



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 May 2016

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Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 26 May 2016

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

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

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

Yours sincerely

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

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 26 May 2016 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 28 April 2016 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

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

4. Public Participation

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

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

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

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

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

Report No: One

Date: 18 May 2016

<u>Ref No.</u>	<u>Application/Report</u>
3/07/16/004	Creation of new vehicular access, erection of garage and log store. Erection of rear extension to dwelling, formation of west lawn and retaining walls at Station House, Stogumber Road, Crowcombe, Taunton, TA4 3TR
3/21/16/033	Change of use of existing dwelling (Class C3) into 10 HMO units at Baytree, 29 Blenheim Road, Minehead, TA24 5PZ
3/39/16/006	3/39/16/006 - Change of use from newsagents (Use Class A1) to hot takeaway food outlet (Use Class A5) plus associated works at

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

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

8. **Appeals Lodged**

NONE

9. **Appeals Decided**

Erection of a detached two bedroom dwelling over the existing footprint of two garages to the west of Higher Park. Site at: Land at Higher Park, Minehead (planning application 3/21/15/081) - Planning Appeal dismissed

10. Reserve date for site visits – 27 June 2016

11. Next Committee date - 30 June 2016

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Likelihood (Probability)	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
Impact (Consequences)							

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

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

PLANNING COMMITTEE

Minutes of the Meeting held on 28 April 2016 at 4.30 pm

Present:

Councillor S J PugsleyChairman
Councillor B Maitland-WalkerVice Chairman

Councillor S Dowding
Councillor A P Hadley
Councillor T Hall
Councillor B Heywood

Councillor P H Murphy
Councillor K H Turner
Councillor R Woods

Officers in Attendance:

Area Planning Manager – Bryn Kitching
Legal Advisor Martin Evans - Mendip DC
Democratic Services Officer – Tracey Meadows

P94 Apologies for Absence

There were apologies for absence from Councillors I Aldridge, D Archer, S Goss, I Jones, C Morgan and J Parbrook.

P95 Minutes

Resolved that the Minutes of the Planning Committee Meeting held on the 24 March 2016 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor K Turner and seconded by Councillor B Heywood.

The motion was carried.

P96 Declarations of Interest or Lobbying

No Declarations of Interest or Lobbying were declared.

P97 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P97	3/26/14/026	Outline planning application for the erection of 10 dwellings, access, replacement allotments, public car park and associated works. Land north of Huish Lane, Washford, Watchet	Mr P Browne	Neighbour	Objecting
			Mr P Gannon	Neighbour Old Cleeve Parish Council	Objecting Objecting
			Mr D Searle Mrs Ayton	Neighbour Neighbour	Objecting Objecting
			Cllr M Dewdney	Ward Member	

			Mr S Briggs	Savills	In favour
P97	3/26/14/025	Outline planning application for the erection of 6 dwellings, access, public footpath/cycleway and associated works, The Nursery Site, A39, Washford	Mr G Williams Mr S Briggs	Neighbour Savills	Objecting In favour

P98 Town and Country Planning Act 1990 and Other Matters

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

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

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

Reference Location, Proposal, Debate and Decision

3/26/14/026 Outline planning application for the erection of 10 dwellings, access, replacement allotments, public car park and associated works. Land north of Huish Lane, Washford, Watchet

Comments raised by the speakers included:

- The 9 inch sewer that is there at present taking sewerage away was not fit for purpose. Increased rainfall and high tides in the last three years has meant that manholes on and below this site came up spilling sewage onto the ground;
- Not an indicative scheme, no cycle or footways and no refuse facility.
- Lack of local employment;
- Not sustainable;
- No mains gas, school over capacity, hazardous access from the A39 and poor access to the bus stops;
- Increased road traffic in Washford Lane especially in school hours;
- No extra parking allowed for the extra 10 dwellings;
- Increased flooding issues should this development go ahead;
- To many dwellings for the site;
- Who will be responsible for the access road;

- Consideration for the site be used for self-build for people with local connections should be taken;
- No bypass and no road improvements proposed in the Local Plan, 2015-2032. Speed reduction and calming measures were requested from Highways, as yet there was no provision for this;
- This development would be a positive contribution to Washford;
- There was a need for one bedroom units in West Somerset;
- Environment Agency has not objected to this application as it was in flood zone 1;
- No objections from Highways;
- CIL contributions will be made to education following the development;

The member's debate centred on the following issues:

- Disappointed that this was an outline and not a full application, but happy that the dwellings would be affordable, this was something that the district desperately needed;
- Sewage issues were a concern and should be conditioned at this stage;
- No provision for pre-school education in the S106 Agreement in addition to the first school education;
- Concerns that 10 dwellings were going to be using one private access, there would be a lot of wear and tear on this road;
- Concerns with access on the A39;
- Would like to see that the one bedroom houses were large enough for two people, code design 3. would like to see that conditioned that they were to the correct standard;
- Parking bays would need to be laid out as per Somerset County Council's highways design guidance;

Councillor K Turner proposed and Councillor P Murphy seconded a motion that the application be **APPROVED** subject to the applicant entering into a legal agreement to secure;

- 100% affordable housing to be provided;
- Financial contribution towards education of £15,321.25;
- Financial contribution towards other community infrastructure of £9,678.75;
- Phasing of development to ensure that the replacement allotments and car parking area are provided prior to any works commencing on the construction of the dwellings;

And an additional condition requiring details of foul drainage to be submitted and approved.

The motion was carried.

Reference Location, Proposal, Debate and Decision

3/26/14/025 Outline planning application for the erection of 6 dwellings, access, public footpath/cycleway and associated works, The Nursery Site, A39, Washford

Comments raised by the speakers included:

- Main worries were the proposed path as all areas flood;
- Highways will not maintain this;
- No lighting was proposed on this path;
- There are stock in both fields;
- Access is restricted to the Dutch Barn;
- Path needs to be fenced off to stop dogs worrying the sheep;
- Access not appropriate for this development;
- 30 mile per hour zone needs to be extended out;
- No safe crossing point for the footpath leading from the site;
- Path is unlit, unsafe, liable to deteriorate due to it not being maintained and not fit for purpose;
- No funding for new dog bins;
- Access onto the A39 regarded as safe by the Highways Authority;
- TPO has been placed on the Walnut tree on site;
- Dutch Barn has been looked at and the surface will be reinforced;
- Meets housing need for West Somerset;
- This development will provide 62% affordable dwellings across the two sites;

The member's debate centred on the following issues:

- Highway access;
- We need to increase the width of the path;
- Lighting of the footpath;
- Dutch Barn needs a proper crossing for tractors and vehicles so that it does not get destroyed;
- The footpath needed to be raised and fenced off to protect stock;

Councillor P Murphy proposed and Councillor A Hadley seconded a motion that the application be **APPROVED** subject to the applicant entering into a legal agreement to secure;

- Provision and subsequent maintenance of 2m wide footpath/cycle way and 150 sq m of public open space; The footway shall be flood resilient, fenced with stockproof fencing, provide gated vehicle access to the pole barn with a suitably constructed surface, and be appropriately lit;
- Financial contribution towards education of £9,192.75;
- Financial contribution towards other community infrastructure of £20,807.25;
- Phasing of development to ensure that affordable housing is provided on the Huish Lane Site;

And two additional condition requiring details of foul drainage to be submitted and approved, and the extension of the 30mph zone as set out in the submitted Transport Statement

The motion was carried.

P99 Exmoor National Park Matters

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

Proposed agricultural/equestrian barn, Monkham Lodge, Exford Minehead - Planning permission was sought for the erection of an agricultural/equestrian building at Monkham Lodge. Monkham Lodge is a detached dwelling set within a large domestic curtilage to the south of Exford. Application was approved with conditions;

Proposed introduction of a pay and display machine (Full) – Heddon Valley car park, Parracombe, Barnstaple, Devon - Planning permission was sought for the installation of a pay and display machine at Heddon Valley. Heddon Valley is a National Trust owned site and the car park provides parking for visitors who are walking in the area and along the footpaths to Heddon's Mouth. The car park is situated close to the Hunter's Inn. The National Trust owns a group of buildings, including a toilet building, which are situated on the opposite side of the road to the car park. Application was approved with conditions;

Proposed replacement of agricultural building to form cattle accommodation building (679m²) (Full) – Broford Farm, Dulverton, Somerset - Planning permission is sought for the erection of a replacement agricultural building. Application was approved with conditions;

An appeal was dismissed against the proposed addition of a first floor on top of a garage at No 15 Battleton. The building would have been excessively dominant and disproportionate to the dwelling it served.

P100 Delegated Decision List (replies from Officers are in italic)

C/21/16/004 - Land at Seaward Way – Councillor sought details of where exactly this site was in Minehead. *The Premier Inn site.*

P101 Appeals Lodged

Appeal against the refusal of the erection of one dwelling in the garden at The School House, main Road, Sampford Brett, TA4 4LG (planning application 3/28/15/008)

Appeal against the refusal of the outline application for the erection of a dwelling house on land off 6 Cherry Tree Way, Watchet, TA23 0UB (planning application 3/37/15/024)

P102 Appeals Decided

Outline planning application (all matters reserved except access) for construction of dormer bungalow on land adjoining 1 Marshwood Cottages, Blue Anchor, Minehead, TA24 6JY (planning application 3/05/15/010) – Planning Appeal dismissed.

Construction of two houses together with road and new junction on land to the east of Capton Road, Sampford Brett, TA4 4JZ (planning application 3/28/15/004) – planning Appeal dismissed.

P103 Reserve date for site visit – Monday 23 May

P104 Date of next meeting – Thursday 26 May

The meeting closed at 6.45pm

Application No:	3/07/16/004
Parish	Crowcombe
Application Type	Full Planning Permission
Case Officer:	Briony Waterman
Grid Ref	Easting: 311150 Northing: 137257
Applicant	Mr Robin White
Proposal	Creation of new vehicular access, erection of garage and log store. Erection of rear extension to dwelling, formation of west lawn and retaining walls
Location	Station House, Stogumber Road, Crowcombe, Taunton, TA4 3TR
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council.

Recommendation

Recommended decision: Grant

Recommended Condition(s) (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: 151101/3, 151101/5, 151101/6, 151101/7, 151101/8, 151101/9, 151101/10 and site plan submitted on 21/03/2016.

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

- 3 All external walling and roofing materials to be used in the construction of the garage and extension shall be of a similar appearance to those of the existing building .

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

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

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

- 5 No works shall be undertaken on the new access unless structural details for the retaining wall have been submitted to and approved in writing by the local planning authority. The retaining wall shall be constructed in accordance with the approved details.

Reason: To ensure that the retaining wall does not have an adverse impact on the public highway, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 6 No works shall be undertaken on the construction of the stone retaining wall unless a sample panel has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The works shall thereafter be carried out only in accordance with the details so approved.

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

- 7 All soft landscape works shall be carried out in accordance with the approved details shown on Drawing Number 151101/3. The works shall be carried out within the first planting season following construction of the retaining wall. 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).

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.

Proposal

Permission is sought for the creation of a new vehicular access from Station Road leading to a double garage with a log store to the side. The proposed garage is 6.4 metres high, would be built into the slope and has a room in the roof.

A 3m x 4.2m extension is proposed to the western (rear) elevation of Station House, along with formation of a level lawned area which includes retaining walls.

Site Description

Station House is approximately 200m north east from Stogumber Station. The dwelling is a brick and render detached house with a tiled roof. The property is set approximately 4 metres above the highway, behind a grass and hedge bank with a retaining wall. The property is bounded by hedging to the north west and north east.

Relevant Planning History

No relevant planning history.

Consultation Responses

Crowcombe Parish Council - object:

In principle the Council accepted appropriate development of the site and supported the provision of off road parking that the proposal offered. However, the Parish Council resolved to object to the application due to concerns regarding the following points:

1. The size of the proposed garage is disproportionately large in relation to the existing dwelling.
2. The proposed stone retaining walls are stark and not in keeping with the area.

Highways Development Control - comment:

Having reviewed the submission the proposed access has been designed to take into account a gradient of 1:10 which is in accordance with the Highway Authority's design standards. The drive will be properly consolidated and surfaced which is considered to be acceptable whilst the Highway Authority is satisfied that a vehicle is able to turn and leave the site in a forward gear.

It is noted from the design and access statement that the applicant has proposed visibility splays in accordance with the Highway Authority's Standing Advice document. This section of highway is subject to a 60mph speed limit however actual vehicle speeds passed the site are much lower, approximately 25-30mph. As a consequence the design guidance set out in Manual for Streets would be considered appropriate. Having reviewed Drawing No. 151101/3 the applicant has proposed splays of approximately 18m in either direction. The Highway Authority would need confirmation on the actual splays that have been proposed as it is our opinion that splays of 2.4m x 22m should be provided in either direction.

The Highway Authority is satisfied with the proposed access width of 3.5m whilst the use of an ACO drain is considered to be acceptable. It is noted that a trench soakaway has been proposed however from consulting our road records this appears to be located in the adopted highway. As a consequence the Highway Authority would need to confirmation as to whether this trench already exists or is being proposed by the applicant. If it being proposed then the applicant would need to look relocate it so it isn't on the adopted highway.

Finally the applicant has proposed a retaining wall which appears to be located or in close proximity to the adopted highway. As a consequence S.167 of the Highways Act 1980 would apply which requires the applicant to submit structural drawings to the Highway Authority for audit. It is noted that part of the submission did include drawings of the retaining wall however these are not sufficient for our Structures Team to carry out an audit.

In conclusion the principle of the proposed access is considered to be acceptable although the applicant will need to confirm the level of visibility proposed and also whether the drainage trench already exists. However the main issue relates to the proposed retaining wall as the Highway Authority would require the applicant to submit further details for a structural audit. Until this information has been provided we are not in a position to provide a recommendation.

Representations Received

None received

Planning Policy Context

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

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

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

West Somerset Local Plan

- BD/3 Conversions, Alterations and, Extensions
- SP/1 Settlement Hierarchy
- SP/3 Development in Villages
- T/8 Residential Car Parking
- T/3 Transport Requirements of New Development

Emerging West Somerset Local Plan

- SV1 Development at primary and secondary villages
- SC1 Hierarchy of settlements

Determining issues and considerations

The proposed extension to the north is considered acceptable as the materials proposed will help blend the extension to the main dwelling. The extension is to be stepped back from the principal elevation which will create a subservient appearance. It is considered that there would be no impact on the neighbouring properties or land users due to the location of the extension, it will be screened from the main road by the existing dwelling, whilst the neighbours to the east are over 80 metres away.

It is noted that the Parish Council have concerns with regard to the size of the garage, however the dimensions comply with the guideline as set out in the Highways Standing Advice document for a double garage. The proposed use of materials for the garage will complement the main dwelling.

The proposed access is to be a gradient of 1:10 which is in accordance with the Highways Authority design standards, the drive is to be consolidated with details of the drainage secured under condition and there is ample space for a vehicle to turn on the site and exit in a forward gear.

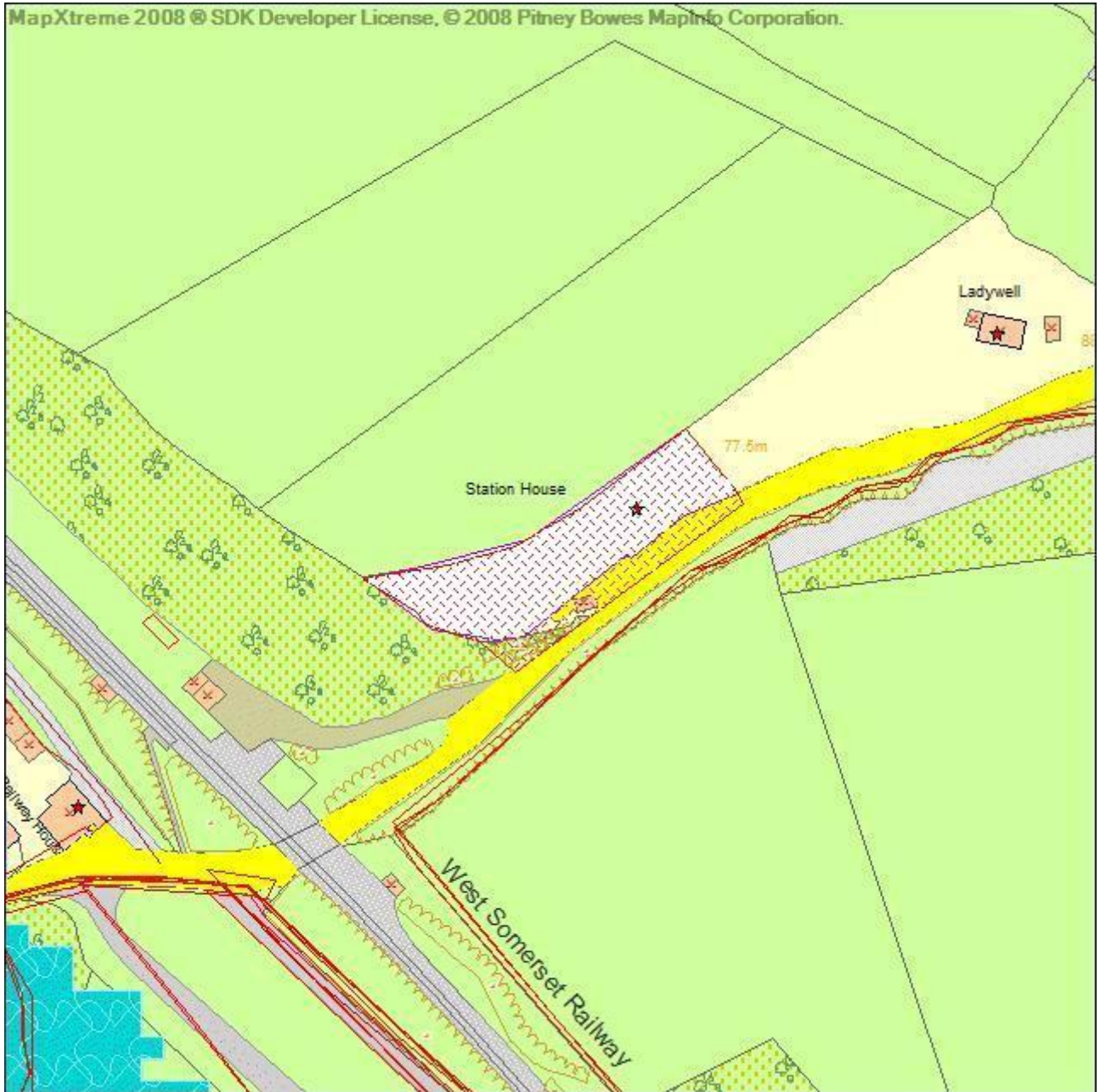
Although the visibility splays do not reach the required width for a 60mph road due to the narrow and windy nature of the road a vehicle is more likely to be travelling

around 25-30mph. The visibility splay to the south west looks over the applicants land and is shown to at 16m. Visibility splays to the south east are shown at 10m. Anything greater cannot be achieved as the land required would not be in the applicants ownership. However due to the relatively quiet nature of the area and as the road curves away from the access it is considered that the visibility is sufficient for the single dwelling.

The addition of stone faced retaining walls along the boundary and drive area is considered acceptable as the use of the stone is a preferred material and used elsewhere in the area. The use of trees and shrubs will help to break up the appearance of the stone wall in an area dominated by hedging and implementation of the landscaping details can be secure by a planning condition. Highways have raised concerns about the retaining wall and as such, a condition has been included requiring the submission of the structural details prior to construction of the access.

The proposal is therefore considered acceptable by policy BD/3 of the West Somerset Local Plan and policy SV1 of the emerging West Somerset Local Plan.

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



Application No 3/07/16/004
New access, and rear extension
Station House, Stogumber Road,
Crowcombe
21/03/2016



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

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Easting: 311150 Northing: 137257
Scale: 1:1250

Application No:	3/21/16/033
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 297014 Northing: 146459
Applicant	Mr Tony Brice
Proposal	Change of use of existing dwelling (Class C3) into 10 bedroom House in Multiple Occupation (HMO)
Location	Baytree, 29 Blenheim Road, Minehead, TA24 5PZ
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council.

Recommendation

Recommended decision: Grant

Recommended Condition(s) (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: Existing site plan, dwg. no. 1383/100 and Proposed floor plans, dwg. no. 1383/200 submitted on 31/03/2015.

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

Informative notes to applicant

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

2 **STATEMENT OF POSITIVE WORKING**

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

Planning Policy Framework. 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.

- 3 The Environmental Health Officer has commented that the proposal would also need to comply with the licensing scheme under the Housing Act 2004 and would therefore need a mandatory licence. In addition to this the applicant should be aware of the standards required under the Regulatory Reform Order (RRO) for fire safety, as the property will need an interlinked fire detection system with emergency lighting. Specification on the type and grade that will be required can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422192/9281sleeping_accomodation_v2.pdf

Proposal

A prospective purchaser is applying for the Change of use of existing dwelling (Guest House - Class C3) into 10 bedroom HMO (House of Multiple Occupation). The change of use will also involve alterations to the external rear elevation with a partial demolition of an existing conservatory and the installation of additional new drainage pipes and ventilation ducting. En-suite bathrooms are proposed for each bedroom plus new fire doors and fire alarm system. The existing kitchen and the remaining conservatory area is proposed for communal use by the residents.

Site Description

The existing site is located approximately half way on the western side of Blenheim Road, opposite Blenheim Gardens Park. The building was converted into three flats and was converted back to one single unit in 2001. It has more recently been used as a Bed and Breakfast establishment, although this appears to have been undertaken without the benefit of planning authorisation.

The site area is approximately 498sqm with the overall ground floor footprint of 106sqm. The existing Victorian property is a five bedrooed terraced dwelling, arranged over three floors and forming part of a terrace of 7. It is constructed in stone facing with stone quoins and windows cills (ground floor cills painted white), the dual pitched roof is clad with traditional clay tiles and there are two dual pitched dormers on the front principle elevation and ornate white painted decorative railings across the frontage at first floor level. The existing windows in the building are painted timber sash on the front elevation with upvc to the rear. The barge boards are white painted timber and rainwater goods are white upvc.

The adjacent property to the north (no.30) has been divided into flats and is known as Parkside Holiday Flats, with the other adjoining neighbour (no. 27) as well as most of the remainder of the properties in the road being divided into flats or bedsits.

The rear of the site is accessed from a road that runs south to north which is known as Blenheim Mews and Quay Lane. At the rear of the site (in Quay Lane) is a former garage building which was converted into a two bed coach-house dwelling. There is a rear parking area serving the proposal site which also includes 1 parking space for the converted garage. The parking area has a roughly gravelled surface which can accommodate three or four cars whilst still allowing some turning space.

The property was placed on the market in 2008 as a house with 'some income potential' by estate agents Webbers (2008), Foxes (2012), Lawrence Wright - Specialist Hotel Agent (2013) and Falcon Commercial (2105).

It is understood from the planning agent that this former single home has only been used as a B & B establishment for a temporary period, but it is not known for how long this temporary period is reported to be. Upon investigating, it appears that the business has been in operation since 2001, although the property has not been officially granted change of use from a private dwelling to a B & B. However, it could be that this was initially undertaken on an informal basis and if the residents of the dwelling were using more of the building as a single domestic unit with only a few letting rooms this might not have required planning permission. Nevertheless, given the passage of time, this use could now be established in planning law as the minimum passage of time for a use to be immune from enforcement action is 10 years. The current owner has confirmed the B & B use has been an occasional use.

Relevant Planning History

Five planning applications have been submitted for this site over the period 1989-99. These include alterations at the rear of the site to convert an existing garage building into living accommodation and arrangement of parking area, plus the erection of a rear conservatory. There has been nothing more recent for this site.

There are two other known HMO's in Blenheim Road. No. 15 (Granville) has 12 letting rooms and no. 33 has 7 letting rooms. Both are licenced under Environmental Health legislation, but neither appear to have been authorised under the planning Regulations. However, the EHO has evidence to suggest that they have both been in existence for a minimum of 10 years so would be likely to be immune from planning enforcement action.

Consultation Responses

Minehead Town Council – Recommends refusal.

Impact of higher density housing on immediate surrounding taking into consideration parking, drain and sewerage, over-development and noise insulation.

Environmental Health Officer – comments

There are minimum room and amenity standards for a house in multiple occupation. In addition to this, the proposed property would fall into the licensing scheme under the Housing Act 2004.

I can confirm that there is not enough amenities proposed for the amount of rooms/people. For example, one kitchen would not be enough for 10 people/rooms. Where would the tenants eat their food? The proposal encourages isolation. There isn't enough amenity space.

With one kitchen – 5 rooms. If they put an additional kitchen on the 1st floor and the appropriate fire precautions they could have more.

Highways Development Control - Standing Advice.

Representations Received

Cllr Terry Venner has made the following comments:

“I must say that it's another sad day for tourism in Minehead and West Somerset, with the loss of this Guest House/B & B Provider property. Whilst I can appreciate 10 new units to the housing stock, which is greatly needed, I must raise concerns over the loss of another Guest House within Minehead.”

1 Letter of support has been received from current owner of the building explaining details of the use of the building, the B & B function and previous marketing of the premises.

2 Letters of objection have been received raising the following issues;

- Overloading current drains, additional units would exacerbate this.
- Parking arrangements, few existing parking spaces (3) any additional parking would be on street parking.
- Management of the facility, how will it be managed?
- Impact on Conservation Area, regarding higher density housing on the immediate surroundings.

Planning Policy Context

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

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

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

West Somerset Local Plan

SP/2	Development in Minehead and Rural Centres
CA/1	New Development and Conservation Areas
BD/1	Local Distinctiveness
BD/2	Design of New Development
EC5	Safeguarding existing employment uses
T/3	Transport Requirements of New Development
T/8	Residential Car Parking
W/6	Flood Plains
CA/2	Demolition in Conservation Areas

Emerging West Somerset Local Plan

SD1	Presumption in favour of sustainable development
EC5	Safeguarding existing employment uses
MD1	Minehead Development
NH1	Historic Environment
NH10	Securing high standards of design
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
TR2	Reducing reliance on the private car
SC1	Hierarchy of settlements

Determining issues and considerations

- Background to planning policy considerations
- Principle of development
- Impacts on character and appearance of the area
- Impacts on residential amenity in the area
- Highway safety
- Flood risk/Drainage
- Environmental Health

Background to planning policy considerations in respect of Houses in Multiple Occupation (HMO's) -

A separate planning Use Class for C4 'Houses in Multiple Occupation' was created by the Government in April 2010. This brought changes of use to C4 into the control of the planning system. A class C4 use is defined as Houses in multiple occupation

with between 3-6 occupants. In broad terms, the new C4 class covers small shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities. However, large houses in multiple occupation such as that proposed with this current application, where there are more than 6 people sharing the use of the property, are unclassified by the Use Classes Order. In planning terms they are described as being 'sui generis' (of their own kind). Changes of use to a sui generis use require the submission of a planning application to the LPA.

Principle of development

The site is within the settlement limits of Minehead and should therefore be tested against the adopted Local Plan policy SP/2. This states that 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, subdivision or redevelopment of an existing building or buildings or the redevelopment of previously used land.

The change of use proposed by this application meets these tests and can therefore be considered to be acceptable in principle.

Existing policy E/7 relating to Retention of Employment use within Settlements (Minehead) is relevant in this case as the proposal would result in a change of use from a small Bed & Breakfast to a 10 bed HMO. However, as a small B & B, the amount of direct employment would have been very small and it's loss is not considered to be significant.

Emerging planning policy

The WSC Emerging New Local Plan has been published and is undergone examination. It is therefore a Material Consideration in this case that would hold significant (but not maximum, as yet) weight.

Emerging policy SC1 (part 5), supports development which is within or in close proximity to the built up area in Minehead. The policy identifies that this is where new development should be concentrated. This proposal complies with this emerging policy.

Also relevant in this case are policies SC2 and SC3 which guide that over the next local plan period some 2,900 dwellings will be required in the West Somerset area to provide for the area's housing needs up until 2032, with 1,450 in key strategic sites such as Minehead/Alcombe, Watchet and Williton. The plan also guides that such housing (policy SC3) should be provided via a mix of housing size and tenures to meet the demonstrated needs of the community. The proposal satisfies these aims and so is not in conflict with these policies.

Policy EC5, Safeguarding existing employment uses is also applicable. It advises that sites/premises with existing commercial activity will be safeguarded against a change of use to residential or other non-employment uses unless justification can be provided to show that the existing activity/use is no longer appropriate or sustainable in the location and that the business is no longer viable. However, it is not felt that the loss of a small B & B could realistically be said to be contrary to the spirit of this policy. In any event, the planning history of this property would appear to suggest that the authorised use is probably residential in any event.

Impacts on character and appearance of the area

The building is located within the existing Wellington Square Conservation Area, and is one of a terrace of 7 three storey dwellings. The existing streetscene of Blenheim Road consists of a mixture of building types and size. This proposal seeks planning consent for the change of use of the existing building leaving the structure largely unchanged with the exception of the partial demolition of part of the rear conservatory plus the required installation of additional drainage pipes and ventilation ducting. No alteration will be made to the main principle elevation. The majority of the work will involve necessary internal alterations including fire doors, fire system and ensuite bathrooms. Therefore the existing conservation area will be preserved in accordance with adopted and emerging conservation area policies.

Highway safety

Standing Advice comments have been received from County Highways on this proposal.

The proposed change of use to provide 10 units of accommodation would have implications on parking provision in the area, as the site will not be able to accommodate enough parking to standard. The area designated for parking with the application would be able to provide space for about 4 cars if it included manoeuvring space, but 1 of these would need to be provided for the converted garage at the rear. Thus, many of the occupiers would be reliant on the availability of on street parking which is already in great demand from the other existing flats and bed sits in the area.

The Somerset County Parking Strategy (adopted Sept 2013) does not specifically reference HMO's, however in respect of residential properties, it does note that Minehead is in Zone B here 1.5 spaces are required per (residential) bedroom. Therefore with only 3 parking spaces available for this proposal, it could be considered that there is an under provision of parking spaces making the development non-compliant with policy T/8 of the West Somerset Local Plan.

It should be noted, however, that the site has a town centre location with the top (beginning) of Blenheim Road adjoining The Parade and the main shopping area and local facilities. It is considered that residents of the HMO are less likely to own a car, and if they do, once the existing parking provision is used, any additional vehicles would be reliant upon on-street parking or the North Road nearest car park.

More parking spaces could be provided at this application site, probably up to a ratio of 1 space per bedroom, but this would be to the detriment and loss of amenity/garden space. On balance, it is accepted that the location of the property is only minutes from the town centre and local facilities and there are good local bus services in the area. Therefore it may not be essential for each resident to have a private vehicle and require parking provision.

The County Parking Strategy identifies that developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of provision. Blenheim Road adjoins The Parade and the Avenue where the main facilities for Minehead and public transport links are located. It is therefore considered that the lower levels of parking provision in this case is acceptable.

Impacts on residential amenity in the area

The proposal involves some alterations to the rear of the building and some car parking can be accommodated at the rear of the site. The majority of the adjoining buildings in the road have previously been converted into bedsits or flats including the former Council Offices. It is therefore considered that the proposal would not have considerable impacts on neighbouring amenity. However, It was argued in the previous section that the location of the dwelling is only minutes from the town centre and local facilities and therefore it may not be essential for each resident to have a private vehicle. Parking could have an impact on existing residential amenity in the area, however other HMO's exist in the area, some of which do not provide parking and there are no known or reported incidents of difficulties in this regard.

Noise from a higher number of residents in the building could have impacts on adjoining neighbours and it is assumed that the applicants/agent would introduce sound proofing measure through the building regulations legislation to negate possible noise travel between floors and adjoining walls. No details have been submitted on this aspect with the proposal, however this would be covered by both the Building Regulations Legislation under the proposed conversion works and Environmental Health Legislation.

With respect of the comments from neighbours regarding the dated drainage arrangements, the proposed HMO would use the existing main and foul sewers and should these need to be replaced this aspect would be covered by Building Regulations and Wessex Water.

Management of the establishment is covered by Environmental Health under the Licensing regulations and is not controlled by the planning remit.

It is therefore considered that whilst there maybe some impact on existing residential amenity, the development should be seen as according with local planning policies BD/1, BD/2 and BD/3 and is acceptable in these regards.

Flood risk/Drainage

The Environment Agency flood maps indicate that this site is located within Floodzone 1 and as such, a Flood Risk Assessment is not required and has not been submitted by the applicant. The existing arrangements for the sewers and surface water will be disposed of via mains sewers. The proposal is for a change of use of the building only. Therefore the development accords with planning policy W/6 of the local plan.

Environmental Health

Comments from Environmental Health have advised that there are minimum room and amenity standards for a house in multiple occupation. In addition to this, the proposed property would fall into the licensing scheme under the Housing Act 2004, where there are specific standards for houses in multiple occupation. Also, the applicant would need to be made aware of the standards required under the Regulatory Reform Order (RRO) for fire safety. The property would need an interlinked fire detection system with emergency lighting. The Environmental Health Officer confirms that there is not enough amenities proposed for the amount of rooms/people. For example, one kitchen would not be enough for 10 people/rooms, where would the tenants eat their food, and the EHO considers that the proposal would be likely to encourage isolation. However, it is noted that if they put an additional kitchen on the 1st floor and the appropriate fire precautions, this could make a positive difference. This could result in a reduction in the amount of available rooms. The agent/applicant have been aware of these comments but have not amended the current application at the time of writing this report.

Conclusion

Whilst the loss of a three B & B letting rooms is regrettable, it is considered that due to the small number of letting rooms and the supporting statement received from the current owners of the building and the marketing details showing that no offers have been received for either use as a single house or as a B & B, the proposal can be accepted. The current owners apparently intend to retire and cease the current B & B business at the end of this season in any event.

The building is located within a town centre location with some limited parking provision at the rear as addressed above in the Highways Section. Given the nature of the proposal and its location, this is considered to be acceptable.

Many of the properties in Blenheim Road have already been converted into either flats both residential and holiday lets and bedsits/HMO. This proposal would not therefore be setting any form of precedent and should be considered as the other HMO's in this area have been.

On all of the principle issues, the proposal is considered to be acceptable and meeting the general tenets of policy requirements. Therefore it is considered that this change of use should be recommended for approval.

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



Application No 3/21/16/033
 Change of use of existing
 dwelling (Class C3) into 10 HMO
 units
 Baytree, 29 Blenheim Road,
 Minehead, TA24 5PZ
 31 March 2016
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Application No:	3/39/16/006
Parish	Williton
Application Type	Full Planning Permission
Case Officer:	Karen Wray
Grid Ref	Easting: 307703 Northing: 141041
Applicant	Mr David Huang
Proposal	Change of use from newsagents (Use Class A1) to hot takeaway food outlet (Use Class A5) plus associated works
Location	21 Fore Street, Williton, Taunton, TA4 4PX
Reason for referral to Committee	The owner of the premises is an elected Member of the Council and the application is recommended for approval.

Recommendation

Recommended decision: Grant

Recommended Condition(s) (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 No. 297/G2 Elevations as Proposed Sheet 1 dated April 16, Drawing No. 297/G3 Elevations as Proposed Sheet 2 dated April 16, Drawing No. 297/S2 Elevations as Existing Sheet 1 dated April 16, Drawing No. 297/S3 Elevations as Existing Sheet 2 dated April 16, Drawing No. 297/G1 Ground Floor Plan as Proposed dated April 16, Drawing No. 297/S1 Floor Plans as Existing dated April 16, Drawing No. 297/L1 Location Plan and Block Plan dated April 16.

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

- 3 The use hereby approved shall not be carried out and no customer shall be served or remain on the premises between the hours of 23:00 and 09:00 the following day.

Reason: To safeguard the amenities of nearby occupiers having regard to the

provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006).

- 4 Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation. Details of such equipment which shall include a flue that discharges no less than 1 metre above the roof eaves shall be submitted to and approved in writing by the Local Planning Authority and shall be in full working order prior to the commencement of the use hereby permitted. Thereafter the equipment shall be maintained in the agreed form at all times and shall be effectively operated to the satisfaction of the Local Planning Authority as long as the use continues.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of the surrounding area.

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.

Proposal

The proposal is to change the use of a former newsagent's on the ground floor of a premises in Fore Street, Williton to a Chinese takeaway (Class A5). The existing ground floor has an area of 106 sq. m and no additional floor space will be created. The existing retail area will be sub divided with food preparation and cooking areas to the rear and a customer entrance and waiting and service area to the front accessed by the existing main entrance door to Fore Street. Ancillary areas to the rear of the premises providing staff facilities and storage will be retained as existing.

The proposal also includes the reinstatement of two white UPVC windows to the southern elevation of the building and the installation of an extraction system. This will include an extraction fan mounted on a single storey flat roof extension to the rear and a steel extraction duct which will extend up the rear (western) elevation of the building and terminate a minimum of 1m above the second floor window heads.

The proposed opening hours for the takeaway are 12pm to 2pm and 5pm to 11pm.

Site Description

The site is located within Fore Street, part of the main shopping street of Williton. The property which is a 3 storey building is an end of terrace building. The change of use relates solely to the ground floor which has been in commercial use for a number of years. The first and second floors are self contained residential units which are separately accessed. There is pedestrian access to the front entrance from Fore Street and pedestrian and vehicular access to the rear of the premises via a private road that runs along the south of the building. This side road also provides access to further residential units to the rear of the premises. The closest of these properties (No. 17) is approximately 5 metres from the proposed extract duct and has a second storey bedroom window that looks straight at the rear of No. 21 towards the duct.

Relevant Planning History

None

Consultation Responses

Williton Parish Council - No comments received.

Highways Development Control - Standing Advice

Environmental Health Team - In terms of Environmental Health our concerns relate to noise and odour, with specific reference to the extraction system proposed. We do not believe there is enough information provided within the application to ensure noise and odour will be adequately controlled. If a decision was to be made on the information provided, we would have to state that we believe it wouldn't not be sufficient for the type of food being cooked.

The applicant is advised to review the extraction fan system using the 2005 DEFRA guidance 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and provide the department with a full schematic before installation and before the business commences.

I would recommend that should planning permission be granted based on the information provided that the following condition is applied:

Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of the use. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation.

The external ducting should be so designed that the flue discharges not less than 1 metre above the roof eaves.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

Representations Received

Two letters of representation have been received although not objecting in principle have concerns about the following: noise and smells arising from the extraction fan and duct; the size of the extraction fan and duct and that it will be in direct sight of a resident's bedroom window; storage of waste creating pest problems; customers loitering down the side alleyway causing noise disturbance and depositing rubbish; noise disturbance after the Chinese has closed at 11pm and fear of staff congregating at the rear leading to loss of privacy.

Planning Policy Context

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

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

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

West Somerset Local Plan

SP/1 Settlement Hierarchy
SP/2 Development in Minehead and Rural Centres
SH/4 Retail Development in Watchet and Williton
PC/2 Noise Pollution

Emerging West Somerset Local Plan

SD1 Presumption in favour of sustainable development
SC1 Hierarchy of settlements
WI1 Williton Development
EC5 Safeguarding existing employment uses
CC2 Floodrisk Management
NH6 Pollution, Contaminated land and land instability

Determining issues and considerations

The main issues in considering this application are the principle of the development, residential amenity, floodrisk and highways.

Principle of Development

Williton is identified as a rural centre within Policy SP/1 'Settlement Hierarchy' of the West Somerset Local Plan 2006. Policy SP/1 states that development within rural centres will be considered in accordance with their size and function and individual characteristics and constraints. Policy SP/2 'Development in Minehead and Rural Centres' of the Plan states that commercial development will be permitted where 'it does not result in the loss of land specifically identified for other uses, there is safe and convenient access by bus, cycle or foot to facilities or employment and it involves conversion of an existing building'. This proposal would result in the reuse of an existing retail premises which is centrally located and well served by both pedestrian, cycle and public transport links. Policy SH/4 'Retail development in Watchet and Williton' further supports such proposals if they are of an appropriate size and related to the shopping needs of the locality, they are accessible by a means of transport (including public transport) and they have adequate servicing and parking arrangements. Although there is no parking provision with the application there is on street parking available and immediately opposite the proposed development is a public car park.

Policy WI1 of the Emerging Local Plan to 2032 aims to support and strengthen Williton's role as a local service centre particularly in terms of the range and quality of its services and facilities. Policy SD/1 'presumption in favour of sustainable development' of the draft Local Plan encourages development proposals that improve the economic, social and environmental conditions of an area. There is already a fish and chip shop within Williton and an Indian restaurant and takeaway. This proposal would offer an alternative choice as a Chinese takeaway. The nearest Chinese takeaway currently is at Watchet requiring people to travel there predominantly by private car.

The change of use of a newsagent's to a takeaway also sits comfortably within emerging Policy EC5 'Safeguarding existing employment use' as it retains the premises for a commercial activity rather than a loss of commercial use to residential. For these reasons I am satisfied that the principle of the development is acceptable.

Residential amenity

It is the impact on residential amenity that has caused most concern to some residents who live in close proximity to the application site. Although not objecting in principle to the change of use residents have fears concerning potential noise disturbance, smells from the cooking of Chinese food, loitering of people late at night

and rubbish.

The applicant states all waste will be stored in bins to the rear of the premises in a large garage/store. This is a large storage area and I have no reason to believe this would not be sufficient for the intended use and all waste would be removed on a regular basis.

In terms of noise disturbance this relates to customers leaving the premises at night and concerns about them loitering in the alleyway. It is proposed that the takeaway closes at 11 pm which is inline with the nearby Indian restaurant and takeaway at No.7 Fore Street. There is no reason to believe that another takeaway would cause any further noise disturbance. Should permission be granted a planning condition can be imposed restricting the opening hours to ensure no customers are served beyond 11pm.

Other noise concerns relate to the proposed extraction fan to be sited on the flat roof extension to the rear of the premises. The nearest residential property is 5 metres from the extraction fan and an upper bedroom window directly overlooks the site. The location of the extraction fan and extraction duct also causes concerns regarding the omission of odours from the cooking of food. Although measures to deal with odour control and noise have been proposed these are not considered sufficient by the environmental health officer. Any equipment should effectively suppress and disperse fumes and/or smell produced by food preparation and prevent it from impacting upon neighbouring properties. Insufficient information has been provided with the application to ensure that the extraction scheme proposed will be sufficient. The external ducting should be so designed that the flue discharges not less than 1 metre above the roof eaves level. Unless a scheme is installed to the satisfaction of the Local Planning Authority the use of the building as a takeaway would be unacceptable. Should permission be granted a planning condition should therefore be imposed to ensure a satisfactory extraction system is installed and fully operational prior to the use of the building as a takeaway being first brought into use.

Flooding and drainage

The proposed development falls within a floodzone 2 and the applicant submitted a flood risk assessment accordingly. There is no external building work that would increase the risk of flooding or create additional risks to other properties in the area. Existing drainage for foul and surface water will be retained as existing. For these reasons I am satisfied that the development will not alter the flood risk to the area.

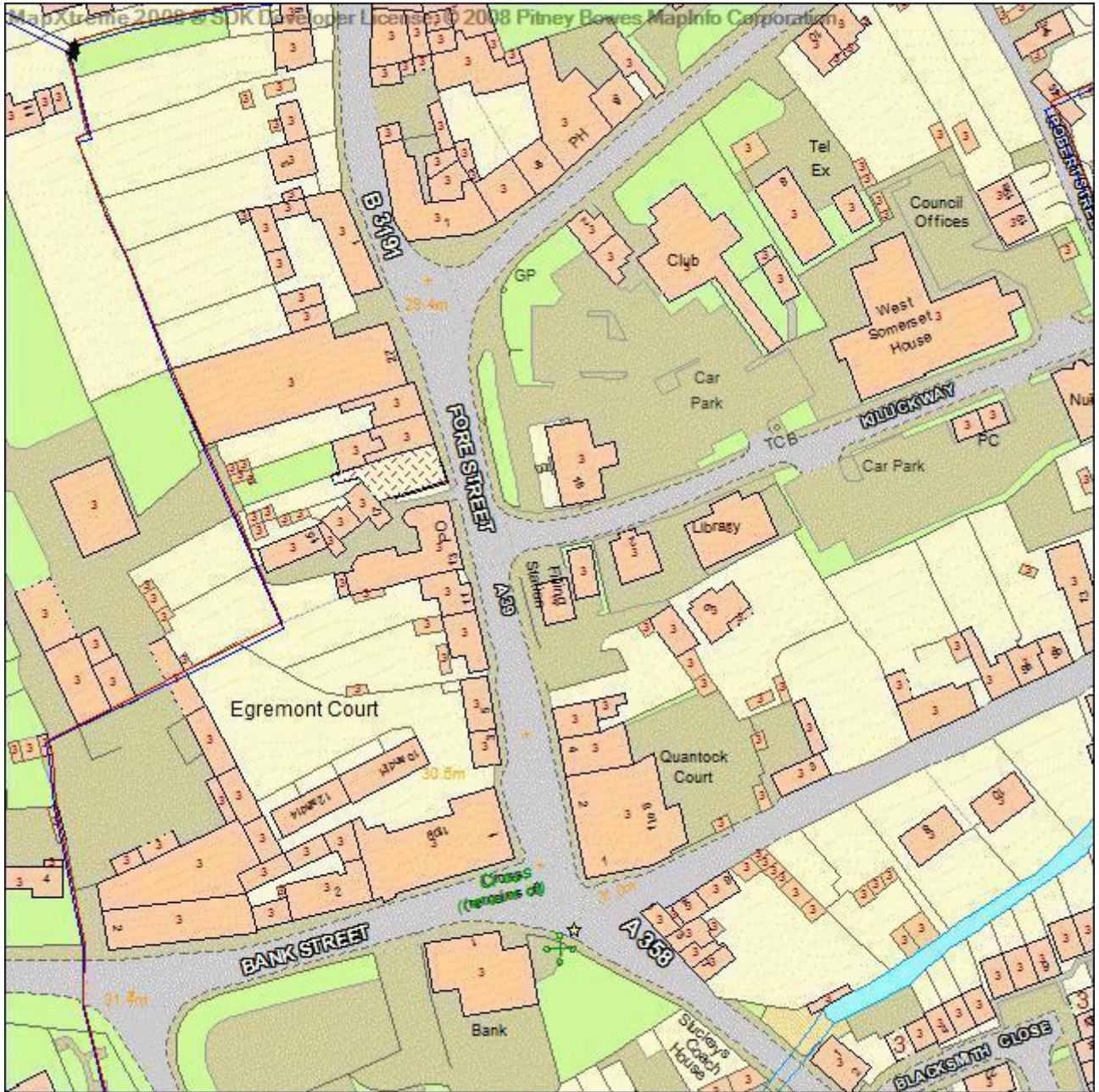
Sustainable Transport and parking

Transport and parking issues of relevance to this application are that there is no parking associated with the change of use. However the proposed takeaway is in a town centre location with reasonably good public transport links by bus, and good pedestrian and cycle links. It is therefore in a location suitable for non-car travel. Furthermore car parking is available on-street along Fore Street and the council run car park at West Somerset Council offices is also in very close proximity to the site.

Conclusion

The proposed development which is within the defined settlement limits of Williton is supported in policy terms. It retains a commercial use in the area and is in a sustainable location. Subject to controlling the hours of use and approving an extraction system that adequately suppresses and disperses fumes produced from the cooking of food, the development would have no significant impact on the residential amenities of the surrounding area. For these reasons it is recommended that planning permission is granted.

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



Application No 3/39/16/006
 Change of use from newsagents
 (Use Class A1) to hot takeaway
 food outlet (Use Class A5) plus
 associated works
 21 Fore Street, Williton, Taunton,
 TA4 4PX
 25 April 2016
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/01/16/002	Newton Farm, Newton Lane, Bicknoller, Taunton, TA4 4EU	Demolition of existing lean to and erection of replacement single storey extension	04 May 2016	Grant	BM
3/02/16/004	Whitcombe House, Winters Lane to Elworthy Cross, Brompton Ralph, TA4 3PT	Erection of side extension	04 May 2016	Grant	BM
3/07/16/002	Church House, Church Lane, Crowcombe, TA4 4AA	Removal of existing notice board from north east elevation and installation of new notice board of the south east elevation	26 April 2016	Grant	EP
3/07/16/003	Crowcombe Car Park, Crowcombe Road, Crowcombe, TA4 4AA	Display of free-standing information board	26 April 2016	Grant	EP
3/09/16/002	Combe Farm, Combe, Dulverton, TA22 9RT	Erection of replacement farm building for the storage of machinery, hay and corn	22 April 2016	Prior approval required and given	HL
3/21/16/011	The Factory Shop, Mart Road, Minehead, TA24 5BJ	Display of replacement signage	23 March 2016	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/16/022	Moonstones, Western Lane, Minehead, TA24 8BZ	Reinstatement of boundary gates, fencing and replace trellis with close boarded fencing.	21 April 2016	Grant	BM
3/21/16/023	Price Western Leather Company Ltd, Ponsford Road, Minehead, TA24 5DX	To clad the south and west elevations of the building in painted metal sheeting	20 April 2016	Grant	SW
3/21/16/025	Bridgeway, Burgundy Road, Minehead, TA24 5QJ	Variation of conditions 2 and 4 on planning permission 3/21/14/095 in order to amend the vehicle access arrangements for the site.	22 April 2016	Grant	SK
3/21/16/026	3a Park Street, Minehead, TA24 5NQ	Display of non-illuminated signage (resubmission of 3/21/16/005) - retrospective	28 April 2016	Grant	SW
3/21/16/027	Highlands, Martlett Road, Minehead	Internal and external alterations to flats 1 and 3 along with the erection of a triple garage.	04 May 2016	Grant	BM
3/21/16/028	The Old Sweet Shop, 22 Vicarage Road, Minehead, TA24 5RP	Internal and external alterations including alterations to dwellinghouse and within curtilage	11 May 2016	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/16/004	24 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JD	Remove existing porch and erection of 2 metre extension to the rear.	04 May 2016	Grant	BM
3/26/16/005	Woodhey, Old Cleeve, Minehead, TA24 6HQ	Erection of a detached double garage with hobbies room above.	20 April 2016	Grant	BM
3/28/16/003	Clowder Cottage, 7 Manor Farm Lane, Sampford Brett, Taunton, TA4 4JU	Demolition of conservatory and replacement with garden room including alterations to porch.	25 April 2016	Grant	BM
3/31/16/003	6 Deane Close, Stogumber, Taunton, TA4 3TE	Erection of a single storey extension to the rear	26 April 2016	Grant	BM
3/31/16/004	James Barton, 4 Yellow Road, Stogumber, Taunton, TA4 3TL	Infill single storey rear extension	09 May 2016	Grant	EP
3/37/16/008	Land at Belmont, 51 Brendon Road, Watchet, TA23 0AX	Outline application for the erection of either one large detached dwelling or two semi-detached dwellings	19 April 2016	Grant	HL
3/39/15/015	Williton Police Station, 4 Priest Street, Williton, Taunton, TA4 4NJ	Change of use of police station (sui generis) to two dwellings (Class C3); Alterations to curtilage to provide garden	20 April 2016	Grant	EP

areas and car parking, including car parking for two existing dwellings (8 and 10 Priest Street); internal alterations to listed buildings.

Ref No.	Application	Proposal	Date	Decision	Officer
3/39/16/005	1 Long Street, Williton, Taunton, TA4 4QN	Replacement roof covering and internal alterations including the installation of a stud wall	10 May 2016	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
C/05/16/001	Townsend Farm, Carhampton, Minehead, TA24 6NH	Approval of details reserved by condition 4 (relating to joinery details for windows, doors and timber cladding for plots 1-25) on planning permission 3/05/13/006	28 April 2016	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
C/21/16/003	Land at Seaward Way, Minehead	Approval of details reserved by conditions 5 (relating to surface water drainage and watercourses), 7 (relating to electric vehicle charging points & motorcycle parking spaces), 8 (relating to a travel plan), 9 (relating to material samples), 12 (relating to soft landscaping scheme), 14 (relating to proposed mitigation measures for slow worms) in relation to planning permission 3/21/15/017	29 April 2016	Grant	KW

Ref No.	Application	Proposal	Date	Decision	Officer
C/32/16/002	Dawlea Farm, Tower Hill, Stogursey, Somerset, TA5 1PR	Approval of details reserved by condition 3 (relating to a soft landscaping scheme) in relation to planning permission 3/32/16/005	06 May 2016	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
C/33/16/002	The Barn, Fairfield House, Stogursey, Bridgwater, TA5 1PU	Approval of details reserved by condition 3 (relating to a sample section of lime render) in relation to Listed Building Consent 3/33/15/001	25 April 2016	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
C/37/16/004	Land at south end of Courtlands Close, Watchet, TA23 0JG	Approval of details reserved by condition 6 (relating to footway) in relation to planning permission 3/37/12/011	06 May 2016	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
CA/21/16/008	Brook Close, The Parks, Minehead, TA24 8BD	Application to carry out pollarding to one Willow and to fell one Willow within the Wellington Square Conservation Area	11 May 2016	Raise No Objection	DG

Ref No.	Application	Proposal	Date	Decision	Officer
CA/32/16/001	42 High Street, Stogursey, TA5 1PL	Macrocarpa - removal of two overhanging branches on one side and four small low branches on adjacent side	11 May 2016	Raise No Objection	DG

Ref No.	Application	Proposal	Date	Decision	Officer
T/21/16/003	Doctors Surgery, Irnham Lodge, Townsend Road, Minehead, TA24 5RG	Monterey Cypress tree (Cupressus Macrocarpa)- reduction of the crown by approx. 2 metres radially to help reduce sail area/mechanical loading, and thus help minimise further limb failure. Crown to be raised over main road, and car park areas, where low limbs pose a potential hazard.	10 May 2016	Grant	DG

Appeal Decision

Site visit made on 11 April 2016

by **JP Roberts** BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 10 May 2016

Appeal Ref: APP/H3320/W/15/3140522 Higher Park, Minehead, Somerset TA24 8AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Julian Maitland-Walker against the decision of West Somerset Council.
 - The application Ref 3/21/15/081, dated 15 September 2015, was refused by notice dated 13 November 2015.
 - The development proposed is to erect a detached two bedroom dwelling over the existing footprint of two garages.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant submitted a revised plan (Drawing Ref: 1186/200A) with the appeal, showing an amended parking arrangement. The Council had no objection to my considering it, and as it does not materially alter the nature of the application, or prejudice any other party, I shall take it into account in my decision.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the living conditions of the intended occupiers with particular regard to sunlight and the adequacy of amenity space, and on the living conditions of neighbouring residential occupiers at Higher Park with particular regard to overlooking, outlook and visual amenity, and
 - ii) the effect of the proposal on highway safety.

Reasons

Living conditions

i) Intended occupiers

4. The appeal site is occupied by a pair of closely spaced wooden garages with shallow pitched roofs, currently used for storing paperwork. They are accessed by a narrow lane which runs between the houses and gardens at 20 and 22
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Higher Park. The site is bordered by the gardens of surrounding houses on three sides and an allotment on the other.

5. The proposed dwelling would have little space around it, being close to the boundaries on three sides. In particular it would be as close as 2m or so from the rear boundary, which is marked by a steep bank with tall trees growing on it. However, the ground floor rooms facing the bank would be a bathroom, for which natural light or outlook is not important, and a kitchen and the dining area of a dining/living room. Both of these latter rooms are served by windows in at least one other elevation, but a line of tall conifers marks much of the western elevation and thus the ground floor windows of the house would receive very little sunlight at most times of the year. Whilst the appellant could cut back boundary vegetation on his side of the boundary, he could not do so on the other side, nor could future planting be controlled. I therefore find that a good standard of amenity would not be ensured.
6. The outlook from the ground floor windows would also be seriously constrained by the bank and planting to the rear, by the proposed fence to the eastern boundary and by the trees along the northern and western boundaries.
7. I also consider that the amount and quality of amenity space would be poor. Whilst there would be narrow strips of land surrounding the dwelling, the only substantive amenity space would be on the northern part of the site, where it would be largely overshadowed by the house and by the trees lining the western boundary. A substantial part of the amenity area would be under the canopies of the trees growing on the northern boundary, which lying to the north would not block sunlight but would make the garden area feel somewhat claustrophobic. In all these circumstances, the small size of the garden and its shaded nature would not make it a pleasant place to sit out, and would offer a poor standard of amenity for the occupiers of the proposed dwelling.
8. Taking into account my findings of a poor outlook from the dwelling and the sparseness and poor quality of the amenity space, I consider that the proposal would fail to provide the good standard of amenity for future occupiers, which is one of the core objectives of the National Planning Policy Framework.

ii) Neighbouring occupiers

9. The proposed dwelling would be larger than the existing garages, having both a greater floor area and height. Whilst it would be fairly close to the boundaries of both 20 and 22 Higher Park, the dwelling would be partly screened from the garden of No 20 by trees, the retention of which could be sought by the imposition of a condition. Although there is no such screening to the boundary of No 22, that house is located further away, from where it would be a more obvious structure, but not so large as to be overpowering or harmfully dominant. The house would be more prominent when seen from the end of the gardens, but as the gardens are reasonably large, I consider that the distances concerned would ensure that the greater bulk in comparison with the existing garages would not be sufficient to cause material harm to neighbours' outlook. Dwellings further away would be even less affected.
10. There would be no first floor windows overlooking the gardens of Nos 20 or 22, and ground floor windows would look towards the rear boundary of No 20 which is well screened by planting, and is some distance from the house. There would be no direct overlooking of the garden of No 22 from the house.

Occupiers of the proposed house would be able to see into the gardens of these adjoining houses from the garden and the access to it. However, these neighbouring gardens are not characterised by high levels of privacy, being bounded by low fences, open to view from neighbours.

11. Whilst the residential use of the site would be likely to result in a significant intensification of the use of the access, I consider that the net impact on privacy would not result in material harm to neighbours' living conditions.
12. Thus, in concluding on this issue, I find that the proposal would involve significant harm to the living conditions of the intended occupiers. Whilst there would be no material harm to neighbours' living conditions, this is outweighed by the harm that I have found. The Council alleges a conflict with saved West Somerset District Local Plan Policy BD/2 which deals with the design of new development. However it does not include any reference to living conditions, and thus I find no conflict in this regard, although it would conflict with national policy as referred to above.

Highway safety

13. The amended site plan would remove one parking space, leaving the dwelling with only one parking space and a turning head. If a second vehicle were to park in the turning head, it would require vehicles to leave the site by reversing 50m or so along the access lane, and out onto Higher Park.
14. I consider that it would be potentially hazardous for vehicles to have to reverse along a lengthy access lane, close to the boundaries with the residential properties on either side of it. Moreover the lane emerges onto Higher Park where I saw on my visit that cars were parked in close proximity to it, and where the gradient of the access is steep. The combination of these factors leads me to conclude that the proposal as amended would result in a dangerous access, and would materially harm highway safety.
15. This danger could be overcome by requiring the provision of two parking spaces as well as a turning head, as was originally proposed, and I consider it likely that there would be a strong imperative for occupiers to provide a second space in any event. Such an arrangement would eat up more of the very limited useable garden area and would exacerbate the concerns to which I have referred above.
16. I therefore conclude on the second main issue that the proposal would result in material harm to highway safety.

Other matters

17. I have had regard to other matters raised, including flooding, noise and the possible impact on protected species, but none of these is sufficient to add to my reasons for dismissing the appeal.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR