

To: Members of Planning Committee

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

Our Ref TB/TM

Your Ref

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

Extension 01823 356573 Date 18 January 2017

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Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 26 January 2017

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

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

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

Yours sincerely

BRUCE LANGProper Officer

PLANNING COMMITTEE

THURSDAY 26 January 2017 at 4.30pm COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 12 January 2017 - SEE ATTACHED

3. <u>Declarations of Interest or Lobbying</u>

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: Eight Date: 18 January 2017

Ref No.	Application/Report
3/26/16/026	Erection of a 0.90m picket fence and shed. 4 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead TA24 6JA
3/39/16/002	Erection of up to 480 sq.m. gross of flexible A1/A2 floor space including landscaping and pedestrian link to Fore Street (resubmission of 3/39/14/024 without proposed roundabout)

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

9. Appeals Decided

3/26/16/009 - Erection of rear and side extensions at 55 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JF – Appeal Dismissed.

3/26/16/015 - Erection of a rear extension at 55 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JF - Appeal Allowed.

3/17/15/004 - Reopening of one blocked historic door at ground floor level and three blocked historic windows at first floor plus creation of one new slot window at first floor at Gauth House, Tanners Hill, Huish Champflower, TA4 2EY – Appeal Allowed.

10. Should there be a site visit the reserve date for this will be - Monday 20th February

11. Next Committee date – Thursday 23rd February

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

lity)	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
obabi	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
d (Pr	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
Likelihood (Probability)	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
Like	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact (C	onseque	nces)		

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

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

PLANNING COMMITTEE

Minutes of the Meeting held on 12 January 2017 at 4.30 pm

Present:

Councillor S Dowding
Councillor S Goss
Councillor K Turner
Councillor A Hadley
Councillor B Heywood
Councillor R Woods

Councillor P Murphy (arrived 5.35pm)

Officers in Attendance:

Area Planning Manager – Bryn Kitching Planning Officer – John Burton Legal Advisor Martin Evans – Shape Partnership Services Democratic Services Officer – Tracey Meadows

P63 Apologies for Absence

There were apologies from Councillors Aldridge, Jones and Morgan.

P64 Minutes

Resolved that the Minutes of the Planning Committee Meeting held on the 1 December 2016 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor Venner and seconded by Councillor Turner

The motion was carried.

P65 Declarations of Interest or Lobbying

Councillor Hadley declared a prejudicial interest as he knew the applicant for application No. 3/21/16/098. He left the room whilst the application was presented and voted on. Councillor Turner declared on Application No. 3/02/16/008 that he was the Chairman for Brompton Ralph Parish Council and that this application come to the Parish Council meeting. H declared that he had not fettered his discretion and kept an open mind. Councillor Venner declared that he had met with the applicant for application No. 3/21/16/098. He did not vote on the application.

P66 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P67	3/26/15/024	Erection of one 4 bedroom dwelling and altered shared access road, Land adjoining Magnolia House, Washford	Nigel Short Mr Cocker	Applicant Agent	Infavour Infavour

P67	3/02/16/008	Change of use of land to mixed agriculture/tourism use and the erection of three glamping tents. Middle Stone Farm, Brompton Ralph to Gandstone Cross, Brompton Ralph	Mr Heard	Applicant	Infavour
P67	3/02/16/009	Erection of two storey extension to east elevation in order to link dwelling house with outbuilding plus porch and hall extensions to south elevation and new stair pod to the north elevation to access proposed first floor corridor linking existing cottage and first floor of new extension, Leigh Cottage, Brompton Ralph	Steve Terry/Louise Crossman	Architect	Infavour
P67	3/37/16/022	Extensions to existing bungalow. The Westerlies, West Street, Watchet, TA23 0BJ			
P67	3/21/16/098	Erection of 1 No. Dwelling and associated works in the garden to the rear. 78 Bampton Street, Minehead	Mr Dodd	Applicant	Infavour

P67 Town and Country Planning Act 1990 and Other Matters

Report Seven of the Planning Team dated 4 January 2017 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

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

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

Reference Location, Proposal, Debate and Decision

3/26/15/024 – Erection of one 4 bedroom dwelling and altered shared access road, Land adjoining Magnolia House, Washford

The Member's debate centred on the following issues;

- Concern with flooding issues;
- No sustainable drainage plan;
- Siting of property;
- Concerns with the impact on the surrounding Historic environment;
- · Concerns with Japanese Knotweed on site;
- Access to essential services:

Councillor Goss proposed and Councillor Parbrook seconded a motion that the application be **APPROVED** in accordance with the Officer Recommendation with an amendment to condition 11 regarding the submission of drainage details for the whole site.

The motion was carried

Reference Location, Proposal, Debate and Decision

3/02/16/008 – Change of use of land to mixed agriculture/tourism use and the erection of three glamping tents. Middle Stone Farm, Brompton Ralph to Gandstone Cross, Brompton Ralph, Taunton

Comments raised by the speakers included;

- 3 glamping sites had been running for a year and were massively successful;
- Good feedback stating that this was one of the best sites in the UK;
- There was a need for more tents as the site was fully booked in the school holidays;
- All local material and workmen used;
- Employment for local people;
- Small local shop on site selling local produce:
- The local economy was benefiting from this site.

The Member's debate centred on the following issues;

- No advantage to the village;
- Lack of need for an extra holiday letting in the area;
- Only full for two months of the year;
- Highway issues;
- Sustainability:
- The need to bring more tourist into West Somerset area to boost economic regeneration;
- This would enhance not impact the local area;
- Lack of objection from neighbours. .

Councillor Turner proposed and Councillor Heywood seconded a motion that the application be **REFUSED** on grounds of unsustainable location, lack of economic benefit and sub-standard access.

Councillor Maitland-Walker proposed and Councillor Woods seconded a motion that the application be **APPROVED** being a direct negative of the first motion.

The motion to APPROVE the application was carried

Reference Location, Proposal, Debate and Decision

3/02/16/009 – Erection of two-storey extension to east elevation in order to link dwelling house with outbuilding plus porch and hall extensions to south elevation and new stair pod to the north elevation to access proposed first floor corridor linking existing cottage and first floor of new extension. Leigh Cottage, Brompton Ralph

Comments raised by the speaker included;

• The erection of the extension was in keeping with the existing cottage, therefore it sat well in its original setting.

The Member's debate centred on the following issues;

- This proposal was not out of place or character for the area;
- The proposal cannot be seen by anyone as it was in the middle of nowhere;
- This proposal was subservient to the main building;
- This may set a precedent for other large applications;
- Condition for the gable end and materials was needed.

Councillor Turner proposed and Councillor Hadley seconded a motion that the application be **APPROVED** against the Officer Recommendation with delegated authority to Officers to impose conditions, including a condition controlling the use of materials on the gable end of the extension.

Reason

The proposed extensions, by reason of size, design and external appearance, would not be out of keeping with the existing cottage, and would not be excessive in scale in relation to the existing property. The proposed extensions to the side of the property would not dominate the site and the existing cottage and would not detracting from the visual appearance and character of the existing cottage. The proposal was therefore not contrary to saved policies BD/2 and BD/3 of the West Somerset Local Plan and policy NH13 West Somerset Local Plan 2032.

The motion was carried.

Councillor Murphy abstained from voting.

Reference Location, Proposal, Debate and Decision

3/37/16/022 – Extension to existing bungalow. The Westerlies, West Street, Watchet

The Member's debate centred on the following issues;

- Condition from the Geotechnical Report regarding prior to construction additional exploratory holes and laboratory tests on clay samples to be made should be carried out in the construction period;
- The cliff was quite a distance from the dwelling;
- This extension would enhance the dated property and make better use of it.

Councillor Murphy proposed and Councillor Woods seconded a motion that the application be **APPROVED** with an additional condition exploratory holes and testing of ground conditions prior to commencement.

The motion was carried

Reference Location, Proposal, Debate and Decision

3/21/16/098 – Erection of 1 No. Dwelling and associated works in the garden to the rear. 78 Bampton Street, Minehead

Comments raised by the speaker included;

- No immediate neighbours objected to the application;
- The area was built up and we are overlooked by everyone;
- The property would be built to the same standard as others in the street.

The Member's debate centred on the following issues;

- Access roads were very narrow;
- Not enough parking on the site for two cars;
- Lots of on-street parking already in the area;
- Cramped plot, not a good home for anyone;
- Would set a dangerous precedent for building in back gardens;
- f The need for small developments in Minehead;

Councillor Parbrook proposed and Councillor Maitland-Walker seconded a motion that the application be **REFUSED** as per the Officer Recommendation.

P68 Exmoor National Park Matters

Councillor B Heywood reported that two application went before the committee this month they included;

62/41/16/022 - Proposed dwelling for rural worker (68m2) at Hidden Valley Farm, Barbrook, Lynton, Devon - Deferred

6/27/16/113 – Proposed vehicle hard standing for two vehicles – Peace Cottage, Porlock Weir Road, Porlock, Somerset – Refused on Highway Safety

Asked to approve the main modifications to the Publication Draft Local Plan for consultation. Also asked to adopt the public speaking at authority meetings and planning site visits protocols.

No appeals lodged or decided upon

P69 Delegated Decision List (replies from Officers are in italic)

Clarification was sought on the location of 3/21/16/083, Land at Seaward Way, Minehead; *Premier Inn*;

Committee noted that Prior Approval was required and refused for application No. ABD/28/16/00

P70 Appeals Lodged

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

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

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

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

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

P71 Appeals Decided

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

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

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

The meeting closed at 6.50pm

Application No:	<u>3/26/16/026</u>
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Sarah Wilsher
Grid Ref	Easting: 303535 Northing: 143072
Applicant	Mrs Judith Baytch
Proposal	Erection of a 0.90m picket fence and shed
Location	4 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JA
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

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

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

(A4) Location Plan (A4) DrNo Plan 3A Site Plan Details of proposed shed Example of picket fence

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

No erection of fence posts or fencing shall be undertaken until trial excavations have been done by hand to ensure that there is no cutting of significant roots (greater than 2.5cm in diameter) in determining where the posts will be erected.

Reason: To safeguard the existing tree and hedge planting within the site having regard to the provisions of policy NH6 of the West Somerset Local Plan to 2032.

4 The existing hedging that currently exists on site shall be retained at a height of 1 metre in order to screen the shed in the interests of the visual amenities of the street scene. Any retained part of the hedging which dies, is removed or becomes seriously damaged or diseased shall be replaced by a similar species and size during the next planting season.

Reason: To safeguard the appearance of the development and the surrounding area having regard to the provisions of Policy SV1 of the West Somerset Local Plan to 2032.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

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

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

Proposal

It is proposed to erect a picket fence of 0.90 metres in height and 5.5 metres in length in the rear garden running along the north-west of the site to the east of the existing trees. It is also proposed to erect a shed to the south-east of the site to the side of the existing dwelling and hardstanding. The shed will be 1.8 metres in length and 1.2 metres wide with a dual pitched roof of 2.06 metres to the ridge and 1.6 metres to the eaves. It will be constructed of timber with a felt roof and have a polycarbonate window in the side. It is proposed that the shed will be positioned at 90 degrees to the hardstanding and accessed from the hardstanding.

Site Description

No. 4 is located in the northern part of Cleeve Park to the west of the access road into Cleeve Park. Cleeve Park consists of a series of small existing, formerly holiday chalets, most of which are now full-time residences. The setting of the Park is a distinct woodland setting. Part of the charm and specific character of the area are the small properties with low occupancy rates in a woodland setting that is not

dominated by access roads or car parking.

Relevant Planning History

3/26/15/006 - Erection of front porch - granted 5 June 2015 (currently not implemented).

Consultation Responses

Old Cleeve Parish Council - Old Cleeve Parish Council have considered the above application. They do not support the application and think it should be refused on the following grounds:

It is contrary to permitted development under Article 4 which is attached to Cleeve Park, and would be detrimental to the open nature of the site.

There is insufficient information on the application.

Tree Officer - There will be plenty of tree roots along the length of the proposed fence. No problem with the fence in principle, but any cutting of significant roots (greater than 2.5cm in diameter) should be avoided when putting the posts in, so trial excavations will need to be done by hand to determine where the posts can go.

Representations Received

One letter of objection has been received as follows:

• The sketch plan showing the position of the proposed fence line has not been accurately identified. If the proposal is to remove the existing hedgerow/trees then I strongly object as the replacement of natural hedgerows with fencing is detrimental to the open nature of the park.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SV1 Development at primary and secondary villages

NH6 Nature conservation & biodiversity protection & enhancement

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

BD/3 Conversions, Alterations and, Extensions

Determining issues and considerations

The fence and shed would normally be permitted development but Cleeve Park is constrained by an Article 4 Direction which removes permitted development rights in order to protect the local amenity and wellbeing of the area. This is therefore a material planning consideration in determining planning applications at Cleeve Park. It should not be assumed that the existence of the Article 4 Direction automatically results in the refusal of all planning applications, but the general presumption in favour of adding structures incidental to the enjoyment of the dwellinghouse needs to be balanced against the desire to protect local amenity and the wellbeing of Cleeve Park by way of the Article 4 Direction.

The fence will run for 5.5 metres but will stop short of the access road into Cleeve Park by about 1 metre. It is not proposed to remove any of the existing trees that currently run along the north-west of the site, or the hedging that runs alongside the access road to the east. This planting will therefore easily screen the low picket fence from the view of no. 5 and from road-users.

The fence, being modest in height, and of a picket style will blend in with the rural woodland setting of the dwelling and will not adversely affect the appearance of either the chalet or the character of the area.

The shed will be more visible being on the flat land to the east of the dwelling and close to the corner junction where the road divides and runs to the south past no. 4. However, it is modest in size and so it is not considered to be detrimental to the open nature of the site.

It will be partially screened from road users and neighbours by the existing hedging which is about 1 metre high, plus the existing trees in this area of the garden. The shed is also not so close to the road junction that it will affect highway safety. To retain the current level of screening the height of the hedge will be conditioned as no lower than 1 metre. It is thus not considered that the proposal will detrimentally affect the setting of the chalet or the street scene.

It is therefore considered that the proposed development is acceptable and in accordance with policies SV1 and NH6 of the West Somerset Local Plan to 2032 and retained saved policy BD/3 of the West Somerset Local Plan (2006).

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



Application No 3/26/16/026 Erection of a 0.90m picket fence and shed 4 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JA 2 November 2016

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

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Easting: 303535 Northing: 143072 Scale: 1:1250



Application No:	3/39/16/002
Parish	Williton
Application Type	Outline Planning Permission
Case Officer:	Bryn Kitching
Grid Ref	Easting: 307683 Northing: 140946
Applicant	Mr Gliddon
Proposal	Erection of up to 480 sq.m. gross of flexible A1/A2 floorspace including landscaping and pedestrian link to Fore Street (resubmission of 3/39/14/024 without proposed roundabout)
Location	J Gliddon & Sons Ltd, land at Bank Street, Williton, Taunton, TA4 4NH
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

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

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

2 Prior to the opening of any of the retail units (A1/A2) the pedestrian route linking to Fore Street shall be constructed in accordance with a scheme approved by the LPA and be made available in perpetuity for public use.

Reason – To ensure that the development has pedestrian access to the retail area at Fore Street

- Prior to the commencement of use, details of the hours of operation of the retail units, including delivery hours, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter operate in accordance with the approved details.
 - Reason To ensure that the proposed development does not harm residential amenity.
- 4 Prior to their installation, details of all external lighting, to include hours and strength of illumination, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter operate in accordance with the approved details.
 - Reason To ensure that the proposed development does not harm residential amenity.
- Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:
 - a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
 - b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
 - c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with West Somerset Core Strategy Policy and paragraphs 120-122 of the National Planning Policy Framework.

No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason – To ensure the recording and preservation of archaeological remains.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

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

Proposal

This application is for the erection of a new retail unit of up to 480 square metres of new retail (A1 use class) and financial/professional services (A2 use class) at the rear of the J Gliddon & Sons site in Williton.

The application (as originally submitted) proposed the demolition of part of the existing J Gliddon & Sons store on Bank Street, construction of a new roundabout, demolition of existing buildings to the rear of the main store, construction of vehicle access to the new building and provision of a new footpath link through the existing Lloyds Bank building onto Fore Street. It is suggested that Lloyds Bank would remain in retail use although some of the ground floor would be devoted to a public walkway.

Amended plans have been received which remove the proposed roundabout and therefore the demolition of the existing buildings is no longer required. Therefore the proposal is for the erection of a new retail unit with pedestrian access through the existing Lloyds Bank building onto Fore Street.

The application is made in outline with all matters reserved other than access. Although layout is not reserved, the red line for the application is of such a size that the building could only be located in the position shown on the submitted indicative plan. Although vehicle access is shown as being from Bank Street, no parking spaces are proposed for the development.

Site Description

The site is located off Bank Street and extends to the rear of the properties on Fore Street. The site is partially located within flood zone 2 on the southern and western extremities of the site. The site is located within an area of high archaeological potential and located near to several listed buildings, most notably the Police Station which is immediately adjacent to the main entrance. The site includes some private garden space for properties known as Chapel House, Bow Cottage and Stable Cottage.

Relevant Planning History

Case Ref	Address	Proposal	Decision	Decision Date
3/39/11/002	Land at Bank Street, Williton, TA4 4NH	Development of site to provide a foodstore, retail shops, professional & financial services, food & drink uses, health services, residential dwellings, vehicle & pedestrian means of access & associated car parking & landscaping.	Refuse	26 April 2013

3/39/14/010	Land at Bank Street/Fore Street, Williton, Taunton, TA4 4NH	Redevelopment of the site to provide a food store (A1), retail shops (A1), professional and financial services (A2), food and drink uses (A3), health services (D1), residential dwellings (C3), vehicle and pedestrian access, associated car parking and landscaping (resubmission of 3/39/11/002) in association with 3/39/14/024	Refuse	09 December 2015
3/39/14/019	Land and Buildings, Bank Street, Williton, Taunton, TA4 4NH	Lawful Development Certificate for the existing use of the land and buildings as a shop (Class A1)	Grant	27 October 2014
3/39/14/024	J Gliddon & Sons Ltd, Bank Street, Williton, Taunton,	Outline application (with all matters but access reserved) for the erection of up to 480 sq.m gross of flexible Class A1/A2 floorspace linked to proposed redevelopment of land associated	Refuse	09 December 2015

		with application ref: 3/39/14/010 to include vehicle and pedestrian access and landscaping.	
3/39/14/037	Buildings, Bank Street,	Lawful development certificate for the existing use of the land as retail, workshop, mixed light industrial use and storage.	21 August 2015

The previous application on this site for the 480 sq.m gross of flexible Class A1/A2 floorspace linked to proposed redevelopment of land associated with application ref: 3/39/14/010 (supermarket) was refused for the following reason:

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

Consultation Responses

Williton Parish Council - object

The Parish Council maintains its current position of objecting to the application on the grounds as stated previously, which included the Inner Relief Road, concern of a further roundabout causing traffic gridlock and the loss of Lloyds Bank.

<u>Further comments on amended plans removing the roundabout</u>

No objection to the removal of the roundabout from the application

Environmental Health Team – request additional information:

In terms of the above application, I would like to request additional information.

This re-submission appears to be similar to the earlier application (3/39/11/002) in that it retains the proposed roundabout off the A39, but without any associated parking provision (see Figure-1 below). Impacts from traffic emissions it is understood are still based on the transport assessment carried out by Savell, Bird and Axon in 2011 using baseline of traffic flows from 2009.

This transport assessment showed flows into the development of 75 vehicles per day (see enclosed TA Assessment; Appendix A), which is clearly an over-estimate based on the smaller scale of the current application with no parking to be provided.

Furthermore, the procedure for local authorities to follow when assessing new development from emissions, has also been updated by Defra since the previous application with publication of LAQM TG (2016). This statutory guidance places a new duty with respect to particulate matter emissions. These emissions, and especially the finer fraction (PM2.5) are considered non-threshold parameters.

But the previous air quality assessment did not model the impact of the construction phase of roundabout and thereby ignoring significance of these emissions. This is of relevance to the general exposure reduction principle for particulate matter, since exposure periods are based on daily and annual means.

I must therefore recommend that additional information, is sought to assess emissions, which includes the construction phase of the roundabout.

Further comments on amended plans removing the roundabout

In terms of the above application, it has been resubmitted without roundabout, and therefore previous comments made regarding the associated emissions air quality should be withdrawn. The proposal as it stands is without any associated parking provision.

However, I would recommend the following condition based on previous use of the site;

Condition; Contaminated Land;

Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

- a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with West Somerset Core Strategy Policy and paragraphs 120-122 of the National Planning Policy Framework.

Planning Policy – no comments received

South West Heritage Trust – comment:

The site lies within an Area of High Archaeological Potential and close to areas of known prehistoric activity.

For this reason I recommend that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

Economic Regeneration and Tourism – no comments received

Highways Development Control - comment

I refer to the above planning application and the submission of amended plans and information for which the Highway Authority have now reviewed and have the following observations to make.

From the reviewing the submitted information the applicant's highway consultant has provided additional information relating to the acceptability of the proposal with the removal of the roundabout.

From the details provided the information indicates that the impact on the surrounding highway network would be similar with or without the roundabout being provided. This information appears to be robust. However there doesn't appear to be any details relating to the suitability of the proposed access. As a consequence

the Highway Authority would require the applicant to submit a plan that shows that safe and acceptable visibility can be achieved in either direction.

Until this information is provided we are not in a position to provide further comment at this stage.

Biodiversity and Landscaping Officer – comment:

The demolition of Gliddons and Lloyds bank to provide vehicular and pedestrian access to the rear of the main shopping area of Williton will adversely impact on the street scene of the village. Enclosure formed by the Gliddons building on Bank Street will be completely lost.

The new access road and pedestrian link along with the construction of another roundabout will result in a more urban atmosphere thus contributing towards the gradual degrading of the unique character of Williton

Environment Agency – no comments received

Wessex Water Authority – comment:

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

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

Commercial Sprinkler Supply - Non domestic supplies required for firefighting or commercial use we will require assessment with network modelling subject to design requirements. We will normally recommend the use of storage tanks where network capacity is not available or where off site reinforcement is necessary to provide the stated demand.

S105a Public Sewers - On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

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

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

Foul Sewerage - There is sufficient spare capacity to serve this site. Storm water should not be discharged to the foul sewer.

Surface Water - Storm water will need to be taken to a local SUDs system within the site. There is no recorded local history of flooding, as described, within the vicinity.

South Western Ambulance Service - no comments received

Representations Received

39 letters of objection received relating to the original submission which raise the following issues:

- The proposed application will not add to the quality of life or economic future of Williton.
- It would harm the town centre.
- The level of highway works are excessive and disproportionate to the development proposed. This is unsustainable and does not promote more sustainable transport patters. Contrary to ID1 in the emerging local plan.
- The application in not linked to the larger food store application and must be treated on I's own merits.
- Loss of Lloyds Bank
- There can be no certainty that Lloyds Bank will relocate
- The application is a 'stalking horse' for the supermarket.
- Loss of existing J Gliddon & Sons shop.
- · Loss of on-street parking on Bank Street.
- Roundabout would cause traffic delays for those travelling between Taunton and Minehead.
- New roundabout in such close proximity to the existing one would cause traffic problems.
- There are already empty retail units in the town.
- Can not see the need for more retail units which may lie empty.
- Do not need a supermarket
- No net gain in retail space or jobs.
- No parking spaces are proposed and 11 would be lost on Bank Street.
- Loss of jobs
- Why is a new roundabout required when the existing J Gliddon & Sons store is able to take deliveries using the existing access?
- Loss of existing buildings (at the rear of the post office) which should be preserved.

- Traffic delays would hold up emergency vehicles.
- Loss of bank would harm local small businesses.
- Other local shops would be lost due to competition
- Williton would become a 'dead village'
- There would be trade division from Co-op which acts as an anchor for Williton
- Only limited weight should be placed on the emerging local plan.
- Concern that if the post office leaves Williton then the local community would be left without a bank or a post office

5 letters of support have been received which raise the following issues:

- Williton needs another supermarket
- I do not own a car so I can't drive to the supermarket in Minehead.
- A decent sized supermarket would make food prices more affordable Co-op in Willton has higher prices than Co-op in Minehead
- · Less food miles.
- People who object to a supermarket probably drive to Minehead, Taunton and Bridgwater to buy cheaper food.
- This will serve the needs of poorer people.
- If Lloyds Bank want to stay in Williton, then they would be willing to move to a new location as part of this development.

Further comments on amended plans removing the roundabout

2 further letters of objection received

- Loss of the bank will have an adverse impact on the vitality and viability of Williton.
- Lloyds bank in Watchet has closed.
- The bank attracts people to Williton who carry out linked trips to the shops.
- Additional traffic and journeys to Minehead and Taunton would occur

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC2	Housing Provision
WI1	Williton Development
EC1	Widening and strengthening the local economy
EC5	Safeguarding existing employment uses
EC12	Minehead primary retail area and central areas for al wa wi
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
CF2	Planning for healthy communities
NH1	Historic Environment
ID1	Infrastructure delivery
NH6	Nature conservation & biodiversity protection & enhancement
NH9	Pollution, contaminated land and land instability

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

SH/3	Retail Development Outside of Minehead Town Centre
T/7	Non-Residential Development Car Parking

Determining issues and considerations

Principle of Development

The site is located within the built up area of Williton and within the proposed retail area identified in the new West Somerset Local Plan to 2032. Policy SC1 of the new local plan sets out the hierarchy of settlements and states that "new development will be concentrated in the district's main centre, Minehead/Alcombe, and in the rural service centres of Watchet and Williton, this will be on a scale generally proportionate to their respective roles and functions to their own communities and those in surrounding settlements that rely on their larger neighbours for essential services and facilities". It is considered that the provision of additional retail space (at suitable locations within these settlements) is acceptable provided that it is of a scale that is appropriate to the role of the settlement.

Williton acts as an important local centre with a range of shopping and related facilities meeting the essential day-to-day needs for the residents of the village. Retail development within the main commercial and retail area is encouraged by Policy EC12 of the new local plan which identifies the main commercial retail area of Williton and the states:

WITHIN THE ALCOMBE, WATCHET AND WILLITON RETAIL AREAS, AS DEFINED ON THE PROPOSALS MAP, BUSINESS ACTIVITIES OF RETAIL AND RETAIL RELATED ACTIVITES IN ALL THE A-CLASS USES WILL BE THE PREFERRED USE AT GROUND FLOOR LEVEL.

The proposed development is for a mix of A1 (shop) and A2 (financial and professional services) and is shown on the indicative plan to be at ground floor level.

The proposal therefore complies with retail policy EC12.

Policy WI1 seeks to protect and enhance Williton's important service and employment role in the local economy and also in the provision of community services for the wider area in conjunction with the neighbouring settlement of Watchet. It states:

DEVELOPMENT PROPOSALS AT WILLITON MUST:

- SUPPORT AND STRENGTHEN THE SETTLEMENT'S ROLE AS A LOCAL SERVICE, ADMINISTRATIVE AND EMPLOYMENT CENTRE FOR THE NORTH EASTERN PART OF WEST SOMERSET DISTRICT, PARTICULARLY IN TERMS OF THE RANGE AND QUALITY OF ITS SERVICES AND FACILITIES. AND:
- CONTRIBUTE TO THE IMPROVEMENT OF TRAFFIC AND TRANSPORT MANAGEMENT WITHIN THE VILLAGE, AND;
- COMPLEMENT THE PROVISION OF EMPLOYMENT OPPORTUNITIES, SERVICES AND FACILITIES IN NEIGHBOURING WATCHET

WHERE APPROPRIATE, DEVELOPMENT MUST CONTRIBUTE TOWARDS RESOLVING THE FLOOD RISK ISSUES WHICH AFFECT THE SETTLEMENT.

New retail development within the defined retail area is considered to be beneficial to the local service centre and if it improves the range of services available (while complementing services in Watchet), then it would be in accordance with policy WI1.

Policy SC5 of the new local plan encourages the self-containment of settlements and seeks to ensure that patterns of new development provision aim to minimise transport demand and maximise the attractiveness of walking and cycling as modes of transport. The provision of the best range of services and facilities which can be achieved will help to increase the self-containment of the larger settlements, such as Williton.

It is accepted a greater retail offer in Williton will reduce the need to travel to other areas and it will be necessary to balance the provision of additional A1 and A2 uses against the potential loss of a specific A2 banking use. This is discussed further under the retail impact section below.

It is therefore considered that in principle, retail development in the defined retail area of Williton is acceptable provided that it is of an appropriate scale to not have an adverse impact on the service centre as a whole.

Retail Impact

Chapter 2 of the National Planning Policy Framework (NPPF) seeks to ensure the viability of town centres and requires Local Planning Authorities (LPA's) to "define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that

make clear which uses will be permitted in such locations;" policy EC12 of the new local plan effectively does this and the site is within the defined retail area. The NPPF requires a sequential approach to new retail development and states that LPA's should require applications for main town centre uses, to be located in town centres. As the development is within the defined retail area, it is not necessary to consider whether there are any sequentially preferable sites.

Paragraph 26 of the NPPF states that "When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold". As the site is within the defined retail area, there is no requirement under the NPPF to undertake an impact assessment of this application.

Chapter 2 of the NPPF concludes by stating that "where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused." As concluded above, the application passes the sequential test and there is no requirement for an impact assessment to be carried out.

There has been significant local objection in regard to the part of the proposal that would see the provision of a footpath link through the existing Lloyds Bank to Fore Street. It is felt by the objectors that this would see the closure of Lloyds bank which is the last bank in Williton and an important local facility that is a significant draw to the village. This fear is understood, however the planning system deals with land use rather than specific occupiers or businesses. Banks are an A2 class in the Town and Country Planning Use Classes Order and it is considered that the local planning authority should consider whether the proposal would result in the loss of the last A2 use within the village. There are other A2 premises in the village including the former Nat-West Bank which is currently unoccupied and the proposal is for a mix of A1 and A2 uses. It is therefore considered that it would not be possible to uphold a planning objection to the loss of an A2 use.

Policy SC6 of the new local plan seeks to safeguard existing village facilities and states that:

DEVELOPMENT RESULTING IN THE LOSS OF COMMUNITY FACILITIES SUCH AS PUBLIC HOUSES AND SHOPS WHERE THESE ARE THE LAST SUCH FACILITIES IN, OR SERVING A SETTLEMENT, WILL BE RESISTED UNLESS IT CAN BE DEMONSTRATED THAT THE BUSINESS IS NOT AND CANNOT BE MADE VIABLE, AND THAT ALL REASONABLE EFFORTS HAVE BEEN MADE TO SELL, RENT AND /OR LEASE THE BUSINESS (AT A COMPETITIVE PRICE FOR COMPARABLE USES) FOR A MINIMUM OF TWELVE MONTHS AND HAS GENERATED NO INTEREST

Although it is considered that the proposal may well see the loss of Lloyds Bank from it's current location, it is not the last A2 premises and there is potential for replacement A2 facilities to be provided in the new scheme. It is therefore considered that the proposals is not contrary to Policy SC6 of the new local plan.

Highway Impact

As originally submitted, the application included the provision of a new roundabout on Bank Street which would have required careful assessment regarding traffic impact and the significant changes to the character of the area. After further discussion with the applicant and concerns raised regarding such a significant piece of infrastructure to access a development that did not include any car parking, this has now been removed from the proposals.

Vehicle access for servicing/deliveries would be via the vehicle access to the side and rear of the existing J Gliddon & Sons store. As this access already provides servicing for the much larger existing retail site (as confirmed by lawful development certificates), it is felt that the proposals would not result in a significantly greater amount of traffic using the access than that accessing the lawful retail uses at the rear of the store.

No customer parking is to be provided as part of this development and these wanting to access the new retail units would need to park in the existing car parks and walk through the new footway link from Fore Street. This parking arrangement is no different to accessing most other facilities within the retail area.

The County Highway Authority responded to the amendment to remove the roundabout asking for plans to show that the access has safe and acceptable visibility in both directions. Those plans have been submitted and have been sent to the Highways Authority for their comment. Their response will be updated at the committee meeting.

The Parish Council have raised an issue that allowing this proposal would result in the loss of the land available to create a relief road. This concern is understood. However the potential provision of a relief road is not provided for in any adopted or emerging planning policy document. It should also be noted that the previous residential permission granted on the land to the north of this site did not safeguard the route of an inner relief road.

It is therefore considered that there are no adverse highway impacts as a result of the amended proposal.

Other Issues

There has been comment on this application that relates to the previous applications for a supermarket on the site to the north and a similar application for a 480 sq m retail unit on this site that was linked to the supermarket proposals. This application is a standalone application which needs to be determined as such and although any decision may or may not have a bearing and the current appeals that have been submitted for those 2 schemes, it is important to consider the planning merits of this case and not other proposals that are not in front of the council for consideration.

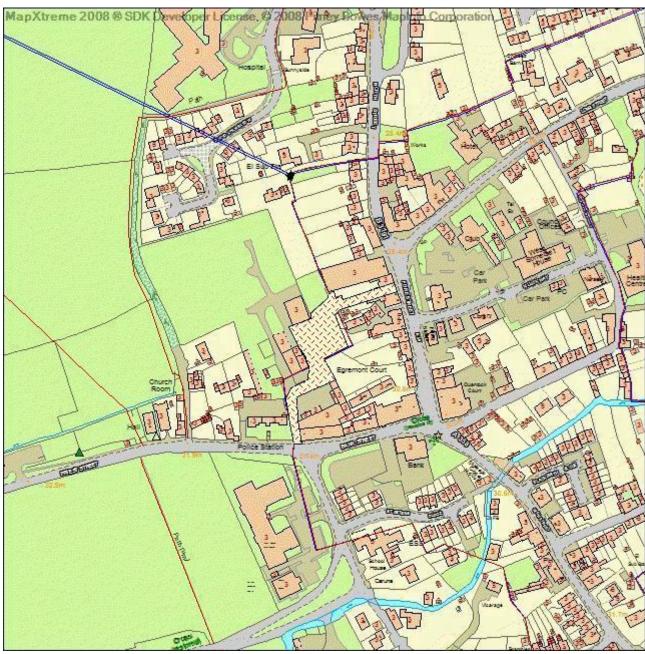
Conclusion

This application is for retail development in the defined retail area of Williton. It is compliant with the retail policies in the new local plan and will provide additional retail facilities in the local service centre that could strengthen the role of Williton and potentially stop retail leakage to other areas. Although the proposals could result in the loss of banking facilities at Lloyds Bank, it will not result in the total loss of A2 floorspace in Williton and the proposals make provision for replacement A2 floorspace.

The use of the existing access for servicing and deliveries is considered not to result in a material increase in vehicle movements over and above that which could occur in conjunction with the lawful uses of the site.

It is therefore considered that planning permission should be granted subject to the views of the Highway Authority and planning conditions listed above.

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



Application No 3/39/16/002
Erection of up to 480 sq.m. gross of flexible A1/A2 floorspace including landscaping and pedestrian link to Fore Street (resubmission of 3/39/14/024 without proposed roundabout) J Gliddon & Sons Ltd, land at Bank Street, Williton, Taunton, TA4 4NH 29 February 2016
Planning Manager

Planning Manager
West Somerset Council
West Somerset House
Killick Way

Williton TA4 4QA

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Easting: 307683 Northing: 140947

Scale: 1:2500



Delegated Decision List										
Ref No.	Application	Proposal	Date	Deci Officer sion						
3/38/16/005	Gorse Bank, The Avenue, West Quantoxhead, Taunton, TA4 4DJ	Erection of single storey extension to the south-western elevation, alterations to the two-storey element of the dwelling with attached replacement double garage to the north-eastern elevation and porch to the south-eastern elevation	13 January 2017	Grant <u>SW</u>						