



To: Members of Planning Committee

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

Our Ref TB/TM

Your Ref

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

Extension 01823 219735

Date 19 September 2018

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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 27 September 2018

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

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

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Democratic Services on 01823 219735.

Yours sincerely

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

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 27 September 2018 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA**1. Apologies for Absence****2. Minutes**

Minutes of the Meeting of the 30 August - **TO FOLLOW**

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: Five

Date: 19 September 2018

<u>Ref No.</u>	<u>Application/Report</u>
3/32/17/012	Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66. Paddons Farm, Stogursey
3/26/18/004	Retention of existing structure and change of use into a two Bedroom holiday unit. The White Horse Inn, Washford, Watchet, TA23 0JZ
3/28/18/002	Siting of one caravan, one shepherds hut and one utility building for use as holiday accommodation and associated works. Mill Cottage, Taunton Road, Sampford Brett, Taunton, TA4 4LJ
3/37/18/017	Outline application with all matters reserved, except for access, for the erection of 1 No. dwelling on land to the rear of 6 Cherry Tree Way, Watchet, TA23 0UB

3/39/18/023	Replacement restaurant frontage windows with fixed u-PVC double glazed units with trickle vents. Bengal Spice, 7 Fore Street, Williton, Taunton, TA4 4PX
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6. **Exmoor National Park Matters** - **Councillor to report**

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

8. **Appeals Lodged**

Appeal against the refusal of planning permission for the erection of music workshop, display facility, kitchen/servery, toilets and entrance hall with 1 (No.) two bedroom first floor flat (resubmission of 3/21/16/030) on land to the rear of 15 and 15A Quay Street, Minehead, TA24 5UL (application 3/21/17/125).

9. **Appeals Decided**

Appeal against the refusal of the erection of a 10.5m long and 1.8m high close boarded fence in the south west corner of the site (retention of works already undertaken) at Elgin Towers, Burgundy Road, Minehead, TA24 5QJ (application no. 3/21/18/017) – appeal dismissed.

Appeal against the refusal of the creation of vehicular access at Swillbridge House, Doniford, Watchet, TA23 0TH (application no. 3/39/18/007) – appeal dismissed.

10. **Reserve date for site visits should we need one** – Monday 5 November

11. **Next Committee date** – Thursday 8 November

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:	3/32/17/012
Parish	Stogursey
Application Type	Variation of conditions
Case Officer:	Matthew Banks
Grid Ref	Easting: 320558 Northing: 142977
Applicant	Mr Alford
Proposal	Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66
Location	Paddons Farm, Stogursey
Reason for referral to Committee	The applicaion is controversial.

Recommendation

Grant subject to prior resolution of a formalised Agreement under Section 106 TCPA 1990 to secure such undertakings in relation to the proposal as are relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. Previous and relevant conditions will be applied on any planning permission granted at that time. Unless previously discharged additional requirements would include but are not limited to those set out in the Section 106 Agreement previously entered into by the Applicant with the Council under App Ref: 3/32/06/003 dated 3rd July:

- conveyance to the council of an area of land for the future provision of a burial ground;
- payment to the council of a financial contribution to provide a public toilet and car park for the use in association thereof;
- payment to the Council of a financial contribution to provide to enable it to carry our repair works to a specific length of the existing boundary wall of the Priory Church of St Andrew;
- payment of a financial contribution to the Council towards the cost of providing an appropriately equipped motor vehicle to facilitate the operation of the Mobile Youth Provision or such other provision which the Council considers to be requisite to meet the need expected to arise from the Development proposal;
- payment of a financial contribution to the Council towards the costs of the provision or enhancement of off-site recreational facilities which the council considers to be requisite to meet the need expected to arise from the Development proposal.

Recommended Conditions

- 1 The development hereby permitted shall be begun by 25 April 2010.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DRNO 167-007 REV C BLOCK 7 - PLOT 17-21 PLANS & ELEVATIONS
 (A1) DRNO 051 REV A STREET ELEVATIONS & SITE SECTION
 (A1) DRNO 06.05.084DS01 REV P01 DRAINAGE STRATEGY PLAN
 (A1) DRNO 061 REV A HOUSE TYPE B - DEAN PLANS & ELEVATIONS
 (A1) DRNO 062 REV A BLOCK C PLANS & ELEVATIONS
 (A1) DRNO 065 REV A BLOCK F PLANS & ELEVATIONS
 (A1) DRNO 066 REV A BLOCK G PLANS & ELEVATIONS
 (A2) DRNO 020 REV E PROPOSED SITE PLAN
 (A2) DRNO 060 REV A BLOCK A PLANS & ELEVATIONS
 (A2) DRNO 063 REV A BLOCK D PLANS & ELEVATIONS
 (A2) DRNO 064 REV A BLOCK E PLANS & ELEVATIONS
 (A2) DRNO 067 REV A TYPICAL GARAGES PLANS & ELEVATIONS
 (A2) DRNO 167- 014 REV B BLOCK 14- PLOT 39 - 40 PLANS & ELEVATIONS
 (A2) DRNO 167- 12 REV A PLANS & ELEV... BLOCK 12- PLOT 26 - 30 PLANS & ELEVATIONS
 (A2) DRNO 167-008 REV B BLOCK 8 - PLOT 22 & 23 PLANS & ELEVATIONS
 (A2) DRNO 167-009 REV B BLOCK 9 - PLOT 36 - 38 PLANS & ELEVATIONS
 (A3) DRNO 052 REV A BLOCK KEY PLAN
 (A3) DRNO 052 REV B SITE LOCATION PLAN
 (A3) DRNO 080 PROPOSED PLAY AREA

 (A3) DRNO 053 REV B BLOCK KEY PLAN
 (A3) DRNO 060 REV B BLOCK A PLANS AND ELEVATIONS
 (A1) DRNO 061 REV A HOUSE TYPE B - DEAN PLANS & ELEVATIO...
 (A1) DRNO 051 REV A STREET ELEVATIONS & SITE SECTION
 (A1) DRNO 052 REV B SITE LOCATION PLAN
 (A3) DRNO 080 REV A PROPOSED PLAY AREA
 (A2) DRNO 067 REV A TYPICAL GARAGES PLANS & ELEVATIONS
 (A2) DRNO 020 REV K PROPOSED SITE PLAN
 (A2) DRNO 063 REV A BLOCK D PLANS & ELEVATIONS
 (A2) DRNO 065 REV A BLOCK F PLANS & ELEVATIONS

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

- 3 Unless otherwise agreed in writing by the Local Planning Authority, the

development hereby approved shall be completed in accordance with the submitted phased programme of construction. The only works which may commence on site prior to the written approval of the Local Planning Authority of all outstanding details required under the other conditions attached to this permission are those relating solely to the excavation and construction of the highway surface water attenuation tank within the public open space. No work shall commence on any subsequent phase until the immediately preceding phase has been completed ready for occupation.

Reason: To ensure a properly co-ordinated form of development in the interests of amenity and in the interests of the proper planning of the area.

- 4 Unless otherwise agreed in writing by the Local Planning Authority, the estate road, footpaths, junctions, visibility splays, individual accesses, including the pedestrian access and link between the site and Lime Street, street lighting installations and highway surface water drainage shall be completed to at least base course level prior to the commencement of any other works on site and shall be provided finished and ready for use in all respects in accordance with the approved plans to current County Highway Authority adoptable standards prior to the first occupation of any part of the development hereby permitted. (See Note v. below.)

Reason: In the interests of highway safety

- 5 No part of the development hereby permitted shall be occupied or brought into use until the domestic vehicle driveways, parking spaces and manoeuvring facilities shown on the approved drawings have been constructed, laid out and provided ready for use. The gradients of the driveways shall not exceed 1:10. The land so provided shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles in connection with the development hereby permitted.

Reason: To ensure satisfactory provision of off-street parking and servicing facilities to serve the development, in the interests of road safety and amenity.

- 6 The on site equipped and landscaped recreational areas shall be completed ready for use prior to the first occupation of the first unit to be completed on the site and permanently maintained thereafter in accordance with the approved specification of management arrangements.

Reason: To ensure proper provision and maintenance of open space facilities to serve the area.

- 7 The hereby approved scheme for the phased hard and soft landscaping of the site and the new areas of highway verge and associated field hedge planting (including existing flora) shall be implemented in tandem with each phase of the development and shall be fully implemented not later than the first planting season following the completion of each phase. If at any time during the construction of the development or with the subsequent five years following its final completion any tree, shrub, hedge or other planting forming part of the

scheme shall for any reason die, be removed or felled it shall be replaced with another tree, shrub, hedge or planting of the same species during the next planting season, unless the Local Planning Authority gives prior written consent to any variation.

Reason: In the interests of visual amenity.

- 8 The new visibility splays, highway/field/site boundary, shall be defined by hedges of indigenous species, as shown on the approved plans. The planting of the hedge shall be completed not later than the first planting season following the completion of the development. If at any time during the subsequent five years any hedge, hedges or part thereof shall for any reason die, it shall be replaced with new hedge of the same species during the next planting season, unless the Local Planning Authority gives prior written consent to any alternative species.

Reason: In the interests of visual amenity.

- 9 The development hereby approved shall be carried out in such a manner as to avoid damage to all existing trees and/or planting shown to be retained on the approved landscaping scheme, including their root systems, by adopting the following measures:-

(i)all trees/planting to be preserved shall be marked on site and protected during any operations on site by a secure fence is current British Standard which shall be erected prior to development commencing;

(ii)no fires shall be lit beneath the canopy of the trees/planting;

(iii)no materials or equipment shall be stored beneath the canopy of the branches of the trees/planting;

(v)ground levels beneath the canopy of the trees/planting shall not be altered, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect and enhance the amenities of the site and locality.

- 10 If, during the course of the works hereby granted consent, any items of archaeological or historic interest are uncovered, the Local Planning Authority shall be notified immediately. The Local Planning Authority, or a person nominated by them, shall be allowed access to the site at all reasonable times for the purpose of recording such items or features prior to their disturbance, removal or covering up.

Reason: The Local Planning Authority wishes to ensure that any items of archaeological interest are properly recorded for posterity.

- 11 Before any building is first occupied or brought into use, the hereby approved scheme for surface water run-off limitation shall be completed and brought into use and shall be maintained thereafter.

Reason: In order not to increase the existing maximum flow in the downstream culverts, sewers and watercourses, in the interests of flood prevention.

- 12 Measures to minimise the impact on ground and surface waters shall be carried out strictly in accordance with the hereby approved Method Statement to the timescale and programme of works detailed therein.

Reason: Previous activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site, and thus may present a threat to the quality of controlled waters of Stogursey Brook, especially as a result of the proposed development and the additional work is required to ensure the development will not cause pollution of Controlled Waters.

- 13 The details (including representative samples) of the type, colour and texture of all external facing materials to all buildings, walls, celtic cross and new bridge (including the finished external design of the new bridge and celtic cross) to be used shall be strictly in accordance with the details hereby approved the details so approved.

Reason: In the interests of visual amenity.

- 14 Unless otherwise agreed in writing by the Local Planning Authority, all windows, doors and external joinery to be used on the development shall be of stained or painted natural timber, recessed a minimum of 75 millimetres from the external face of the wall, and shall be installed strictly in accordance with the submitted details and maintained as such for the life of the building.

Reason: To protect the character of the building, the site and the Conservation Area, in the interests of visual amenity.

- 15 All materials to be used in boundary treatments and means of enclosure to the development and gardens abutting the open landscaped areas on the site shall be carried out strictly in accordance with this permission and prior to occupation of the development.

Reason: To ensure that the appearance is in harmony with the traditional character of development in the area in the interests of visual amenity.

- 16 The stone features shown on the drawings shall be in local natural stone laid in a traditional manner with flush or recessed pointing with lime based mortar. Prior to the features being constructed, representative samples of the stone to be used and a one metre square sample panel shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the stonework will be in harmony with the traditional character of development in the area in the interests of visual amenity.

- 17 Unless otherwise agreed in writing by the Local Planning Authority, all mains services required for the development hereby approved shall be laid underground.

Reason: In the interests of visual amenity.

- 18 The protection and enhancement of the existing woodland and badger foraging habitat along the Stogursey Brook shall be maintained in accordance with the submitted scheme for the management and landscaping of this area and the open ground associated with same. The area of land identified for potential burial ground provision shall be maintained as species rich grassland, in accordance with a detailed scheme for same which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works hereby permitted on site.

Reason: In the interests of biodiversity and to enhance the character and quality of the area.

- 19 Notwithstanding the submitted details contained within the formal planning application in respect of proposed street lighting within the public highway on Priory Hill and Farringdon Hill Lane, no street lighting shall be installed within these two highways (as existing and as altered under the terms of this permission) except with the express prior written consent of the Local Planning Authority. Any such consent shall only be in respect of a detailed scheme for same (including siting, design and level of illumination).

Reason: To protect the quality of the character and setting of the Grade II* Listed St. Andrews Church and the designated Conservation Area for Stogursey.

- 20 Unless otherwise agreed in writing by the Local Planning Authority, the demolition, excavation and construction activities on the site shall be carried out strictly in accordance with the submitted Working Method Statement to control the following:
- i. Noise, dust, smell and other effluvia;
 - ii. Foundation piling/excavation;
 - iii. Surface water run-off on to highways and into watercourses;
 - iv. Site security arrangements, including hoardings;
 - v. Construction, excavation and demolition working hours;
 - vi. Permitted hours of movement for delivery vehicles bringing and/or removing materials to and/or from the site.

Where the submitted Working Method Statement does not specify any of the above items these shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works hereby permitted on site.

Reason: To safeguard the aural and general amenities of neighbouring dwellings.

- 21 Unless otherwise agreed in writing by the Local Planning Authority, activities on the site, other than ancillary, temporary site office uses hereby approved or internal maintenance work to same, no demolition/construction work, or

operation of vehicles, plant, machinery or equipment shall be carried out on site, except within the following times and days:-

- i. between the hours of 0800 and 1800 Monday to Friday inclusively;
- ii between the hours of 0800 and 1300 on Saturdays;
- iii. and there shall be no working on Sundays or Public Holidays.

Reason: To safeguard the aural and general amenities of neighbouring dwellings.

Proposal

Variation of Condition 22 (approved Plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66.

Relevant Planning History

APP REF:	PROPOSAL	DECISION	DECISION DATE
3/32/06/003	Erection of 55 dwellings and associated works	Conditional approval	5.7.06
3/32/07/008	Erection of 59 dwellings & associated works	Conditional approval	26.4.07
NMA/32/17/002	Non-material amendment to application 3/32/07/008 The addition of a condition listing the approved plans'	Conditional approval (extant conditions apply)	8.8.17

Consultation Responses

Stogursey Parish Council – original comments:

Stogursey Parish Council note the amended plans, which include an additional four dwellings, raising the total number from fifty nine, to sixty three.

The Parish Council are hopeful that after such a long period of uncertainty regarding this development, and the very difficult circumstances that residents endured, that a conclusion may be within sight.

Stogursey Parish Council are concerned however at the proposed positioning of the children's "play area".

Having previously enjoyed a well presented and well equipped play area, the site now being proposed would seem to be in an area almost out of sight of most of the current and proposed dwellings.

Neither does the "new" play area provide what would be expected to be found in a children's play area, merely a mention of "stepping stones and Willow sculpture"? This is hardly a replacement for that which will be lost. The Parish Council would like to see the issue of children's play provision re-visited.

In the event that the application gains consent, Stogursey Parish Council would ask that construction/working times are negotiated with present residents to minimise the impacts of congestion and noise.

Highways Development Control - 'No objection. However previous comments to LPA 23.11.17 still apply:

In reference to the above application, the Highway Authority do not object to the proposal in this instance and therefore our previous comments and conditions would apply. However please note, any further increase over and above this may require full transport details.

Wessex Water – Holding Objection (development is crossed by a number of public sewers and site layout conflicts with statutory easements). Objection lifted 19.4.18.

Biodiversity and Landscaping Officer – 'The repositioned play area appears to be located very close to existing trees as well as the stream'.

Housing Enabling -

Twenty-five affordable homes have been delivered on this site in partnership with Magna Housing Association. In terms of policy requirement no contribution is required as a result of this application.

Representations Received

42 letters of objection have been received which raise the following issues:

- Legal challenge should be made under Section 106 agreement.
- Strongvox in breach of Section 106 obligations. Failure to comply with obligations under Section 106 agreement.
- £23,000 to £35,000 behind with maintenance payments, taken away visitor parking and left approved development incomplete.
- Applicant has failed to deliver land to Parish Council.
- Enforcement action should be taken.

- Conservation area – cramped development will not be appropriate to character.
- Residents purchased on the basis of the approved development / as a controlled rural development in Conservation area – totally inappropriate to approve this cramped development.
- Would never have been approved if it had been submitted in the first place.
- 20% more dwellings is completely unacceptable
- Should be completed as agreed. No more development.
- Council has a duty to keep to what was agreed.
- Changes in types of buildings – will result in mish-mash.
- Scale and dimensions on drawings have been withheld.
- Inconsistencies and conflicts with existing access arrangements/ownership.
- Private driveways are crossed (Nos 5, 6, 7) – this will result in legal challenges.
- Proposing 3-bed house next to liquid gas tank and pumping station. Hazardous.
- Estate roads traffic will increase significantly – consider deliveries and emergency vehicles with additional on-road parking.
- Parking provision is inadequate.
- Noise/air pollution.
- Inadequate local facilities to cope with this many houses.
- School has no further capacity.
- Loss of play area used for 9/10 years and replacement to steep, dark and unsafe site near stream with no connectivity.
- No foundation to assertions of antisocial behaviour on play area site.
- Applicant using all the green spaces on site.
- Drains are crossed – removal will result in massive disruption to householders on the development.

A Petition with 83 signatures objecting to application has also been received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
SC2	Housing Provision

SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SV1	Development at primary and secondary villages
CF1	Maximising access to recreational facilities
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
NH13	Securing high standards of design
NH1	Historic Environment

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

R/5	Public Open Space and Large Developments
SY/2	Community Facilities

Determining issues and considerations

Background

The background to this application is complex.

Full Planning Permission 3/32/06/003

On 7th February 2006, the applicant submitted a full application for planning permission: ***'Erection of 55 dwellings and associated works' – Land at Farrington Hill Lane, Stogursey, Bridgwater TA1 2PX*** ('the First Development').

The matter was supported by a Section 106 Agreement ('the Principal Agreement') dated 3rd July. Conditional Planning permission was granted on 5th July 2006.

The provisions of the Principal Agreement provide for:

- Landscaped open space and a children's play area (area identified at Plan B therein);
- Reservation of an area of land for potential future provision by the Council of a burial ground;
- Payment of financial contribution to the Council (£15,000 Index Linked) towards the cost of providing a public toilet and car park for use in association with the burial ground;
- Payment of a financial contribution (£22,000 Index Linked) to the Council to enable it to carry out repair works to a specific length of the existing boundary wall of the Priory Church of St Andrew;
- Payment of a financial contribution (£20,000 Index Linked) to the Council towards the costs of providing an appropriately equipped motor vehicle to

facilitate the operation of the Mobile Youth Provision which the Council considers to be requisite to meet the need expected to arise from the Development Proposal;

- Payment of a financial contribution (£20,000 Index Linked) to the Council towards the cost of the provision or enhancement of off-site recreational facilities which the Council considers to be requisite to meet the need expected to arise from the Development Proposal.

Full Planning Permission 3/32/07/008

On 13th February 2007 the applicant submitted a full application for planning permission: ***'Erection of 59 dwellings and associated works as amended by drawings and documents listed in agent's letter of 6th March 2007 received by Local Planning Authority on 7th March 2007'*** ('the Second Development'). The drawings submitted included new drawing numbers 06.05.084120 (Rev PO2), SPP/1172/2 (Rev A), 161-021(PI) (Rev M) and 161-021(P2) (Rev A), received by the LPA on 23rd April 2007.

On 26th April 2007 planning permission was granted under delegated powers, subject to twenty-one conditions. A Supplementary Agreement under Section 106 TCPA 1990 was agreed, dated 2nd May 2007. The Supplementary Agreement provides that the provision of the Principal Agreement shall apply, save for an amendment increasing developer contributions for 'Mobile Youth Provision Contribution' from £20,000 to £28,000 Index Linked.

The decision notice approving the development in question refers to 'amended and new drawings' submitted prior to that approval but it fails to list these as approved drawings.

On 8th July 2009, a further Supplementary Agreement under Section 106 TCPA 1990 was agreed. The Supplementary Agreement observes Magna Housing as a landowner and party to the Principal Agreement and varies provisions to allow the affordable housing units to be used for affordable social rental purposes.

Implementation

The development permitted under 3/32/07/008 was implemented by the applicant in tandem with Magna Housing Association, resulting in the delivery of all of the affordable housing provision secured under the relevant s.106 Deed. However, of the fifty-nine dwellings permitted, only thirty-six dwellings were fully completed. The incomplete development was occupied but has hitherto remained incomplete. The applicant attributes this state of affairs to the poor economy and difficult market conditions prevailing through this period.

Non-Material Amendment (s.96A TCPA 1990)

On 12th June 2017 the applicant sought to address detail lacking in the decision

notice issued under App Ref: 3/32/07/008, hence applying for a non-material amendment to the decision notice issued on 26th April 2007. This non-material amendment is identified in App Ref: NMA/32/17/002 as: ***'The addition of a condition listing the approved plans'***.

On 8th August 2017, the non-material amendment requested under App Ref: NMA/32/17/002 was approved. By this decision, a further condition, (Condition 22) was added to the list of conditions under App Ref: 3/32/07/008.

Once the approved dwellings were thus identified it was possible for the applicant to submit an application to vary the condition under section 73 TCPA 1990.

PLANNING ANALYSIS

West Somerset Local Plan to 2032

The site lies within the defined settlement limit of Stogursey. By West Somerset Local Plan to 2032, Policy SC1 identifies Stogursey as a primary village where limited development will be permitted, where it can be demonstrated that it will contribute to wider sustainability benefits for the area. 'Limited development' is defined as: 'individual schemes of up to ten dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about 30% of this increase in any five year period'.

For these purposes the current Plan Period is 2016 – 2032.

Viewed afresh under Policy SC2, the proposal is not a small scheme. However, it is an incomplete scheme and one that requires resolution.

Save for a pair of semi-detached dwellings sited in the former LEAP site, five of the additional proposed dwellings result from reconfiguration of the previous arrangements to plots in the incomplete development to the northern boundary and central island of the site. This reconfiguration results in a denser central core to complete the development. Proposed parking standards satisfy Local Plan requirements.

The final two additional proposed dwellings are sited in the area identified within the existing Principal s106 Agreement as a LEAP. The LEAP proposed under the current scheme is therefore displaced and relocated further south within the same area but closer to a tree line and the stream. By saved Policy R/5 and where it is necessary, conditions and/or agreements attached to planning permissions will set out measures to ensure an adequate provision of open space as defined under policy.

Considered under Policy SC3 the additional housing adds to the mix of housing sizes, tenures and types provided on site. By Policy SC4, affordable housing is expected to be provided on all sites of eleven or more dwellings in the minimum ratio of thirty-five affordable units for every sixty-five open market (pro-rata) based on the total number of dwellings to be provided in the development. Twenty-five affordable dwellings have been delivered on site. The requirement is therefore satisfied.

By Policy SV1, development at Primary and Secondary villages must be integral, harmonious additions to the settlement's existing character, enhancing existing levels of service provision and creating balanced communities at a level appropriate to role and function. By Policy NH2 development within a conservation area should preserve or enhance its character or appearance and by Policy NH6, must not generate unacceptable adverse impacts on biodiversity.

As originally considered the site was appropriate for allocation for housing and as presented at that time the proposal was considered one that would preserve or enhance the character and appearance of the Conservation area within which it lies. The subsequent ten-year hiatus, changes to the proposal and developer failures to complete the development have contributed to a state of flux and uncertainty for residents living as they have, in an incomplete and unresolved development.

Policy NH13 observes an expectation that new development will meet the highest standards of design with landscape proposals to enhance the natural and built development. Extant Policy R5 sets out the requirements for public open space on large developments for twenty-five dwellings or more. Delivery under extant Policy R5 includes equipped play areas for pre and early school children, other provision for older children and amenity and informal areas.

Conclusions and Recommendations

Whilst the concerns of local residents around the length of time it has taken to complete the development are understood, this application needs to be determined based solely upon the impact of the changes. It is the Officers view that the increase in number of dwellings does not raise any concerns in principle and that the overall density of the development remains acceptable. The impact of the amendments upon the amenity of existing occupants has been considered and any new impacts are not felt to be such as to warrant refusal of the application.

At the Planning Committee meeting on 30th August 2018, concerns were raised about the relationship between additional dwellings, the play area and the nearby watercourse. However, officers are of the opinion that the revised proposals will allow for sufficient surveillance of the area and that the relationship of the play area with the watercourse remains acceptable.

In the circumstances and for the above reasons it is recommended that the application should be **approved subject to prior resolution of a formalised Agreement under Section 106 TCPA 1990** to secure such undertakings in relation to the proposal as are relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. Previous and relevant conditions will be applied on any planning permission granted at that time. Unless previously discharged additional requirements would include but are not limited to those set out in the Section 106 Agreement previously entered into by the Applicant with the Council under App Ref: 3/32/06/003 dated 3rd July:

- conveyance to the council of an area of land for the future provision of a burial ground;
- payment to the council of a financial contribution to provide a public toilet and car park for the use in association thereof;
- payment to the Council of a financial contribution to provide to enable it to carry out repair works to a specific length of the existing boundary wall of the Priory Church of St Andrew;
- payment of a financial contribution to the Council towards the cost of providing an appropriately equipped motor vehicle to facilitate the operation of the Mobile Youth Provision or such other provision which the Council considers to be requisite to meet the need expected to arise from the Development proposal;
- payment of a financial contribution to the Council towards the costs of the provision or enhancement of off-site recreational facilities which the council considers to be requisite to meet the need expected to arise from the Development proposal.

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

Application No:	3/26/18/004
Parish	Old Cleeve
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 304604 Northing: 140277
Applicant	Mr Tim Willis
Proposal	Retention of existing structure and change of use into a two Bedroom holiday unit.
Location	The White Horse Inn, Washford, Watchet, TA23 0JZ
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council.

Recommendation

Recommended decision: Grant

Recommended Conditions

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DRNO 1195.3/200 PROPOSED SITE PLANS
 (A3) DRNO 1195.3/201A PROPOSED FLOOR PLANS
 (A3) DRNO 1195.3/202A PROPOSED ELEVATIONS

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

- 3 The hereby approved holiday let shall be occupied for tourism purposes only.

The building shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual [chalets/caravans/cabins] on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To prevent permanent occupation of the residential unit within the

open countryside.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, (Part 2, Minor Operations, Class A, B, E and F) shall be added to the building/erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 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 concerns were raised by a in respect of the building not being built in accordance with the approved plans. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

Proposal

The proposal is for the change of use of the existing timber clad storage building into a two bedroom holiday unit. Internally the holiday unit will have an upside down arrangement, comprising of two en suite bedrooms at ground floor with a living area and kitchen at first floor. The building measures 11m long x 6.7m wide, with a first floor level at 2.8m, 3.8m to the eaves and an overall height of 6m. The overall floor area of the building, over two floors is 150sqm.

The conversion works will include internal reorganisation and construction of internal walls etc. New timber effect upvc window and door openings are proposed:

- South West elevation, (front gable) elevation, 1 pair of French doors at ground floor level and 1 pair of French doors at first floor with a glazed Juliet balcony at first floor.
- North East elevation, (rear gable), 1 pair of French doors at ground floor level and one 3 casement window at first floor.

- South East elevation, (side), 1 single entrance door and 2 double paned windows at first floor, plus one single roof light in roof slope.
- North West elevation, (side), 2 double paned windows at ground floor level, 1 landing window and 2 3 paned high level windows at eaves level.

Permission is also sought for the regularisation of the building as it is approximately 1.3m longer than originally approved, 0.4m wider than approved and approximately 0.35m taller than approved. This has resulted in an extra 14sqm in floor area.

A gravel drive to the holiday let and two parking spaces are also proposed.

Site Description

The White Horse Inn is located a mile off the A39 at Washford. The public house is situated at the junction of the Washford - Torre road and the road to Roadwater. The public houses garden, skittle alley and car park is located across the road from the Inn. Behind the car park is a field where a timber building is currently located (this building is used by The White Horse Inn for storing equipment associated with the public house) in the far north-eastern corner. The timber building is currently screened on three sides with trees and shrubs.

The existing car parking area serving the public house is located to the west of the site and is separated from open pasture land by a post and rail fence. Other boundaries of the site include tall trees and field boundary hedging to the south east, north east and part of the north west. The building is tucked away in the corner of the site.

The holiday accommodation (Riverside Lodge) and the barn are accessed via an existing loose gravel track adjoining the pub's car park and divided by an existing hedge and a pair of double wooden gates.

Relevant Planning History

There is a long and varied history on this site including the additional residential uses below;

3/26/13/016 - Replacement garage/store. Approved 3.1.14

3/26/14/012 - Demolition of stable block and erection of detached building to accommodate 3 bed and breakfast units. Approved 19.06.14

3/26/17/008 - Variation of condition 2 (approved plans) of application 3/26/14/012. Refused 23.05.17. Appeal dismissed. 18. 2.17.

Consultation Responses

Old Cleeve Parish Council - The application was discussed at our meeting yesterday and our comments are listed below. We hope that you will take them into

consideration when making your decision.

Old Cleeve Parish Council raises objections to this proposal for the following reasons:-

1 The site is within open countryside where residential development is not permitted unless under exceptional circumstances (Policy OC1). No substantive case has been put forward. Please see previous comments submitted by email on 9th December 2013 reference application 3/26/13/016.

2 The structure is a recently erected building not in conformity with application 3/26/13/016 exhibiting increase in width, length, height to eaves and variations to fenestration and layout. It is considered to be in breach of that consent and therefore this present application is not valid.

3 The structure was approved on the basis of the information supplied (please refer to your letter addressed to Lisa Bullock, West Somerset Council from Tim Willis dated 12th November 2013 ref PRE/26/13/014) to house equipment, machinery etc in connection with the public house. This raises a question of where the contents are now to be housed, as Old Cleeve Parish Council would resist yet another building in this open countryside site.

4 The proposed trackway and parking area is considered an undesirable visual intrusion in the location and continues to form a negative form of piecemeal development. Increase in traffic movements (Policies TR1, TR2, NH2)

5 The proposal represents an increase in fire risk in particular to potential occupants and its close proximity to boundaries. The trackway as shown is not suitable for fire fighting appliances.

It is strongly recommended that consultation with the Building Control body is undertaken prior to making a decision.

Amended comments;

This is to let you know that the council objected in the strongest terms to the application on the grounds previously reported, also that it is a breach of the previous application.

Highways Development Control - Standing Advice.

*Biodiversity and Landscaping Officer -
Landscape*

I have no landscape objection to this proposal

Biodiversity

I would usually not accept a wildlife statement from a non-qualified ecologist. However in this case I would agree that as the building is a modern structure in good condition, a wildlife survey is not required in this instance.

Amended comments -I have no further comments to make on this application.

Representations Received

None

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
OC1	Open Countryside development
NH13	Securing high standards of design
CC2	Flood Risk Management
SC6	Safeguarding of village facilities
EC1	Widening and strengthening the local economy
EC5	Safeguarding existing employment uses
EC9	Tourism outside settlements
NH5	Landscape character protection
TR1	Access to and from West Somerset

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

T/8	Residential Car Parking
BD/3	Conversions, Alterations and, Extensions

Determining issues and considerations

The main issues and considerations in this case are; the principle of development, effect on the character and appearance of the area, residential amenity, highway safety and flood risk.

Principle of Development

This site is located outside of any development limits. Development in this location

would need to meet the requirements of policies SD/1 and OC/1 of West Somerset Local Plan to 2032 and paragraph 83 of the NPPF (National Planning Policy Framework).

The timber building is already located on the site as a two storey storage building associated with the use of the White Horse public house. The proposed change of use of this building would allow the business to further diversify and expand into the holiday accommodation market. It is noted that there is another two storey timber framed building close to the storage building granted in 2014 which is for bed and breakfast in associated with the White Horse.

It is recognised that local plan policy OC1 permits development which is beneficial for the community and the local economy. There are a number of types of development that can be acceptable under this policy including development provided through the conversion of existing, traditionally constructed buildings in association with employment or tourism purposes or part of a work/live development. It is considered that the building and the proposed use complies with this policy.

Policy EC9, states that tourism development outside of settlement limits will only be supported where it can be demonstrated that the proposed location is essential to the business and cannot be located elsewhere. The holiday let could be located elsewhere but realistically on a day to day basis the development is close by and will support the existing pub business. The development will not adversely affect the vitality and viability of neighbouring settlements and it complements existing tourist provision in neighbouring settlements and the area without generating new unsustainable transport patterns. There are already tourist facilities in this area at the site in terms of facilities such as the nearby Torre Cider Farm, Cleeve Abbey and Tropiquaria. It is not considered this additional letting unit would adversely affect this or neighbouring settlements and the additional transport movements would not be significant.

Paragraph 83 of the NPPF supports the growth of rural business through conversion and well designed new buildings, through the development and diversification of agricultural and other land based businesses, that sustainable rural tourism and leisure developments respect the character and appearance of the countryside and allows the retention and development of accessible local services and community facilities including public houses. This is further expanded in paragraph 84 where it advises that policies and decisions should recognise that sites to meet local business and community needs in rural areas, may have to be found in adjacent or beyond existing settlements, in locations that are not well served by public transport. In such circumstances, it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and improves the scope for access via foot, cycling or public transport. The use of previously developed land, site physically well-related to existing settlements should be encouraged where these exist. As the application site is well-related to the public house, involves a conversion of a building for rural tourism purpose as well as diversification of the existing business whilst respecting the character and appearance of the countryside it is considered that the policies in relation to building a strong, competitive economy are met.

The subject building was erected under a previous planning permission (ref 3/26/10/007) and is a material consideration. However, it was not built in accordance with the approved plans. The proposal has been amended to include the retention of the building and its change of use to holiday let. As planning permission has been granted for a similar building in this location it is considered that there is no material reason why this building is not acceptable.

Overall it is considered that the principle of the proposal is acceptable as it complies with policy OC1 and the NPPF.

Character and Appearance of the Area

The building is located to the east of the White Horse at the eastern end of the land and adjoins agricultural land to the north and the line of the mineral line to the south. The store building is constructed in horizontal timber cladding with a dual pitched slate roof, with planked timber doors and upvc black rainwater goods. The existing window in the rear elevation is timber effect upvc. This building due to the materials used and its design are considered acceptable in a rural location. In terms of visual intrusion the structure is already in situ and is well screened and located away from the adjoining road passing the site

The Council's Landscape and Biodiversity Officer has no landscape objection to the scheme and it is therefore considered that the character and appearance of the area is retained and not harmed by the proposal.

Impacts on residential amenity

There are no properties in close proximity to the site. All the dwellings, with the exception of Basset Lodge, are located on the other side of the road next to the White Horse. Basset Lodge is approximately 100 metres to the south of the building. The proposed changes would not have any adverse effects on any amenities of any neighbouring property due to the distance of the building to the neighbouring properties and as the existing access from the road will be used.

Highway Safety

The Highway Authority Highways have advised that Standing Advice is appropriate for this case. No alterations are proposed to the access, and has been considered acceptable for the other buildings on the site including this building and the Bed and Breakfast building (Riverside Lodge) and sufficient parking has been provided to accommodate the proposed use. This proposed change will not have any adverse effect on highway safety.

With regards to comments from the Parish Council regarding the track not being suitable for an emergency vehicle, it is considered that surfacing the track with a consolidated material /tarmac could be visually detrimental to the area and so on

balance it is considered that this should not be done.

It is considered that the proposal is acceptable in terms of access, parking and turning of private vehicles within the site and it accords with local policy TR1 of the adopted West Somerset Local Plan 2032 and saved policy T/8 of the West Somerset District Local Plan 2006.

Flood Risk

As the existing road is within flood zone 3 and a small section of the car park is in flood zone 2, a Flood Risk Assessment has been submitted as part of the application. The building is located in flood zone 1. In the event of an emergency, the proposed users of the holiday unit could safely escape to the east and / or south to a footpath that doesn't fall within either a 2 or 3 flood zone. In addition the following flood mitigation is proposed:

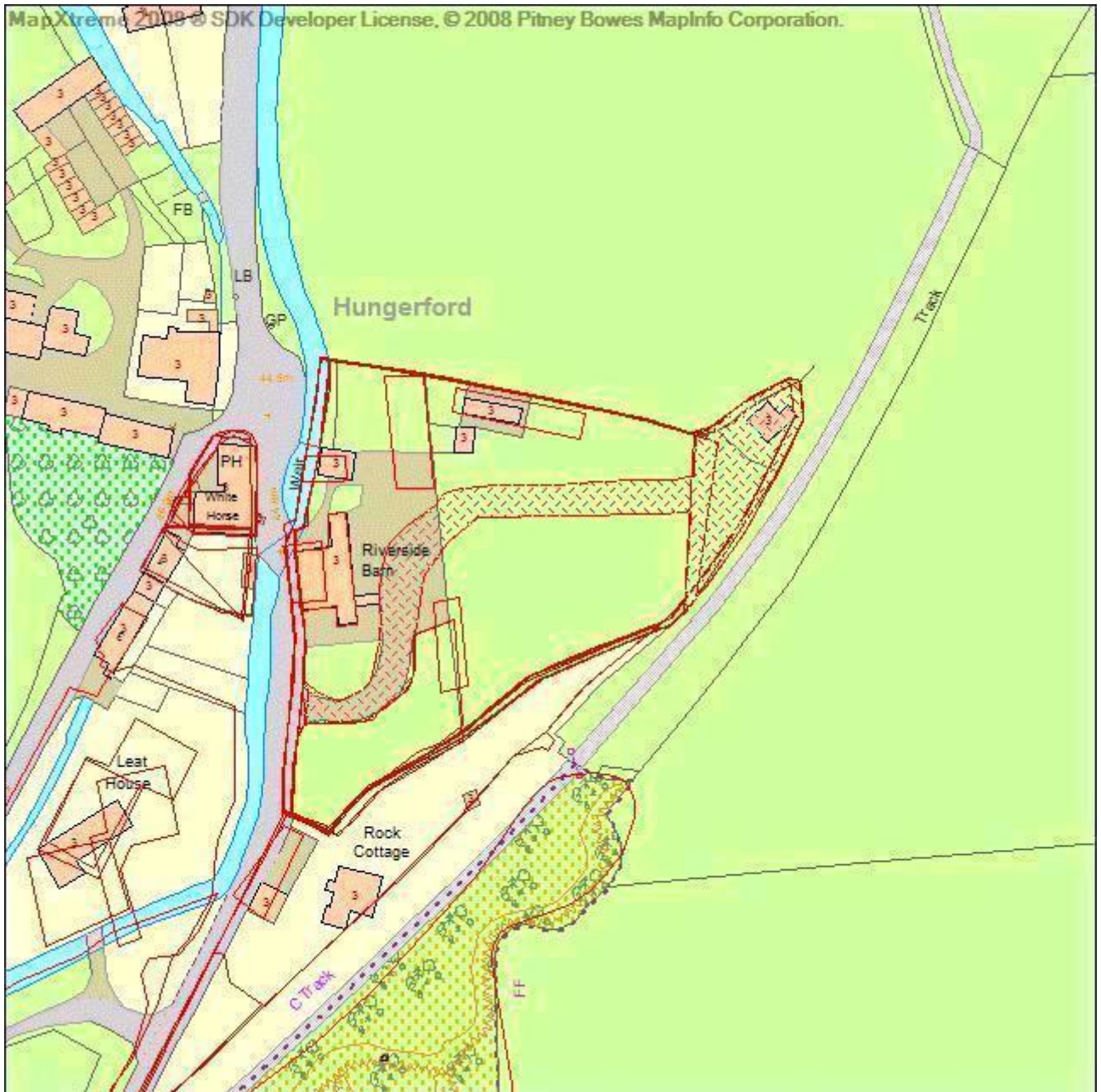
- The existing level of the site would remain as existing
- Robust, water resilient materials to be used throughout construction
- All internal electrical devices to be installed min 450mm or 1.2m above FFL
- No external electrical devices to be installed unless wall mounted light fittings min 2.1 above external ground level.
- All surface water to be discharged into soak away site 5m away from the building
- All ground cover to remain as existing.

It is considered that the above measures are acceptable and as such it is considered that the development accords with policy CC2.

Conclusion

It is concluded that the proposal complies with local plan policies and the NPPF. It is therefore recommended that planning permission be granted.

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



Application No 3/26/18/004
 Change of use of the existing
 storage building into a two
 bedroom holiday unit
 The White Horse Inn, Washford,
 Watchet, TA23 0JZ

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

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Application No:	3/28/18/002
Parish	Sampford Brett
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 308903 Northing: 140619
Applicant	Mr Trevor Beaton
Proposal	Siting of one caravan, one shepherds hut and one utility building for use as holiday accommodation and associated works
Location	Mill Cottage, Taunton Road, Sampford Brett, Taunton, TA4 4LJ
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council

Recommendation

Recommended decision: Refuse

Reasons for refusal:

The site is located in open countryside, outside of any village or settlement. The proposed change of use will result in the domestication of this agricultural land that would not contribute positively to the character and appearance of the area. It would have a detrimental visual impact upon the open countryside with the erection of a new utility building and hard standings for the proposed parking and the siting of the shepherd's hut and caravan and associated paraphernalia, rather than conversion of existing buildings and this would not be sufficiently outweighed by any tangible benefits. The proposal is therefore contrary to Section 6, paragraph 83 of the revised National Planning Policy Framework (July 2018) policies SD1, SC1, OC1 and NH13 of the West Somerset Local Plan to 2032.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning

Policy Framework. Pre-application advice in the form of what to take into account when making an application took place between the applicant and the Local Planning Authority. The proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the Development Plan and policies within the National Planning Policy Framework. The concerns raised during the application remain and, for the avoidance of doubt, were reiterated to the applicant during the course of the application.

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

- 2
1. **Health and Safety:** The provision of hot tubs connected to a private (non-mains) water supply is likely to introduce significant risks to the public from legionella. In these instances the duty holder must carry out a suitable and sufficient Legionella Risk Assessment to be carried out by a competent person prior to use.
 2. **Water Supply:** As of 27th June 2016, any new or re-instated private (non-mains) water supply to any premise other than a single domestic dwelling and not provided as part of a commercial or public activity, must have an inspection or risk assessment carried out by the Council before being brought into use.

The purpose is to ensure the new or re-instated supply(s) do not pose a potential danger to human health and also, to document where appropriate any legally binding agreements for the supply e.g. maintenance and management, rights, sufficiency, apportionment of costs etc. Further information can be obtained from Environmental Health teams as below;

West Somerset Council, 01643 703704 or email environmentalhealth@westsomerset.gov.uk

Proposal

It is proposed to site a one caravan, a shepherd's hut and a utility building for use as holiday accommodation. The timber and slate roofed utility building would accommodate a shower, toilet facilities and a kitchen area which would comprise of a fridge and sink together with a work top for camping stoves. The caravan and shepherd's hut would each have their own private out door area with a barbecue, wood fired hot tub, table and seating. A fire pit with a grassed seating area is also proposed. Privacy is to be afforded by willow or hazel hurdles. Grass and wild flower areas would be provided. In the long term the vintage caravan would be changed to a shepherd's hut. Three parking spaces and a bin storage area adjacent to the track is also to be provided. The parking area would be compacted hard core.

Two part time staff are to be employed, equivalent to 0.5 full time.

Site Description

The site of approximately 1,000sqm is agricultural land and part of a long strip of land to the east of an access track from the A358 road between Williton and Taunton. This access not only passes and serves access to the site but is also access to Sampford Mill farm, further to the North. The track is also a public right of way. It has been confirmed that the owner has domestic rights of access over of this track, and has served notice on the landowner (Sampford Mill Farm).

Boundaries of the site include, established 2m+ high boundary hedging and post and wire fencing to the western (track side) boundary, and also along the eastern boundary, the southern boundary next to the garage is field planting and timber fencing and field boundary/agricultural fencing and tree planting to the northern boundary.

Doniford Stream and the West Somerset Railway are located on lower land to the east of the site boundary. The site is also visible from the West Somerset Railway line.

Relevant Planning History

None

Consultation Responses

Rights of Way Protection Officer - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the proposed access to the site at the present time (public footpath WL 20/5). I have attached a plan for your information.

We have no objections to the proposal, but the following should be considered:

1. Specific Comments

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path WL 20/5. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public footpath without lawful authority.

2. General Comments

Any proposed works must not encroach on to the width of the PROW.

The health and safety of the public using the PROW must be taken into

consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use: or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Right of Way pages to apply for temporary closure:

<http://www.somerst.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>.

Ramblers Association (West Somerset) - No comments received.

Highways Development Control - I refer to the above-mentioned planning application received on 12 June 2018 and after carrying out a site visit on 14th June 2018 have the following observations on the highway and transportation aspects of this proposal:-

The proposal is for the siting of a caravan and shepherds hut at the above address, with the siting of a second shepherds hut to replace the caravan over a period time.

The proposal site sits off a private track which serves the A358 in Sampford Brett. The private track appears to already serve a number of dwellings and services. The access point onto the A358 is also used for the adjacent filling station next to the proposal site which is currently active.

Visibility splays onto the A358 appear acceptable to the east however, looking west it would appear the visibility splay may not comply with DMRB standards, however consideration has to be taken that the site is used to accommodate the adjacent filling station. There has been one recorded accident over the past 5 years at the point of access onto the A358 that involved a vehicle using the proposed access in question.

In terms of traffic impact on the local highway network, it is unlikely that the small scaled proposed development will have a detrimental impact given the proposed level of vehicle movement would be slightly more than the sites existing movement generated from the private track and garage where associated vehicle movement with the proposal is unlikely to be around peak hours or on a daily basis. Therefore it may be seen as unreasonable to recommend refusal on these grounds.

However the Highway Authority does hold concerns about the potential for vehicle conflict between vehicles entering and exiting the site onto the A358 given that the proposal would generate an increase in use of a private track onto a very busy classified road that also serves an adjacent existing garage/filling station.

The Local Planning Authority should be mindful of this in determining the application and for any future development proposed that would require the use of the private access track and the access point in question which would only increase the likelihood of vehicle conflict at the site. The Highway Authority would expect any future developments to involve mitigation measures to address this concern.

If the Local Planning Authority are minded to grant planning permission the Highway Authority would recommend the following condition attached:

The area allocated for parking on the submitted plan, drawing number SA216PL02, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Environmental Health Team - The application proposes a shepherds hut with what is assumed a 'vintage' i.e. static caravan, plus as explained in the application a separate timber framed utility building for shower / toilet / kitchen. The plans submitted only show the utility building and the presumed static caravan and not the shepherds hut.

For information according to Wessex Water the existing utilities (water / drainage) is understood to be private. A new drainage scheme is proposed. It is suggested by the applicant that a new connection to Wessex Water services is not possible owing to depth to these nearest utilities, therefore:

1. **Noise:** Based on the proximity of the new building to neighbouring premises, there is a significant risk from noise emissions but no noise assessment report has been submitted. A satisfactory noise assessment must be being carried out by a competent person.

Condition: Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 5 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc., shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which

this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

2. **Drainage condition:** Given the location of the proposed new drainage scheme towards the boundary of this premises, confirmation of the legal entitlement to drain on to neighbouring land and with rights of access to maintain these services on neighbouring land must be provided, otherwise there is a significant risk of pollution / risk to health. Without sufficient information on the legal entitlement, this would be considered sufficient to justify a refusal.

It also explained by the applicant that a mains sewer connection not possible owing to depth of nearest sewer and easements not being granted. Confirmation should however be submitted by the applicant from Wessex Water that a new connection is not possible. Likewise, confirmation should also be obtained of the easement not being granted. A new connection to the public sewer is the most preferable option.

This is of importance since this new drainage scheme is as explained above close to the boundary of this premise (impacts on neighbouring land), plus also it is sited close to a flood zone and also would appear the former Mill Stream.

In addition the following file notes should be added;

1. **Health and Safety:** The provision of hot tubs connected to a private (non-mains) water supply is likely to introduce significant risks to the public from legionella. In these instances the duty holder must carry out a suitable and sufficient Legionella Risk Assessment to be carried out by a competent person prior to use.
2. **Water Supply:** As of 27th June 2016, any new or re-instated private (non-mains) water supply to any premise other than a single domestic dwelling and not provided as part of a commercial or public activity, must have an inspection or risk assessment carried out by the Council before being brought into use.

The purpose is to ensure the new or re-instated supply(s) do not pose a potential danger to human health and also, to document where appropriate any legally binding agreements for the supply e.g. maintenance and management, rights, sufficiency, apportionment of costs etc. Further information can be obtained from Environmental Health teams as below;

West Somerset Council, 01643 703704 or email
environmentalhealth@westsomerset.gov.uk

Sampford Brett Parish Council - Sampford Brett Parish Council considered the above application at a meeting on 26th June We support the application in principal but leave it to you to determine the extent to which the application meets the

requirement of the first bullet point in policy EC9. The location within site of the steam railway is a key attraction for the applicants' target market and is on land they own; it is therefore very suitable and the only location that is available to them. With regard to the 2nd and 3rd requirements of EC9 we are satisfied that the proposed development does not adversely affect the vitality or viability of the neighbouring settlements and it compliments existing tourism accommodation in the area which is primarily cottages and larger caravan sites.

Representations Received

None received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
OC1	Open Countryside development
EC3	Greenfield employment generating development
EC9	Tourism outside settlements
SD1	Presumption in favour of sustainable development
TR2	Reducing reliance on the private car
CC6	Water Management
NH13	Securing high standards of design

Determining issues and considerations

The main issues and considerations in this case are, the principle of development, impacts on the character and appearance of the area, residential amenity, drainage and highway safety.

Principle of development

The site is located outside of built development limits of both Williton (a rural centre) and also the village of Sampford Brett. Local policy SC1 advises that new development should be concentrated in the district's main centres of Minehead/Alcombe or rural centres of Watchet/Williton. Limited development in Primary villages and secondary villages will be permitted where it can be demonstrated that the development would contribute to wider sustainability benefits for the area. The development is not within or close proximity to the contiguous built-up area and development outside of all the aforementioned criteria means that the proposal is located in open countryside and therefore has to be assessed under policy OC1 (Open Countryside development). This policy states:

Development in open countryside is permitted in exceptional circumstances where beneficial for the community and local community and where it can be demonstrated that;

- The location is essential for a rural worker engaged in agriculture, forestry, horticulture, equestrian hunting employment or - this development does not comply with this.
- Conversion of existing traditionally constructed buildings in association with employment or tourism purposes - the utility building and the associated hard standings for a caravan and shepherds hut are new development.
- It is new build to benefit existing employment activity already established in the area which could not be accommodated within or adjoining a settlement - this new development is not an existing established employment activity and it is not known what/how many other small such tourism developments are in the near vicinity.
- It meets an ongoing identified local need for affordable housing - the development does not address this.
- It is an affordable exceptions scheme - it is not that type of development.

It is considered that the proposal does not accord with any of the criteria and as such the proposed development is in conflict with this policy.

Policy EC3, (Greenfield employment generating development), advises that development in such areas needs to demonstrate that the location is essential to the business and could not be located elsewhere, it does not affect vitality and viability of existing centres and it complements existing provision in the area without generating new unsustainable transport patterns. This proposed small scale development could be located elsewhere (but would not be located on land owned by the applicant). The use of this former agricultural land would mean a small increase in new transport patterns.

Policy EC9, advises that new tourism developments outside of settlements limits (in open countryside) will only be supported where it is demonstrated, the location is essential to the business and cannot be located elsewhere, it does not adversely affect the vitality and viability of neighbouring settlements and it complements

existing tourism service and facility provision in the area without generating new unsustainable transport patterns. The points relating to the location and transport patterns are addressed under policy EC3 above. The proposal however, could complement other existing tourism provision.

It is concluded that the development is not in accordance with the above policies and is therefore unacceptable in principle.

Impacts on the character and appearance of the area

The current land use is agricultural and the applicant uses the adjoining land to the north for growing crops, some in poly tunnels however it is not part of an agricultural holding. The proposed development would see further hard core bases, a caravan and a shepherd's hut (or two if the caravan is replaced by a shepherd's hut), a parking area together with associated paraphernalia and a timber utility building being sited on open land which is open and rural in character and appearance. The development therefore would have an adverse impact on the currently open and rural character of the site and the adjoining agricultural land.

It is noted that each application is judged on its own merits, however, a recent appeal decision (APP/H3320/W/16/3164053) at Higher Thornes Farm, the Inspector considered that the conversion of an existing timber stable building into a 2 bed holiday unit, should consider the 'primary issue of the effect of the development on the character and appearance of the countryside and even if the proposed holiday accommodation would not be particularly prominent in the wider context, the area would be increasingly domesticated to the detriment of the rural character and appearance'. He maintained that the development resulted in material harm to the countryside.

It is therefore considered that there would be harm to the character and appearance of the area. This would be contrary to policy NH13 where the proposal must make a positive contribution to the environment.

Impacts on residential amenity

The site is located at/close to the residential access to Sampford Mill Farm and the applicant's property Mill Cottage and it is understood the applicant currently has a domestic right of way over the private access and commercial access right would need to be sought with the land owner and this is a civil matter and not a planning one. Due to the distance involved between the application site and nearby dwellings it is considered that there is no adverse effect from over looking or loss of privacy.

It is noted that no comments have been received from members of the local community and that the Parish Council support the proposal. It is further noted that comments returned from Environmental Health have raised issues of significant noise emissions based on the proximity of the new development (utility building) to neighbouring premises. They have also suggested noise and drainage conditions

be appended to any approval as well as informative's regarding water supply and health and safety.

Over all it is considered that there is no adverse impact on residential amenity that can not be controlled by conditions.

Drainage

On the submitted application form, the applicant has stated that a 'mains sewer connection is not possible owing to the depth of the nearest sewer and easements not being granted'. Two options were therefore being considered; a packaged treatment plant or a septic tank with a soak away depending on percolation test results. During the course of the application, percolation tests have been completed for a bio-digester and the applicant has been advised on the position, formation and size of the soak away by a specialist. The applicant has provided details of a Bio digester (model T6 S1 range).

Environmental Health advise that if the application is approved a drainage condition should be added regarding the proposed new drainage scheme towards the boundary of this premises, and confirmation of the legal entitlement to drain on to neighbouring land and with rights of access to maintain these services on neighbouring land must be provided, otherwise there is a significant risk of pollution / risk to health. Without sufficient information on the legal entitlement, this would be considered sufficient to justify a refusal. The legal entitlement is a civil matter, however it does have a bearing on the provision of new water connections/drainage facilities This is of importance since this new drainage scheme is as explained above close to the boundary of this premise (impacts on neighbouring land), plus it is also sited close to a flood zone and the former Mill Stream.

In light of the above, it is considered that without all of the relevant drainage and water connection information the proposal is contrary to local policy CC6. This however can be overcome by condition and as such it is considered that the application could not be refused on these grounds.

Highway Safety/Public Right of Way

The site would be accessed via a single width private track that is also a public right of way from the main A358 and crossing the existing hard standing next to the garage at Sampford Brett. The proposed parking arrangement is for 3 car parking spaces adjacent to the private track to the west of the vintage caravan and north of the proposed shepherd's hut and timber utility building.

The Highway Authority have concerns regarding the visibility splay to the west, the east being acceptable but do not consider that the application could be refused on this ground. There has been one recorded accident over the past 5 years at the point of access onto the A358 that involved a vehicle using the proposed access in question.

Traffic impact on the local highway is unlikely to have a detrimental impact in relation to the proposed level of vehicle movements and therefore not sufficient enough to recommend refusal on this ground. However, the Highway Authority do have concerns regarding the potential for conflict of vehicles entering/exiting the site onto the very busy adjoining classified road (A358) and the use of the adjoining service station and mitigation measures for the use of this track would be required to address this concern.

Whilst it is noted that there are bus stops near the site on the A358, it is considered that the development would mean that visitors would be reliant on their private car when visiting the site and the proposed use would generate additional vehicle movements over a private track that crosses land next to the filling station where no mitigation measures to alleviate the potential conflict of vehicle movements entering and leaving the site onto the A358 has been submitted. The proposal is therefore contrary to local policy TR2 of the West Somerset Local Plan 2032 but this could be included within a condition and as such the application could not be refused on these grounds.

Conclusion

Although the proposal is considered small scale development and tourism is a priority in the area, this type of use must be located in the right place. It is considered that the economic benefits of this tourism use do not outweigh the harm the proposal would cause to the character and appearance of the area. The proposal is therefore contrary to local plan policies and to paragraph 83 of the revised NPPF. It is therefore recommended that the application be refused.

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



Application No 3/28/18/002
 Siting of one caravan, one
 shepherds hut and one utility
 building for use as holiday
 accommodation and associated
 works, Mill Cottage, Taunton
 Road, Sampford Brett, Taunton,
 TA4 4LJ

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



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Easting: 308903 Northing: 140619

Scale: 1:1250

Application No:	3/37/18/017
Parish	Watchet
Application Type	Outline Planning Permission
Case Officer:	Denise Grandfield
Grid Ref	Easting: 307851 Northing: 142748
Applicant	Mr R Middleton
Proposal	Outline application with all matters reserved, except for access, for the erection of 1 No. dwelling on land to the rear
Location	6 Cherry Tree Way, Watchet, TA23 0UB
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council.

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 The site is located within a back land area and the siting of a new dwelling in this location would have an unacceptable effect on the character and appearance of the area. The proposal could not be considered a sustainable development. The environmental harm arising out of the proposed development would be significant and outweighs the limited social and economic benefits associated to the erection of one new dwelling house in this location. The proposal is therefore considered to conflict with the West Somerset Local Plan to 2032 Policies SD1, SC1(4)(C) and NH13 and the NPPF.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority. The proposal was considered to be unacceptable in principle because it was

considered not to represent sustainable development.

2 This decision relates to Drawing Numbers:

(A1) DRNO 1584/100	EXISTING SITE PLANS
(A1) DRNO 1584/201	PROPOSED ELEVATION
(A1) DRNO 1584/200	PROPOSED SITE PLANS

Proposal

The application, submitted in outline, is for the erection of one dwelling located to the rear of 6 Cherry Tree Way with all matters reserved for subsequent approval, except for access. The indicative plans show an L shaped dormer three bedroom bungalow and double garage with two parking spaces.

Access to the site would be between 6 and 7 Cherry Tree Way.

Site Description

The site comprises a triangular parcel of land of approximately 0.19ha. and is bounded by hedgerows to the rear of 6 Cherry Tree Way. The land is currently used as domestic curtilage associated with 6 Cherry Tree Way and is mainly laid to lawn. This garden area does not have the benefit of planning permission to be garden land.

Relevant Planning History

3/37/15/024 - Outline application for the erection of one dwelling - Refused - 21 December 2015 - Appeal dismissed 7 July 2016.

Adjoining sites

3/37/17/019 - Outline application with all matters reserved, except for means of access, for the erection of up to 139 dwellings and associated works, Land south of Doniford Road and Normandy Avenue, Watchet. This is a current application located to the east of, but abutting the houses on the eastern side of Cherry Tree Way

3/37/17/020 - Outline Planning Application with all matters reserved for a residential development of up to 250 dwellings, Liddymore Farm, Liddymore Lane, Williton. It has been resolved to grant planing permission but is awaiting a legal agreement before the decision can be issued. The site lies to the south of and abuts the southern boundary of Cherry Tree Way

Consultation Responses

Highways Development Control - Standing advice applies
Wessex Water Authority - No objection

Environment Agency - No comments received

Watchet Town Council - The Committee recommends approval, but would reiterate the comments they made when 3/37/15/024 was submitted and refused - approve outline planning in principle, but would like to see a construction plan stating that if there is further damage caused to the road, then it is prepared and 'made good'.

Representations Received

One representation has been received in support of the application making the following comments:

- One further property accessed from Cherry Tree Way will, in no way, be detrimental to the area. Indeed, it is understood that an application is potentially under way for adjacent land which would make refusal of this application ridiculous.
- There is one matter of concern for any application in this area which should not preclude such applications being granted, but which has a bearing on general health and safety for residents and visitors to Cherry Tree Way, namely the unsatisfactory state of parts of the road in Alamein Avenue. Cherry Tree Way properties have a right of way over Alamein Avenue and the property owners in that road have an obligation to keep that road in a condition which is acceptable to Cherry Tree Way residents: in part, this obligation is not being fulfilled. Somerset County Council, as the Highway Authority have power to enforce such obligations and charge the offending property owners for their negligence. If this matter could be addressed in conjunction with this application it would be to the benefit of all residents and their visitors.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
WA1	Watchet Development
NH13	Securing high standards of design

Determining issues and considerations

The three main issues in the determination of this application is the principle of new residential development on the site having regard to the relevant adopted local plan policies and the NPPF, current planning applications that abut Cherry Tree Way and the effect on neighbours and the occupants of 6 Cherry Tree Way.

Principle of Development

In determining whether the proposal is acceptable in principle account of a similar outline planning application for one dwelling which was submitted in 2015 on a larger site to the rear of 6 Cherry Tree Way needs to be considered. This application was refused and dismissed on appeal in July 2016. In dismissing the appeal, the Inspector stated:

'Although I give it limited weight, the proposal would be contrary to emerging Policy SC1(5)(C), as a result of its unacceptable effect on the character of the existing settlement. This would arise through its incongruous relationship with existing properties on Cherry Tree Way and its effect on the setting of Cherry Tree Way relative to the strong rural boundary to its rear.'

'Given its unacceptable effect on the character and appearance of the area, the proposal could not be considered sustainable development and therefore does not benefit from the presumption in favour of such. Although the proposal would be acceptable with respect to its effect on living conditions, having regard to all matters raised, these do not outweigh the harm caused.'

The West Somerset Local Plan to 2032 has now been adopted (November 2016) and has significant weight in the assessment of the current application. The policy numbering has changed but the policy contains the same policy wording as SC1 including criterion SC1(4)(C). Policy SC1 states that development within or in close proximity of the settlement (within 50m) will be permitted subject to compliance with a number of criteria including SC1 (4)(C) which seeks to ensure that new development complements the character of the existing settlement.

There have been no other changes to the policy intent or other circumstances which would be a material consideration in the assessment of the current application to come to a different decision than the previous appeal decision. It is therefore considered that the principal of development has not been established.

Current planning applications that abut Cherry Tree Way

One submission in support of the application refers to potential development on the adjoining land for up to 139 dwellings (3/37/17/019). This application is still being assessed and as such it would be premature to make a judgment on the effect the

development would have on the character of the area should the application be approved.

In addition, in the supporting Design and Access Statement, the applicant's agent states:

'West Somerset Council are currently considering an application for the erection of 250 dwellings, ref: 3/37/17/020 on land directly opposite the application site. If approved, would contradict the reason for refusal on this application site which would clearly have a lesser effect'.

A decision on this application has yet to be issued and it would be premature to make a judgement on the likely impact the development would have on the character of the settlement, were it and a subsequent reserved matters application be approved. It should be noted, however, that it was resolved to grant outline planning permission subject to entering in to a legal agreement which to date has not been completed. This view is also backed up by the appeal Inspector who also referred in the appeal decision to the larger scale sites included in the emerging plan and stated that given their larger scale they were *"materially different in terms of their consideration in the planning balance that would ultimately be undertaken. Furthermore, the potential for their future presence would not alter the important contribution that the appeal site makes to defining the change to rural character to the rear of Cherry Tree Way."*

As the Planning Inspector touched on the issue of the effect of the proposal on the character and appearance of the areas noted above, this issue also needs to be considered. To this end the Appeal Inspector considered that, *"the appeal proposal would sit with an entirely different relationship, accessed by a lane to the rear, on elevated ground"* and *"I conclude that the proposal would have an unacceptable effect on the rural character and appearance of the area above Cherry Tree Way. Therefore, the proposal would fail to maintain environmental quality, being contrary to Policy SP/5 of the Local Plan. Furthermore, its incongruous relationship with the existing settlement would be unsympathetic to the layout of buildings and the scale and harmony of the area as a whole, being contrary to relevant parts of Policies BD/1 and BD/2."*

This has not changed with the submission of this application albeit the current proposal is on a slightly smaller site but is still to the rear of Cherry Tree Way whereas the other properties on Cherry Tree Way front on to the road. Policy SP5 has however not been saved. Policy SC1 of the Local Plan is now the relevant policy where at point 4(C) the proposal is meant to complement the character of the existing settlement which as already argued by the Planning Inspector as outlined under the principle of development not to be complied with.

Policy BD/1 has been replaced by Policy NH1 but this policy is not relevant as it relates to the historic environment. Policy BD/2 has been replaced by NH13 which concerns securing high standards of design and one of the criteria that needs to be complied with is that the proposal should make a positive contribution to the local environment and creates a place with a distinctive character. It is considered that due to the backland location of the proposed dwelling and if a dormer bungalow was

submitted at reserved matters stage the proposal would not be in keeping with the area as the properties in Cherry Tree Way are houses set around and fronting onto Cherry Tree Way and as such the proposal is not in accordance with Policy NH13.

The NPPF discusses achieving well designed places and at paragraph 127 states:

127. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

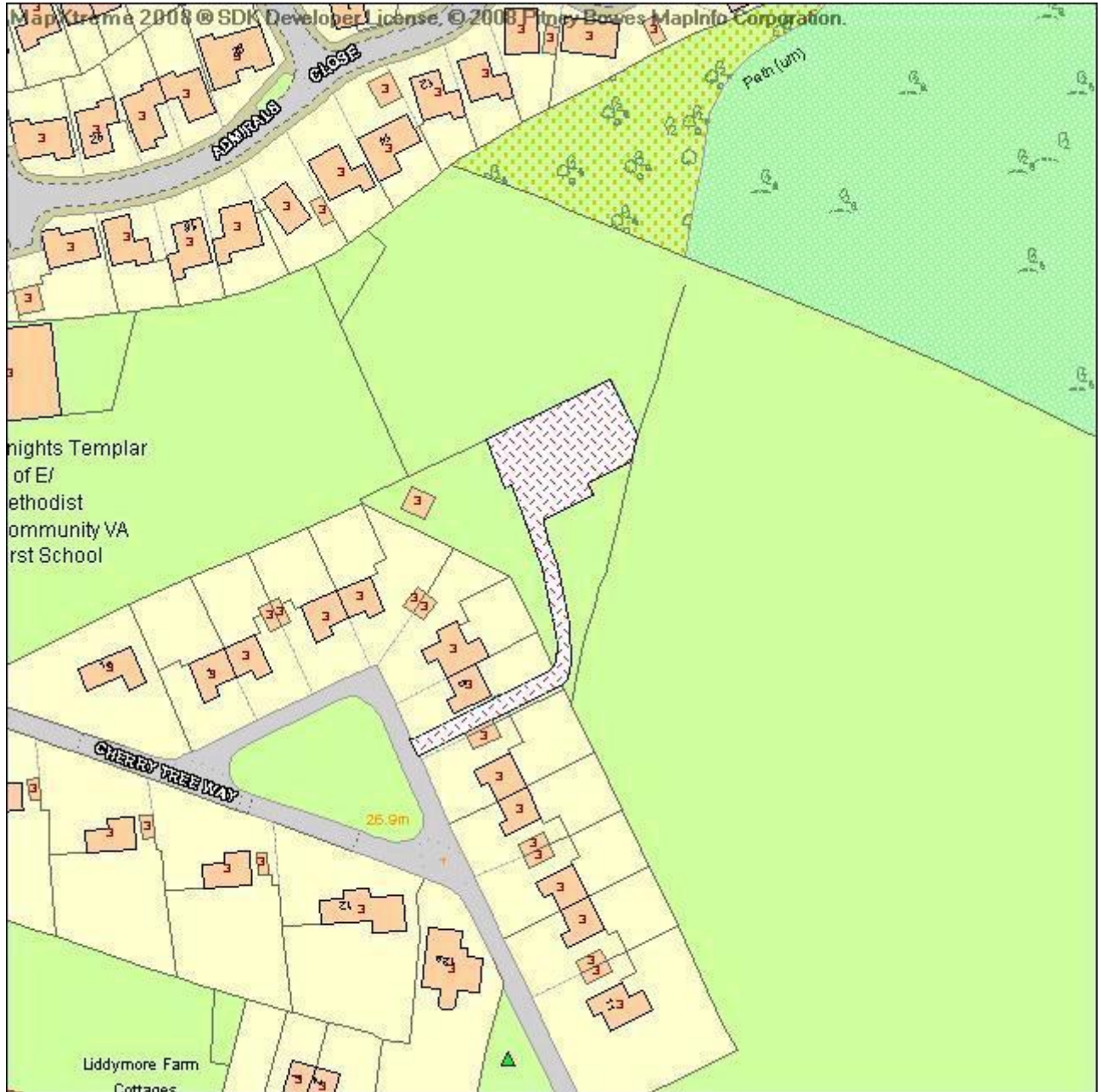
It is considered that criteria a - d are not complied with for the reasons already outlined above.

Effect on neighbours and the occupants of 6 Cherry Tree Way

Generally backland development can cause adverse effects on the amenities of adjoining properties often through noise disturbance and light mainly from car headlights. This issue was raised on the previous application and discussed by the appeal inspector who concluded that the proposal would be acceptable with respect to the effect on neighbouring properties as traffic movements to one dwelling would be very low, likely to be limited to a few movements a day and speeds would be inevitably low and their effects would be limited, infrequent and temporary. It is therefore considered that any significant adverse effect on the occupiers of 6 and 7 Cherry Tree Way can not now be argued.

In conclusion, the proposal would have an unacceptable effect on the character and appearance of the area, contrary to policies SC1(4)(C) and NH13 of the West

Somerset Local Plan to 2032 and the NPPF and refusal is recommended.



Application No 3/37/18/017
Outline application with all matters reserved except for access for the erection of 1 No. dwelling on land to the rear of 6 Cherry Tree Way, Watchet

Planning Manager
West Somerset Council,
West Somerset House
Killick Way
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Application No:	3/39/18/023
Parish	Williton
Application Type	Full Planning Permission
Case Officer:	Briony Waterman
Grid Ref	Easting: 307716 Northing: 140998
Applicant	Mr S Zaman
Proposal	Replacement restaurant frontage windows with fixed u-PVC double glazed units with trickle vents.
Location	Bengal Spice, 7 Fore Street, Williton, Taunton, TA4 4PX
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council.

Recommendation

Recommended decision: Grant

Recommended Conditions

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 005 Proposed South and East Elevations
(A4) DrNo 001 Location Plan
(A4) DrNo 002 Site Plan

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

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has

complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

Proposal

Permission is sought for the replacement of the windows on the front, side and rear elevations with black upvc windows to match the size and design of the existing windows.

Site Description

The building sits on a prominent position on Williton's main street. The existing windows have painted wooden frames and are single glazed.

Relevant Planning History

No relevant planning history

Consultation Responses

Williton Parish Council - objection on the grounds that it is a very old building and the proposed material is out of keeping with the area.

Highways Development Control - no observations

Representations Received

No comments received

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1 Hierarchy of settlements

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

BD/3 Conversions, Alterations and, Extensions

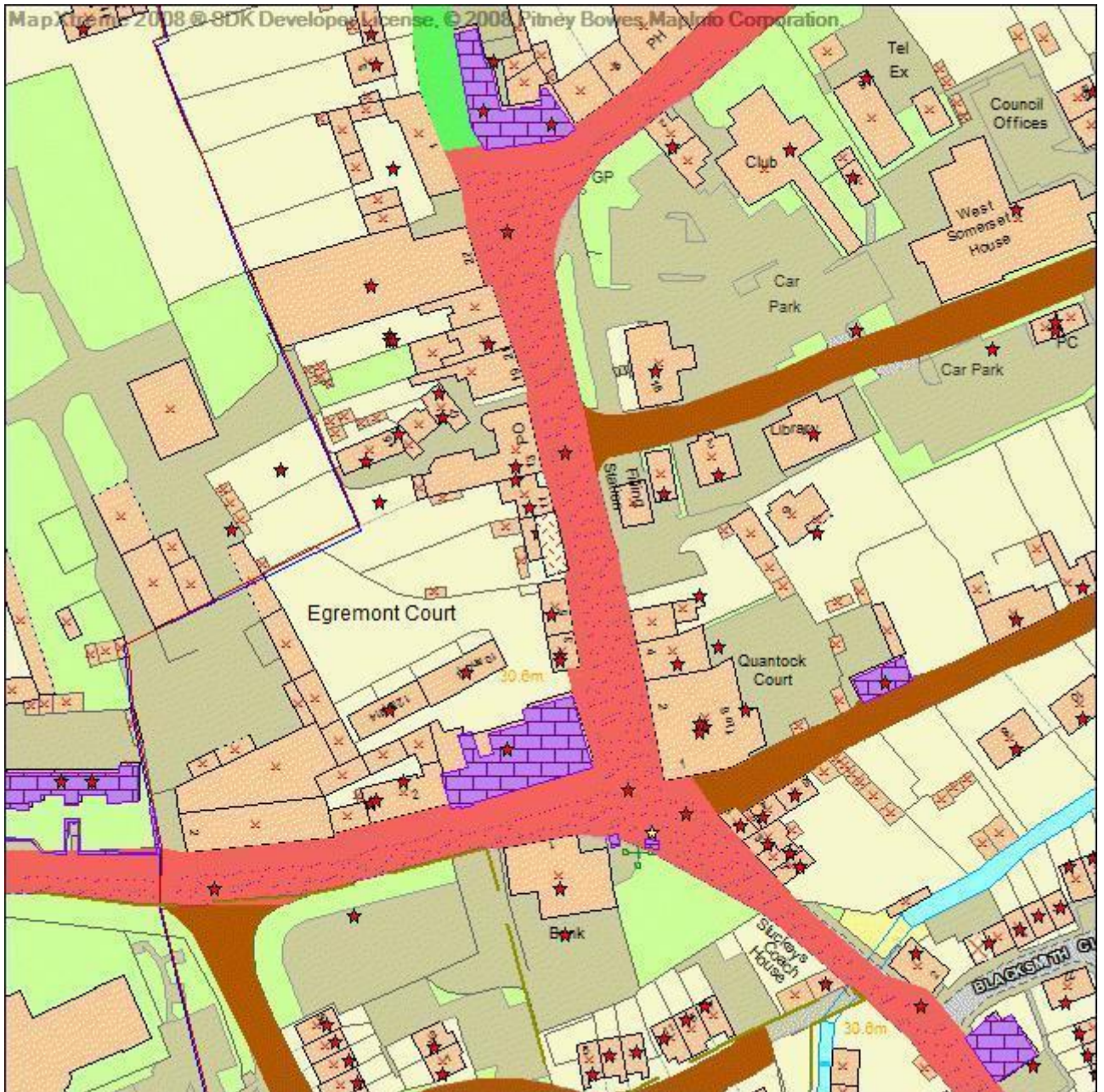
Determining issues and considerations

The main issue in the determination of this application is the effect on the character and appearance of the street scene and the building.

Fore Street has a mixture of window styles and materials ranging from large fixed glass plate windows to casements in wood, metal and plastic. There is also a mixture of double glazed and single glazed windows. It is considered that the replacement of the single glazed windows to upvc double glazed will not have a significant impact on the visual appearance of the building or a detrimental impact upon the street scene as the design and size of the windows will be the same and as upvc is found in the vicinity.

In conclusion it is considered that the proposal will not adversely affect the amenities of the area or the character of the building and as such the proposal is in accordance with policy SC1 of the local plan and saved policy BD/3 of the West Somerset District Local Plan. Planning permission is therefore recommended .

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



Application No 3/39/18/023
 Alterations to window
 Bengal Spice, 7 Fore Street,
 Williton



Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA

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Delegated Decision List



<u>CaseFullRef</u>	<u>LocAddress1</u>	<u>Proposal</u>	<u>DcnDate</u>	<u>Description</u>	<u>CaseOfficer</u>
3/04/18/007	Three Acres Country House, Ellersdown Lane, Brushford, TA22 9AR	Change of use from Guest House (C1) to residential (C3)	12/09/2018	Grant	SK
3/07/18/008	Tennis Court House, Crowcombe, Nr Taunton, TA4 4AQ	Erection of extension to garage and relocation of oil tank	10/09/2018	Grant	SW
3/07/18/009	Watermead Farm, Water Lane, Stogumber, Taunton, TA4 3TT	Erection of side extension to form annex for dependant relative	14/09/2018	Grant	SW
3/10/18/005	4 Conygar View, Dunster, Minehead, TA24 6PP	Erection of a single storey rear extension	03/09/2018	Grant	SW
3/16/18/011	Green Pastures, Portway Lane, Holford, Bridgwater, TA5 1SD	Erection of two storey extension to the north elevation	04/09/2018	Grant	SW
3/18/18/004	Kilve Court Education Centre, MAIN ROAD, KILVE, Bridgwater, TA5 1EA	Removal of existing set of double doors and integral shelving and installation of new folding door system separating the Training Room and Library and associated internal decoration and localised repairs.	10/09/2018	Grant	EP
3/21/18/045	Glenmoor, Western Lane, Minehead, TA24 8BZ	Erection of two storey rear extension	24/08/2018	Grant	SW
3/21/18/046	83 Periton Lane, Minehead, TA24 8EA	Erection of extension on the south-east elevation and enlargement of existing dormer on the south-west elevation	24/08/2018	Grant	SW
3/21/18/047	Natwest, 9 The Parade, Minehead, TA24 5NL	Installation of new fibre and copper cabling	05/09/2018	Grant	EP
3/21/18/050	Unit 3, Floyds Corner, The Parade, Minehead, TA24 5UF	Display of 1 no fascia box sign and 1 no double sided projecting sign	03/09/2018	Grant	BM
3/21/18/051	Five Lanes, The Holloway, Minehead, TA24 5PB	Erection of detached garage	10/09/2018	Grant	SW
3/21/18/053	9 Irnham Road, Minehead, TA24 5DN	Erection of close boarded fence to south and east boundary with addition of trellis to south boundary (retention of works already undertaken) (resubmission of 3/21/17/132)	14/09/2018	Grant	SW
3/21/18/055	2 Cleveland Chalets, Church Road, Minehead, TA24 5SA	Erection of a timber shepherds hut as ancillary accommodation	14/09/2018	Grant	SW
3/30/18/006	Kimmins Moor, Frogwell Cross to Skilgate, Skilgate, TA4 2DL	Application for prior notification for the erection of an agricultural storage building	10/09/2018	Prior approval not required	SK
3/32/18/016	34 Lime Street, Stogursey, Bridgwater, TA5 1QT	Extension of porch on the west elevation	06/09/2018	Grant	SW

<u>CaseFullRef</u>	<u>LocAddress1</u>	<u>Proposal</u>	<u>DcnDate</u>	<u>Description</u>	<u>CaseOfficer</u>
3/32/18/018	Land 7338, Ridgeway Lane, Stolford, TA5 1TN	Application for Prior Notification for the erection of an agricultural building for the storage of hay and machinery	10/09/2018	Prior approval not required	KB
3/32/18/020	Building to the North of Head Weir House, Wick, Stolford, Bridgwater, TA5 1TL	Change of use, with erection of two storey extension to the side of part converted barn (residential), to 19 letting rooms	14/09/2018	Refuse	ALAW
3/37/18/018	2 Greenfield Road, Watchet, TA23 0FF	Erection of first floor extension over existing garage and associated alterations	24/08/2018	Grant	SW
3/39/18/020	Kentsford Farm, Washford Hill, Williton, TA23 0JD	Application for prior notification for the erection of an agricultural building for storage of straw, feed and machinery	28/08/2018	Prior approval not required	SK
ABD/07/18/00	Green Hayes, Station Road, Crowcombe, Taunton, TA4 4BU	Prior approval for proposed change of use of agricultural buildings to 2 No. dwelling house (Class C3)	24/08/2018	Prior approval is required and refused	SK
PRE/21/18/00	Cloheen, Periton Road, Minehead, TA24 8DU	Erection of chalet bungalow in the rear garden	24/08/2018	Advice Given	SK
T/21/18/003	HEATHER COTTAGE, THE BALL, MINEHEAD, SOMERSET, TA24 5JJ	Notification to fell one birch tree, two bays and three conifers and to carry out management works to a line of bay trees within Higher Town Conservation Area	13/09/2018	Raise No Objection	DG



Appeal Decision

Site visit made on 28 August 2018

by J Wilde C Eng MICE

an Inspector appointed by the Secretary of State

Decision date: 12 September 2018

Appeal Ref: APP/H3320/D/18/3203465

Elgin Towers, Burgundy Road, Minehead, Somerset TA24 5QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs M Taylor against the decision of West Somerset Council.
 - The application Ref 3/21/18/017, dated 20 February 2018, was refused by notice dated 27 April 2018.
 - The development proposed is the erection of a 10.5m close boarded fence in the south west corner of the site.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the setting of Elgin Towers and on the character or appearance of the Higher Town Conservation Area.

Reasons

3. The appeal property is a large stone Grade II listed building containing turrets and parapet walls which lies within the Higher Town Conservation Area. The property sits in a dominating position overlooking Minehead and is surrounded by extensive grounds and gardens, which form a verdant setting to the property.
4. The fence, which was in place at the time of my visit, is constructed of close boarded timber with concrete posts. This is in sharp contrast to other boundary treatment in the vicinity, which generally consists of hedging or picket fencing. The close boarded fence has a more dominating presence and the concrete posts lend a somewhat industrial aspect, resulting in it appearing as a harsh addition to the more verdant surroundings.
5. Whilst the fence cannot be seen from Elgin Towers it can be seen from the public domain in St Michael's Road, with an elevation of Elgin Towers in the background. It therefore has a harmful impact upon the setting of the property. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be given to the desirability of preserving a Listed Building or its setting, and it is incumbent upon me to give considerable importance and weight to any identified harm.

6. The harm to the setting of Elgin Towers can be defined as less than substantial and the revised National Planning Policy Framework (the Framework) makes clear in paragraph 196 that any such harm should be weighed against the public benefits of the development. In this case the benefits amount to security and preventing encroachment by deer and cannot be construed to be public benefits.
7. By introducing an urbanising feature into the landscape the fence has also had a detrimental effect upon both the character and appearance of the Higher Town Conservation Area. It does not therefore preserve or enhance either the character or appearance of the conservation area as required by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and once again I have to give considerable importance and weight to this identified harm.
8. I note that the Council originally proposed that conditions be imposed on any grant of planning permission such that a native hedge would be planted behind the fence and that the fence would be removed once the hedge reached 1.8m. Such a hedge is shown on drawing 1138.1/201A. However, it would take a considerable number of years for the hedge to grow to this height, during which time the setting of the listed building and the character and appearance of the conservation area would be compromised. I cannot therefore accept that such a way forward would be appropriate.
9. The fence does not preserve the setting of Elgin Towers and nor does it preserve or enhance the character or appearance of the Higher Town Conservation Area. Conflict therefore exists with the Framework and with policies NH1 and NH2 of the West Somerset Local Plan. The former of these makes clear that, amongst other things, proposals for development should sustain or enhance the historic, rural and urban heritage of the district. The latter states that proposals that affect a conservation area should preserve or enhance its character or appearance.

Conclusion

10. For the above reasons, and having taken into account all other matters raised, including the circumstances involved in the removal of the original hedge, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR

Appeal Decision

Site visit made on 28 August 2018

by **J Wilde C Eng MICE**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2018

Appeal Ref: APP/H3320/D/18/3203284

Swillbridge House, Donniford, Watchet, Somerset TA23 0TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul & Mrs Helen Thomas against the decision of West Somerset Council.
 - The application Ref 3/39/18/007, dated 28 March 2018, was refused by notice dated 21 May 2018.
 - The development proposed is the removal of 6m of hedge to create driveway access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on highway safety and on the character and appearance of the area.

Reasons

Highway safety

3. The appeal property is currently accessed from the adjacent caravan park. The proposed access would be situated next to the access of the neighbouring property and would involve the removal of about 6m of existing hedge.
4. The proposed access would join the public highway on a short straight length of road. However, to the right of the proposed access visibility would be limited by the stone wall of the neighbouring property to such an extent that the front of a vehicle emerging from the proposed access would be within the highway before any view of approaching traffic was available. To the left of the proposed access there is a sharp bend a short distance away that would severely limit visibility.
5. My attention has been drawn by the Council to the visibility requirement of 43m from a distance 2.4m back from the carriageway edge for a road of this nature with a 30mph speed limit. The actual visibility available from the proposed access would be considerably less than this and in my view would constitute a significant risk to highway safety. This would place the proposed development in conflict with paragraph 108 of the revised National Planning Policy Framework which requires that a safe and suitable access can be achieved for all users.

6. In arriving at this conclusion I note that currently there is a pedestrian access close to the position of the proposed access that is used by cyclists, delivery vehicles and service vehicles and that this usage can be seen to be a safety issue in itself. However, this is not, to my mind, as significant a risk as having a vehicle emerging at right angles into a live traffic stream, which would be the case with the proposed development. Nor do I consider the DVLA stopping distance as quoted by the appellant to be relevant in such a situation.
7. My attention has also been drawn to the fact that the existing access through Bridge Park has limited visibility in that the bonnet of a car has to be well forward before visibility is available in both directions. However, this access is on a straighter stretch of road which affords drivers actually on the road more time to react to potential hazards.

Character and appearance

8. With the exception of the stone wall fronting the neighbouring property there are hedges on both sides of the road in the vicinity of Swillbridge House, and these do contribute to giving the appearance of a rural street scene. Removal of a length of hedging in this area would be detrimental to the street scene but would not, in my view, be so significantly harmful as to justify dismissing the appeal on this ground alone. Conflict with policy NH5 of the West Somerset Local Plan would not therefore occur.
9. Notwithstanding this however, I have found that the proposed access would be significantly harmful to highway safety and this outweighs my finding on the issue of character and appearance.

Conclusion

10. For the above reasons, and having taken into account all other matters raised, including that the present access is occasionally obstructed, the proposal would be significantly detrimental to highway safety. I therefore conclude that the appeal should be dismissed.

John Wilde

INSPECTOR