitchen, lounge and W/C on the ground floor, with 2 bedrooms and a family bathroom on the first floor and a master bedroom with an en-suite on the second floor. Access to two parking spaces for each dwelling is provided to the front of the dwellings. Each dwelling has a private rear garden area. Cycle storage for three bikes for each dwelling and a bin storage area is also provided. The design of the dwellings is relatively traditional in form with a single dormer window in the roof and several roof lights. The materials proposed are rendered with stone lintels and keystones and slate for the roof.

## Planning Analysis

### 1. Principle of Development

The National Planning Policy Framework Section 6, para.49 advises that "*housing applications should be considered in the context of the presumption in favour of sustainable development*". The Framework does highlight that sustainability comprises of three roles; economic, social and environmental, with the social role requiring the need to provide a supply of housing available to meet the needs of present and future generations.

Policy SP/1 of the Local Plan designates Watchet as a rural centre. Policy SP/2 of the Local Plan permits commercial or residential development within the development limits of Watchet subject to a range of criteria. Collectively the settlement policies within the Local Plan seek to focus the majority of development within the town (Minehead) with some development in the Rural Centres (Watchet and Williton) and larger villages. The Local Plan specifically identifies the extent of the development limits. The application site is located inside the development limits of Watchet.

The proposed development site is located within a rural centre. The rural centres are the secondary settlements within the district of West Somerset and these settlements (along with Minehead) are likely to take the greatest proportion of new housing within the District over the next plan period. Development within Watchet is assessed against Local Plan Policy SP/2: Development in Minehead and Rural Centres. Policy SP/2 supports residential development providing that it complies with the following criteria:

- It does not result in the loss of land specifically identified for other uses.
- There is safe and convenient access by bus, cycle or on foot to facilities or employment.
- It involves infilling or small groups of dwellings, conversion, sub-division or redevelopment of an existing building or buildings or the redevelopment of previously used land.

In this instance the application site is not designated for any other use. The site lies within the development limits of Watchet and is located close to the centre of Watchet and therefore there is easy access by foot and cycle to facilities and employment. This proposal sees the redevelopment of an existing garden plot as an infill development. It is therefore considered that the proposed development is acceptable in principle and accords with the strategic policies within the development plan.

### 2. Character and Appearance of the Area

Policies BD/1 and BD/2 of the Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of



materials, landscaping and use of boundary treatments. The Framework places a strong emphasis on design and states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" (paragraph 56).

Policy CA/1 of the Local Plan also requires that proposals would preserve or enhance the architectural and historic character or appearance of the conservation area. This Policy sets out a criteria which requires that:

- The proposal must be in keeping with the scale, architectural quality and features of the area and not detract from the setting of historic or architecturally important buildings.
- External building materials must be appropriate to those that are traditional in the conservation area.
- The proposal should not detract from the existing landscape elements of the conservation area including trees, hedgerows, walls, banks, footpaths and open spaces.

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

The area contains a mixture of building styles. There are areas of relatively compact development and there are buildings located within "back land sites". The proposal is for a traditional design that would be in keeping with the character of the conservation area and appropriate materials are proposed. The gable of the dwellings face towards Swain Street Car Park and neighbouring garden area. The principal elevation of the dwelling would front onto Harbour Road, albeit it would be set some distance back from the road.

The proposed dwellings would be sited to the south and rear of Esplanade House (a Grade II Listed Building). The proposed dwellings would be relatively close to the rear projecting wing of Esplanade House. However a relatively tight knit form of development is not out of keeping with the character of the local area and the siting of the proposed dwellings in this proximity to the listed building would result in the setting of the building being preserved. Overall it is considered that the dwelling would sit comfortably within the site and would result in the character of the conservation area being preserved.

### **3. Residential Amenity**

Policy BD/2 of the Local Plan requires that the siting of new buildings has regard to the relationship with adjoining buildings and open spaces. One of the core principles of the Framework is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" (paragraph 17).

The principal elevation of the dwellings has an outlook towards the side and rear of 10 The Esplanade. This is a commercial building and the proposed dwellings would not result in any significant reduction in amenity. The nearest residential properties are 5 Harbour Road and Esplanade House. The siting of the proposed dwellings is such that there is sufficient distances between the existing and proposed dwellings so there will not be significant overbearing or overshadowing. There is a first floor window in the gable of plot 2. This has an outlook towards a neighbouring garden area and beyond that to the rear of Esplanade House. This is a small landing window and as such a condition that ensures this window is obscure glazed and with high level opening only would remove any overlooking issues.

The rear of the dwellings includes Juliet balconies at first floor level. The first and second floor rear windows have an outlook towards a garden area belonging to 5 Harbour Road (not within the applicant's ownership). The overlooking occurs at quite a close distance around 5 - 5.5 metres. While this distance is usually considered to be too close, in this case it is appreciated that there remains a significant amount of garden area for 5 Harbour Road that will remain unaffected by the proposal. As such it is considered that this loss of amenity is acceptable.

Overall it is considered that the proposed dwelling can be accommodated on the site without a significant reduction in amenity to the neighbouring dwellings.

#### **4. Highway Safety**

##### *4.1 Access for the proposed dwellings*

The Highway Authority has considered this proposal and has not objected to the development in principle although there were a number of issues that needed to be addressed. In terms of vehicle movement, the proposed dwellings would generate a modest amount of additional traffic and this is not considered to have a significant impact on the highway network. At the Harbour Road access to the car park there is a one way system in operation. The access to be provided for the proposed dwellings is considered to be suitable and vehicle could enter and leave the site without causing significant conflict with vehicles leaving the car park.

##### *4.2 Parking for the proposed dwelling*

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

In Zone B the parking provision should be 2.5 spaces for 3 bed roomed dwellings. Cycle parking should be provided at a minimum of 1 space per bedroom. Proposals for parking provision above or below the standards should be supported by evidence detailing the local circumstances that justify a deviation from the standards.

The proposal provides two parking per dwelling. The optimum provision required by the Parking Strategy would be five spaces for the two dwellings. As such there is an under provision of one space. However given the location of the site, (within the centre of Watchet, adjacent to public car parks, nearby services and facilities and public transport links) it is considered that this modest under- provision is acceptable. An appropriate amount of cycle storage is proposed.

##### *4.3 Impact on Swain Street Car Park*

The access to the site would result in the loss of a single disabled parking space. The loss of a single parking space is not greatly significant and there is sufficient disabled parking. Having regard to the comments above, from the Asset Management Group, it is noted that the location of this space is not considered to be ideal and there is an aspiration to remove this space. As such it is considered that the loss of a single disabled parking space is acceptable.

#### **5. Flood Risk**

This site is located within flood zone 1, areas at lowest risk of flooding. As such there is not requirement for the proposal to be supported by a flood risk assessment and there are no significant flood risk issues associated with this development.

#### **6. Affordable Housing and Planning Obligations**

Having regard to the Council's Planning Obligations SPD the threshold for contributions towards affordable housing and other matters, such as the provision of community

infrastructure, is five or more dwellings in Watchet. As this proposal is for two dwellings, the development falls below that threshold and therefore no contributions should be sought as part of this application.

### **7. Other Implications**

A member of the public has suggested that they understand that the Council will not grant permission for access to be provided over the car park (land within the Council's ownership). Having regard to the comments above in respect of asset management issues this is not the case and any issues that arise with the proposed access can be mitigated.

### **Environmental Impact Assessment**

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

### **Conclusion and Recommendation**

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

### **Reason for Approval:**

The proposal accords with the Council's settlement strategy for the location of new development. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. The character and appearance of the Conservation Area would be preserved. The setting of adjoining Listed Buildings would not be harmed. The proposal, by reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users. The means of access and parking arrangements meet the required safety standards and will ensure the free flow of traffic on the highway. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

Saved Policies SP/1, SP/2, CA/1, BD/1, BD/2, BD/3, T/3, T/8, AH/3, UN/1 of the West Somerset District Local Plan (adopted December 2006).

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 13-14\_01, 13-14\_03 Rev A, 13-14\_04, 13-14\_05, 13-13\_06.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The dwellings shall not be occupied unless the access to the site has been provided in accordance with the approved plans. The access shall thereafter be retained in the approved form.  
Reason: To ensure suitable access to the site is provided and retained, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).
- 4 The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of the vehicles associated with the development.  
Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

- 5 The dwellings shall not be occupied unless the drainage scheme at the access to the site, has been provided in accordance with the details contained within drawing number 13-14\_03 Rev A and the letter from Reed + Holland Chartered Architects dated 9 July 2013 has been provided. 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 dwellings shall not be occupied unless the bicycle storage areas have been provided in accordance with the details shown in drawing number 13-14\_05 Rev A. The bicycle storage areas shall thereafter be retained.

Reason: To ensure that sufficient provision of bicycle parking/storage is provided having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).
- 7 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, parking area and stone boundary walls, 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, BD/2 and CA/1 of the West Somerset District Local Plan (2006).
- 8 The proposed first floor landing window in plot 2 shall be glazed with obscure glass. The window shall also be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window/s is installed. The window shall be permanently retained in accordance with the requirements of this condition.

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).
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling houses other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of the properties and the character of the building and the surrounding area. For this reason the Local Planning Authority would wish to control any future development to comply with Saved Policies BD/1, BD/2 and CA/1 of the West Somerset District Local Plan (2006).
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwellings hereby approved, other than those expressly authorised by this permission, without the granting of express planning permission from the Local Planning Authority.

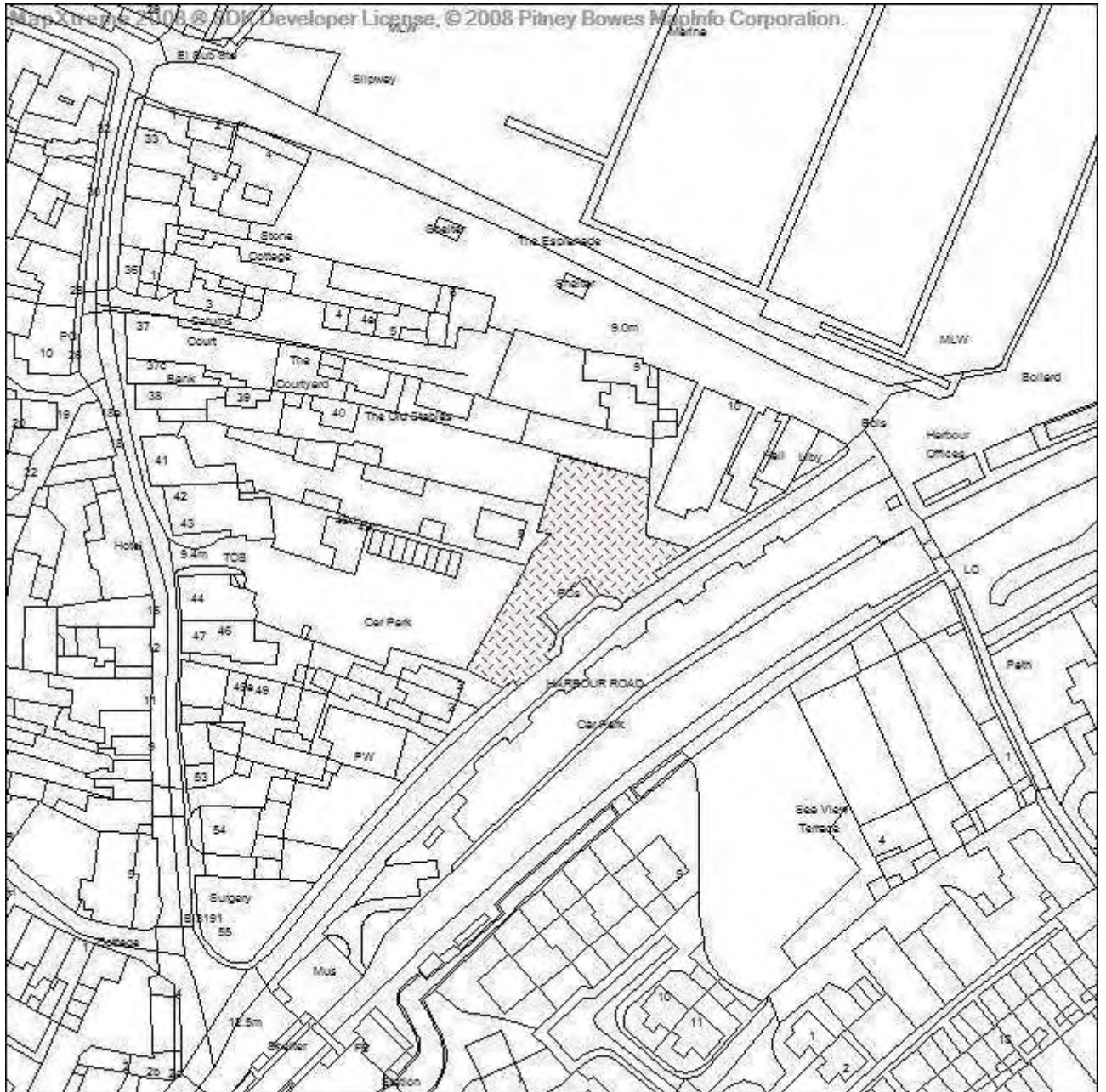
Reason: The Local Planning Authority considers that the introduction of further curtilage buildings could cause detriment to the amenities of the occupiers of the properties and the character of the surrounding area and for this reason would wish to control any future development to comply with Saved Policy BD/2 and CA/1 of the West Somerset District Local Plan (2006).

## Notes

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

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application some issues were raised by a statutory consultee. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issues and amended plans were submitted. For the reasons given above and expanded upon in the committee report, the application 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.



Application No 3/37/13/016  
 Two proposed new dwellings  
 with associated parking spaces.  
 Land adjoining 5 Harbour Road,  
 Watchet, TA23 0AQ  
 19 June 2013



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>	3/39/13/013
<b>Parish</b>	Williton
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Elizabeth Peeks
<b>Grid Ref</b>	Easting: 307930      Northing: 141379
<b>Applicant</b>	Somerset County Council
<b>Proposal</b>	Proposed demolition of existing building and erection of twelve semi-detached, two-storey dwellings
<b>Location</b>	Croft House, North Croft, Williton, Taunton, TA4 4RR
<b>Reason for referral to Committee</b>	If planning permission is granted this application will be subject to a Section 106 agreement

### **Risk Assessment**

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

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

### **Site Location:**

Croft House, North Croft, Williton, Taunton, TA4 4RR.

### **Description of development:**

Proposed demolition of existing building and erection of twelve semi-detached, two-storey dwellings.

### **Consultations and Representations:**

The Local Planning Authority has received the following representations:

#### ***Williton Parish Council***

There were no objections to the application however it was felt that this was a missed opportunity to do something for the elderly by means of providing retirement flats.

#### ***Highways Liaison Officer***

The proposal relates to the demolition of the existing building to construct twelve dwellings with associated parking.

In terms of trip generation the average dwelling generates between 6-8 vehicle movements per day. The submitted Access Statements states that this would equate to approximately 70 movements per day for the whole site. The site currently has an existing permitted use for a 42 bedroom care home under use class D1. It is likely therefore that the care home had the potential to generate a significant volume of traffic. It is therefore likely that the proposed use would be less intensive than the previous use therefore the level of traffic movement is considered to be acceptable.

The proposal will utilise the existing access to the site, although this will be upgraded to a priority junction as per the Highway Authority's requirements. The proposed access will provide a width of 5.0m, which is sufficient to allow two-way vehicle flow. This will be in the form of a shared surface and would be offered to the Highway Authority for adoption. The Highway Authority would require that the first 6m of the shared surfaced road is finished in bitumen macadam. This is to stop the possibility of any of the blocks becoming dislodged.



Where the access road is to tie into the existing carriageway allowance shall be made to resurface the full width of North Croft where it has been disturbed by the proposed extended construction and to overlap each construction layer by a minimum of 300mm. There will be a 0.5m wide margin on either side plus a new 1.8m wide footway provided on the southern side of the access and will tie into the existing footway on North Croft. In addition the existing lighting unit that is located within the existing verge on the northern side of the existing access road will need to be removed and replaced with a lighting column acceptable to the Highway Lighting Manager.

In terms of visibility the site is located within a 30mph speed limit as a consequence Manual for Streets (MfS) would be considered to be the most appropriate design guidance. Taking into account the guidance set out in MfS 30mph speed limits require visibility splays of 2.4m x 43m in either direction. I note that the applicant has provided information within their supporting documents that indicates that vehicle speeds are actually lower (approx. 20mph) and therefore splays of 2.4m x 33m would be appropriate. Having visited the site I am satisfied that there is sufficient frontage along North Croft to be able to achieve both splays in either direction.

Regarding the internal site arrangements a Type B turning head has been provided within the site to allow vehicles to turn and leave in a forward gear. Drawing No: HBHT11265/AT01 Rev A shows the swept path for a refuse collection vehicle. It is understood from the Access Statement that the applicant has held pre application advice with Somerset Waste Partnership in regards to the size of vehicle that operates in Williton. As such I am satisfied that the swept path analysis is acceptable.

The proposal has made provision for 24 parking spaces, which equates to 2 spaces per dwelling. Somerset County Council's Parking Strategy states that Williton is located in Zone C and as a consequence three bedroom dwellings should provide 3 parking spaces. Therefore based on these requirements the site should have made provision for 36 spaces. The parking provision can be considered below the required standard and this would usually result in an objection from the Highway Authority. However the Parking Strategy does note that the standards are optimum and could be departed from if suitable justification can be provided by the applicant. The Access Statement states that the site is located in close proximity to goods and services whilst there is a reasonable bus service that links Williton with Minehead and Taunton. Based on the information put forward the Highway Authority is of the opinion that there is suitable justification to allow for a reduction in the level of parking as such the proposed levels are considered acceptable.

The applicant will need to apply for a Section 50 under the NRSWA 1991 where the sewer connection works have to be undertaken within or adjoining the public highway. These can be obtained from Mr Mark Fitzgerald, Streetworks Co-ordinator on 01823 483090. The existing sewers and drains within the bounds of the site, which are to be abandoned and which are less than 1.0m in depth below formation level, shall where practicable, be cut off and removed. The excavation shall be backfilled with type 1 material and the ends of the remaining pipes sealed with concrete for a length of 500mm. Finally, where an outfall, drain or pipe will discharge into an existing drain or pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy submitted to Somerset County Council.

Therefore to conclude the level of vehicle movements are considered to be acceptable whilst the alterations to the existing access would appear to be in accordance with the Highway Authority's standards. In terms of the internal arrangements the Highway Authority is broadly satisfied with the shared surfaced layout whilst the level of parking, although a departure from the standards is considered to be acceptable. Therefore based on the above the Highway Authority raises no objection to this proposal and if planning permission were to be granted appropriate conditions should be attached.



### **Environmental Health Officer (DA)**

In the design and access statement, it explains that the construction will be subject to Building Regulations. The demolition works should also be notified to Building Control.

In terms of hazards, if there is risk of asbestos fibres, there must be a suitable and sufficient risk assessment prepared prior to any works commencing (HSE responsible for enforcement; demolition/building works).

I would also advise that to minimise risk of nuisance on neighbours, that the contractors should be signed up to a considerate contractors scheme.

### **Public Consultation**

The Local Planning Authority has received 5 letters of objection making the following comments (summarised):

- Overlooking will occur
- Concern over loss of trees in particular the Magnolia tree at the rear of the site
- Concerned about people living in the redundant Croft House, drugs and drink etc. as has happened in the past.
- Would like more consideration taken of those who already live here.
- There is asbestos in the building.
- Excessive development and too close to our boundary.

### **Planning Policy Context**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- H/4 Affordable Housing
- R/6 Public Open Space and Small Developments
- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- T/8 Residential Car Parking
- T/9 Existing Footpaths
- UN/2 Undergrounding of Service Lines and New Development
- T/3 Transport Requirements of New Development
- TW/1 Trees and Woodland Protection
- PC/2 Noise Pollution
- NC/4 Species Protection

### **National Policy**

The National Planning Policy Framework (NPPF) is a material planning consideration

### **Planning History**

The following planning history is relevant to this application:

3/39/93/041	Extension to form dining room area and conservatory	Refused	8.11.93
3/39/99/010	Erection of conservatory	Granted	26.4.99
3/39/01/078	Conservatory in white PVCu to be used as a sun lounge	Granted	2.10.01

## **Proposal**

The application seeks planning permission to demolish Croft House, a vacant former care home and to erect 12 semidetached dwellings. Eight of the dwellings will face onto North Croft and will be rendered with concrete tiles on the roof. The associated single storey storage buildings will be constructed of brick with concrete tiles on the roof. In addition two pairs of dwellings are proposed at the rear of the site and will be constructed of brick with concrete tiles on the roof. Vehicular access to all the dwellings is via one road from North Croft. The proposed dwellings fronting North Croft will have pedestrian access from North Croft. There is also an existing pedestrian access at the rear of the site that leads onto Danesborough View East, a development of sheltered bungalows. Each dwelling will have 2 car parking spaces. For those fronting onto North Croft they will be located behind their rear gardens and for the dwellings at the rear of the site they will be located at the front of the properties. The proposed access road (which utilising the existing access) and parking spaces will be constructed of paviers; the road will be in a different colour pavior to the parking spaces.

## **Site Description**

The site lies on the west side of North Croft, a road that is characterised by 1950's semidetached and terraced houses which are set back from and parallel to the road. The road is also tree lined. The site is currently occupied by a flat roofed rendered building which varies in height from single storey to three storey. A number of mainly mature trees line the site that fronts North Croft and there are trees within the site. The site is approximately 1m lower than the adjoining properties to the west (Danesborough View East and The Green) and south (Wyndham Close) and is delineated by a hedge bank. The site is level however with North Croft.

## **Planning Analysis**

### *1. Principle of Development*

The site is situated within the rural centre of Williton whereby the relevant local plan policy in relation to the principle of development is SP/2 which states,

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

- i) It does not result in the loss of land specifically identified for other uses.
- ii) There is safe and convenient access by bus, cycle or on foot to facilities or employment.
- iii) It involves infilling or small groups of dwellings, conversion, sub-division or redevelopment of an existing building or buildings or the redevelopment of previously used land.

As the proposal would not result in the loss of land allocated for another use and is accessible by bus, cycle or on foot to facilities and employment together with resulting in the redevelopment of previously used land the proposal is acceptable in principle.

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

The site lies within a residential area. North Croft is characterised by semidetached and terraced houses running parallel to the road and are mainly rendered with concrete roof tiles. The road is tree lined with grass verges. The houses are set back from the road with mainly hedge lined front gardens. The properties that back onto the site are a mixture of bungalows and houses that predominantly rendered with concrete tiles on the roof. The boundary between the site and the adjoining properties is a bank with the remains of a hedge on top. The site is not in a Conservation Area or within the setting of a listed building.

It is considered that the design, siting, scale and proposed use of materials is appropriate to

the context of the site and the scheme would result in the character of the local area being preserved.

### *3. Residential Amenity*

As the site is lower than the bungalows and houses that border the site in The Green, Danesborough View East and Wyndham Close any ground floor windows in the two pairs of semidetached dwellings at the rear of the site will not cause any adverse overlooking problems. With regard to the first floor windows in these four properties, those that look towards Wyndham Close are 27m away which, due to the distance involved, is considered not to cause a significant overlooking problem. There will be no overlooking to the bungalows in Danesborough View East as there are no windows facing them. The proposed dwellings that front North Croft are at least 24m away from the windows in the existing houses on the opposite side of North Croft whereas there is no overlooking to the house and bungalows in North Croft adjacent to the site as there are no windows in the gable ends of the proposed dwellings.

Due to the distances and positioning of the proposed dwellings in relation to existing properties the new dwellings will not have an overbearing impact. Each property will also have an acceptable level of garden and for this reason it is considered that no extra open space area is required within the development. A contribution towards recreation facilities is also proposed that can be used within the parish of Williton.

### *4. Highway Safety*

The Highway Authority do not object to the scheme. They consider that the level of traffic movement could be less intensive than when the site was used as a care home. The use of paviors for the access road is acceptable but the first 6m will need to be tarmac to stop the possibility of the blocks becoming dislodged. Turning to parking provision, 3 parking spaces for each 3 bedroom dwelling is required but as this is an optimum and as the applicant has justified why 2 spaces per property is sufficient no objection is raised to this issue. A number of conditions are suggested and of these the relevant conditions are recommended to be imposed which relate to surfacing of the access and pavement, discharge of surface water, a Construction Environmental Management Plan and visibility splays. The other conditions suggested can be governed by other legislation.

### *5. Affordable Housing*

Affordable housing is required as the threshold for requiring affordable housing is 5 or more dwellings in Williton. The contribution required is 35% of the number of dwellings to be provided, which, in this instance relates to 4.2 dwellings. Four dwellings for social rent are proposed. This is considered acceptable.

### *6. Planning obligations*

The provision of new residential dwellings will result in an increased need for recreation facilities within the parish and no provision is proposed on site. The Supplementary Planning Document (SPD) sets out that a contribution of between £2,000 and £5,000 per dwelling should be achievable without impacting on the viability of the development. The SPD acknowledges that contributions are likely to be less than the higher figure where a high proportion of affordable housing is proposed. Through negotiation £3,500 per dwelling has been put forward which equates to £42,000 in total. This is less than the higher end of the range, however as approximately 35% affordable housing is proposed on site it is considered that the proposed contribution is acceptable and proportionate to the need that arises.

### *6. Trees*

The trees that front onto North Croft are a prominent and attractive feature that positively contributes to the appearance and character of the area. These trees will be situated within the front gardens of the proposed dwellings, and particularly in the case of the mature Silver Birch and Cherry, branches will nearly touch the front walls of the houses. It is considered

that there will be pressure to remove or carry out works to the trees due to their size and proximity to the dwellings. In addition the Ash tree will grow much larger and it will then be under pressure to be removed. Trimming the trees so that the branches are further way from the properties will not only adversely affect the life of the trees but the amenity value of the trees. On balance, whilst the loss of any of these trees is regretted it is considered that the Ash, Cherry and Silver Birch can be removed and replaced with a more appropriate tree that also takes into account the trees found in the vicinity of the site. The other remaining trees should not cause a problem to the occupiers of the new dwellings. The Parks Manager has suggested a smaller type of Cherry (*Prunus 'schmittii'* or 'Spire' (*hillieri 'Spire'*) or 'Sunset Boulevard' and a Rowan that is suitable for use in streets called *Sorbus aucuparia 'Streetwise'*. To ensure that the tree cover is retained a landscaping condition is appropriate.

#### *7. Wildlife*

A protected species survey dated January 2012 has been submitted which concludes that there is no evidence that the buildings or trees are used by bats as a roost site and there is no real potential bat roost sites that will be lost when the buildings are demolished. It is likely that bats are active in the area. The existing shrubs and trees could provide bat foraging areas and there was an indication of nesting birds within the ivy and shrubs on site. Recommendations have been submitted relating to the removal of roofing materials, what to do if bats are found and that two bat boxes or at least two bat tubes be erected where the access to the boxes are not inhibited by artificial lighting. Any works on trees and shrubs must avoid the bird nesting season. Consideration on the provision of a variety of bird nest boxes should be given. If development does not commence within 24 months of the date of the survey a further survey will be required. These matters can be addressed through conditions.

#### *8. Asbestos*

The agent has confirmed that there is asbestos in the building and confirmed that when the structures are demolished all appropriate consents will be obtained for its demolition and the removal of all contaminated materials to be in accordance with the relevant Health & Safety Legislation. The Council's Environmental Health section has advised that a risk assessment needs to be completed and the contractors should sign up to the considerate contractor's scheme. There is other legislation that controls this issue and as such it is not necessary to impose planning conditions to deal with this.

#### *9. Parish Council comments*

The Parish Council consider that this was a missed opportunity to do something for the elderly by means of providing retirement flats. Whilst this view is understood as the development is within the development limits of Williton, within a residential area and is not allocated for accommodation for the elderly this application cannot be refused on these grounds.

### **Environmental Impact Assessment**

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

### **Conclusion and Recommendation**

For the reasons discussed above, the proposed development is considered to be acceptable and it is recommended that planning permission be granted. Delegated authority is sought to negotiate the wording of the Section 106 Agreement in accordance with the relevant sections of the above report and to make any amendments to or provision of additional planning conditions if required.

### **Reason for Approval:**

The proposal accords with the Council's settlement strategy for the location of new development. The proposal, by reason of its design, scale and layout would be in keeping

with its surroundings and would safeguard the amenities of neighbouring residents and adjoining land users. The means of access and parking arrangements meet the required safety standards and will ensure the free flow of traffic on the highway. Appropriate mitigation for biodiversity impacts can be secured. An appropriate level of affordable housing will be secured and suitable provision is made to provide recreation facilities. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

Saved Policies SP/1, SP/2, BD/1, BD/2, BD/3, T/3, T/8, T/9, R/6, TW/1, PC/2, NC/4 and UN/2 of the West Somerset District Local Plan (adopted December 2006).

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 1907 - PL - 4, 5, 6, 7, 8, 9, 10, 11, and 12, Protected Species Surveys dated January 2012 and Tree Report dated February 2012 submitted on 14 May 2013 and Drawing Numbers; 1907 - PL 1A and 2B submitted on 19 June 2013.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No works shall be undertaken on site unless samples of the materials including colour of render to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.  
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).
- 4 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; 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).
- 5 All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.  
Reason: To ensure that the landscape scheme is implemented and maintained having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 6 The existing trees and hedges shall be retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Any retained tree or hedge which within five years of the approved development being occupied or completed, whichever is the sooner, dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Local Planning Authority, during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Local Planning Authority.  
Reason: To safeguard the appearance of the development and the surrounding area having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification) no lines, mains, pipes, cables or other apparatus shall be installed or laid on the site other than in accordance with drawings first submitted to and approved in writing by the Local Planning Authority.  
Reason: To safeguard the existing trees and planting to be retained within the site having regard to the provisions of Saved Policies BD/1, BD/2 and TW/1 of the West Somerset District Local Plan (2006).
- 8 No site works, demolition or clearance shall be undertaken on site unless the site has been prepared in accordance with a specification detailing protective measures and methods of working in relation to existing planting on the site and a programme for such work, which has been first submitted to and approved in writing by the Local Planning Authority. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works. The protective measures shall be retained until the development, hereby approved, has been completed.  
Reason: To safeguard the existing trees and planting to be retained within the site having regard to the provisions of Saved Policies BD/1, BD/2 and TW/1 of the West Somerset District Local Plan (2006).
- 9 The pedestrian access between plots 10 and 11 and Danesborough View East shall be retained.  
Reason: To ensure that there is pedestrian access between the site and Danesborough View East, having regard to the provisions of Policy T/9 of the West Somerset District Local Plan (2006).
- 10 The proposed road, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway  
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).
- 11 A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.  
Reason: To ensure that water does not discharge onto the highway, having regard to the provisions of Saved Policies T/3 of the West Somerset District Local Plan (2006).
- 12 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from sites;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impact upon the Strategic Road Network.

Reason: To safeguard the amenities of the neighbours, having regard to saved policy PC/2 of the adopted West Somerset District Local Plan (2006)

- 13 There shall be no obstruction to visibility greater than 300 mm above the adjoining carriageway level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. 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).

- 14 The mitigation measures in relation to the bats and nesting birds identified in the Protected Species Survey dated January 2012 shall be incorporated into the development in accordance with a schedule of implementation to be agreed in writing by the Local Planning Authority prior to work commencing on site and subsequently retained.

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

## Notes

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

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application the siting of the some of the properties were discussed. The Local Planning Authority sought amendments to the scheme to address this and amended plans were submitted. For the reasons given above and expanded upon in the committee report, the application was considered acceptable and planning permission was granted.

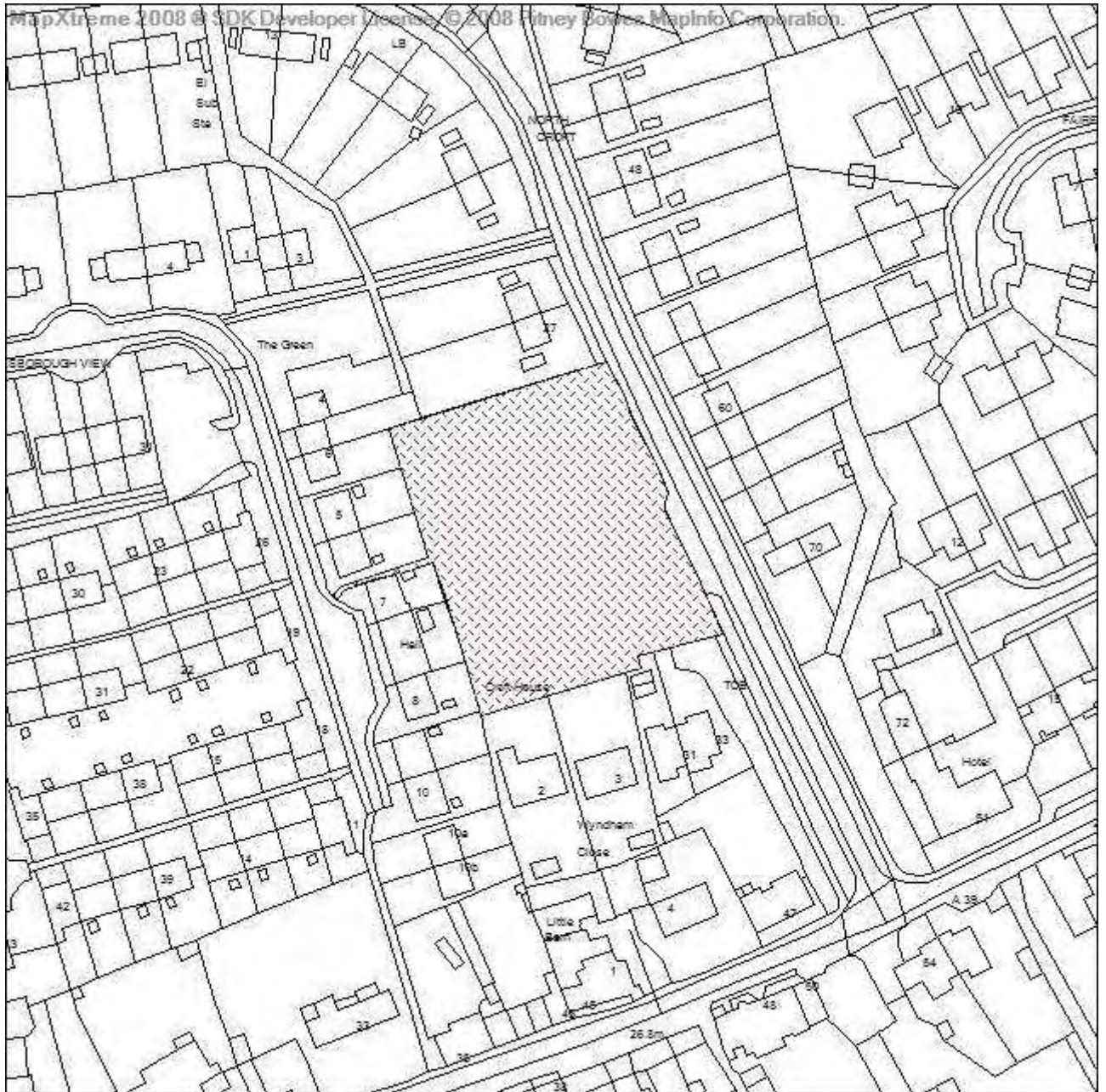
- 2 The alteration of access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the West Somerset Area Highway Office, Mart Road Industrial Estate, Minehead, Tel No. 0845 345 9155. He will be able to advise upon and issue the relevant licences, necessary under the Highways Act 1980.

- 3 Should the Ash, Silver Birch and Cherry trees that front onto North Croft be proposed to be removed it is suggested that these be included within the landscaping scheme

required under conditions 4 and 6. The following trees are considered to be appropriate replacements for the small gardens: Cherry. Prunus 'schmittii' or 'Spire' (hillieri 'Spire') or 'Sunset Boulevard' and Rowan. Sorbus aucuparia 'Streetwise'

- 4 This application is subject to a Section 106 agreement to secure the provision of affordable housing, a commuted sum for the provision of off-site community facilities and a contribution towards the monitoring and administration of the Section 106 Agreement.





Application No 3/39/13/013  
Proposed demolition of existing building and erection of twelve semi-detached, two-storey dwellings  
Croft House, North Croft, Williton,  
Taunton, TA4 4RR  
14 May 2013

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



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Easting: 307927      Northing: 141322  
1:1250

Scale:

*Report Number:*

*Presented by:* *Kenneth Taylor*

*Author of the Report:* *Kenneth Taylor*

*Contact Details:*

*Tel. No. Direct Line* *01984 635204*

*Email:* *ktaylor@westsomerset.gov.uk*

*Report to a Meeting of:* *The Planning Committee*

*To be Held on:* *25<sup>TH</sup> July 2013*

*Date Entered on Executive Forward Plan  
Or Agreement for Urgency Granted:*

## **ADOPTION OF LOCAL VALIDATION REQUIREMENTS DOCUMENT**

### **1. PURPOSE OF REPORT**

- 1.1 To seek approval to the adoption of revisions to local requirements for validating planning and other applications.

### **2. CONTRIBUTION TO CORPORATE PRIORITIES**

- 2.1 Ensuring adequate information is submitted at the outset with planning applications assists in ensuring applications can be determined quickly in line with performance indicators KPI 90a, 90b and 90c of the Environment, Customer and Community Service Group Plan.

### **3. RECOMMENDATIONS**

- 3.1 It is recommended that:

3.1.1 The revised Application Validation Checklist document is approved for adoption by the Planning Committee.

3.1.2 The existing guidance on the Council's web site on the validation requirements for planning applications is replaced by the approved document.

- 3.2 Reason for Recommendation:

3.2.1 To set out a consistent and proportionate approach to the information that is required for all different types of applications, in accordance with legislative requirements and Government policy and guidance.

#### 4. **RISK ASSESSMENT (IF APPLICABLE)**

##### **Risk Matrix**

<b>Description</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Overall</b>
The local validation list is not adopted therefore disqualifying the Council from requesting the information prior to validating a planning application with consequent impact on the speed of determining applications and quality of submissions.	2	5	10
<i>That the local validation list is adopted and republished</i>	1	1	1

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

#### 5. **BACKGROUND INFORMATION**

- 5.1 In 2008 the Department for Communities and Local Government (DCLG) introduced a standard '1APP' form and related national validation requirements were introduced to support the submission of planning applications. These national requirements can be supplemented by a selection of 'local requirements'. Following public consultation WSC adopted local validation requirements.
- 5.2 In March 2010 the Government issued revised guidance on information requirements and validation for planning applications which required that where local authorities wish to maintain their own local validation requirements (in addition to the Government's national requirements) this should be reviewed, consulted on and adopted.
- 5.3 The National Planning Policy Framework (NPPF) states at paragraph 193 that "local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question." On 31<sup>st</sup> January this year the Government published legislation, through the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 3) Order 2012), which requires local planning authorities to re-publish their lists every two years. The Government through the Growth and Infrastructure Act 2013 has amended the Town and Country Planning Act 1990 so that the powers local planning authorities had to require an applicant to submit information in relation to an application "as they think necessary" will be curtailed so that information can only be required where it is reasonable, having regard, in particular, to the nature and scale of the development and reasonable to think it concerns a matter material to the determination of the application.
- 5.4 In response to the requirement to re-publish the local validation list every 2 years the Planning Team has reviewed the local list. The aim has been to set down a consistent and proportionate approach to the information that is required for all different types of applications and minimise the number of applications declared invalid due to missing information or being incorrectly validated. In undertaking the latest review officers have been mindful of the Government's intention that applications shall not be declared invalid because information is lacking that is not material to its determination as well as to changes in legislative requirements or policy since the current list was adopted.

- 5.5 The revised document takes full account of the Government Guidance document 'Guidance on Information Requirements and Validation' and the key principles: Necessity, Precision, Proportionality, Fitness for Purpose and Assistance have been carefully considered. The review sought to ensure that requirements are present in a user friendly manner and to ensure that clarity is provided as to the threshold when a particular requirement is necessary. The opportunity was also taken to provide a comprehensive validation document that provides information to applicants and agents beyond the narrow scope of local validation requirements.
- 5.6 A link to the final version of the Application Validation Checklist document has been provided to Members. It covers all forms of application that might be submitted. The document breaks down the requirements for each application type, so that applicants or their agents can check the requirements particular to the type of application they are making. The document includes an explanation of the various requirements to assist applicants.

## **6. FINANCIAL/RESOURCE IMPLICATIONS**

- 6.1 There are no direct financial implications related to the adoption of the local validation check list. However if the Council does not have a published local validation check list the Council is not able to require certain information to be submitted prior to the validation of an application. This is likely to result in a significant amount of officer time, post validation, to secure any necessary information.

## **7. SECTION 151 OFFICER COMMENTS**

- 7.1 The Section 151 officer has reviewed this report and has no comment to make

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

**Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.**

The three aims the authority **must** have due regard for:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 8.1 The report and recommendations have no direct Equality & Diversity implications.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 The report and recommendations have no direct Crime and Disorder implications.

## **10. CONSULTATION IMPLICATIONS**

- 10.1 Informal, followed by formal consultation has been carried out in respect of the Application Validation Checklist.
- 10.2 For the formal consultation all regular agents and recent applicants (who had submitted applications without using an agent) were contacted. The formal consultation also included statutory consultees.
- 10.3 Prior to the formal consultation informal consultation was carried out with the regular agents and some of the statutory and internal consultees. All regular agents were sent a draft of

the new document. The validation list was the subject of a meeting of the Agent's Forum on the 8<sup>th</sup> February 2013.

- 10.4 The Agents Forum was supportive of the document. Limited detailed comments were made about the document. Some agents commented that the document seemed comprehensive and helpful. The main issue that arose was that the agents were keen to be able to discuss validation requires in advance of submitting an application especially in situations where the need for a particular requirement was not clear. In response to this request it has been clarified that applicants/agents who use the pre-application service will be provided with clear advice as to the validation requirements that will be necessary for their proposal. Officers will continue to advise applicants and agents on validation issues regardless of whether the pre-application service has been utilised.
- 10.5 Two responses were received from the statutory/ internal consultees in respect of the informal consultation. The Highway Authority confirmed that the document was acceptable in terms of highway requirements. The Tree Officer from Taunton Deane Borough (who provides advice to West Somerset Council on some tree matters) confirmed that the 1 App guidance as given in the current document deals with trees and hedges appropriately.
- 10.6 A single response was received from an agent in respect of the formal consultation. This response related to frustrations that had been experienced with the Planning Portal (a website that allows applicants/agents to submit planning applications electronically to all planning authorities). The agent had experienced difficulties as a result of validation requirements and inconsistencies between the validation list held by the Planning Portal and the Council. The agent had not experienced these difficulties with West Somerset Council, but wished to ensure that this would not arise in the future. The comments made are not directly about the requirements of the Application Validation Checklist and as such does not affect the formal adoption of the document. There does not seem to be any issues with the Planning Portal for West Somerset Council. However it is intended that contact is made with the Planning Portal to ensure that the issues described by the agent do not arise for submissions to West Somerset Council.
- 10.7 The Environment Agency provided comments to the formal consultation. They were pleased to see a single efficient checklist document for planning applications. The only detailed comments provided by the Environment Agency was to provide two updated web links to replace the now invalid ones in the current draft. The web links have been updated accordingly.

## **11. ASSET MANAGEMENT IMPLICATIONS**

- 11.1 The report and recommendations have no direct Asset Management implications.

## **12. ENVIRONMENTAL IMPACT IMPLICATIONS**

- 12.1 Environmental Impact will be considered on a case by case basis as part of dealing with a planning application. The local validation list ensures that proposals that are EIA development are supported by an Environmental Statement.

## **13. LEGAL IMPLICATIONS**

On 31<sup>st</sup> January this year the Government published legislation, through the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 3) Order 2012), which requires local planning authorities to re-publish their local validation lists every two years. If lists are not reviewed and republished the Council cannot require applicant to submit information required by the local validation list.

### Delegated Decision List

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/01/13/002	22 Church Lane, Bicknoller, Taunton, TA4 4EL Erection of open fronted garage on concrete base	01 July 2013	Grant
3/01/13/003	18 Trendle Lane, Bicknoller, Taunton, TA4 4EG Proposed porch extension and bay window	15 July 2013	Grant
3/05/13/003	Carhampton Allotment, Park Lane, Carhampton, TA24 6NN Structures and works associated with the creation of a community allotment to include sheds, polytunnels, the provision and storage of water and parking area.	01 July 2013	Grant
3/07/13/004	Quantock Orchard Caravan Park, Flaxpool, Crowcombe, Taunton, TA4 4AW Change of use of 18 touring pitches to 15 static caravan pitches	11 July 2013	Grant
3/09/13/003	38 Battleton, Dulverton, TA22 9HU Demolition of outbuildings and erection of two-storey extension plus alterations to the dwelling and within the curtilage.	25 June 2013	Grant
3/10/13/003	3 Avill Court, Marsh Street, Dunster, TA24 6PN To remove upvc door and overlight and replace with new softwood to match no. 4 Avill Court with matching timber framed door and overlight (resubmission of 3/10/13/002)	09 July 2013	Grant
3/11/13/001	Village pond, East Quantoxhead, TA5 1EJ Siting of duck canopy including float	26 June 2013	Grant
3/12/13/001	Lower Willett, Willett, Lydeard St Lawrence, Taunton, TA4 3QB Replacement of roof coverings, installation of heating system, alteration of ceiling heights and minor internal reconfiguration (rooflights no longer part of application)	18 June 2013	Grant
3/17/13/006	Beechwood, Chipstable, Taunton, TA4 2QE Extension and change of roof materials	24 June 2013	Grant

(resubmission of 3/17/13/002)

<b><u>Ref No.</u></b>	<b><u>Application</u></b>	<b><u>Date</u></b>	<b><u>Decision</u></b>
3/17/13/007	Chitcombe Farm, Huish Champflower, Taunton, TA4 2EL Conversion of two redundant farm buildings into camping barns	02 July 2013	Grant
3/17/13/008	Chitcombe Farm, Huish Champflower, Taunton, TA4 2EL Internal and external alterations to convert two redundant farm buildings into camping barns	03 July 2013	Grant
3/17/13/009	Washbottle Mills, Huish Champflower, Taunton, TA4 2HJ Remove restriction of holiday lets to allow the use as two dwellings	09 July 2013	Grant
3/21/13/052	The Cottage, Brook Street, Alcombe, Minehead, TA24 6BP Replacement of existing single glazed casement windows with double glazed slimline casements.	20 June 2013	Grant
3/21/13/055	Elgin Towers, Burgundy Road, Minehead, TA24 5QJ Retention of a deer fence around the perimeter of the existing property.	04 July 2013	Grant
3/21/13/058	18 WEST PARK, MINEHEAD, TA24 8AW Removal of large front garden hedge, to be replaced by a low brick wall with brick pillars supporting wooden fence panels. The wall would be highest at the driveway end: 1.4m from the pavement to the top of the left-hand driveway gate pillar. The wall would be lowest at the boundary with 20 West Park: 1.27m from the pavement to the top of the left-most pillar.	10 July 2013	Grant
3/21/13/059	2 Warden Road, Minehead, TA24 5DS Erection of two storey rear extension	03 July 2013	Grant
3/31/13/006	1 Sawpits Close, Stogumber, Taunton, TA4 3TX Extension of fence and erection of lean-to	09 July 2013	Grant



greenhouse and log shed

<b><u>Ref No.</u></b>	<b><u>Application</u></b>	<b><u>Date</u></b>	<b><u>Decision</u></b>
3/31/13/007	1 Sawpits Close, Stogumber, Taunton, TA4 3TX Demolition of section of stone wall and relocation of fence.	09 July 2013	Grant
3/31/13/008	Catford Cottage, Escott, Williton, Somerset, TA4 4JQ Remove cement render and synthetic masonry paint and re-apply lime render and limewash	04 July 2013	Grant
3/32/13/015	Old Cross House, High Street, Stogursey, Bridgwater, TA5 1TB Conversion of existing building to one bedroom letting unit	09 July 2013	Grant
3/32/13/016	Old Cross House, High Street, Stogursey, Bridgwater, TA5 1TB Internal and existing alterations to outbuilding to form one bedroom letting unit	10 July 2013	Grant
3/38/13/004	St Audries Bay Holiday Club, St Audries Bay, West Quantoxhead, Taunton, TA4 4DY Lawful Development Certificate for the retention of 14 chalets used for holiday accommodation, in breach of condition 5 on planning permission reference 3/38/01/006	01 July 2013	Grant
3/38/13/005	Acland Cottage, West Quantoxhead, TA4 4DS Installation of solar photovoltaic panels on the south east and south west elevations	20 June 2013	Grant
3/39/13/010	Fairfield House Hotel, 51 Long Street, Williton, Taunton, TA4 4QY Erection of ground floor side extension (resubmission of 3/39/12/009)	21 June 2013	Grant
3/39/13/012	Lloyds TSB Bank plc, 23 Fore Street, Williton, TA4 4QF Display of one illuminated ATM tablet and one window marketing unit	02 July 2013	Grant



<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/39/13/017	Mill Barn, Stream, Williton, Taunton TA4 4HL Proposed flood protection - bank reinforcement and channel wall repair	09 July 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
NMA/01/13/001	21 Church Lane, Bicknoller, Taunton, TA4 4EL Non-material amendment to omit recess on the south east elevation following grant of planning permission 3/01/12/017	10 July 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
T/38/13/001	Tara, Staple Lane, West Quantoxhead, Taunton, TA4 4DE Reduce Oak by 70% (T3)	20 June 2013	Refuse

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
T/38/13/002	Tara, Staple Lane, West Quantoxhead, TA4 4DE Fell Oak (T3)	20 June 2013	Refuse