

PLANNING COMMITTEE

THURSDAY 27 JUNE 2013 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 30 May 2013 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

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

4. Public Participation

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

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

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

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

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

Report No: TWO

Date: 19 JUNE 2013

<u>Ref No.</u>	<u>Application/Report</u>
3/21/13/050 Full Planning Permission	21 The Avenue,, Minehead Change of use from A1 retail sales to A3 restaurant/cafe with A5 takeaway including minor alterations and retention of new front doors
3/21/13/051 Full Planning Permission	2 Wellington Square, Minehead Change of use from A1 to a mixed use of retail and the sale of drinks and cold food for consumption on or off the premises (mixed A1/A3 use), alterations to the shopfront and an area of external seating.
3/21/13/053 Advertisement Consent	2 Wellington Square, Minehead Display of externally illuminated and non-illuminated signage

3/21/13/056 Full Planning Permission	Land Adjacent to Green Hollow, Bratton Lane, Minehead Erection of four bedroom detached house (resubmission of 3/21/13/014)
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6. **Exmoor National Park Matters**

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

8. **Appeals Lodged**

Appellant	Proposal and Site	
Mr J Plowright	Lime Street Buildings, Shurton Lane Stogursey Erection of New Agricultural Workers Dwelling	Hearing

9. **Appeals Decided**

Appellant	Proposal and Site	Decision
Dr P Rawson	9 Copse Close, Watchet Proposed 2 Bedroom House with Car Parking	Dismissed 03/06/2013

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.

Application No	3/21/13/050
Parish	Minehead
Application Type	Full Planning Permission
Case Officer	Sue Keal
Grid Ref	Easting: 297089 Northing: 146304
Applicant	Mr William Wyn
Proposal	Change Of Use From A1 Retail Sales To A3 Restaurant/Cafe With A5 Takeaway Including Minor Alterations And Retention Of New Front Doors
Location	21 The Avenue, Minehead, TA24 5AY
Reason for referral to Committee	At the request of the Ward Member and Chair and Vice Chair of the Planning Committee

Risk Assessment

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

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

Site Location:

21 The Avenue, Minehead, TA24 5AY

Description of development:

Change of use from A1 retail sales to A3 restaurant/cafe with A5 takeaway including minor alterations and retention of new front doors.

Consultations and Representations:

The Local Planning Authority has received the following representations:

Minehead Town Council - Recommend Approval.

Highways Liaison Officer - No Observations.

Environmental Health Officer

I have the following comments to make regarding the application at the above premises:

- All food preparation and storage areas must have adequate ventilation either by natural or mechanical means. This is to reduce high humidity, room temperatures, cooking odours and airborne particles. (*Regulation (EC) 852/2004 Annex II Chapter I para.5*)
EH would recommend that the applicant engage the services of a competent ventilation engineer to design and install a system appropriate for the needs of the premises. It is particularly important to install the correct type of filters for the type of cooking that you do, for example fried foods. I would recommend that cooking of fried or odorous foods be located in those units that are connected to the extraction duct.
- Provision for staff changing : I would recommend that an area be provided for staff to securely store their belongings and outdoor clothes away from food preparation and cooking areas.
- All businesses are required to have proper arrangements for the collection of their trade refuse.

- EH would strongly recommend that the staff WC facilities also have wash hand basins for use in connection to these WC's, with adequate supplies of hot and cold, or appropriately mixed, running water, soap and hygienic means of drying hands. These wash hand basins should be properly connected to the drainage system and ensure they are designated for hand washing only. It is LEGAL requirement for wash basins to be located close to toilet facilities.

Minehead Conservation Society

The application site is situated in the Conservation Area within a building that was originally built in 1888 as a house, in a street of houses and hotels. The vernacular architecture of these buildings is still very pleasing above the shop front. It reminds one of Minehead's Victorian & Edwardian past which was created as a result of the town's attraction to tourists. The Avenue was designated as a CA because it still retains much of this charm. It is this that still draws people here today.

MCS believes it is essential to preserve this quality if the town is going to attract visitors. If it is allowed to be eroded by inappropriate development, tourists will vote with their feet and choose to go to a place where the character and appearance is being protected.

Our Society opposes this application on a number of counts.

1. We consider that the town has a saturation of eating venues of all types, catering for the young and the less young. There will be no benefit to the town, or the tourist offer by the addition of yet another one. We understand that the council had pledged to resist any further change of use from A1 to A3 & A5.

Policy SH/1 was put in place to ensure that only development that would enhance the range of existing retail and service facilities would be permitted.

2. Minehead has large number of smaller independent cafes which add character to the town, these would be put in jeopardy if another large cafe/restaurant with take-aways was opened.

3. The type of development that is proposed would detract from the character and appearance of the CA. It is essential that the scale & character of the surroundings are respected. This appears to be a venture more suited to a theme park than an Edwardian seaside town.

4. It is vital for Minehead to retain its retail premises especially the large ones as they are few and far between. As our Society has previously stated, tourists want shops to look around they do not come simply to eat. People are willing to spend on holiday if there is a varied range of goods and outlets on offer.

5. We are concerned about the work that has already been undertaken prior to any planning consent. In our opinion if this application is refused the original design should be reinstated.

6. There is mention of independent caterers preparing food in their own homes, Is this permissible under health & safety regulations?

7. We cannot accept that the presence of four carts on the forecourt will enhance the character & appearance of the CA any more than the existing ice cream van does.

8. It has to be accepted that most of Minehead's residents do not want to see the ambience of their town drastically altered by the introduction of McDonalds style changes. In our opinion, this proposal is purely concerned with money & the well-being of the town is no where in the equation. It is up to you planners to see that your policies are upheld, that the character of the town is preserved, and the livelihoods of existing traders, are protected, by rejecting this application.

Public Consultation

The Local Planning Authority has received 13 letters of objection/support making the following comments (summarised):

The following comments have been received on the application;

Support:

- We visited Minehead High Street this week and were happy to find a Walls ice cream stall serving good quality coffee at a really reasonable price, and will be keen to visit again.
- As a new visitor to Minehead, I think being able to stop outdoors to have a coffee, cake and ice cream in a happy environment for children - nicely coloured chairs and tables is an asset to Minehead.
- I am appalled by all the comments, I have lived in Minehead all my life and think its a lovely socialising area and create job opportunities for people of Minehead.
- As a single mum I have been given a shot at making something of myself with the backing of the owner.
- People moan that there are empty shops in Minehead, but as a small business I cannot afford the rent and rates, but this so-called "eyesore" has given me the opportunity no one else would.
- Quoting Mary Portas in a Daily Mirror article, this states that money has been given by the government to regenerate towns as 300,00 people will lose their jobs by 2018, 61, 930 stores will close in the next 5 years, 164 household names will go to the wall and over 10,000 smaller shops will close.
- Aquasplash was knocked down after years of campaigning to open a swimming pool, a new coach park was allowed to happen and yet people of Minehead complain about a change of use that is good for the town and creates jobs.

Objection:

- This application shouldn't be allowed the place looks disgraceful.
- Surely a planning application should be applied for and approved before work starts on the premises.
- I feel it would be very detrimental to our small town to allow yet another reasonable sized retail store to be changed to yet another eatery. Minehead is full of cafe's and we severely lack a decent size retail shops for the town to survive. We barely have any retail sales shops left in Minehead town and we need retail shops to keep people coming here and service local people.
- The premises is beginning to look like a fairground attraction and would most likely fit in more on the seafront rather than the main Avenue.
- I hope this planning application will be denied not only for the sake of the towns future, but also to show shop owners that they need to seek the correct permission before making drastic changes to their businesses.
- As a business owner I strongly object to the application, a few years ago another business owner in the avenue was not able to change their use due to there already being more than enough food and drink outlets in Minehead.
- Minehead has a very high number of food and drink outlets around 54 I have counted including cafes, takeaways & restaurants and we also have a large number of charity shops, but lack retail shops.
- Development has already taken place with the removal of a stone flower bed, alteration to the shop front and cinema type seating on the forecourt and the siting of display boards and bins on the public path.
- The side access has been narrowed which is used by cars to park at the flats above the shops and the shops.
- From the plans submitted, a further 4 small caravan units to be sited on the forecourt or side of the property and if these were busy people would be queuing which would stop cars using the access causing a traffic hazard.
- We have a lovely town why has this been allowed to happen.
- It looks like a circus area waiting for the ring master and clowns to appear.
- This is a conservation area and the proposal is not in keeping with our lovely avenue.
- I object to this change of use and the whole concept.

- This place is ruining our town, it looks a mess and is a complete joke.
- These little carts are a joke and I see one has a cupcake shop in it, I wonder if they have the proper certificate to be trading.
- This is spoiling our town and looks awful.
- The huge ice cream hut arrived overnight without planning and severely restricts visibility up and down the avenue.
- We have a hut selling donuts the smell is awful, what next?
- All the 'A' boards, swing boards, branded waste bins are coming out onto the pavement and are causing an obstruction, making walking up and down the avenue an obstacle course.
- The proposal looks tacky, cheap and down market and we already have enough food and drink outlets.
- I strongly fear that some older established small food businesses will be forced out of business and we will end up with more empty shops.
- I thought we are meant to be improving Minehead not making it worse.
- I strongly object to the application as a business owner, I am disappointed to see such an untidy unsightly outlet being created in our town centre and in a conservation area too.
- I paid good money for a business a few years ago on the understanding the council were not going to allow any more A3 changes of use.
- People here in Minehead need more variety of retail shops.
- It is ridiculous to opening yet another food outlet in Minehead, more retail is required.
- Minehead needs to attract some of the larger retailers in some way shape of form to enhance the town centre.
- I strongly object. What is this beautiful town going to be like in future if this unsightly thing is allowed. I hope this application is refused.
- I have deep concerns about the development. The bright red walls on the ice cream van is unsightly and extends beyond the existing building line.
- The multi-coloured tables and chairs scattered across the forecourt and hideous red and yellow mobile barbecues parked there is a mess and a boarded up shop front is preferable.
- Why have the town planners decided to take Minehead on a down market path?
- We do not need any more coffee shops in Minehead as we are all struggling with the economic climate.

Planning Policy Context

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

The following Policies are considered relevant to this application:

- W/6 Flood Plains
- SP/1 Settlement Hierarchy
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- CA/1 New Development and Conservation Areas
- SH/1 Retail Development in Minehead Town Centre

National Policy

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

Planning History

The following planning history is relevant to this application:

3/21/79/122	Conversion to 3 shops and maisonettes	Withdrawn	16/01/80
3/21/80/017	Conversion of ground floor to 2 shops & 1st & 2nd floors to maisonettes	Granted	19/02/80

3/21/80/121	Erection of twin block of double garages	Withdrawn	23/07/80
3/21/96/213	COU to family entertainment centre & amusements	Refused	16/01/97
3/21/03/009	Re-roof the property using fibre cement slates	Refused	19/03/03
3/21/09/035	Conversion of 2 bed-sit dwellings & communal bathroom to one single residential flat.	Granted	21/05/09

Proposal

The application seeks planning permission for a change of use of the premises/land from the existing use of A1 retail sales to A3 restaurant/cafe with A5 hot food takeaway, including minor alterations to the shop front and retention of new front doors. The proposal is to create a 'food court' within the existing retail shop and forecourt by siting a series of 4 small self contained food carts to link into a new extraction system within the building and a further 4 carts positioned on the two sides of the front forecourt area. It should however be noted that while it is the applicants intention to provide a "food court", the permission actually sought is for a mixed use of A3 and A5, and therefore any expression of this mixed use could be carried out, i.e. a "food court" or a more traditional form of restaurant/ cafe with a takeaway element.

Site Description

The existing site is located within The Avenue area of Minehead on the northern side. The Avenue links The Parade and the seafront area of the town.

The building known as 21 The Avenue, is a three storey structure and part of a group of three adjoined premises (19-21, The Avenue). At ground floor level there is a series of two retail units, with the application site currently vacant and previously used as a clothing shop. The shop to the left of the proposal site now houses 'Part One Clothing Outlet'. At first storey and second storey (loft space) of the building are a series of maisonettes and these are accessed from the rear via the adjoining access and car parking area. On the western end of the building, a more modern extension has been added to provide another ground floor retail unit, currently used as the Tourist Information Centre, with a flat roofed first storey residential accommodation above.

The building has a generous forecourt area in front of the existing shops. The access to the rear is via the adjoining side access with car parking area and two existing large rear garages.

There is also a large Ice cream/refreshment trailer located at the front/side of the site and several tables and chairs to the side of this. Whilst located within the submitted red line plan, the ice cream trailer is not part of this application.

Planning Analysis

1. Principle of Development

The application site is located within the development limits of Minehead which is classed as a town. Policy SP/2 of the Local Plan directs that commercial development will be permitted within the development limits of Minehead where it does not result in the loss of land specifically identified for other uses and provided there is safe and convenient access by bus, cycle or on foot. This proposal complies with this strategic Policy.

Restaurants/cafe's and hot food takeaways are town centre uses. As such the retail planning policies are relevant to this proposal.

Policy SH/1 of the Local Plan allows development proposals in Minehead Town Centre which enhance the range of existing retail and service facilities subject to accordance with other planning polices including SH/2. Essentially Policy SH/1 along with Policy SH/5 directs that proposals for town centre uses be located within the town centre. The application site is located within the Town Centre area. Policy SH/2 states in the Prime Shopping Area, proposals for changes of use to non-retail use (Class A2 financial and professional service, Class A3 food and drink) on ground floor levels will not be permitted where the proposal would result in demonstrable harm to the vitality and viability of the town centre as a whole.

The supporting text to the retail policies in the Local Plan states: "Planning permission is required to change the use of premises from Class A1 to Classes A2, A3, A4 or A5 but in order to allow businesses to respond to changing demands, no planning application is required to change from these A-Class uses to A1. It is considered that in certain circumstances A2 and A3 uses can reduce the vitality of core retail areas, principally because they may lead to dead frontages".

The application site is not located within the Prime Shopping Area and as such the more restrictive approach of Policy SH/2 is not relevant to this proposal.

It is necessary to consider whether the Local Plan Policies accord with NPPF. The NPPF promotes a town centre first approach for town centre uses and requires that the extent of the town centre is defined with primary and secondary frontages designated, with policies making it clear which uses will be permitted in such locations. In this regard policies SH/1 and 2 are consistent with the NPPF. More generally the NPPF seeks to ensure the promotion of competitive town centres that provide customer choice and a diverse retail offer and which reflects the individuality of town centres.

As the proposal is for a town centre use and the site is not located within the Prime Shopping Area, the change of use to a mix of A3 and A5 uses is acceptable in principle.

2. Character and Appearance of the Area

The building was constructed in circa 1889 and is faced with natural stone with natural slate cladding to the roof and the fenestration, above the ground floor, is painted timber sash windows. The building is set back some 6m from the edge of the adjoining highway.

The existing streetscene consists of a mixture of semi-detached and detached buildings which have a mixture of retail at ground floor level with residential above and some fully residential dwellings as well as larger community buildings. There are no listed buildings in the immediate vicinity. Immediately adjacent to 19 The Avenue is the pedestrian access to the North Road car park and Blenheim Gardens beyond.

The site is located within the Wellington Square Conservation Area which is controlled by local policy CA/1 in the West Somerset Local Plan. This policy states the following:

Development proposals in conservation areas will be permitted only where they are compatible with the preservation or enhancement of the architectural and historic character or appearance of the conservation area. In particular, proposals should meet the following requirements:

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

The proposal is mainly concerned with the change of use of a retail outlet from A1 retail to A3 restaurant and cafes and A5 hot takeaway, with some changes to the existing shop front and the installation of new air extraction system in the existing retail unit. The physical changes to the building are relatively minor, architecturally the building will largely retain the original appearance with the main difference being the installation of two sets of double doors instead of double bay shop windows. It is considered that these changes are in keeping with the scale and architectural detailing of the building.

The more significant potential impact of the development relates to the clutter that could be

associated with the proposed use, such as the tables, chairs, umbrellas etc. on the forecourt. There are several other cafes/restaurants both in The Parade and The Avenue, within and outside the Prime Shopping Area, and several of these have seating areas on adjacent forecourts or on parts of the pavement area. It is not uncommon to have several street/pavement venues lining the main shopping area of a town and this can add to the vitality and character of the area. As such, in principle, the use of the forecourt is considered to be acceptable. However it is considered necessary to control the amount and type of paraphernalia that is located on the forecourt so that the character of the conservation area is not harmed. It is understood that the small carts and associated tables to be located on the forecourt are to be removed and placed inside the existing retail unit every evening.

Subject to suitable controls it is considered that the character and appearance of the conservation area will be preserved.

3. Residential Amenity

The parking/turning arrangements/access to the rear will remain as the present. A litter management plan has been submitted as part of the application and the new mechanical extraction system will have a sound level of between 61 db and 71 db, which conforms to BS 848 Parts 1 & 2. A restaurant/ cafe and takeaway use is common with a town centre and it is considered that the proposal will not result in harm to residential amenity.

The physical changes to the building will not have any impact on amenity and it is considered that there remains an acceptable level of amenity as a result of the proposal.

4. Highway Safety

The Highway Authority has confirmed that they have no observations to make in respect of the proposal. There is ample parking and turning to the rear of the building which is used by the existing retail and residential units.

5. Flood Risk

The Environment Agency maps have identified that part of the rear of the site is within flood zone 2 and the main road The Avenue is identified as being in flood zone 3. The applicant has provided a flood risk assessment within the submission to support the application. The shop front is at a higher level than the adjoining road level and the adjoining forecourt drops towards the road. The development will not have an adverse impact on flooding and the flood risk vulnerability category will not alter as a result of the proposal.

Conclusion and Recommendation

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

Reason for Approval:

The proposal is for a town centre use on a site located within the town centre but outside of the Prime Shopping Area, the proposal accords with polices for the location of town centre uses and no demonstrable harm to the vitality or viability of the town centre would arise. Subject to appropriate controls the character and appearance of the Conservation Area would be preserved. The proposal will not harm the amenities of neighbouring residents and adjoining land users. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

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

Planning Permission is subject to the following conditions:

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

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

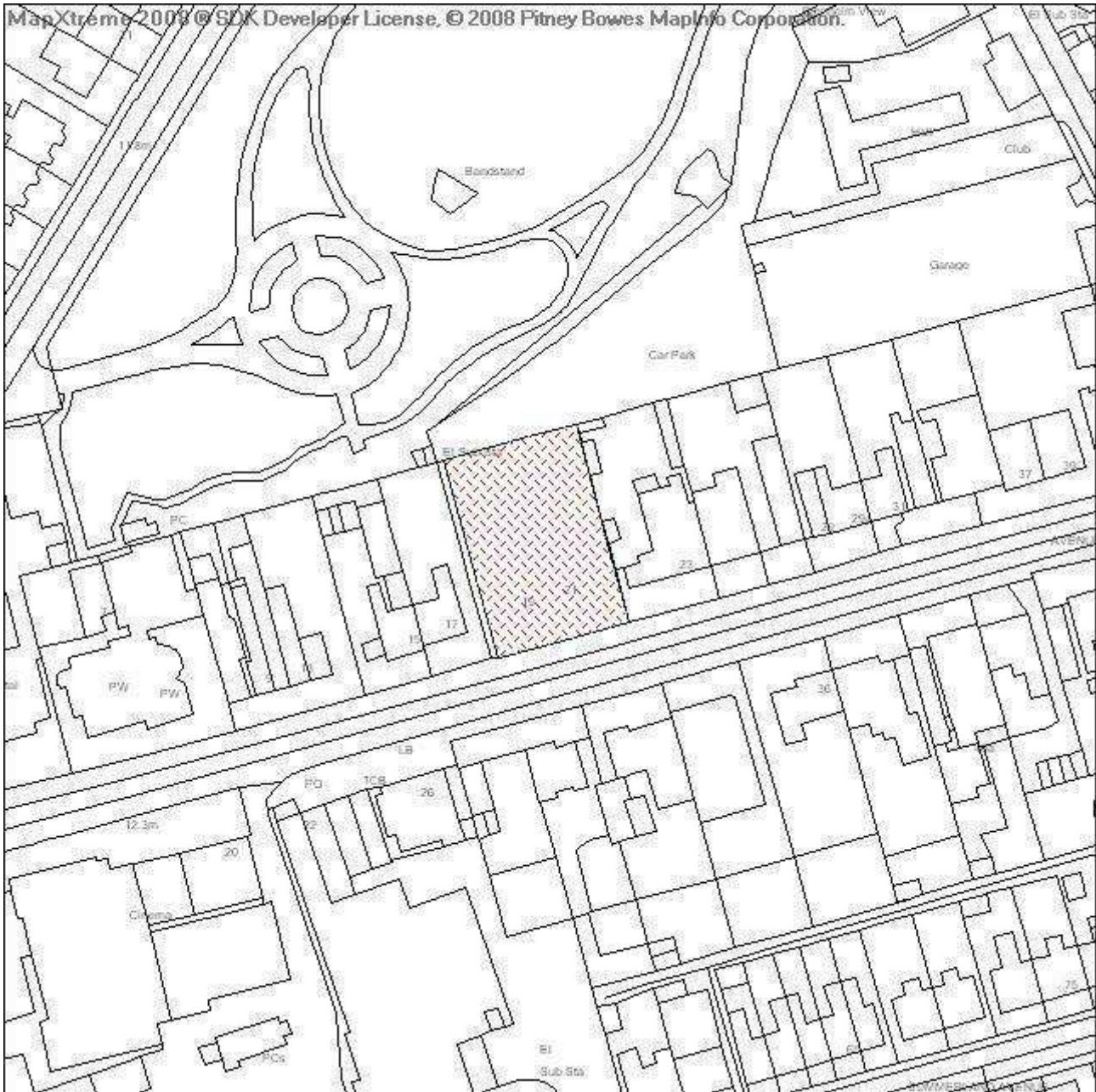
and to avoid the accumulation of the unimplemented planning permission.

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: Ordnance Survey plan, Site location plan, dwg. no. 2171/0/00, Proposed ground floor plan, dwg. no. 2171/03/00, south elevations existing and proposed, dwg. no. 2171/05/00 submitted on 09/05/13 and 03/06/13.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The use hereby permitted at the premises shall not be open for business between the hours of 11.00pm and 7.00am.
Reason: To safeguard the amenities of the area in accordance with policy PC/2 of the West Somerset District Local Plan.
- 4 No chairs, tables or other similar items on within the application site, but located outside of the premises shall be used between the hours of 9.00pm and 7.00am.
Reason: To safeguard the amenities of the area in accordance with policy PC/2 of the West Somerset District Local Plan.
- 5 Prior to any change of use hereby permitted taking place, details of all external paraphernalia (e.g. boundary treatments, umbrellas, table and chairs, food carts, flags, signs) to be placed to the front and side of the building shall be submitted and approved in writing by the local planning authority. No paraphernalia, other than that approved, shall thereafter be placed to the front or side of the building.
Reason: To reduce visual clutter and safeguard the chestier and amenity of the area in accordance with Local plan policy CA/1 of the West Somerset District Local Plan.

Notes

- 1 **STATEMENT OF POSITIVE WORKING**
In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. 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 was considered acceptable and planning permission was granted.
- 2 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.
- 3 All food preparation and storage areas must have adequate ventilation either by natural or mechanical means. This is to reduce high humidity, room temperatures, cooking odours and airborne particles. (*Regulation (EC) 852/2004 Annex II Chapter I para.5*)
The Environmental Health department would recommend that the applicant engage the services of a competent ventilation engineer to design and install a system appropriate for the needs of the premises. It is particularly important to install the correct type of filters for the type of cooking that you do, for example fried foods. It is recommended that cooking of fried or odorous foods be located in those units that are connected to the extraction duct.
 - It is recommended that an area be provided for staff to securely store their belongings and outdoor clothes away from food preparation and cooking areas.
 - All businesses are required to have proper arrangements for the collection of their trade refuse.

- It is strongly recommend that the staff WC facilities also have wash hand basins for use in connection to these WC's, with adequate supplies of hot and cold, or appropriately mixed, running water, soap and hygienic means of drying hands. These wash hand basins should be properly connected to the drainage system and ensure they are designated for hand washing only. It is LEGAL requirement for wash basins to be located close to toilet facilities.



Application No 3/21/13/050
 Change of use from A1 retail sales to A3 restaurant/cafe with A5 takeaway including minor alterations and improvements and retention of new front doors
 21 The Avenue, Minehead, TA24 5AY



9 May 2013
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932

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Easting: 297089 Northing: 146304

Scale: 1:1250

Application No:	3/21/13/051
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 296771 Northing: 146215
Applicant	Costa Ltd
Proposal	Change Of Use From A1 To A Mixed Use Of Retail And The Sale Of Drinks And Cold Food For Consumption On Or Off The Premises (Mixed A1/A3 Use), Alterations To The Shopfront And An Area Of External Seating.
Location	2 Wellington Square, Minehead, TA24 5NH
Reason for referral to Committee	At the request of the Ward Member and Chair and Vice Chair of the Planning Committee

Risk Assessment

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

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

Site Location:

2 Wellington Square, Minehead, TA24 5NH

Description of development:

Change of use from A1 to a mixed use of retail and the sale of drinks and cold food for consumption on or off the premises (mixed A1/A3 use), alterations to the shopfront and an area of external seating.

Consultations and Representations:

The Local Planning Authority has received the following representations:

Minehead Town Council
Recommend approval

Highways Liaison Officer
No observations

Minehead Conservation Society

Minehead Conservation Society objects to this application by Costa Coffee for change of use of a prime retail shop in the heart of the town's CA. Neither the proposed cafe nor the takeaway outlet are needed in the town. Within a few hundred yards of this prime site are Bistro 16, Butterflies, The Wellington, The Market Cafe, Toucan, The Queen's Head and Cream which are selling coffees. In Friday St are two more outlets and one in Bancks St. There are also already sandwich outlets operating in the town. Far from bringing new jobs to the town it is more likely to send other independent businesses to the wall thus creating a loss of jobs. This is if the people of Minehead are prepared to pay the inflated Costa Coffee prices. If not then they might struggle.

Our main objection is that a premises in this position should be used to sell items that are necessary for daily living, or products that create cultural and creative interest for tourists and residents. The

proliferation of eating & drinking places is sapping the life and vibrancy out of our town centres. In our opinion they alone do not attract visitors into towns. People are attracted to towns where there is a good range of independent stores selling a diverse array of goods.

The argument that High St retailers are reducing is, in many cases because of the ridiculously high price that some landlords are asking in rent and secondly because of business taxes. We have seen retailers moving to smaller premises to save on overheads. Towns reliant on tourism will always attract people into shops selling a diverse range of goods. It is when people are on holiday that they have time to look and spend. They do not come to sight see Supermarkets and Coffee Shops. They want galleries, toy shops, craft & gift shops, clothes etc, for this to be able happen shop premises must be protected.

If Costa Coffee wishes to come to Minehead it should look for an A3 site outside the prime trading area. This is standard policy in most authorities.

What evidence has Whitbreads got that the people of Minehead either want or need another coffee/sandwich outlet. Has a proper survey been conducted? If people do not come to Minehead now with its 28+ cafes & restaurants we cannot believe that Costa Coffee will make any difference by its presence.

The firm states that it can only be a good thing for the town for them to come. This is purely a matter of opinion. Our Society considers that their presence in this particular store could only be a bad thing for the town. MSC wants to see its town centre shops preserved as shops so that when the right type of business chooses to locate here there are the right type & size of premises for them to do so. The fact that one has not yet shown interest is no reason to abandon West Somerset Council's planning policies just because Whitbreads are interested. These policies were drawn up to protect the town's vibrancy and character and should not be swept aside lightly. MCS believes that it is only by standing firm against such changes that landlords will come to realise that they will have to start charging more realistic rates. Our Society does not take kindly to being told by agents of national companies, who appear to think that WSC is a soft touch, what is best for our town. Under the Localism Bill locals are supposed to be able to determine what they think is most appropriate for their environment.

We urge that the Council to stand firm and resist this change of use. If landlords get the message that rents must be lowered, in order to attract traders, they will encourage more desirable retailers will move in, because potentially, places such as Minehead will be more attractive for shops sales than many other less visited venues.

If the Council gives in to the 'big boys', landlords and the government will continue to cripple High Street traders with their unreasonable financial demands.

Economic Regeneration and Tourism

No written comments received. Minehead Town Centre Vision Manager has verbally stated that there could be benefits from the proposal such as attracting people further up into the town centre and as it would be open longer than many cafes which will help add to the vibrancy of the town centre. Costa would also be a competitor to other cafes.

Public Consultation

At the time of writing the Local Planning Authority has received 52 letters of objection and 10 letters of support making the following comments (summarised):

Objections:

- Minehead already has an oversupply for this type of use.
- The opening of another coffee outlet will lead to the closure of other coffee outlets
- Its position on a corner will lead to congestion on an already dangerous unlit road junction
- Tables and chairs will cause problems to the disabled and wheelchairs

- Do not need another coffee shop as have plenty of independent ones to choose from
- Know that when Costa has opened in other places it has been to the detriment of smaller private owned businesses
- Do not want to lose a retail premise
- Do not want a franchise
- A franchise may initially attract customer leading to local coffee shops closing and then Costa may.
- This coffee chain will erode the character of Minehead
- Need more variety in Minehead not another food outlet. There are not enough proper retail shops.
- Increase in litter especially cardboard coffee cups.
- It will not bring more people into the area and will not bring more money entering the local economy.
- Will lead to reduced turnover for other local businesses.
- Wetherspoons has already affected my business
- Cannot get a bank loan to refurbish our cafe as the bank will not lend money due to there being too many food outlets in Minehead
- The outdoor seating will make the modest area outside a cafe nearby invisible to people approaching from The Avenue
- Will make Minehead more of a clone town
- An application for a change of use to A3 was refused a few years ago
- The premise is the only unit large enough for Wilkinsons or similar which is needed in Minehead
- Need more high street retailers to attract tourists
- Other coffee shops are already for sale. Costas should buy one of them
- The Council should stick to the rules like others do.
- People do not use the coffee takeaway service provided by other users so do not need it here.
- The number of people that would be employed will not significantly improve local peoples' prospects.

Support:

- The shop has been empty for some time and Costa has a reputation for supplying good coffee etc. If other cafes provide good coffee this will not adversely affect them.
- Costa is British and pays British taxes.
- Minehead needs every job it can attract
- The fact that Costa wants to come to Minehead is positive and demonstrates a confidence in Minehead and its future.
- Costa will help draw people up The Avenue which is good for business at the top end of the shopping area including Wellington Square
- Gives more choice
- No one has been interested in the premises as a retail unit
- Competition is good as the good businesses survive
- Costa is well known and will add credibility to Minehead for visitors and investors
- With the increase in internet shopping it is unlikely that any retailer will take on such a large shop leaving it empty and eyesore indefinitely.
- Better another coffee shop than a charity shop
- The continent thrives on a coffee culture.
- Minehead needs this regeneration
- There are 34 food and drink outlets in Minehead

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals

Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

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

National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration

Planning History

The following planning history is relevant to this application:

3/21/89/259	Installation of a key vending machine in existing shopfront	Grant	10.11.89
3/21/95/120	Change of use of shop premises to Class A2 (Financial and professional Services) and alterations to shop front.	Grant	24.8.95
3/21/13/053	Display illuminated signage	Not yet determined	

Proposal

The application seeks permission to change the use of the former Blockbusters premises (ground floor and first floor) into a mixed use coffee shop with alterations to the shop front and the provision of seating outside the premises. Internally there will be a servery area, 21 tables and 52 chairs together with customer toilets and a 'back of house area' which provides for storage, washing up and staff facilities on the ground floor. On the first floor a secondary 'back of house' area is to be provided. There are also an additional 4 rooms and toilets on the first floor. The applicant has stated that they do not intend to use these for trade purposes at present as the ground floor area is currently considered to be sufficient but they could be used for either staff purposes or storage (as at present) or if demand exists in the future they could be used for trade. Externally 7 tables and 16 covers are proposed of which 2 tables will be on the Wellington Square side with 6 covers and 5 tables with 10 covers are proposed on the Holloway Street side. Free standing balustrades are proposed at either end of the outside seating on the Holloway Street elevation but only on one end on the Wellington Square elevation.

The proposed alterations to the shop front involves repositioning the door to be on the junction of Wellington Square and Holloway Street with the area outside being raised to give level access so that it is DDA compliant. On the Wellington Square elevation this will be fully glazed but a 3.2m length where it adjoins the neighbouring card shop will be opaque for the lower half of the window. The remaining 5m of this elevation will incorporate a full length window and fully glazed door. The pier on the corner and the stall riser will be covered in black ceramic tiles. On the Holloway Street elevation the elevation will remain fully glazed with the column and stall riser will match that on the Wellington Square elevation. The framing for all the glazed areas will be aluminium finished in grey. Three fabric awnings are proposed which will protrude 2m out from the face of the building over the external seating areas. The awning boxes and the canopies will be Costa red in colour. The advertising on the canopies and on other parts of the building are the subject of a separate application for advertisement consent.

The proposal is to sell hot and cold drinks for consumption on and off the premises along with sandwiches, other cold food and confectionary. There will be no hot food production for either eat in

or for takeaway. There will be a small element of sales of Panini or toasted sandwiches (approximately 4%) and this does not require any kitchen facilities of extraction systems. The percentage of takeaway is likely to be between 20% as found in Winchester to 30% as found in Bristol outlets. This therefore means that the proposed use is a mixed use of A1 and A3 where an A1 use means the premises can be used for "the retail sale of goods other than hot foods, the sale of sandwiches or other cold food for consumption off the premises and for the display of goods for sale". An A3 use is defined as, the "use for the sale of food and drink for consumption on the premises."

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

Site Description

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

Planning Analysis

1. Principle of Development

2 Wellington Square lies within the settlement boundary of Minehead, which is regarded as a town and the main growth area within the West Somerset Local Plan area. Minehead's role is to provide "a comprehensive range of services within practical reach of most people." Local Plan Policy SP/2 states that,

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

The reasoning behind policy SH/2 is because it is recognised that in certain circumstances A2 and A3 (restaurants and cafes) uses can reduce the vitality of core retail areas, principally because they may result in dead frontages. This policy relates to an area that is defined as the prime shopping area. The prime shopping area runs from 10 Wellington Square (S&A Linens) to 26 The Avenue (West Somerset Free Press) and Coaster Coffee (15C The Avenue). The town centre is defined as running from the west of the Beach Hotel up to the old Post Office on Parkhouse Road and also includes part of Parks Lane, Summerland Road, Blenheim Road and all of Friday Street. It should be noted that the Use Classes Order was amended in 2005 and split the A3 into three classes - A3, A4 and A5. A4 relates to drinking establishments and A5 relates to hot food takeaways. Having regard to the wording of the policy it is considered that these two extra classes would form part of the restrictions contained within policy SH/2.

The proposed use of 2 Wellington Square being located in Minehead town centre in terms of policy SH/1 is acceptable in principle but the proposed sui generis use (a mixed use of A1 and A3) and the effect on the vitality and viability of the town centre as a whole needs to be assessed and is discussed below.

2. Effect on the viability and vitality of Minehead Town centre.

This is the main issue that needs to be assessed.

A survey was carried out by West Somerset Council in March / April 2011 and the results published in the West Somerset Planning Authority Area Town and Village Centres Study. This illustrates that at that time there were 69 shops within the Prime Shopping Area of which 43 were in A1 use

representing 63% of all units. This has been updated by a survey that was undertaken on 3 June 2013 of the shops in the prime shopping area only. Currently the prime shopping centre has 62 units of which 40 units are in A1 use. This represents 64.5% of all the units on the ground floor. If the units at first floor are also included there are 65 units of which 40 units are in A1 use but the percentage falls to 61.5%.

The 2011 survey also shows that within the town centre as a whole there were 207 units and that of those, 121 units were in A1 use representing 58.4% of all the units in the town centre. This proposal would reduce this percentage to 57.9% in A1 use.

For clarity, the variations in number of shops and the percentage in A1 mentioned in the surveys above use is due to the interpretation of the Use Classes Order and whether businesses at first floor have been included.

The applicant considers that there are 46 units out of 64 in the prime shopping area that are in A1 use. This equates to 71% of the units being in A1 use. The Agent contends that if permission is granted for this proposal the percentage of units in A1 use will fall by 1% to 70% so that A1 uses will continue to dominate the shop frontages. It is considered that in fact the fall is nearer 2%. Using the 2011 survey results the percentage reduction in units being in A1 use is 2% compared to 1% in the 2013 survey. It can be therefore be seen that whilst the number of units in the prime shopping area varies between the surveys and that the percentage in A1 use also varies the proposed change of 2 Wellington Square to a mixed A1/A3 use is not significant in terms of the percentage of units that will remain in A1 use. It should also be noted that there will still be an element of an A1 use within the coffee shop.

This reduction in the number and percentage of units being in A1 use within the town centre then needs to be assessed to see if this change leads to significant harm being caused to the viability and vitality of the town centre as a whole.

The applicant has been supported by a significant amount of information. This includes numerous appeal decisions (all of which have allowed the change in A1 use to A1/A3); patronage surveys undertaken in 2004 and 2012, the Portas Report and Allegra Strategies report into coffee shops carried out in 2010. This information leads to the conclusion that coffee shops help to increase footfall within town centres, can lead to shoppers staying longer in town centres and in some instances people visit the town centre solely to use a coffee shop. In addition the footfall is often higher from coffee shops compared to other shops found on the high street. Coffee shops have also been found to complement shopping frontages drawing people to them as well as complementing the town centre's retail function including choice and that the A1 element is beneficial to retail vitality and viability. Coffee shops can also have longer opening hours than traditional shops which can help to increase the vitality of a town centre. The evidence from the Allegra survey, which is based on shoppers and retailers opinions, is considered to only be anecdotal evidence in how the introduction of a coffee shop affects the town centre but it does show a perception. This has however been accepted by Planning Inspectors as evidence that goes some way to showing that town centres' viability or vitality are not harmed by the provision of coffee shops.

The above information is related to coffee shops in other areas and not specifically to Minehead. However the Council does not have any other information to assume that the same beneficial effect would not occur to Minehead town centre's vitality and viability. Research has been undertaken to see if Planning Inspectors have dismissed appeals similar to this proposal. No such appeals, decided post publication of the NPPF, have been found.

As stated above, within the supporting text to the retail policies in the local plan, the primary concern with moving to an A2 or A3 use related to the potential for the provision of dead frontages. This proposal would see the maintenance of the large frontage windows and the addition of the outside seating area would result in an active frontage. As such the main reason the policy seeks to prohibit A3 uses would not arise in this particular case.

It is noted that many representations have been received objecting to a chain taking over the unit and that being a chain and being the same use as other shops in Minehead town centre could lead

to the closure of these shops. It is not the role of the planning system however to control competition and it cannot control if the user is a corporate business or an independent business. It should also be noted that should planning permission be granted any business with a mixed A1 and A3 use could occupy the building. In addition the property has been empty since May 2012 since Blockbusters, a national chain, vacated the premises. In that time any retail user could have rented the property but has chosen not to.

Comments have been received that state that planning permission has been refused for a change of use from A1 to A3 at 10 The Avenue. This was refused due to the loss of retail floor space and as the introduction of a cafe would not enhance the range of services provided in the town centre and as such the cumulative effect of allowing non retail uses would harm the vitality and viability of the town centre as a whole. This application does include an element of retail and is supported by evidence in respect of the impact of the proposed use on the vitality and viability of the town centre so differs from the refused application.

To ensure that an element of retail (A1) use is maintained on the ground floor a condition to this effect is required. No condition on the use of the second floor is proposed as policy SH/2 only relates to the ground floor and should the first floor be used as a coffee shop this expansion would not be significant and would still comply with policies SH/1 and SH/2.

Overall, the proposed change of use to a mixed use, which still includes an element of retail, will result in a 1% - 2% reduction in premises in an A1 use only in Minehead's prime shopping centre. The accumulative impact of this is minor and as such no significant and demonstrable harm to the vitality and viability of the town centre as a whole could be demonstrated.

3. Character and Appearance of the Area

2 Wellington Square is situated in a commercial street of mainly three storey buildings that are rendered, stone or brick with slate roofs. Opposite the application site is Wellington Square, a public open space. Wellington Square is bordered on its west side by a Grade II listed building (bank) and to the south by the Statue of Queen Anne's and the Church of St Andrew, both Grade II* listed buildings. 2 Wellington Square is also situated within a designated Conservation Area.

The proposed canopies and outdoor seating will not adversely affect the setting or character of the Conservation Area as they will add to the visual vibrancy of this part of the shopping area. There are other canopies in the vicinity and to the east there are a number of shops that have outside seating areas so these elements already form part of the character and appearance of the area. The setting of the nearby listed buildings will not be harmed due to the distance involved and as 2 Wellington Square is not read as an integral part of Wellington Square in that it is separated from it by a busy road.

Over all it is considered that the proposed use of the ground and first floor of the building and proposed changes to the building will preserve the character and appearance of the Conservation Area.

4. Residential Amenity

As there are flats on the third floor of the building the issues of noise and disturbance to the occupiers of the flats are matters that need to be assessed. If the first floor is used as a seating area in the future sound insulation between the flats and the second floor will be required to help reduce noise transfer. This will be controlled by Building Regulations. In addition if there is a noise nuisance this is controlled by Environmental Health legislation and as such it is not considered to be necessary to control this through the planning system. The opening hours however should be controlled and it is therefore considered that a condition needs to be imposed limiting the opening hours to 6.30 - 20.00 hours all week including bank holidays.

5. Highway Safety

The Highway Authority have no observations on the application and as such it is considered that

there are no highway safety issues that need to be resolved.

6. Flood Risk

The application site is situated within flood zone 3 and a Flood Risk Assessment has been received. This shows that there is no change in flood risk vulnerability due to the proposal or any increase in floor space or changes in levels. As the outside seating can be removed at short notice this will not increase the risk hazard.

Environmental Impact Assessment

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

Conclusion and Recommendation

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

Reason for Approval:

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

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

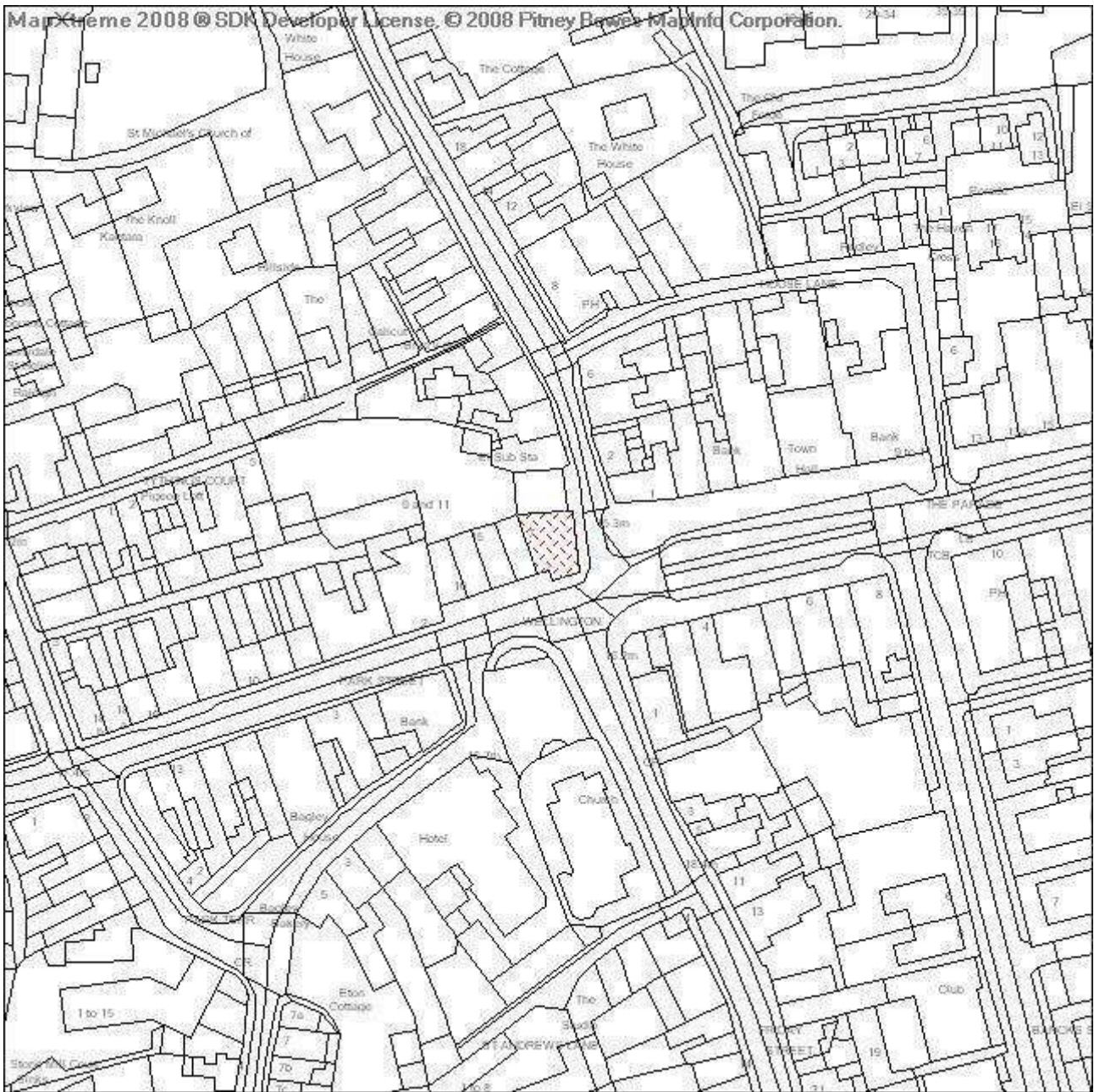
Planning Permission is subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 1.1A, 2.0A and 7.5A submitted on 15 May 2013 and Drawing Numbers: 1.2G, 2.1F and 2.2C submitted on 17 June 2013
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The premises shall be used only for Class A1 retail purposes and/or as a coffee shop serving coffee, other hot and cold drinks, sandwiches and similar refreshments for consumption on or off the premises and the selling of merchandise.
Reason: To safeguard the viability and vitality of Minehead Town Centre and to be in accordance with saved policies SH/1 and SH/2 of the adopted West Somerset District Local Plan.
- 4 No primary cooking of unprepared food shall be carried on within the premises. Only reheated or cold food that has been prepared elsewhere shall be served within the premises.
Reason: To safeguard the amenity, viability and vitality of Minehead Town Centre and to be in accordance with saved policies BD/2, SH/1 and SH/2 of the adopted West Somerset District Local Plan.

- 5 The premises shall not be open to customers outside the hours of 06:30 to 20:00.
Reason: To protect the amenities of nearby residential occupiers and to be in accordance with saved policy PC/2 of the adopted West Somerset District Local Plan.

Notes

- 1 **STATEMENT OF POSITIVE WORKING**
In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application certain elements of the proposal were deemed to be unacceptable in respect of the fixed balustrade and the rendered infill panel. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.
- 2 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.



Application No 3/21/13/051
 Change of use from A1 (retail) to
 a mixed (A1/A3) coffee shop use
 with shopfront alterations and an
 area of external seating.
 2 Wellington Square, Minehead,
 TA24 5NH
 15 May 2013
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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 Easting: 296771 Northing: 146215 Scale: 1:1250

Application No:	3/21/13/053
Parish	Minehead
Application Type	Advertisement Consent
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 296771 Northing: 146215
Applicant	Costa Limited
Proposal	Display of Externally Illuminated And Non-Illuminated Signage
Location	2 Wellington Square, Minehead, TA24 5NH
Reason for referral to Committee	At the request of the Ward Member and Chair and Vice Chair of the Planning Committee

Risk Assessment

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

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

Site Location:

2 Wellington Square, Minehead, TA24 5NH

Description of development:

Display of illuminated signage

Consultations and Representations:

The Local Planning Authority has received the following representations:
Minehead Town Council - Recommend approval

Highways Liaison Officer - Comments awaited.

Public Consultation

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

Planning Policy Context

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

The following Policies are considered relevant to this application:

- BD/7 Advertisements
- CA/4 Advertisements in Conservation Areas

Site Description:

The site is located within the Wellington Square Conservation Area and is within the Primary Retail Frontage and Minehead Town Centre as defined in the West Somerset Local Plan (2006). It is situated in a prominent position on the junction of Wellington Square, Holloway Street and The Parade. The subject premises, No. 2 Wellington Square are located at ground floor level on a corner site fronting the northern side of Wellington Square and the western end of The Parade. The existing building that the premises are situated within extends the full length of the northern side of

Wellington Square and extends towards Holloway Street in a northerly direction. The building consists of three stories and visually dominates this part of the street scene due its prominent siting and the design of the building. The building has a flat roof and a smooth white render finish to first and second floor walls. The metal windows in the first and second floor are of a very distinct and strident design.

The attached buildings to either side of the application site within Friday Street and Park Street are three storey buildings with traditional dual pitched roofs that rise above the roof of the subject building.

The premises are currently empty. An application has been submitted under planning reference 3/21/13/051 to change the use of the subject premises from A1 to A1/A3 (mixed cafe/retail use).

Proposal:

Advertisement consent is sought for the ground floor of the subject premises to provide advertisements for the proposed A1/A3 use. The proposal consists of fascia signs and awnings fronting Wellington Square and The Parade, one circular projecting sign, three vinyl advertisements attached to the interior of the shop front glazing and four removable balustrades that would enclose the sides outdoor seating area. Through the course of the application amended plans have been sought which reduced the amount of illumination proposed and alters the nature of the illumination.

As amended the proposal is for:

- The fascia sign to the eastern elevation fronting The Parade would measure 11.0 metres in width by 0.75 metres in height. It would be mounted above the shop window and would have a maximum height of 3.3 metres.
- The fascia sign fronting Wellington Square would measure 5.2 metres in width by 0.75 metres in height. It would be mounted above the shop window and would have a maximum height of 3.3 metres.
- The fascia signs would consist of an aluminium panel with raised perspex lettering with a height of 400mm and a depth of 20mm and would be externally illuminated by a trough light.
- The proposed awning advertisements would measure 5.45 metres in width and fully retracted would project 2.1 metres from the face of the building. Two awnings are proposed to the eastern elevation fronting The Parade. One awning is proposed to the southern elevation fronting Wellington Square.
- The non-illuminated circular projecting sign would project 0.7 metres from the building and would measure 0.6 metres in width. It would have a maximum height of 3.2 metres and would maintain a minimum clearance of 2.6 metres above pavement level.
- A total of three removable balustrades would be sited on the pavement. One balustrade would be sited to either side of the outdoor seating area on Wellington Square and one balustrade would be sited to the side of the outdoor seating area on The Parade. Each balustrade would measure 0.95 metres in height and 1.25 metres in width.
- Two vinyl advertisements are proposed to the interior of the glazing on the east elevation fronting The Parade. One vinyl advertisement is proposed to the interior of the glazing on the south elevation fronting Wellington Square. The two vinyl advertisements on the east elevation would measure 0.8 metres in height by 2.3 metres in width. The vinyl advertisement on the south elevation would measure 0.95 metres in height by 2.1 metres in width.

Planning History

The following planning history is relevant to this application:

- 3/21/13/051 Change of use from A1 to a mixed use of retail and Under the sale of drinks and cold food for consumption on or consideration off the premises (mixed A1/A3 use), alterations to the shop front and an area of external seating.

Analysis

Amenity, Design and Character of the Area

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

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

POLICY BD/7: Advertisements

Proposals for advertisements will be permitted unless:

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

POLICY CA/4: Advertisements in Conservation Areas

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

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

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

It is acknowledged that the subject building is of a modern design and contrasts with other buildings in the area which are of traditional architectural design.

The initially submitted advertisement scheme was considered to be unacceptable primarily due to the amount and means of illumination as it would have been incongruous in the surroundings and would have detracted from the character and appearance of the Conservation Area.

It is noted that advertisements in the surrounding area are predominantly externally illuminated, generally with a relatively traditional design and overall appearance. The proposed fascia signs have been altered from having internal illumination to an external trough light. Furthermore, the depth of the proposed Perspex lettering has been reduced from 60mm to 20mm. The projecting signs are now proposed to be non-illuminated and have been reduced in number from two to one. It is considered that, in the revised form, the proposed adverts are acceptable and will not detract from the character or appearance of the building or conservation area.

The proposed awnings each contain a large logo to the top face. Due to the shallow angle of the proposed awnings, the lettering to the top face of the awnings would not be unduly prominent and would not appear cluttered when viewed in conjunction with the fascia signs. The awnings are considered to be acceptable.

The advertisements on the sides of the proposed removable balustrading and vinyl advertisements to the exterior of the windows are relatively modest in overall scale and the number proposed is not considered to be excessive. As such the proposed balustrade and window vinyl advertisements will not result in visual clutter or harm to the character and appearance of the Conservation Area.

The Impact of the Advertisement on Public Safety

The Highway Authority has been consulted on the application. However, a response from the Highways Authority has not yet been received. Members will be updated the opinion of the Highways Authority through a late correspondence report at the committee meeting.

Conclusion and Recommendation:

Subject to a positive consultation response from the Highway Authority, the proposal is considered to be acceptable and it is recommended that advertisement consent be granted.

Reason for Approval:

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

Saved Policies BD/7 and CA/4 of the West Somerset District Local Plan (adopted December 2006).

Advertisement Consent is subject to the following conditions:

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

Reason: In accordance with the provisions of regulations 16(2c) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

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

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

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

(iv) Any structure of hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

Reason: In accordance with the provisions of Regulations 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3 The sign(s) hereby approved shall be illuminated only by means of the details hereby approved and by no other means of illumination.

Reason: In the interests of the appearance of the building and of the street scene having regard to the provisions of Saved Policies BD/7 and CA/4 of the West Somerset District Local Plan (2006).

- 4 The signs hereby approved shall not be illuminated by any intermittent light source.

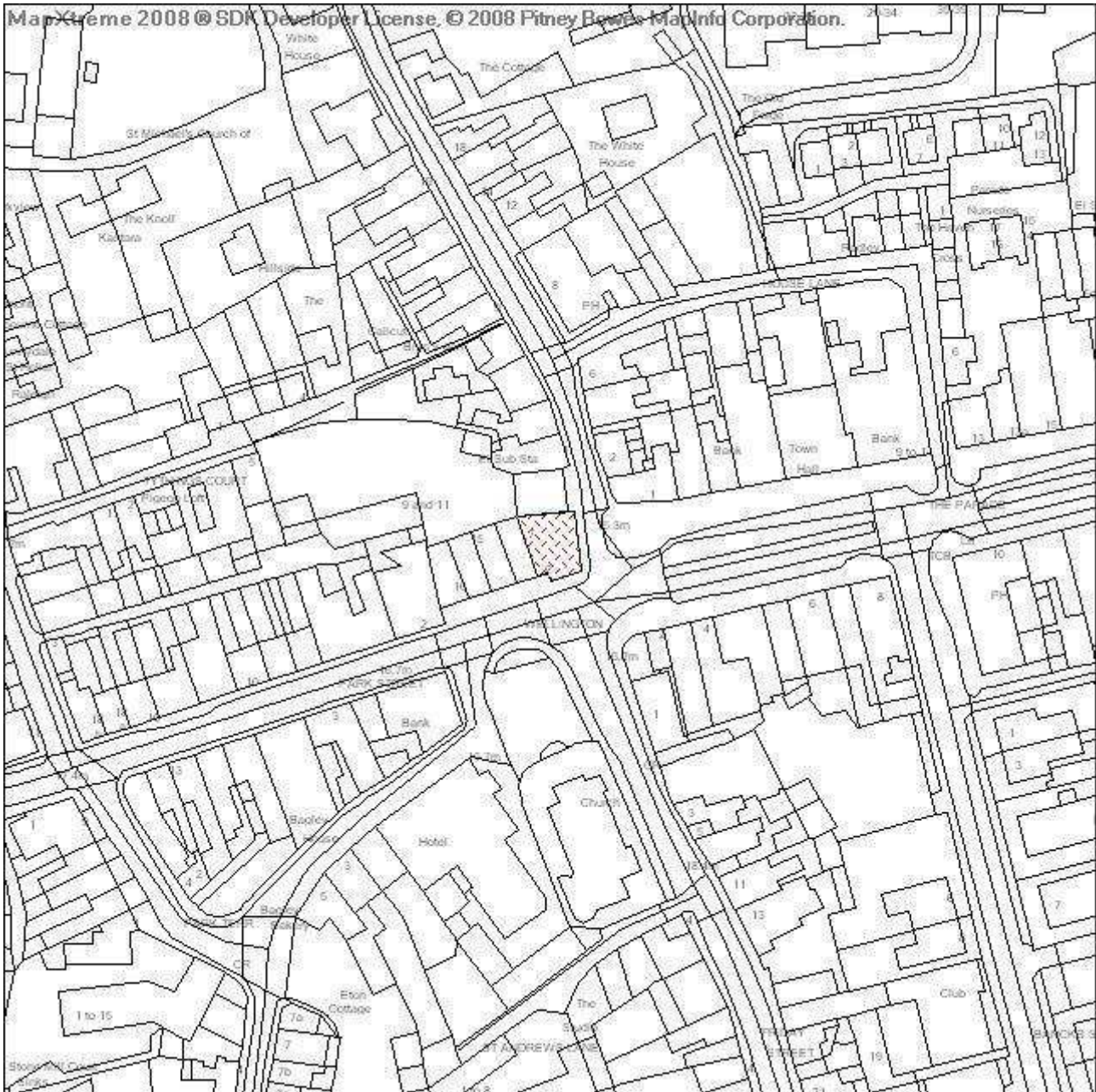
Reason: In the interests of amenity and public safety having regard to the provisions of Saved Policies BD/7 and CA/4 of the West Somerset District Local Plan (2006).

- 5 The maximum luminance of the sign shall not exceed the values recommended in the instruction of lighting Engineers' technical Report No. 5 (Second Edition).

Reason: In the interests of amenity and public safety having regard to the provisions of Saved Policies BD/7 and CA/4 of the West Somerset District Local Plan (2006).

Notes

- 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 This decision relates to Drawing Numbers: Site Location Plan, 2.2C, 2.1F, 5.3D, Plan titled 'External Umbrellas & Awnings' received 12th June 2013, plan showing balustrading elevations and photograph received 12 June 2013 only.



Application No 3/21/13/053
Display of illuminated signage
2 Wellington Square, Minehead,
TA24 5NH
17 May 2013
Planning Manager
West Somerset Council
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
Licence Number: 100023932



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Easting: 296771 Northing: 146215 Scale: 1:1250

Application No:	3/21/13/056
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Kenneth Taylor
Grid Ref	Easting: 295264 Northing: 146447
Applicant	Mr Anthony Connolly
Proposal	Erection Of Four Bedroom Detached House (Resubmission Of 3/21/13/014)
Location	Land Adjacent to Green Hollow, Bratton Lane, Minehead TA24 8SG
Reason for referral to Committee	The applicant is employed by West Somerset Council

Risk Assessment

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

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

Site Location:

Land Adjacent to Green Hollow, Bratton Lane, Minehead TA24 8SG

Description of development:

Erection of four bedroom detached house (resubmission of 3/21/13/014)

Consultations and Representations:

The Local Planning Authority has received the following representations:

Minehead Town Council

Recommend refusal – to accept planning application as it stands.

Highways Liaison Officer

I refer to the above-mentioned planning application collected from WSDC on 31 May 2013.

This application relates to previous applications 3/21/12/021 and 3/21/13/014, and as such, comments made regarding the principle of development in relation to those applications are equally applicable in this instance.

Whilst the site lies in a location where it is likely that occupiers of the proposed dwelling will be largely (if not wholly) dependant on their private motor vehicles for accessing the site, (due to the distances from the nearest shops, schools, services, facilities, public transport etc.), it is noted that the site does lie within the Development Boundary Limit for Minehead, and as such there is no objection in principle from the Highway Authority to the proposal.

In terms of detail, the issues identified with the last submission seem to have been addressed with this proposal, and as such visibility splays, parking and the provision of a waiting bay have all now been shown. The disposal of surface water within the site must also be managed so as to prevent its discharge onto the highway, (although this issues could be dealt with by conditions).

I therefore raise no objection to this proposal, but request suitable conditions are attached to any consent.

- There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access, extending to a point 33m to the west of the access at the nearside carriageway edge; and to the carriageway edge at the extremity of the site frontage to the east. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.
- The waiting bay and parking shall be provided in accordance with drawing number DWG.Ajc/ns/120 prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained at all times.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the dwelling hereby permitted is first occupied and shall thereafter be maintained at all times

Minehead Conservation Society

The objections I expressed on behalf of the Society in relation to the original application submitted by this Applicant have not been met, and the Society continues to consider that this application proposes an unsuitable extension into the countryside.

The proposed dwelling is still out of scale with nearby properties and, more importantly, is far too large for this particular old quarry site. The excessive house plan area has once again necessitated setting the proposed dwelling forward of the established building line and at an angle to the road frontage, and this further has the effect of reducing available vehicular parking space.

The design and reversed level accommodation are again out of sympathy with neighbouring properties and will dominate the bungalows opposite to an unbearable extent, this factor emphasized by the unnecessary area of glass in the front elevation.

The Society has noted that the plot has now been extended to include part of the frontage of Green Hollow itself and it is not clear that the arrangement whereby the owner of Green Hollow will gain access to the highway across part of the layby which will belong to the Applicant and his successors is a good one and that the layby excluding this access way will conform to highway requirements.

The society considers that this application should be refused.

SCC - Ecologist

Thanks for providing me with a copy of the Ecological Appraisal Report submitted with the application to build a dwelling on land at Bratton Lane in Woodcombe, Minehead (Prepared by JH Ecology and dated 'October 2012'). P

1. Designated Sites

The Appraisal Report correctly states that the application site itself has no nature conservation designation. The site is between 250 m and 300 m from the Exmoor Heaths Special Area of Conservation (SAC) which is a European Site designated for several Annex 1 habitats including various types of heath and semi-natural broadleaved woodland. It is difficult to imagine how the proposed development might have any significant effect on the SAC, therefore, I do not believe it is necessary for the planning authority to conduct an appropriate assessment under the Habitats Regulations 2010. The SAC in this area is contiguous with the Exmoor Coastal Heaths SSSI which is designated at the national level for the range of habitats that are qualifying features of the SAC and also for other aspects of local ecology such as Nightjars which, according to the SSSI Citation, nest on the wooded fringes of North Hill. Despite the relative proximity of the SSSI, however, it is hard to believe the development which is proposed could have a significant impact on the SSSI. Although there are other non-statutorily designated sites (i.e. County Wildlife Sites) in the vicinity of

the development, these are all sufficiently distant that impacts on them are unlikely. So far as designated sites are concerned I agree with the Report's basic finding that there is little likelihood of any significant harm being caused to sites with existing nature conservation designations.

2. Habitats

The application site mainly comprises of a mature garden with lawns, shrubberies and ornamental trees. The report evaluates the garden habitat as being of low ecological value requiring no mitigation for loss. Although there will clearly be some net loss of biodiversity once mature garden is replaced with a building and hard-standing, it would be difficult to justify an objection (for example under policy NC/5) because there is no indication that the habitat to be lost is of major importance for wildlife or a priority habitat in the context of the West Somerset Biodiversity Action Plan.

As much as 34 m of hedgerow could be removed to create a visibility splay at the access to the application site. This will entail loss of a substantial amount of habitat which the appraisal report considers likely to support nesting birds with potential for use by bats, Hazel Dormouse, Hedgehog and reptiles. If this loss is unavoidable, there should be compensatory planting to ensure that the local hedgerow network does not become fragmented. Since it will be some considerable time before any new hedgerow will have the same functionality with regards to supporting species the planning authority ought to seek more than 1:1 replacement in terms of area/length of hedgerow lost, but it is appreciated that this might be difficult to achieve on such a relatively small site. There is a suggestion in the appraisal report (in Table 5 under 'Hazel dormouse') that gaps in the north-western boundary hedge might be planted up to enhance connectivity. The species list in the design and access statement (in the 'landscaping' section) for plants to be included in the replacement hedging does not reflect the recommendations of the ecological appraisal. The inclusion of Buckthorn, Beech and Holly will not favour Dormice and the planting mix ought to be a lot closer to that proposed in 6.10 of the ecological appraisal. I recommend that, if you are minded to approve the application, you consider imposing a condition obliging the developer to submit a hedgerow planting and enhancement scheme. This scheme ought to be approved prior to commencement of any construction and, ideally the measures agreed ought to be implemented at the earliest possible opportunity. I would be pleased to discuss possible wording of such a condition with you.

3. European Protected Species

(a) Bats - Judging from photographs supplied in the Report, the summerhouse and glasshouse on the site appear to have low potential to host roosting bats. Their loss is not likely to be detrimental to local bat populations. From the information in the appraisal, the ornamental cherry trees that will be removed are unlikely to support roosting bats. The main impact on local bat populations is likely to be exerted through the removal of hedgerow and the measures outlined above will help minimise any detrimental effect.

(b) Dormouse – See comments on hedgerow habitat in section 2.

4. Species protected by the Wildlife and Countryside Act 1981 and other legislation

(a) Badgers - There is no evidence in the Report of badger usage of the application site and none to suggest that a sett occurs within the site.

(b) Amphibians and reptiles – There is little evidence of large populations of amphibians and reptiles on site. The appraisal report recommends construction of a hibernaculum in the south western corner of the application site. This represents a good enhancement measure which would help to compensate for the reduction in the extent of habitat available to reptiles and amphibians.

(c) Nesting Birds – See comments on hedgerow in section 2. Provision of nest boxes (as proposed in section 6.9 of the appraisal report) would compensate for the loss of nesting opportunities that will occur due to removal of hedgerow and at least one ornamental tree.

5. Other Priority Species

(a) Hedgehog - The SERC data summarised in the Report indicates that Hedgehogs have been recorded in close proximity to the application site. See comments on hedgerow above.

Public Consultation

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

- Concerns over access arrangements and negative impact on highway safety, access to the lane at this point is extremely dangerous.
- The access and increased use by cars would result in increased conflict with vehicles using the road and other users of the road (i.e. pedestrians).
- Query whether there is space to provide three parking spaces.
- Concerns in respect of the size and location (blocking the neighbouring access) of the waiting bay.
- Concerns that there would be on-street parking in view of the parking concerns and location and size of the waiting bay.
- Query whether there is sufficient room for the hedge to ensure that there is not encroachment on the visibility splay or the parking area.
- The site is awkwardly shaped with land level differences and therefore entirely unsuitable for the development of a new house.
- The design of the dwelling is out of keeping with the character of the area.
- The size of the dwelling is out of keeping with the character of the area.
- The location of the dwelling within the site is out of keeping with the layout of existing properties.
- The dwelling appears to be beyond the existing building line and would result in an extension to the built up area of the town into the countryside.
- The glazed gable feature would be an ugly conspicuous addition to the street scene.
- The choice of materials are poor (grey aluminium windows, black roof tiles and red ridge tiles).
- The loss of the roadside hedge would have an adverse impact on the character of the lane.
- The proposal could set a precedent for filling in the gap between Minehead and the National Park or infilling between Minehead and Bratton.
- The dwelling would overlook the bungalows opposite, especially as the dwelling is a 'reverse level' and there is a large expanse of glass on the front of the dwelling.
- Object to any building on the site.
- Existing trees on the site would be felled.
- Impact on views from neighbouring dwellings.
- Concerns in respect of the accuracy of the plans and limited detail (i.e. lack of parking spaces shown on the site plan).
- Concerns in respect of land stability issues in view of the gradient of the slope and potential impact on the adjoining land.
- The proposal will not provide the social, economic or environmental roles of sustainable development.
- Query the relationship of the applicant to the Council.
- Querying aspects of the application form - lacking in detail in respect of pre-application advice and the relationship of the applicant with the Council.
- No details for the type of permeable paving to be used has been provided, concerns that the permeable paving will become ineffective and result in surface water discharging onto the highway.
- The permeable paving may be resurfaced with an impermeable surface.
- There is limited garden area which may result in the owner wishing to reduce the size of the parking area to create a garden.
- Query the need for the dwelling.
- The proposal is not good design and the development would not contribute positively to making places better for people, and is contrary to local and national policy.
- The Council should not seek to raise Council Tax revenue by allowing inappropriate

development.

- The loss of the garden and hedgerow should be resisted.
- The proposal could set a precedent for development of other gardens in Woodcombe.
- The balcony is omitted from one of the side elevations.
- Query whether development in a conservation area should be based on monetary gain rather than housing need.
- There is a reference to a garage in the design and access statement but not garage is proposed.

*Although 20 separate representations have been made two people provided two representation each and one person provide three separate representations.

Planning Policy Context

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

The following Policies are considered relevant to this application:

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

The Somerset County Council Parking Strategy was adopted by the County Council in March 2012 and is a material consideration in the determination of this proposal.

National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration.

Planning History

The following planning history is relevant to this application:

3/21/12/021	Erection of dwelling in the garden to the west of Green hollows	Withdrawn	02/04/12
3/21/13/014	Erection of detached four bedroom dwelling	Withdrawn*	02/04/13

*Prior to the withdrawal of the application, the planning committee had resolved to refuse planning permission for the following reasons:

1. The proposed dwelling and associated raised patio, due to the design, scale, siting and detailing would result in development that does not reflect the scale and character of the surrounding buildings. As such the proposed development is contrary to the provisions of Policies STR/1, BD/1 and BD/2 of the Somerset and Exmoor National Park Joint Structure Plan Review and the West Somerset District Local Plan.
2. The proposal does not demonstrate that adequate provision can be made within the site for the parking of vehicles in a satisfactory manner, (including a type A waiting bay for short stay visitors to park clear of the highway). The proposed development would therefore be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

3. The proposed access to the Bratton Lane does not incorporate the necessary visibility splays which are essential in the interests of highway safety. As such the proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

Proposal

The application seeks planning consent for the erection of a detached four bedroom dwelling with associated vehicular access and parking. The application proposes a 4 bedroom detached dwelling which will face onto Bratton Lane. The dwelling is to be sited on a triangular shaped plot measuring approximately 0.10 of a hectare in size.

The proposed dwelling would have the main accommodation (living room, dining room, kitchen, master bedroom and a bathroom) at first floor level. Doors in the kitchen and master bedroom would lead out to a balcony at the rear of the dwelling. In the living/dining room area a full length opening window is proposed with a Juliet balcony on the side of the dwelling. At ground floor level, three bedrooms and a bathroom are proposed, along with a store with a wet room. A large full height hall is proposed at the front of the dwelling providing a stair case and galleried landing area. This feature is in the front and centre of the dwelling where externally a projecting gable feature is proposed with full height glazing. The main section of the proposed dwelling is sited to broadly follow the existing building line, albeit angled and slightly forward than its neighbour due to the existing contours of the site. The ridge height of the dwelling is proposed to be around 0.8m lower than the neighbouring dwellings (Green Hollow and Hillcrest).

Although not shown on a revised site plan, parking for three cars is proposed (two spaces at the side and one space to the front of the dwelling). Due to the contours of the site, some excavation of the land is proposed with the addition of retaining walls.

Site Description

The existing site is part of the garden (west) of the adjoining host dwelling known as Green Hollow a two-storey, semi-detached house constructed in the 1930's and is sited on Bratton Lane on the northern side. It is the last property in a run of dwellings within the edge of the development limits of Minehead. The side garden area faces Bratton Road (southern boundary of site), where the ground level rises and the road begins to narrow as it climbs towards Bratton (a hamlet) to the west.

Both Green Hollow and the adjoining Hillcrest are rendered and painted white and have plain tiles cladding the roof. These dwellings have steeply pitched gable frontages, have white fenestration and brick chimneys. There are a variety of styles and roof shapes on existing dwellings. On the opposite side of Bratton Lane is a series of single storey bungalows which are sited at a lower level and are located some 23m from the front boundary of the application site.

Existing boundaries at the site comprise of well established hedging shrubs and well established steeply terraced borders to the west and north and there is also an existing timber summer house and greenhouse within the site along with flower borders and stone retaining walls.

The site is located approximately 400m from Exmoor National Park.

Planning Analysis

1. Principle of Development

Although the previous application was withdrawn, the recommendation and ultimately the resolution of the Planning Committee, was to refuse the application on matters of detail (design and access issues) and not for an "in principle" issue. It should be noted that since the last application was considered the Somerset and Exmoor National Park Structure Plan has been revoked.

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

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

The proposed development site is located within the town of Minehead. Minehead is the principal town within the District of West Somerset and is likely to be the settlement which takes the greatest proportion of new housing within the District over the next plan period. Development within Minehead is assessed against Local Plan Policy SP/2: Development in Minehead and Rural Centres. Policy SP/2 supports residential development providing that it complies with the following criteria:

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

In this instance the application site is not designated for any other use. The site lies within Woodcombe and the development limits of Minehead. Although the site is located some distance from the main centre of Minehead, the nearest bus stop is located at the bottom of Bratton Lane and the Porlock Road around 290m away from the entrance to the site. This provides access to the town centre. While the application site is not within easy walking distances of the majority of facilities and employment uses in the town there is a bus link in very close proximity to the site and the site is in relatively easy cycling distance of the facilities in the town. This proposal sees the redevelopment of an existing garden plot as a single infill development. It is therefore considered that the proposed development is acceptable in principle and accords with the strategic policies within the development plan.

2. Character and Appearance of the Area

Policies BD/1 and BD/2 of the Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments. The Framework places a strong emphasis on design and states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" (paragraphs 56).

In respect of the delivery of housing the Framework does promote a degree of caution in respect of development within residential gardens. Paragraph 53 states that "local planning authorities should consider the case of setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area". Within the Framework the definition of previously developed land (commonly referred to as brownfield land) specifically excludes residential gardens. Harm from garden development is most likely to occur to the character of the area, although other impacts such as to residential amenity could arise. The Local Plan does not contain specific policies in relation to development within gardens, nevertheless the design policies (BD/1 and 2) do require development to be sympathetic in scale to the surrounding built development and as such this policy approach aligns with the thrust of paragraph 53 of the Framework. Therefore consideration must be given as to whether the development of a portion of the residential garden of Green Hollow is acceptable having regard to this policy context.

The application site is not located within the designated Woodcombe conservation area, however, the far northern boundary of Green Hollows is adjacent to the conservation area and the boundary of the proposal site at the northern boundary is approximately 18 metres away from the northern boundary of Green Hollows and thus the conservation area boundary.

To put this into context with the designated area, the existing site including the adjacent existing dwelling and the remainder of this row of dwellings stretching towards Woodcombe Lane was identified on the 1842 Tithe Map of Land Uses as meadow land. This was the case even up to the 1929 Ordnance Survey when the first house, Nutscale, "a good quality Edwardian vernacular revival house, whose position and style make it a prominent building" (CA appraisal, buildings of interest) was built at an angle on the corner of Bratton Lane and Woodcombe Lane and located some 90m from the current proposal site.

Within the Woodcombe Conservation Area Appraisal, it states: "Woodcombe has a variety of buildings loosely categorised under two influences for development; pre 20th century vernacular buildings of a small agrarian society and 20th century suburban villas and houses of universal design and construction. The line between the two is blurred".

Mid to later 20th century saw housing rapidly expanded in Woodcombe with development in blocks of semi-detached housing (including Green Hollow) and bungalows, providing a good standard of housing of its time and this was considered to have a neutral impact on the character of the area.

The nearest Listed Building to the site is Woodcombe Farmhouse located around 110m to the north east of the site.

The surrounding area consists of a mixture of dwellings from detached villas to semidetached houses and detached bungalows constructed in a mixture of materials from painted render to brick and stone with plain tiles and slate to the roofs. The immediate context of the site is a run of four pairs of semidetached dwellings. Within this run of houses the pairs of houses at either end of the run have front gable features that project modestly from the front of the building, with the roof extending down to the ground floor eaves level. The middle two blocks of houses are of a simpler design with hipped roofs and small projecting bay features on the front at ground floor level. The properties adjacent to the site are simple but well designed, good quality properties which, although of a fairly standard design and housing type for the period, result in the character of the area being a pleasant spacious environment. The application site is located on the very edge of the town. The "gateway location" of the site is such that any development must be of a high quality. The application site is triangular in shape and constrained to a degree by rising land levels.

The site is relatively large and, notwithstanding the constraints outlined above, it is considered that a well designed property of appropriate scale and detailing could be accommodated on the site without harm to the character of the surrounding area.

The proposed dwelling is relatively large at a little over 12 meters in frontage width. This compares with the neighbouring pair of semi detached dwellings which are collectively also a little over 13 metres in frontage width and the next pair of semidetached dwellings being around 12 metres in frontage width. The information submitted with the application (street scene and detailed levels information) demonstrates that the eaves height would broadly match the adjacent Green Hollows and the ridge height would be lower.

The proposed dwelling is a detached single dwelling where as the adjoining dwelling on the north side of Bratton Lane are all semi detached dwellings. The introduction of a detached house would not be at odds with the wider character of the area where there is a significant mix of housing types and sizes. The location of the site, on the end of the run of semi detached dwelling is such that the site can accommodate a different form of dwelling.

The design of the dwelling is much simpler than the previous scheme. The proposed design does not copy any of the nearby dwellings, but some of the features of the dwellings have been incorporated into the design. The fairly simple design of the dwelling with hipped roofs is similar to the pairs of semi's located in the centre of the run of eight adjoining dwellings. The proposal includes a central projecting gable feature. This feature has a relatively small projection of around 1 metre from the main section of the front of the dwelling. This gable feature is relatively wide (a little under 5m) and is proposed to be fully glazed.

The Framework advises that design polices should concentrate on guiding the overall scale, density, massing, height, landscape, layout and materials of new development in relation to neighbouring buildings and the local area more generally but avoid unnecessary prescription or detail. In considering design there is a balance between not attempting to impose architectural styles and not stifling innovation or originality through requirements to conform to a certain development form or style but also seeking reinforce local distinctiveness.

While the general form of the building is broadly similar to the form of some the surrounding dwellings the glazed gable feature would introduce a new design element to street scene. While the run of eight adjoining dwellings have a symmetry and uniformity, there is quite a wide range of building styles in the wider area. It is considered that the introduction of this design feature is acceptable and would not detract from the character of the area.

As originally proposed the materials were cream render, grey tiles with red ridge tiles and grey aluminium powder coated windows. Although there are a variety of materials in the local area in the immediate setting of the dwelling there is consistent use of white render and plain clay tiles. It is considered that the introduction of a different material, particularly the roofing materials would not be appropriate. The applicant has agreed to alter the proposed materials and this matter can be addressed through condition. The use of grey powder coated aluminium would add a different material in the local context, however this material could work well with the more contemporary style of the proposed dwelling and the glazed gable feature. The use of a quality product will be essential to ensure the success of this gable feature.

Quite a strong design feature of the nearby dwellings is their siting, set back from the highway, with a reasonable front garden. The constrained nature of the site does result in achieving this being more challenging. The main front building line of the proposed dwelling would be set back between just under 7m and just over 10m from the edge of the site. The provision of the visibility splay with the hedge behind it and verge in front would result in the appearance of a smaller front garden, although the overall separation of the dwelling from the highway would be at these distances. The run of eight dwellings (four pairs of semi detached dwellings) do share a broad building line, however there is variation in the siting and angle at which they face the highway. The proposed dwelling is angled a little so it does not directly line up with the highway. It is considered that the building line and provision of space between the front of the dwelling and highway is such that the siting of the proposed dwelling would be in keeping with the character of the area.

Overall, while the dwelling is a relatively large building on a constrained plot it is considered that the proposal would not harm the character of the surrounding area. The detailing of the dwelling and landscaping will be important to ensure a quality scheme is secured and a package of conditions is required to control this.

3. Residential Amenity

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

Overlooking

The proposed dwelling is to have the main bedrooms and utility rooms at ground level, with the main living areas and the master bedroom at first floor level.

The proposed development would not cause any significant overlooking issues as there is only a single small ground floor window for a wet room in the eastern elevation (facing Green Hollow) with the majority of the windows being on the front and the rear. There is a rear balcony proposed, which although would give rise to some overlooking towards the rear of Green Hollow, there would remain private areas of this garden which would not be significantly overlooked.

The windows on the front elevation are, at their closest, are just under 7m to the site boundary. This would result in a distance of around 27m from the front of the proposed dwelling to the front of the bungalow opposite the site and around 17m to the front boundary Merry's Gill. This is a large separation distances and as a result overlooking would not be significant. It is noted that there is some concern that the degree of overlooking would be more pronounced as there is a large glazed gable feature on the proposed dwelling. In view of the distances involved there will not be significant issues of overlooking and in addition this gable feature forms part of a full height hall feature and the floor of the landing at first floor level is set back over 4.5m from the glazing.

On the western elevation it is proposed to have a full length window/ door at first floor level with a Juliet balcony. This Juliet balcony will not give rise to any significant overlooking issues as it does not face towards any residential property and any overlooking from a person leaning on the balcony would be at a very significant distance and views would not be towards any residential properties.

Overbearing Impact

Distances between the proposed building and Green Hollow on the eastern elevation is around 6.9m between each respective side walls. It is considered that with this degree of separation the impact on the adjoining neighbour would be acceptable.

Garden size

Some concerns have been raised that there will be limited useable garden space for the proposed dwelling due to the land levels and the size of the area of hard standing for parking etc. Ensuring a good standard of amenity is achieved is a requirement of national planning policy. While the area of level garden area would be limited, there is some useable space and a rear balcony is also proposed. Not everyone wishes to have a large garden area and it is considered that the outdoor space available is acceptable and the level of amenity afforded to the future occupants of the dwelling would not be unpleasant or unacceptable.

4. Highway Safety

The proposed development is accessed from Bratton Lane, an unclassified road with a 30 mph speed restriction. Under the Manual for Streets guidance the required visibility in both directions should be 2.4m back from the carriageway edge and for a distance of 33m (as measured to the nearside carriageway edge), where there should be no obstructions above 900mm above the adjoining road level.

The 33 metres can be achieved to the west but not to the east. In achieving the visibility to the west the existing hedgerow would need to be removed and a replacement replanted behind the splay. It is important that suitable treatment of this area is secured to ensure that harm does not arise to the character of the area or the ecological value of the site.

The visibility splay cannot be fully achieved to the east. However improvements can be secured to the front of Green Hollow. Ultimately around 15 metres can be achieved. While this does fall short of the 33m required by Manual for Streets, it does provide an improvement over the existing situation. Currently there is limited visibility from the existing access to Green Hollow. The proposal will provide improved visibility for Green Hollow as well as the proposed dwelling. The addition of a single dwelling will not greatly increase the use of the access at this point and it is considered that improvements that will also benefit Green Hollow are such that planning permission should not be withheld on the basis that full visibility to the east cannot be achieved.

It is noted that some concerns have been raised in respect of the location of the waiting bay (at the front of the shared access). The concerns relates to the access for both properties being blocked when the waiting bay is being used. The location of the waiting bay is acceptable to the highway authority and it must be appreciated that waiting bays are only intended to be used for short periods, such as when a package is delivered. The location of the waiting bay is acceptable and no substantive harm would arise from this, there would be a benefit in providing a refuge, off the highway, for vehicles delivering to both the proposed dwelling and Green Hollow.

The newly adopted County Parking Strategy requires that the proposed dwelling has three parking spaces provided. The information supporting the application states that there would be three parking spaces provided. A parking space should be 2.4 m x 4.8m. Although not marked out on the site plan, there would be space to accommodate the level of parking required (1 space to the front and 2 spaces to the side of the dwelling). An amended plan has been requested that details the parking layout.

The Parking Strategy suggests that one cycle space per bedroom should be provided. Cycle storage can be provided in the relatively large storage area provided on the ground floor of the dwelling.

5. Ecology

The site does not lie within any designated nature site, but one Special Area of Conservation (SAC), Exmoor Heath, together with two Site of Special Scientific Interest (SIS), Exmoor Coastal Heath and Duster Park and Heath lands are within 1 km area.

An Ecological Appraisal was submitted in support of the previous application (dated 30/10/12) and is equally as relevant to this application. The applicant has confirmed that the appraisal should be considered as part of this application. The appraisal identifies the wildlife constraints that maybe associated with the proposed development and to advises on any necessary avoidance/mitigation measures and enhancement to be undertaken at the site. The appraisal identifies impacts on the presence of legally protected species within the proposed development site. The appraisal found that the site is partially enclosed by species-poor hedgerows. These provide potential habitat for dormice, bat foraging and travelling opportunities and provides bird nesting habitats and sheltering opportunities for reptiles present in the area. Apart from this there is a low potential for the habitation of other protected and notable species.

The survey found no evidence of a protected species at the proposal site. However slow worms have been identified on a site located to the north east of the application site. The hedgerows and shrub borders do provide a suitable habitat for a range of common and widespread invertebrate species including butterflies.

The County Ecologist has been consulted and provided comments on the application. The most significant issue is the loss of the hedge and this must be mitigated by the early planting of a replacement hedge and general upgrading of other existing boundary hedges. In view of the general thrust of national and local planning policies, to seek a net gain in biodiversity, a number of measures can be put in place to provide enhanced habitats. These matters can be addressed through a planning condition. As such it is considered that the impact of the proposed development on the ecological interests of the site can be mitigated and enhancements can be secured. As such the proposal is acceptable in this regard.

6. Other issues

Concerns have been raised in respect of the impact of the development on land stability. There would be appropriate engineering solution that would allow the development to proceed and as such this is not a reason to withhold planning permission. The applicant has provided data in respect of the angle of outcrop slopes and talus slope which show that these would fall within acceptable engineering parameters. Planning conditions can be used to secure details of the retaining walls etc. to ensure that there are not wider impacts on land stability.

Some concerns have been raised in respect of the impact on views. The impact on a private view is not a material planning consideration.

It has been suggested that, as there are many houses on the market for sale, there is no need for a new dwelling. The acceptability of the application must be judged having regard to planning policy.

There have been concerns raised in respect of drainage and potential issues with permeable paving. Ultimately this concern relates to possible discharge of water on to the public highway. The

applicant has provided details of the type of permeable paving proposed. Provided that this is installed with the appropriate sub-base water should drain appropriately. The proposed planning condition requires that this method of paving is retained in the future. If issues arise in the future and water discharges onto the public highway, the highway authority has powers to deal with this.

Concerns have been raised in respect of some of the information on the application form, relating to the nature of pre-application discussions, the relationship of the applicant to the Council and an error in the design and access statement. As is common, and encouraged by national planning policy, pre-application discussions/correspondence took place where various issues were raised, suggestions made etc. The applicant works within the Council's building control team and in view of this the current (and previous) application is to be determined by the Planning Committee. There is an error in the design and access statement where there is reference to a garage, but permission has not been sought for a garage. While the design and access statement is supporting information, it is the drawings that are approved, and so this small error is not of any consequence.

Environmental Impact Assessment

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

Conclusion and Recommendation

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

Reason for Approval:

The proposal accords with the Council's settlement strategy for the location of new development. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. The proposal, by reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users. The means of access and parking arrangements are acceptable and will ensure the free flow of traffic on the highway. The proposal makes satisfactory arrangements for the protection of biodiversity. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

Saved Policies SP/1, SP/2, BD/1, BD/2, BD/3, T/3, T/8, NC/4 of the West Somerset District Local Plan (adopted December 2006).

Planning Permission is subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: The unnumbered site and block plans date stamped 23 May 2013, DWG.Ajc/ns/122 - North elevation - date stamped 23 May 2013, unnumbered - West Elevation - date stamped 23 May 2013, DWG Ajc/ns/124 - South Elevation - date stamped 18 June 2013, unnumbered - East Elevation - date stamped 23 May 2013, DWG. Ajc/ns/125 - First Floor Plan - date stamped 23 May 2013, DEG. AJC/ns/126 - Ground Floor Plan - date stamped 23 May 2013, DWG NO. AJC/NS/MB/1 - Section B-B - date stamped 28 May 2013, DWG NO. AJC/NS/MB2 - Section / West Elevation - date stamped 28 May 2013, unnumbered - Proposed Site Plan - date stamped 18 June 2013, DWG NO. AJC/NS/MB4 - Section / West Elevation, Unnumbered - Section / West Elevation - date stamped 11 June 2013, Unnumbered - Street Scene Proposed Development - date stamped 28 May 2013.
Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the submitted details, no works shall be undertaken on site unless a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces, including roofs and windows have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out only in accordance with the details so approved.
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1, BD/2 of the West Somerset District Local Plan (2006).
- 4 No works shall be undertaken on site unless full details of all new windows and doors have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include elevations, cross-sections, profiles, reveal, surrounds and details of the materials, finish and colour in respect of all external windows, doors, and other glazed panels. The works shall thereafter be carried out in accordance with the approved details.
Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).
- 5 No works shall be undertaken on site unless a hard and soft landscape scheme (to include details of the hedge/ planting to the rear of the visibility splays and the treatment of the land within the visibility splays) has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatments and finished ground levels; a planting specification to include positions, species and size of all new trees and shrubs and the location of grassed areas and areas for shrub planting; details of the hard surface treatment of the open parts of the site; and a programme of implementation. Such a scheme must also take account of the requirements of condition 12 to provide biodiversity mitigation and enhancements.
Reason: To ensure the provision of an appropriate landscape setting to the development and to ensure a suitable level of amenity is afforded to the neighbouring dwelling having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).
- 6 All hard and soft landscape works shall be carried out in accordance with the approved details including the programme of implementation. 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. All hard landscape works shall be permanently retained in accordance with the approved details.
Reason: To ensure that the landscape scheme and boundary treatments are implemented and maintained having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).
- 7 No works shall be undertaken on site unless full details of the areas of excavation and the means of ensuring that land stability is retained (such as retaining walls and angles of the slopes) have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and thereafter retained as such.
Reason: To ensure the integrity of the site and adjacent land to avoid unacceptable risk from land instability having regard to paragraph 109 of the National Planning Policy Framework.
- 8 The dwelling hereby approved shall not be occupied until the waiting bay has been provided and space has been laid out within the site in accordance with the approved

plan for the parking of vehicles. Such areas shall thereafter be retained at all times and only used for the parking and manoeuvring of the vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking of vehicles in the interests of highway safety having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

- 9 There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access, extending to a point 33m to the west of the access at the nearside carriageway edge; and to the carriageway edge at the extremity of the site frontage to the east. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

- 10 The dwelling hereby approved shall not be occupied unless the access to the site, including the means of consolidation and drainage (as approved under conditions 4 and 13), has been provided in accordance with the approved plans and details. The access shall thereafter be retained in the approved form.

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

- 11 No works shall be undertaken on site unless details for the provision of cycle storage for 4 bicycles within the storage area on the ground floor of the dwelling has been submitted to and approved in writing by the local planning authority. The dwelling hereby approved shall not be occupied unless the approved cycle storage provision has been provided in accordance with the approved details. The cycle storage shall thereafter be retained in the approved form.

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

- 12 No works shall be undertaken on site unless details for mitigation of potential impacts on protected species and means of providing a net gain in biodiversity, having regard to the recommendations contained within section 6 of the Ecological Appraisal dated October 2012, has been submitted to and approved in writing by the local planning authority. Such details shall include a programme of implementation. The mitigation and enhancement schemes shall be carried out in accordance with the approved details and programme.

Reason: To ensure habitats for protected species are maintained and enhanced having regard to the provisions of saved Policy NC/4 of the West Somerset District Local Plan and Policies within the National Planning Policy Framework.

- 13 No works shall be undertaken on site unless details for the provision of drainage so as to prevent water being discharged on to the highway, 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. 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).

Notes

1 **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. This application was submitted following the withdrawal of a planning application after a resolution to refuse the application by the planning committee for a similar proposal. Following the withdrawal of the previous application, pre-application discussion and correspondence took place between the applicant and the Local Planning Authority where amendments which positively informed the design/nature of the submitted scheme, to address the concerns previously identified, were discussed. For the reasons given above and expanded upon in the committee report, the revised application was considered acceptable and planning permission was granted.

- 2 Having regard to condition 3 the applicant is advised that the use of cream render and grey/ black tiles and red ridge tiles is not considered to be appropriate, materials and finishes similar to the adjoining dwellings should be utilised.
- 3 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.



Application No 3/21/13/056
 Erection of four bedroom detached house (resubmission of 3/21/13/014)
 Land adjacent to Green Hollow, Minehead
 23 May 2013
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA



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Delegated Decision List

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/07/13/005	Waterdene Farm, Crowcombe, Taunton, TA4 4BW Agricultural produce storage	11 June 2013	Prior approval not required
3/17/13/005	Withy Cottage, Brendon Hills, Taunton, TA4 2EN Partial demolition, reconstruction and alterations to existing garage/workshop	10 June 2013	Grant
3/21/13/029	Rockymead, Barton Road, Minehead, TA24 6BZ Rear extension and loft conversion with the inclusion of two dormer windows to the front elevation.	23 May 2013	Grant
3/21/13/030	Playing field at West Somerset Community College, Bircham Road, Alcombe, Minehead, TA24 6AY Erection of electronic cricket scoreboard	22 May 2013	Grant
3/21/13/032	Woodcombe Farmhouse, Woodcombe, Minehead, TA24 8SB Internal and external alterations	29 May 2013	Grant
3/21/13/044	Sashes, 11A Quay Street, Minehead, TA24 5UJ Change of use from restaurant to residential.	06 June 2013	Grant
3/21/13/045	Lismore, Church Street, Alcombe, Minehead, TA24 6BL Conversion and extension of garage to form ground floor bedroom and bathroom facilities	12 June 2013	Grant
3/21/13/046	74 Alcombe Road, Alcombe, Minehead, TA24 6BB Remove an existing ground floor extension and replace with a two storey kitchen and bedroom extension.	23 May 2013	Grant
3/21/13/048	Site to north of 1 Lower Marshfield Road, Alcombe, Minehead, TA24 6AG Variation of condition 8 on planning permission 3/21/03/066 in order to erect faced brick wall for the	17 June 2013	Grant

top section and vertical feather edge boarding for the lower section

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/13/049	Land between Butler Fuels and Beaver Ford, Brunel Way, Enterprise Park, Minehead, TA24 5BY Change of use of land to vehicle display and sales area (retrospective)	07 June 2013	Grant
3/26/13/003	1 The Croft, Huish Lane, Washford, TA23 0PB Replacement of ceiling, joists and flooring in reception room	05 June 2013	Grant
3/26/13/004	Cedar Cottage, Old Cleeve, Minehead, TA24 6HH Front and rear extensions and internal alterations to main house and stable block.	07 June 2013	Grant
3/28/13/003	Land to the east of Capton Road, Sampford Brett, Taunton, TA4 4JZ Construction of six houses, two of which to be affordable, four to be open market, together with associated estate road. (resubmission of 3/28/12/002)	17 June 2013	Refuse
3/30/13/001	Red Croft, Skilgate, Taunton, TA4 2DQ Proposed extension	22 May 2013	Grant
3/32/13/009	Burton Chapel, Burton, Stogursey, Bridgwater, TA5 1QB Replacement of six single glazed windows (W1, W2, W3, W4, W5 and W10) and two doors with double glazing	29 May 2013	Grant
3/32/13/012	Wick Pound House, Stolford, Stogursey, Bridgwater, TA5 1TL Installation of secondary glazing to all doors and windows	30 May 2013	Grant
3/32/13/014	33 Town Close, Stogursey, Bridgwater, TA5 1RN Ground floor extension to rear of bungalow	05 June 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/37/13/009	7 Swain Street, Watchet, TA23 0AB Change of use of residential in order to extend the hair and beauty salon	05 June 2013	Grant
3/37/13/010	1 Stoate Close, Watchet, TA23 0JF Erection of single storey extension to rear, left side and right side.	20 May 2013	Grant
3/37/13/012	58 Doniford Road, Watchet, TA23 0TE Demolition of existing outhouses, erection of new two storey extension to east elevation and new dormer window to rear (south elevation)	31 May 2013	Grant
3/37/13/013	4 Holm View, Watchet, TA23 0AF Erection of rear conservatory and associated baseworks	12 June 2013	Grant
3/39/13/006	28 Half Acre, Williton, Taunton, TA4 4NZ Erection of a wooden shed/summer house	23 May 2013	Grant
3/39/13/007	Hartnells, 28 Long Street, Williton, Taunton, TA4 4QU Re-felting and re-tiling kitchen extension roof	07 June 2013	Grant
3/39/13/008	White House Hotel, 11 Long Street, Williton, Taunton, TA4 4QW Conversion of barn to additional guest accommodation	13 June 2013	Grant
3/39/13/009	White House Hotel, 11 Long Street, Williton, Taunton, TA4 4QW Alterations to convert barn to additional guest accommodation	13 June 2013	Grant
CA/21/13/005	5 Middle Street, Minehead, TA24 5JH Fell 4 Leylandii and 2 Sawra Cypress, Crown reduction of Paper Bark Maple by 20% and Crown reduction of a Portugease Laurel by 20% plus the removal of 1 limb, of a Scots Pine which is overhanging a neighbours property. Proposal to	23 May 2013	Raise No Objection

replace felled trees with native mixed broadleaf species/consideration for fruit trees.

Ref No.	Application	Date	Decision
CA/32/13/004	15 Lonlay Mews, Stogursey, Bridgwater, TA5 1QN Felling of 1 Yew Tree	30 May 2013	Raise No Objection
Ref No.	Application	Date	Decision
T/10/13/001	Coppers, Main Road, Dunster, TA24 6PS Removal of Sweet Chestnut tree	17 June 2013	Refuse
Ref No.	Application	Date	Decision
T/26/13/005	76 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JG Remove one sycamore and replant with Betula Pendula Fastigiata and remove two minor branches of a second sycamore	10 June 2013	Grant