

PLANNING COMMITTEE

THURSDAY 28 MARCH 2013 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 28 February 2013 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

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

4. Public Participation

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

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

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

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

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

Report No: **TEN**

Date: **20 March 2013**

<u>Ref No.</u>	<u>Application/Report</u>
3/06/13/002 Full Planning	Beech Tree Farm, Wiveliscombe Provision of two holiday cabins on the site of a former steel framed agricultural building (resubmission of 3/06/12/005)
3/21/12/127 Full Planning	Land at Woodcombe Lane, Minehead Demolition of derelict hut and erection of two detached dwellings and associated works
3/21/13/014 Full Planning	Land adjacent to Green Hollow, Woodcombe, Minehead Erection of detached four bedroom dwelling

6. Exmoor National Park Matters

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

8. Appeals Lodged

Appellant	Proposal and Site	Process
Mrs Green	The Flat, The Wheelhouse Restaurant, The Avenue, Minehead Replacement of Existing Timber Windows with PVCu Windows	Written Reps

9. Appeals Decided

Appellant	Proposal and Site	Decision
Mr C Jones	Coastal 4 x 4 Bilbrook Garage, Minehead Road Residential Redevelopment Creating 4 No Semi- Detached Cottages	Dismissed 18/02/2013

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Likelihood (Probability)	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
Impact (Consequences)							

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

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

Application No:	3/06/13/002
Parish	Clatworthy
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 305412 Northing: 133863
Applicant	Mr Clive Chamberlain
Proposal	Provision of two holiday cabins on the site of a former steel framed agricultural building (resubmission of 3/06/12/005)
Location	Beech Tree Farm, Wiveliscombe, TA4 2SJ
Reason for referral to Committee	At the request of the Ward Member and Chairman and Vice Chairman of the Planning Committee

Risk Assessment

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

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

Site Location:

Beech Tree Farm, Wiveliscombe, TA4 2SJ

Description of development:

Provision of two holiday cabins on the site of a former steel framed agricultural building (resubmission of 3/06/12/005)

Consultations and Representations:

The Local Planning Authority has received the following representations:

Clatworthy Parish Council

Clatworthy Parish council has no objections to the above planning application.

Environmental Health Team

In relation to the above planning application I would like to make the following informative comments:

1. According to the records the water supplied for domestic purposes is derived from a private water supply and as such there should be a suitable installation for the provision of a wholesome and sufficient supply of water. Domestic purposes is the same meaning as set out under s.218 Water Industry Act 1991, in that it is the supply of water to any premises.
2. For any new installation or works these should be notified to Environmental Health with any drawings or plans of the supply. These should include relevant product approvals, details to verify and validate effective disinfection and any borehole specifications. These will be used to amend records held under Schedule 4 [The Private Water Supplies Regulations 2009 or the Regulations].
3. The plans should also show there is sufficient capacity based on anticipated maximum use. The size of any reservoir should be proportional to demand with a regular turn over of water. As a guide and prevent insufficiency arising, the capacity should be replenished with use with up to 7-days volume and assuming each person on the supply requires up to 200 litres water per day (1.4m³ per person per day).

Highways Liaison Officer

I refer to the above mentioned planning application received on 19th February 2013 and following a site visit on 22nd February 2013 I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the provision of two holiday cabins.

The proposed development site lies outside any development boundary limits and is therefore distant from services and facilities, whilst public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on their private vehicles. Such fostering of growth in the need to travel would be contrary to government advice given in the National Planning Policy Framework (NPPF) and RPG10, and to the provisions of STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Adopted 2000 and Policy SP/5 of the West Somerset Local Plan and would normally receive a recommendation of refusal from the Highway Authority as a result.

However, it is noted that the application is for a tourism use and as such the proposed development must be viewed in conjunction with other policies as set out in National, Regional, County and Local policies. It is therefore a matter for the Local Planning Authority to decide whether the development is appropriate in these terms.

In terms of the technical detail the proposal will make use of the existing access onto the classified un-numbered highway. At the point of access visibility is considered to be limited in either direction especially to the right of the access. The highway is single width with no passing places although the junction with the B3224 provides acceptable visibility in either direction.

In relation to the number of vehicle movements, although the proposal would not see a significant increase in movement it would represent a new use of the site which was not there before. This would therefore lead to an increase in vehicle movements along the existing single width carriageway.

In conclusion the proposal is located in an unsustainable location where occupiers of the holiday let would be reliant on the private car whilst the proposal would see an increase in vehicle movements along a substandard approach road. That being said it is a matter for the Local Planning Authority to decide whether the merits of this proposal out way the Highway Authority's concerns.

If the Local Planning Authority are minded to grant consent, despite these concerns, the Highway Authority would welcome the opportunity to recommend conditions in respect of passing places to be created on the approach road leading to the site.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 13 December 2012.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application relate largely to further information received, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities act 2006, Natural England should be consulted again.

Public Consultation

The Local Planning Authority has received 2 letters making the following comments (summarised):

- Visitors to the area are not going to arrive on public transport and can only use their own transport
- All hill communities rely on private motor vehicles.
- The nearest public transport is 4 1/2 miles away and has a limited service.
- Does any village on the Brendon Hills or Exmoor have a regular transport service?
- Development within the countryside is what visitors come to Somerset to see and most like to stay in the countryside.
- How can we develop rural pastimes and holidays if they have to be located near towns and larger villages, how does that help rural business?
- If development is located near towns and villages any revenue generated here is to the detriment of local village stores/pubs.
- 60% of properties within Clatworthy Parish are located outside the village with the vast majority being working farms are these to be stopped from diversifying from farming if the need arose?
- How has planning approval been given to Raleigh's Cross, Sperry Barton (Huish Champflower and South Barn (Skilgate) for similar developments over the past few years?

Support

- This will be a quality development.
- I do not understand sustainability.
- We started a B & B from scratch at Wheddon Cross and have gained top quality awards.
- Quality accommodation will always be sustainable (apart from the Foot and Mouth outbreak), an tourism is valuable to West Somerset.
- The cost of fuel has made its mark better than planning policy.
- Visitors to West Somerset do not come here to stay in towns and areas with regular bus services.
- Visitors come here for peaceful locations, long walks, fresh air etc.

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset & Exmoor National Park Joint Structure Plan Review (adopted April 2000), Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Local Plan (adopted February 2005) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/5 Development Outside Defined Settlements
- STR1 Sustainable Development
- STR6 Development Outside Towns, Rural Centres and Villages
- LC/3 Landscape Character
- BD/1 Local Distinctiveness
- BD/5 New Industrial and Commercial Buildings
- A/1 Farm Diversification
- T/3 Transport Requirements of New Development
- T/7 Non-Residential Development Car Parking
- 23 Tourism Development in the Countryside
- 48 Access and Parking
- 49 Transport Requirements of New Development
- 5 Landscape Character

National Policy

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

Planning History

The following planning history is relevant to this application:

3/06/11/001	Erection of an Evoco 10kW Turbine on a 15m Tower	Refuse	06/04/2011
3/06/10/002	Removal of existing steel frame barn & replacement with 2 cabins for holiday accommodation	Withdrawn	01/12/2010
3/06/98/001	Formation of horse sand school. Formation of private garage and access thereto.	Grant	27/03/1998
3/06/84/002	Portal-framed cattle and forage store	Grant	15/10/1984

Proposal

The application seeks permission for the provision of two holiday cabins on the site of a former steel framed agricultural building. This agricultural structure has already been removed prior to the application being made. The proposed timber cabins have external dimensions of approximately 11m x 6.8m with a height of 3.5m at the highest point (ridge). Adjoining decking area/garden amenity space at the rear of each cabin is proposed.

Site Description

The site is located within the site known as Beech Tree Farm which is located in the Parish of Clatworthy. The village of Clatworthy lies approximately 2 miles to the south west of Beech Tree Farm, and Raleigh's Cross lies approximately 1 mile to the north west of the holding.

Planning Analysis

1. Principle of Development

The small holding of Beech Tree Farm is located within the Parish of Clatworthy but is located outside of the defined development limits of any settlement and is therefore, in planning policy terms, defined as being development within the 'Open Countryside' (Local Plan Policy SP/5).

1.1. Local Planning Policy Context

Policy STR1 of the Structure Plan sets out the strategic principles for development and states the follow:

Development in Somerset and the Exmoor National Park should:

- be of high quality, good design and reflect local distinctiveness;
- develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking;
- minimise the use of non renewable resources;
- conserve biodiversity and environmental assets, particularly nationally and internationally designated areas;
- ensure access to housing, employment and services;
- give priority to the continued use of previously developed land and buildings;
- enable access for people with disabilities.

Policy SP/5 of the Local Plan deals with development outside the development limits:

In the countryside areas outside of settlement development limits, development will only be permitted where it both benefits economic or social activity without leading to a significant increase in car travel and maintains or enhances environmental quality and accords with other policies of the West Somerset District Local Plan.

Policy 23 of the Structure Plan deals with tourism development outside settlements and states the following:

Outside of settlements or defined Tourism Development Areas, the priority is to improve existing attractions and accommodation and to mitigate the environmental impact of existing development. This should be set in the context of the following considerations:

- provision for the extension of existing tourism development should be made where net environmental improvement would result by way of the relocation of sites away from sensitive areas or by the provision of better layouts or landscaping;
- provision for tourism development that facilitates farm diversification should be made where it is compatible with the rural location;
- new development which would generate substantial transport movements should normally be accessible by public transport

Although there are 7 tourism policies within the Local Plan none of these relate to new build tourism accommodation. For example Policy TO/5 only relates to touring caravan and tented caravan sites. As such none of these policies are relevant to this proposal.

1.2 National Planning Policy Context

The NPPF is clear that sustainable development is about balancing the three dimensions: economic, social and environmental. It is also clear that these roles should not be considered in isolation and that they are mutually dependent. Therefore proposals which have a benefit in one area should not be approved when they have a significant detrimental impact in one of the other core areas.

The NPPF in paragraph 28 states that planning policies should support growth in rural areas including through the development and diversification of agricultural businesses. This paragraph goes on to state that support should be given for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors. This support is given only where proposals respect the character of the countryside by providing such facilities in '*appropriate locations*' where identified needs are not met by '*existing facilities in rural service centres*'.

1.3 Overview

Having regard to the policy context outlined above, proposals for tourist development in rural locations should primarily relate to expanding and improving existing facilities and accommodation. In this case the application site does not currently contain any existing tourism accommodation or tourist attractions. As such this proposal does not accord with the general thrust of the policy.

Having regard to the NPPF rural tourist facilities should only be supported that are sustainable and in '*appropriate locations*' where identified needs are not met by '*existing facilities in rural service centres*'. It is accepted that there perhaps isn't such accommodation provision within Clatworthy at present, however, there is other accommodation provided in the rural centres such as Williton and in the wider area. It is not considered that this proposal would meet any specific identified need.

Having regard to the relevant policies there is a strong emphasis on transport sustainability, i.e. that sites are located in appropriate locations with access to public transport and in locations that provide opportunities for walking and cycling to facilities. Any development should result in minimal increased use of private vehicles.

There is some support within planning policy for farm diversification.

1.4 Location of the development (sustainability)

Paragraph 37 of the NPPF highlights that a land uses should be balanced so that people can be encouraged to minimise journeys for shopping leisure and other activities. The location of this holding is remote, poorly located when compared to main service centres and would place a certain reliance on the private motor vehicle if consented. There is very limited opportunity to walk or cycle to facilities and services and it is highly likely that occupiers of the proposed lodges would be reliant on a vehicle for the majority of the activities they would undertake while

staying on site. The proposal will increase the need to travel to and from the site and the opportunity to use of public transport is limited.

Guests, residing in the proposed units will be heavily reliant on the use of the private motor vehicle to visit any significant centre or to visit any major tourist centre within the West Somerset District and the wider area. It is noted and accepted that some guests will make use of the site's close proximity to the footpath and bridle network but that this in itself will not reduce the need for a private car to carry out many core functions whilst on a UK holiday.

1.5 Farm diversification

The submitted Farm Diversification Report (dated January 2013) indicates that the farming enterprise is relatively small scale in nature. The document highlights that the applicants run a small chicken egg selling business, graze a small herd of sheep and hope to breed ducks and sell duck eggs. The applicants have previously raised Gloucester Old Spot pigs for meat.

The document also highlights that Beech Tree Farm formed part of a much larger holding circa 220 acres but previous sales have resulted in the current holding being reduced down to the farm house and some 21 acres, although it should be noted the land was sold prior to the applicants taking ownership of the holding. From this document it is clear that little economic activity is generated from a pure farm use at present.

Policy A/1 of the Local Plan states the following:

The Local Planning Authority will permit development of new buildings for the diversification of employment or income generating activity on an agricultural holding where:

- the building is located in proximity to the existing farm buildings.
- the holding remains primarily in agricultural use and retains a rural character.
- the proposal will only result in a minimal increase in the use of private transport either for the delivery of goods and personnel or visitors.
- its design, layout and location are consistent with the countryside and nature conservation policies of the plan.
- development will have a minimal adverse impact on the amenities of local residents or existing land uses.
- adequate arrangements are made for access and parking.

From the supporting documentation it is understood that currently Beech tree farm is not used primarily for agriculture use but that there is some limited agricultural operations occurring on the site. It is understood that some equestrian activities take place and that these are for private use. It is noted that the applicants intend to develop a flock of Herdwick sheep and to increase the number of poultry in the future. In this case it seems that the proposal forms part of the applicants overall plans to develop a business on the site, however as the agricultural operations at the site have not been fully established it is considered that, at this stage, providing tourist accommodation would not be a genuine farm diversification activity. In the current circumstances at the site it is far from clear that all elements of the above policy would be complied with. For example it is not clear that the holding would remain primarily in agricultural use and it would not be appropriate to seek to control the expansion of the agricultural activities through a planning condition. It is also uncertain that this development would only result in a minimal increase in the use of private transport. As the growth of the agricultural elements of the proposed business cannot be certain, the tourism portion of the business could be a significant part of the business operations at the site and thus a significant portion of the vehicle movements. Ultimately a proposal that in part relies on farm diversification for its justification seems premature.

1.5 Impact on the character of the area

Policy STR1 of the Structure Plan seeks to ensure that development is of a high quality, good design and reflects local distinctiveness. Policies BD/1 and BD/2 of the Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments. Policy A/1 requires that the design, layout and location of farm diversification proposals are consistent with countryside policies. Policy 5 of the Structure Plan requires that the distinctive character of the countryside should be safeguarded for its own sake and that particular regard should be had the distinctive features of the countryside in landscape, cultural heritage and nature conservation terms in the provision for development. Policy LC/3 requires that where development is permitted outside development limits, particular attention will be given to the protection of the scenic quality of the distinctive local character of the landscape. This policy also states that development which does not respect the character of the local landscape will not be permitted. The NPPF places a strong emphasis on design and states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" (paragraphs 56).

Broadly speaking local and national policies require that proposals should be of a high quality, good design and reflect local distinctiveness.

It is acknowledged that the site is relatively well screened from the nearby public right of way and that further landscaping is proposed and that the proposal is for the siting of two new timber cabins to be located on a site that previously contained an agricultural building. However the proposed timber design is of a limited design quality and is not considered to be sympathetic to the wider rural setting. The proposal does not take account of the individual nature of the nearby farmhouse. It is considered that the proposal would appear temporary in nature, impinge on the rural landscape and detract from the scenic quality of the site and of views from the public right of way. The buildings therefore fail to respect the local character and as such the proposal would be contrary to the local and national planning policies listed above including Local Plan Policies LC/3 and BD/1. As such the application should be refused on these grounds.

1.6 Conclusion

Taking the above into account the proposal conflicts with national and local policies and as such the proposal is considered not to be acceptable in principle and would not result in a sustainable form of development.

2. Residential Amenity

The application site is located at some distance from any neighbouring dwelling. The farmhouse associated with the business is located over 30 metres from the site of the holiday cabins. As a result there will not be any significant impacts on residential amenity.

3. Highway Safety

The Highway Authority has commented that the site is located outside of the development boundary and at distance from relevant services and public transport. As such they raise concerns in respect of the sustainability of the proposal. This issue has been addressed above.

In terms of detailed comments on the local highway network they note that access to the site is made via an unnumbered highway which at the access point has limited visibility in either direction. They also note that the carriageway is of a single width with limited passing places and whilst the proposal would not lead to a significant increase in vehicle movements a new use would be introduced to the site which would increase vehicle movements along this narrow access road.

Given the above discussion and the conclusion that the development is in an unsustainable location and would result in increased vehicle movements the proposal is not acceptable in terms of highway safety concerns and is contrary to Structure and Local Plan policy

provisions.

4. Flood Risk

The site is located within Flood Zone 1 which is land at lowest risk. As such it is considered that the proposal will not result in any significant increase in flood risk.

5. Ecology

Having regard to the nature of the site, the proposal is unlikely to have any significant impact on biodiversity of protected species.

6. Other issues

6.1 Caravan Act

The applicant has drawn attention to the fact that the proposed structures meet the definition of a caravan.

Section 29 of the Caravan Sites and Control of Development Act 1960 states that a "caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted, but does not include a) any railway rolling stock which is for the time being on rails forming part of a railway system, on b) any tent",

While the proposed cabins may fall within the definition of a caravan this does not have any significant bearing of the planning merits of this case. This is an application for the provision of cabins to be used for holiday accommodation and there is no suggestion that the cabins would only be on site on a temporary basis. This proposal must be judged on the planning policies outlined above.

6.2 Other planning applications

Within the supporting information the applicant has drawn attention to various other applications where permission has been granted for holiday accommodation. Each case must be considered on its own individual merits and it is rarely appropriate to compare one site and proposal with another. Several of the applications that have been referenced by the applicant relate to schemes for converting existing buildings. There is a considerably different planning policy context in respect of converting existing buildings such that direct comparisons with this proposal cannot reasonably be drawn. Other applications referred to relate to the expansion of an existing tourist facility and such a proposal would fall in line with the priorities set out in Policy 23 of the Structure Plan.

Environmental Impact Assessment

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

Conclusion and Recommendation

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

Reason for Refusal:

- 1 The application site is located outside of any development limits in a location remote from facilities, services and public transport links. Users of the proposed holiday accommodation would be highly likely to be reliant on the private car to access facilities and tourist attractions. The proposed development would not result in an improvement to an existing tourist attraction or accommodation and the agricultural operations being undertaken at Beech Tree Farm are currently very limited in nature such that this proposal would not represent a farm diversification project in accordance with planning policy. The design and appearance of the proposed holiday accommodation is considered to be of low quality that would not reflect local distinctiveness. The limited economic benefits associated with the proposed development would not outweigh the

harm identified above. Having regard to the above the proposal does not accord with Policies STR/1, 5 and 23 of the Somerset and Exmoor National Park Structure Plan Review and Policies SP/5, LC/3, BD/1, BD/2 and A/1 of the West Somerset District Local Plan.

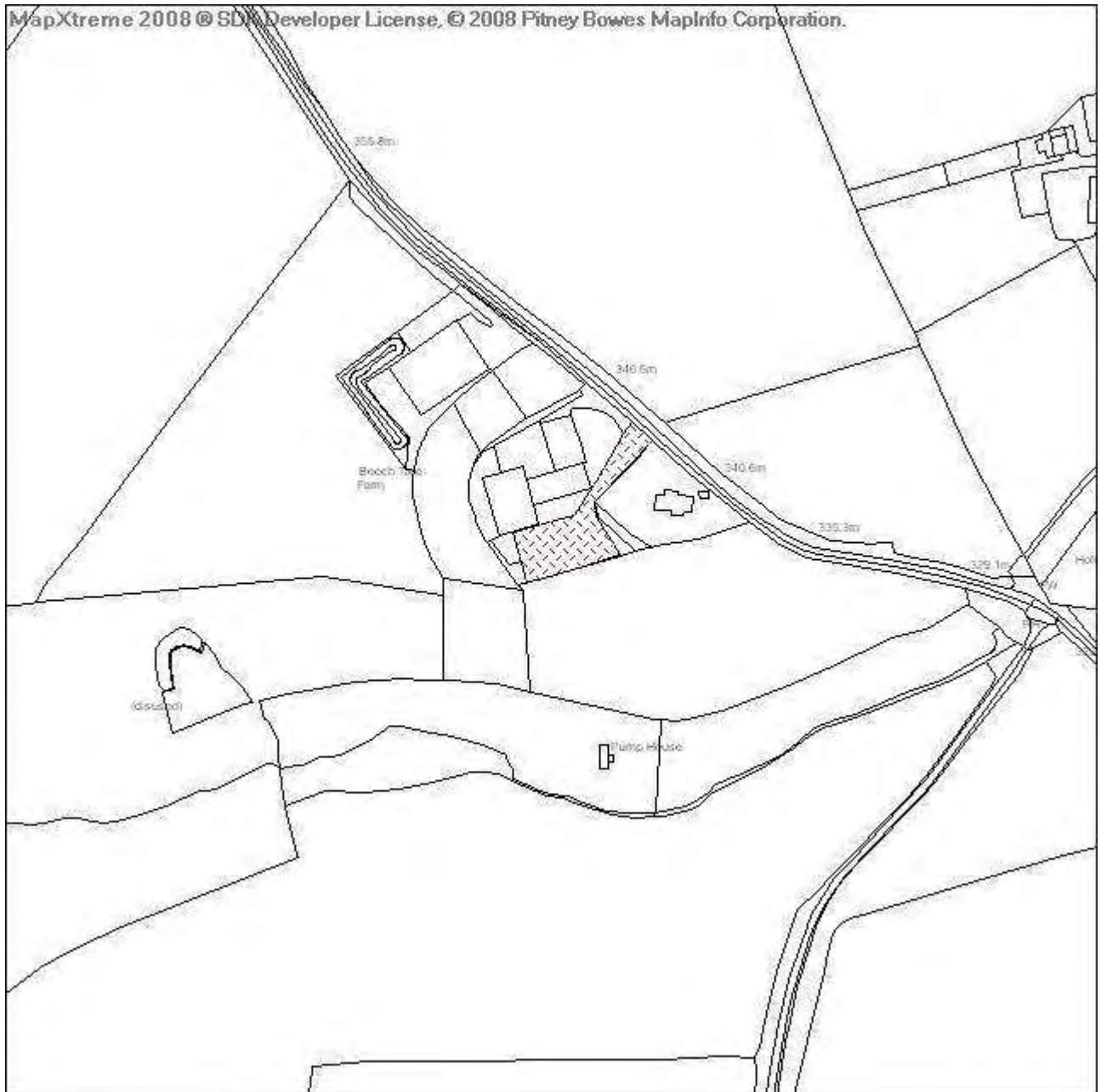
- 2 The visibility at the site access is substandard and the nearby highway is narrow with limited opportunities for vehicles to pass. The proposal would result in the introduction of a new use to the site with an associated increase in traffic. In view of the substandard nature of the access and the approach roads it is considered that the proposal would not provide safe and suitable access to the site. This proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Structure Plan Review.

Notes

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

2 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the local planning authority. During the course of pre-application discussions the applicant was informed that, in the view of 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, as such the applicant was advised that it was likely that should an application be submitted it would be refused. Despite this advice the applicant choose to submit the application. The concerns raised during the pre-application discussions/ correspondence remain and, for the avoidance of doubt, were reiterated to the applicant and the applicant was supplied with a draft officer report in advance of withdrawing a previous application for a similar scheme. The application was considered not to represent sustainable development and the development would not significantly improve the economic, social or environmental conditions of the area. 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.



Application No 3/06/13/002
 Provision of two holiday cabins on
 the site of a former steel framed
 agricultural building
 (resubmission of 3/06/12/005)
 Beech Tree Farm, Wiveliscombe,
 TA4 2SJ
 14 February 2013
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Easting: 305412 Northing: 133863 Scale: 1:2500

Application No:	3/21/12/127
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Kenneth Taylor
Applicant	Renscombe Properties Ltd
Proposal	Demolition of derelict hut and erection of two detached dwellings and associated works.
Location	Land at Woodcombe Lane, Minehead, TA24 8SB
Reason for referral to Committee	The site is outside the development limits

Risk Assessment

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

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

Site Location:

Land at Woodcombe Lane, Minehead, TA24 8SB

Description of development:

Demolition of derelict hut and erection of two detached dwellings and associated works.

Background:

This application was considered by the Planning Committee in January 2013. After debate the Planning Committee resolved to grant planning permission for the development as set out in the officers report. In the days following the Committee in January an omission in respect of the publicity of the planning application was brought to the Council's attention, to ensure that the process followed is correct a decision notice has not been issued.

The Town and Country Planning (Development Management Procedure) (England) Order 2010 sets out the requirements for the publicity of planning applications. Depending on the nature of the proposed development there are different requirements for publicising the application. As was set out in the previous report to Committee, this application is for residential development outside of the development limits of Minehead. As such the proposed development does not accord with the provisions of the development plan. In this respect specifically policies SP/2 and SP/5 of the West Somerset District Local Plan and Policy STR/6 of the Somerset and Exmoor National Park Structure Plan Review are of particular relevance. Policy SP/2 permits residential development within the development limits of Minehead. When dealing with sites outside of the development limits Policies STR/6 of the Structure Plan and SP/5 of the Local Plan relevant. These policies direct that development on sites outside of the development limits are strictly controlled and limited to development that benefits social or economic activity, maintains or enhances the environment and does not increase the need to travel.

Where an application is for development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated, it is necessary that the application is publicised by displaying a site notice and by the publication of a notice in a local newspaper. The form of the notices should be substantially like the notice set out within the Development Management Procedure Order. The notices should specifically mention that the proposed development does not accord with the provisions of the development plan. Unfortunately the site notice originally erected did not make reference to this. In order to overcome the procedural error, the application has been re-publicised. Given the original resolution to grant planning permission was made at the Planning Committee, it is deemed prudent in the interests of transparency that the Planning Committee is the decision making body.

The original committee report specifically dealt with the location of the development, outside of the development limits, and many representations received addressed this matter. The previous committee report has been provided at appendix 1 and sets out the detailed analysis of the proposed development. This Committee Report will summarise additional consultation responses received following the second consultation period and address any new issues that have been raised.

Consultations and Representations:

The Local Planning Authority has received the following representations following the second consultation period:

Somerset County Council Ecologist

I understand that several residents have suggested that the application site has a greater ecological value than that indicated by the Report's authors. For this reason I have looked carefully at the Report to check that its conclusions are sound and that it may be relied upon by the planning authority to aid it in its decision-making regarding the application.

1. Designated Sites

The Appraisal Report correctly states that the application site itself has no nature conservation designation. The site is slightly less than 200m from the Exmoor Heaths Special Area of Conservation (SAC) which is a European Site designated for several Annex 1 habitats including various types of heath and semi-natural broadleaved woodland. It is difficult to imagine how the proposed development might have any significant effect on the SAC, therefore, I do not believe it is necessary for the planning authority to conduct an appropriate assessment under the Habitats Regulations 2010. The SAC in this area is contiguous with the Exmoor Coastal Heaths SSSI which is designated at the national level for the range of habitats that are qualifying features of the SAC and also for other aspects of local ecology such as Nightjars which, according to the SSSI Citation, nest on the wooded fringes of North Hill. Despite the relative proximity of the SSSI, however, it is hard to believe the development which is proposed could have a significant impact on the SSSI. Although there are other non-statutorily designated sites (i.e. County Wildlife Sites) in the vicinity of the development, these are all sufficiently distant that impacts on them are unlikely. So far as designated sites are concerned I agree with the Report's basic finding that there is little likelihood of any significant harm being caused to sites with existing nature conservation designations.

2. Habitats

The application site is a former orchard according to local residents, but it appears that there are none of the old orchard trees left with the possible exception of single specimens of Walnut and Plum on the edges of the site. Most of the application land comprises of rank grassland with ruderal (i.e. weedy) plant communities of limited botanical interest judging from the description of the habitats given in the Report (which seems consistent with photographs in the Report and with County Council aerial photography). The photographs appended with the Report show mature hedges with standard trees on some of the site boundaries but there is no in-depth evaluation of the nature or ecological value of these features within the Report as the assumption seems to be made that the boundary features will be retained within the development (see 4.2.1 and 4.3.1 for example). If approval is given to the application, I would recommend that the Planning Authority impose conditions to safeguard the hedges and standard trees which occur in the western half of the site in particular. Such conditions should include one that specifies a buffer zone (from which heavy machinery would be excluded and which would be left undisturbed) to protect the rooting systems of the trees to give effect to the Report's recommended mitigation suggested in paragraph 4.1.2.

The Appraisal Report assesses the interest of application site habitats as being of 'site value', which I understand to mean that the consultants believe that the land is of nature conservation value only in the immediate local context. Certainly I would agree that based on the information provided, the application site does not seem to be a strong candidate for designation as a County Wildlife Site and its value would be probably be in terms of the local community level.

3. European Protected Species

(a) Bats

Judging from photographs supplied in the Report, the shed on site appears to have low potential to host roosting bats so it is unsurprising to me that an emergence survey conducted found no evidence of bats exiting the building. Residents report bats flying over the application site on a frequent basis but, in my opinion, these are likely to be bats foraging within the confines of the site rather than ones roosting within it (although there is the possibility that some could be associated with mature trees on the boundary site). Because of the mature hedges and reported lack of intensive management, the application land is likely to provide relatively rich foraging territory for bats compared with many of the surrounding fields.

(b) Dormouse

Given the form of the hedges on site and the high degree recorded within them of Hazel and other food plants used by Dormice, I would consider it possible that Dormice might occur on site. SCC mapping based on records of the species suggests that the application site is within an area where Dormice are likely to occur where suitable habitat exists for them. The Appraisal Report did take the possible presence of Dormice into account but concluded that Dormice would not be harmed since boundary hedges would not be affected by the proposed development. I would agree with this assessment provided that the specimens of Hazel are to be retained which are slightly separate from the hedge line as well as the trees and shrubs that are more clearly part of the hedge. A planning condition to ensure that this is the case would be advisable.

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

(a) Badgers

There is evidence in the Report of badger usage of the application site but none to suggest that a sett occurs within the site. A Badger path is shown on the 'Phase 1 habitat map' provided with the Report as Figure 1. The report states that the path lies outside of the 'development footprint', so the Report's authors do not anticipate an impact upon Badgers if the development proceeds. Provided that the developers do not take measures to prevent Badgers from crossing the land, this seems to me a justifiable conclusion. It would be worth the planning authority considering whether it is necessary to impose conditions relating to this and to safeguarding Badgers during construction.

(b) Slow-worms

There is a thriving population of Slow-worms on the application site. The Appraisal Report sets out in section 4.4.2 some measures that should be taken to safeguard these reptiles from potential injury or killing during construction. It is proposed that a portion of the land in the western half of the site is retained as a receptor site into which Slow-worms are moved from the main construction area. This is standard practice and supportable but there would need to be clarity about the amount and location of scrub and rough grassland habitat to be retained for the Slow-worms. Planning conditions and/or S106 agreements are likely to be necessary to ensure that sufficient habitat is retained to allow for the long-term survival of a viable population.

(c) Nesting Birds

If hedges and existing trees and shrubs are to be retained in the development then there should be no need to impose conditions relating to the timing of the removal of such features. However, if trees or shrubby vegetation is to be taken out, the Planning Authority ought to impose conditions to try to minimise the risk of nesting birds being disturbed. The provision of artificial nest boxes as recommended in the report would be welcome enhancement if trees and shrubs are to be retained, but necessary mitigation/compensation if significant amounts of woody vegetation are to be removed.

5. Other Priority Species

(a) Hedgehog

The SERC data appended with the Report indicates that Hedgehogs have been recorded in close proximity to the application site. Their presence lends weight to the argument that an area of rough grassland and scrub ought to be retained against the boundary hedges as this type of habitat is likely to benefit this species which is now recognised as of high conservation value in the UK.

Minehead Conservation Society

We write to register once again the Society's objections to the above planning application to develop the Church Hut Site, Woodcombe.

In the designation of the Woodcombe Conservation Area it has been recognised that this open space on the edge of the Exmoor National Park is a key part, and that any development would be prejudicial to the character and setting of the adjacent historic Cottages. Planning law imposes a general duty on local authorities to pay special attention to preserving or enhancing the character or appearance of conservation areas. Any development would destroy the open space and therefore be detrimental. The Council had always recognised the value of this open space and refused previous applications. There has been no change to the area since Conservation Area Status was granted.

This site is not within the development plan, so planning policies strictly control development. The grant of planning permission on the excuse that a site abuts a development line is clearly not acceptable. Local authorities are required by law to determine applications in accordance with the local development plan unless material considerations indicate otherwise. This application is for two four-bedroomed houses which would make no contribution to relieving the current housing waiting list. Accordingly, this in itself cannot be a material consideration to outweigh making a decision other than in accordance with the development plan.

The proposal for two houses would not be sustainable development. Their construction would not add to the quality of the area and car use would be considered essential as the distance from town is too great for walking, and cycling is dangerous.

Several previous applications for development of this site have been refused and the Planning Committee resolved on 21st October, 2004 that the land would be positioned outside the Settlement Line, and this Resolution was adhered to by an overwhelming majority when Full Council voted on 8th December, 2004 not to accept the Local Plan Inspector's recommendation. The reasons quoted in the Proposed Modifications Schedule 2006 remain valid today, as follows:-

“ Reasons – Land West of Woodcombe Cottage remains a sensitive buffer area between Minehead and Exmoor National Park reflected in landscape policy. Specific transport policy issues exist in terms of RPG10 travel distances to local services and inadequate site access arrangements under Policy T/3.”

The illegally tarmacked area across the lower end of the Right of Way to the Cottages and the hard core parking area within the site detract from the setting and attractiveness of open space in the Conservation Area, but planning permission was neither sought nor granted, and there has been no enforcement of removal. Our understanding is that the Applicants have no legal right of access in their Deeds.

Vehicular congestion by the site entrance has been previously noted by a Planning Officer and additional dwellings can only worsen the situation. Moreover, emergency vehicles, ambulances and fire engines park at the lower end of the Cottages right of way whenever required, as do normal delivery vehicles including fuel, logs and building materials.

When the site was designated a Conservation Area there were trees remaining from its days as an orchard, and one apple tree is still present together with some ash, hazel and a bay. Ideally the orchard area should be reinstated which would complement the unique setting of the Cottages.

An independent Environmental Impact Statement should be commissioned as wildlife including bats, dormice, slow worms and nesting birds have been noted on the area, which might also be of archaeological interest.

Please refuse this application.

Public Consultation

The Local Planning Authority has received 29 letters of objection since the planning committee considered the application in January. Below is a summary of the issues that have been raised. For ease of reference these issues have been separated into various topics:

Principle of the development

- The site is outside the development limits for Minehead.
- Provision of new housing in a conservation area should be a last resort rather than a first resort.
- The inability of the Council to identify a five year housing land supply should not outweigh the great weight to be given to protecting heritage assets.
- The original committee report seems to attach too little weight to the Structure and Local Plan Policies – consider that various local plan policies have not been complied with.
- The site is around 1 mile from the town centre and cycling routes into town are dangerous.
- There are many empty homes in the district and across Somerset – these properties should be brought back into use rather than putting a conservation area at risk.
- The houses will not meet the required need for affordable housing.
- The proposal would set a precedent for further development.
- There are many houses currently for sale in Minehead and including Woodcombe – query the need for more housing.

Conservation Issues

- There is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- Impact on the conservation area including the setting of Woodcombe Cottages.
- The loss of the open aspect of the site would be harmful to the character and appearance of the conservation area.
- The application site is of importance for its historical significance associated with Woodcombe Cottages. Its loss/domestication cannot be considered to preserve or enhance the appearance of the conservation area.
- The design and siting of the proposed dwellings are out of keeping with the character of the area, the scale and design of the dwellings bear no relationship with the appearance of their surroundings.
- The new houses would have an awkward juxtaposition with Woodcombe Cottages and their gardens.
- Previous applications for development on this site have been refused (prior to the site/area being designated as a conservation area).
- The church hut (to be demolished) is of historic significance.
- In the previous committee report there was no assessment about what fundamentally led the Council to designate the Woodcombe Conservation Area.
- There has been a material change in circumstances since the Inspectors findings – the site has subsequently been designated as a conservation area.
- The NPPF states that where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- There has been no consultation with a conservation officer.
- Impact on views from local footpaths

Planning History

- Previous breaches of planning control (tramaced a portion of the lane and the creation of hard standing adjacent to the church hut) has already caused detrimental impacts to the character of the area.
- Limited weight should be given to the findings of two previous planning inspectors comments. Each case must be decided on its own merits and the remit of the Inspector considering whether the site should be included within the development limits was different to the considering the effect this development would have on the conservation area.
- Previous applications for residential development at 18 Woodcombe Cottages and the orchard to the north of Woodcombe Cottages – these previous applications are material

considerations to be taken into account.

Access issues

- Impact on access to the Woodcombe Cottages (especially for deliveries, maintenance and access by emergency vehicles).
- Access and parking is already difficult in the area, delivery vehicles sometimes block access to Woodcombe Cottages, more development will exacerbate existing difficulties.
- Parking will be displaced from the application site.
- Highway safety concerns to pedestrians using the track to access Woodcombe Cottages.
- Concerns in respect of traffic from construction vehicles.

Residential amenity issues

- The proposed dwellings would result in overlooking to neighbouring properties
- The proposed development will be overlooked by a number of properties.
- Impact on amenity (light air and privacy) of adjacent dwellings.
- Loss of views from neighbouring properties.

Ecological issues

- Ecological implications – an independent ecological evaluation should be undertaken.

Rights of way / ownership issues

- Concerns over the legality of the vehicular access to the site.
- The proposed access is over a right of way to Woodcombe Cottages – query how this can be acceptable.

Other matters

- Query whether there is any asbestos in the church hut.
- Query as to who owns the site.
- Concerns in respect of previous breaches of planning control and the impact this has on the conservation area.

A petition containing 278 signatures/addresses has been received. The petition states the following:

“We, the undersigned, object strongly to the above application to develop a much valued site which is an important element in the setting of Woodcombe Cottages within a Conservation Area”.

Other correspondence

Council officers were copied in on correspondence from the Conservation Officer at Somerset County Council to a local resident. A copy of this correspondence has been reproduced below:

I do not wish to comment on the merits of the proposed development or the handling of the planning application by West Somerset Council but I am happy to repeat why this part of the conservation area was included in the conservation area.

The consultation document of July 2006 now forms the Appraisal document for the designated conservation area. New Government guidance came out during the appraisal stage emphasising the need to reserve designation for truly worthy areas and for designations to be fully justified. It required the written appraisal to include a Definition of the Special Interest what clearly set out why the area was special. For Woodcombe this was:

. . . its social history interest and picturesque qualities. It retains the form and buildings of a predominantly 19th and early 20th century small rural settlement including the historically interesting Woodcombe Cottages, set in a dramatic combe landscape.

There were two key components to its designation: its social interest; and the picturesque quality of its architectural and landscape setting.

The existing pattern of Woodcombe is fascinating in that it related directly to a major event in the history of Minehead and to the social order that moulded the land use and everyday lives of ordinary

folk for centuries in this part of the world. Notes on the homes for votes and Luttrell estate dwellings is given in section 10. The outcome was an isolated 19th century farmstead and estate tenancy set in a deep combe and immediately surrounded by extensive gardens and orchards for everyday provisions. Figure 4 illustrates this point. Despite some encroachment, this pattern survives remarkably intact especially with the garden and orchard plots to the west of the Cottages including Plot 690 of the Tithe Map (the application site).

It's exciting to find a key historical event and the history of working people so well expressed and retained in a townscape. Building conservation is about enjoying and protecting these special areas for all and for future generations.

Woodcombe's historic pattern of development is also appreciated for its picturesque qualities. The view of the cottages stepping down the hill, fronted by the wide band of gardens and former orchard plots and the backdrop of the steep sided North Hill is particularly striking and unhindered by later pockets of development. These important viewpoints are shown on Plan 3. The application site very much contributes to these views and the general character of the area by being part of the green foreground to the cottages and keeping at a distance the encroachment of ordinary modern housing.

In summary, the application site makes a significant contribution to the two key reasons for this conservation area being designated, its social history and picturesque qualities, and would not have been included without meeting the strong requirements of the new Government guidance.

The site appears to remain a predominately green plot despite the unauthorised formation of a stone parking area at the bottom and the removal of two or three surviving orchard trees that were identified in Plan 3 and section 15 as being important. The site also includes the early 20th century timber chapel, which was identified on Plan 2 as a 'building of local interest'. This building may be in a poor condition. Any permission to remove or alter this building should include a recording condition.

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset & Exmoor National Park Joint Structure Plan Review (adopted April 2000), Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Local Plan (adopted February 2005) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

- STR1 Sustainable Development
- STR6 Development Outside Towns, Rural Centres and Villages
- 48 Access and Parking
- 49 Transport Requirements of New Development
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- LC/3 Landscape Character
- CA/1 New Development and Conservation Areas
- CA/2 Demolition in Conservation Areas
- CA/3 Redevelopment Within Conservation Areas
- STR4 Development in Towns
- 9 The Built Historic Environment
- LC/1 Exmoor National Park Periphery
- SP/1 Settlement Hierarchy
- SP/5 Development Outside Defined Settlements
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- NC/3 Sites of Local Nature Conservation and Geological Interest
- W/1 Waste Water, Sewage Management and, Infrastructure
- W/5 Surface Water Run-Off
- LC/3 Landscape Character
- 5 Landscape Character

National Policy

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

Planning History

The following planning history is relevant to the application site:

3/21/81/074	Erection of 5 houses	Refused	14/12/82
3/21/83/063	Erection of 2 houses	Refused*	20/06/83
3/21/98/123	Demolition of church hut and erection of hall for community use	Refused	24/09/98
3/21/12/114	Demolition of derelict hut and erection of two detached dwellings and associated works.	Withdrawn	29/10/12

*An appeal against the refusal was lodged and subsequently dismissed in May 1984.

Proposal

The application comprises the demolition of the hut and the erection of 2 detached houses served by a joint access at the existing point of access onto Woodcombe Lane. The dwellings are proposed to be 2 storey in the main but with a projecting single storey at the front which accommodates a cloakroom. The land rises up from the frontage quite steeply but the houses are to be cut into the land so that their ground floor levels are at or near the road level.

Site Description

The site is located on the western edge of Minehead, being roughly triangular in shape with a short frontage onto a lane that gives access to Woodcombe Lane. It extends to some 0.23 ha. in area. The site is bounded to the south east by housing and to the north by residential garden plots. To the west is agricultural land. The site is uncultivated and largely unused except for a former timber church hut near the frontage, which has not been used for some years and is now in a state of disrepair. There is a small area of hard standing adjoining the frontage which is currently used for car parking. The major proportion of the site beyond the existing small parking area is rough overgrown land that slopes from the south east boundary with Littlemoor up to the north west corner of the site with an increasing gradient.

Procedural Matters

Several of the representations received effectively disagree with the reasoning as to why the application was recommended for approval in the previous committee report and the weight various material considerations should be given.

At the out set it is perhaps worth highlighting that the law has made a clear distinction between whether something is a material consideration and the weight that a material consideration should be given. The following quote is from Lord Hoffmann, in *Tesco Stores Ltd v Secretary of State for the Environment* 1995:

“The former is a question of law. The latter is a question of planning judgement which is entirely a matter for the planning authority. Provided that the planning authority has regard to all material considerations, it is at liberty (within the test of “reasonableness”) to give whatever weight the planning authority thinks fit or no weight at all.....”

The Planning Act requires that a local planning authority determines applications in accordance with the development plan unless other material considerations indicate otherwise. The case law above makes it clear that provided a Local Planning Authority identifies the material considerations it is up to them, provided they are reasonable, to decide how much weight is applied to each of those material considerations.

Planning analysis

The issues raised through the additional public consultation will be addressed under the following headings:

1. Principle of the development

1.1. Policies

Several representations have suggested that the proposal does not accord with various policies with the Structure and Local Plan. The majority of the various policies mentioned have been addressed in detail in the previous committee report. However there are two policies which were not specifically addressed and as such it is worth setting these out in this report.

Policy 5 of the Structure Plan requires that the distinctive character of the countryside should be safeguarded for its own sake and that particular regard should be had to the distinctive features of the countryside in landscape, cultural heritage and nature conservation terms in the provision for development. Policy LC/3 requires that where development is permitted outside development limits, particular attention will be given to the protection of the scenic quality of the distinctive local character of the landscape. This policy also states that development which does not respect the character of the local landscape will not be permitted.

The impact of the proposed development on the character and scenic quality of the area was discussed in the previous committee report and some further commentary is provided in this report (below under the heading "conservation issues").

1.2. Building in a conservation area

Several representations have suggested that the development in a conservation area should be a last resort and not a first resort. Whilst this is understandable it is not the correct approach when the Council is not able to demonstrate a five year housing land supply and, in these circumstances, the approach that must be taken to considering applications for housing on sites outside of the development limits in this light. The local planning authority must consider the applications that have been submitted and these must be considered on their merits. The local planning authority is not currently dealing with other applications for residential development that would meet all of the five year land supply requirements and as such this application must be determined having regard to paragraphs 14 and 49 of the NPPF.

As set out in the previous committee report, Paragraph 14 of the NPPF states that when the Development Plan is absent, silent or the relevant policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so when assessed against the policies in the NPPF.

When considering development in a conservation area the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area (Section 72 of the Planning (Listed Building and Conservation Area) Act 1990). In broad terms the planning policies at a local and national level echo this. The planning policy background and assessment of the proposal in this respect was detailed in the previous committee report. It is for the local planning authority to reach a view as to whether the development would result in any adverse impacts and if so whether the benefits of granting planning permission would be significantly and demonstrably outweighed by this harm.

1.3. Affordable housing / housing need

Some of the representations have highlighted that the provision of the two 4 bed roomed detached houses would not result in the meeting the affordable housing need in the town/district. It appears that there may be some confusion between the need for the local planning authority to be able to demonstrate a five year housing land supply and the affordable housing need. There is a need for local planning authorities to identify an objectively assessed need for market and affordable housing. It is then necessary to identify an up to date supply of specific deliverable sites to provide five years worth of housing (plus 5%). Currently further work is being undertaken to update the previous housing needs assessments. However the recent Strategic Housing Market Assessments have identified a need of around 3800 dwellings over the plan period. The Council's policy in respect of affordable housing policy (H/4) sets a threshold for the provision of affordable housing only for sites that propose 15 or more dwellings. The Council's Supplementary Planning Document (SPD) reduces this threshold to 8 dwellings for Minehead. As this site is for the provision of only 2 dwellings it falls well below the threshold for the provision of affordable housing in both the Local Plan Policy and the SPD. The Council is not currently able to demonstrate a five year housing land supply and as such the application must be considered on the basis set out in sections 1 and 2 of the previous committee report (i.e. having regard to paragraphs 14 and 49 of the NPPF).

It has been suggested that the numbers of dwellings that are currently for sale in Woodcombe, Minehead and the wider area suggests that there is no need for additional housing. Similarly it has also been suggested that there should be priority given to bringing empty homes back into use over granting permission for the erection of new dwellings. This is not a means of objectively assessing the housing need for the district. Having regard to the information above, whilst an update to the housing need is being undertaken, the previous assessment makes it clear that there is a significant housing need for additional dwellings. This will not be met by solely by bringing empty properties back into use nor will the 'churn' in the local housing market.

1.4. Precedent

It has been suggested that the granting planning permission for this proposal would set a precedent for further development. Each planning application must be considered on its own merits and there does not appear to be any directly comparable sites where granting permission for this development would have a significant impact on another site. Previous applications on two nearby sites have been raised, but neither are greatly comparable to the current application/site for the reasons set out in this report under the section "planning history".

1.5 Distance to facilities

The distance of the site to the town centre and facilities has been raised. This matter was given consideration in the previous committee report but additional concerns have been raised that cycling to facilities would be dangerous. However cycling from the site to areas of the town where there are facilities can be achieved by a variety of routes and overall does not appear to be unduly difficult or a reason to withhold consent for this development.

2. Conservation Issues

2.1 Designation

A query has been raised as to why the conservation area was designated. This information is contained within the conservation appraisal. The special interest of Woodcombe was recommended for designation " ... in recognition of it's social history interest and picturesque qualities. It retains the form of buildings of a predominantly 19th Century and early 20th Century small rural settlement including the historically interesting Woodcombe Cottages, set in the dramatic landscape of its steep sided combe." The specific reason the application site was included within the conservation area was reported in the previous committee report.

2.2 Deliberate neglect

Some of the representations highlight that, as stated in paragraph 130 of the NPPF, where there is evidence of deliberate neglect or damage to the a heritage asset the deteriorated state of the asset should not be taken into account in any decision. This has been raised in the context of some of the works carried out to the site (the unauthorised creation of a hard surface and the parking of vehicles) and unkempt appearance of the site as well as instances of fly tipping. Within the previous committee report it was not suggested that permission should be granted on the basis of the slightly unkempt appearance of the site.

2.3. Siting, design and views from footpaths

Many representations have been received raising concerns in respect of the loss of the open area of land and the design, siting and scale of the proposed dwellings and the impact this would have on the conservation area and the setting of Woodcombe Cottages. Concerns have also been raised in respect of the impact on the views from footpaths (such as views from North Hill). The impact on a public view into a conservation area is a material planning consideration.

Consideration of the impact of the development on the character of the conservation area was provided in section 2.5 of previous committee report. And for the reasons set out in the report it is considered that the siting, design and scale of the proposed dwellings would have an acceptable impact and would result in the character of the conservation area being maintained. When viewed from the wider view points it is considered that the proposed development would appears as contiguous residential development and the design of the proposed dwellings reflects the scale and character of the dwellings in the wider area.

2.4. Church Hut

There has been concern raised in respect of the loss of the church hut and it has been suggested that if the building is lost a recording condition should be included. The church hut was recognised as a building of local interest in the conservation area appraisal. Having regard to the measurements provided by the applicant the building falls below the threshold of 115 cubic metres where by conservation area consent is required for its demolition. Although the building is of historic social interest it is considered that the building does not make a positive contribution to the character or appearance of the conservation area. It is considered that the loss of the building is acceptable.

Although the building could be demolished without conservation area consent (in view of the size of the building) the approval of this application would make the loss of the building more likely and as such it is considered that, on balance, it is reasonable to impose a condition to seek the recording of the building with a photographic survey prior to its demolition.

2.5 Archaeological implications

A concern has been raised that there may be archaeological implications associated with the development. This site is not located within an area of high archaeological potential and as such it is considered unreasonable to resist the development on these grounds nor is it considered necessary to impose monitoring conditions.

3. Planning History

Previous application on land at 18 Woodcombe Cottages and on the land to the north of Woodcombe Cottages have been referred to. The following applications have been submitted for these sites:

3/21/78/014 – Erection of new dwelling house at 18 Woodcombe Lane, Woodcombe, Minehead – Refused 08 March 1978. The reasons for refusal related to the location of the site (on land beyond the boundary of the residential development in the area) and the consequent impact on the character of the area as well as a concern in respect of increased traffic using Woodcombe Lane.

3/21/01/212 – Residential Development (2 No Chalet Bungalows) at Woodcombe Farm, Woodcombe, Minehead – Refused 18 October 2001. The subsequent appeal was dismissed in August 2002. The application was refused on the basis that the site was located beyond the development limits representing an encroachment into the countryside which would be detrimental to the visual amenities of the area and in respect of highway safety implications of the use of Woodcombe Lane as access.

This application was subject to an appeal. The Inspector noted that the site abutted but was outside the development limits and that the site lay beyond the end of the terrace of Woodcombe Cottages and was set at a much higher elevation than these cottages. The Inspector noted that there were no significant features which distinguished the site as being anything other than part of the countryside. The Inspector concluded that the development would harm the character and appearance of the countryside. The Inspector also concluded that the development would not cause further risks to highway safety.

3/21/06/028 – Proposed dwelling – 18 Woodcombe Cottages, Woodcombe, Minehead – Refused 12 April 2006. The application was refused on the basis that the proposal would result in the garden to the front of Woodcombe cottages being subdivided which would be uncharacteristic of and harmful to the pattern of development in the area. The application was also refused on sustainability concerns as the site was relatively remote from shopping and other facilities and there was no mechanism to secure the contribution towards recreation facilities in place.

While this planning history provides some interesting background information it is considered that it is not necessary to give this particularly great weight in considering this current application. Although the sites are different in their extent the first two applications listed above relate to the land located to the north of Woodcombe Cottages. The northern end of Woodcombe Cottages and Higher Orchard from the edge of the built up residential development in this part of Minehead. This site has the appearance of the beginning of the countryside. This is materially different to the application site which sits between the residential development made up of Littlemoor, Windover etc and the front gardens of Woodcombe Cottages. Unlike the land to the north this site is not on a much higher

elevation than the nearby residential development. Although the reasons for the inclusion in the conservation area of both the application site and the land to the north of Woodcombe Cottages was the same, the sites are materially different and the impact of development of the sites would be different. As such it is necessary to judge each of the sites separately and the current application must be judged on its individual merits.

The application that related to the garden area to the front of 18 Woodcombe cottages is also materially different to this current application. The application site does not form part of the residential curtilages to the front of Woodcombe Cottages. The subdivision of one of those long front gardens is a substantially different proposal to the current application such that direct comparisons cannot reasonably be drawn.

4. Access issues

The Highway Authority has not raised objections to the use of the access nor were highway safety concerns raised in respect of conflicts with vehicles and pedestrians. It is considered that safe access is proposed to the site and that there would be an appropriate degree of visibility at the access to the dwellings and when entering onto Woodcombe Lane.

Some of the concerns relate to access to Woodcombe Cottages potentially being blocked. The proposed dwellings provide an appropriate level of parking (3 spaces per dwelling, in line with the County Council's Parking Strategy) within the site. With this level of parking there is no substantive evidence that access to Woodcombe Cottages would be compromised or that there would be any significant increase in on street parking as a result of the proposal.

It is noted that comments have been raised in respect of the parking of vehicles that it currently undertaken on the site in breach of planning control and a query has been raised as to where these vehicles would park if the site were developed. It is understood that the parking of vehicles on the site is a relatively recent breach of planning control. The lawful use of the site is not as a car park and as such the loss of this unauthorised parking facility is not a consideration that should be given any significant weight as the use of the site for this purpose could be prevented either through the serving of an enforcement notice by the local planning authority or by the land owner choosing to prevent this use of the site.

5. Residential amenity issues

This matter has been given detailed consideration and was addressed in section 3 of the previous committee report. The siting and layout of the proposed dwellings is such that an acceptable degree of amenity would be afforded to the existing properties in the vicinity of the site. In recent correspondence it has been suggested that the proposed dwellings would be overlooked by several existing dwellings. The layout of the proposed dwellings and the site is such that a reasonable level of amenity would be afforded to each of the proposed dwellings and areas of each garden would be private.

There have been some concerns raised in respect of the impact of the development on private views. The impact of a development on a private view is not a material planning consideration and planning permission should not be withheld for this reason.

6. Ecological issues

The view of the County Ecologist has been sought and his comments have been provided above. In light of the comments received some of the conditions have been altered slightly and an additional condition has been recommended to secure a badger safeguarding scheme prior to the commencement of the development. It is considered that this matter has been fully addressed and that conditions would adequately deal with mitigating the impact of the development and provide an enhancement strategy.

7. Rights of way / ownership issues

This issue was addressed in the previous committee report. Some of the concerns raised in this respect relate to highway safety issues and this has been addressed elsewhere in this report and in the previous committee report. A portion of the site is not within the applicant ownership and the appropriate notice was signed confirming that the necessary actions to deal with this matter were

undertaken. Ultimately landownership and rights of access are not material planning considerations.

8. Other matters

Concerns have been raised as to whether there is asbestos in the church hut. This matter is dealt with via separate legislation and it is not a material planning consideration.

There has been a query raised as to who owns the site. The applicant is Renscombe Properties Ltd and it is understood that the applicant owns the site, except for the portion of the access track that links to Woodcombe Lane.

Concerns have been raised in respect of previous breaches of planning control and the impact this has on the conservation area. In itself this is not a material consideration that impacts on the consideration of the current application. However it does seem that the tarmaking of the bottom portion of the lane was carried out over four years ago and as such would now be lawful.

9. Conclusion and Recommendation

It is considered that the proposal, is acceptable and it is recommended that planning permission be granted. Delegated authority is sought for the Planning Manager to grant planning permission following the expiration of the consultation period.

Reason for Approval:

Although the application site is located outside of the development limits for Minehead, as the local planning authority is currently unable to demonstrate a 5 year housing land supply, the proposal should be judged on sustainable development principles. Having regard to the location of the site, adjacent to the development limits of Minehead, it is considered that the site is suitably located in transport sustainability terms. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. The character and appearance of the Conservation Area would be preserved. The setting of adjoining Listed Buildings would not be harmed. The proposal, by reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users. The means of access and parking are acceptable and will ensure the free flow of traffic on the highway. The proposal makes adequate arrangements for the protection of biodiversity. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

Saved Policies STR1, STR4, STR6, 5, 9, 48, 49, SP/1, SP/5, CA/1, CA/2, CA/3, BD/1, BD/2, LC/1, LC/3, NC/4, W/5, T/3, T/3 and T/8 of the Somerset & Exmoor National Park Joint Structure Plan Review (adopted April 2000) and the West Somerset District Local Plan (adopted December 2006).

Planning Permission is subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 120.04.01D, 04E, 05D, 06D and 07B submitted on 03 January 2013.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No works shall be undertaken on site unless a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include positions, species and size of all new trees and the location of grassed areas and areas for shrub planting; details of the hard surface treatment of the open parts of the site; and a programme of implementation. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are

removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

- 4 No site works, demolition or clearance shall be undertaken on site unless the site has been prepared in accordance with a specification detailing protective measures and methods of working in relation to existing planting on the site and a programme for such work, which has been first submitted to and approved in writing by the Local Planning Authority. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works. The protective measures shall be retained until the development, hereby approved, has been completed.

Reason: To safeguard the existing trees and planting to be retained within the site having regard to the provisions of Saved Policies NC/4, BD/1, BD/2, TW/1 and TW/2 of the West Somerset District Local Plan (2006).

- 5 No works shall be undertaken on site unless details for the erection of reptile fencing around the areas of the site where development will take place. Details for the method of capturing and relocating slow worms from the parts of the site to be developed to the parts of the site where development will not take place and a programme of implementation shall be submitted to and approved in writing by the local planning authority. The reptile fencing shall be erected in accordance with the approved details and shall be retained until the development has been completed. The relocation of slow works shall be carried out in accordance with the approved details.

Reason: To ensure that harm does not arise to the protected species during development having regard to the provisions of saved Policy NC/4 of the West Somerset District Local Plan.

- 6 No works shall be undertaken on site unless details for the provision of a scheme to ensure that badgers and are safeguarded and that access for badgers through the site remains in place during the construction of the dwellings has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure that harm does not arise to the protected species during development having regard to the provisions of saved Policy NC/4 of the West Somerset District Local Plan.

- 7 No works shall be undertaken on site unless details for the retention of rough grassland along the western boundary of the site, the retention of the specimens of hazel on the site and the provision of habitat enhancements for reptiles, bat roots and bird nesting sites and a programme of implementation have been submitted to and approved in writing by the local planning authority. The habitat retention and enhancements shall be carried out in accordance with the approved details and thereafter retained.

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

- 8 No works shall be undertaken on site unless details and samples of all external materials to be used in the construction of the dwelling have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1, BD/2, BD/3, CA/1 and CA/3 of the West Somerset District Local Plan (2006).

- 9 No works shall be undertaken on site unless full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows and doors The works shall thereafter be carried out in accordance with the approved

details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1, BD/2, CA/1 and CA/3 of the West Somerset District Local Plan (2006).

- 10 The proposed en-suite bathroom windows at first floor level in both plots shall be glazed with obscure glass. The windows shall also be non-opening unless the parts of the windows which can be opened are more than 1.7metres above the floor of the room in which the windows are installed. The windows shall be permanently retained in accordance with the requirements of this condition.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).

- 11 No works shall be undertaken on site unless details for the sewage disposal and surface water drainage works (including the means to prevent water being discharged on to the highway) have been submitted to and approved in writing by the Local Planning Authority. The details shall include a schedule of implementation for the works. The works shall be carried out in accordance with the approved details and schedule of implementation and shall be retained in that form.

Reason: To ensure the adequate provision of drainage infrastructure having regard to the provisions of Saved Policy W/1 of the West Somerset District Local Plan (2006).

- 12 The dwellings shall not be occupied unless the access to the site has been provided in accordance with the approved plans (dwg. 12.04.04E). The access shall thereafter be retained in the approved form.

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

- 13 The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans (drawing number 12.04.04E) for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of the vehicles associated with the development.

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

- 14 No works shall be undertaken on site and the church hut building shall not be demolished unless a photographic survey has been undertaken and submitted to the local planning authority. Such a survey shall include measure photographs of the entirety of the exterior and interior of the building and a scaled floor plan and block annotated to reference which parts of the building each photograph relates to.

Reason: To retain a record of the building which is of historic social interest.

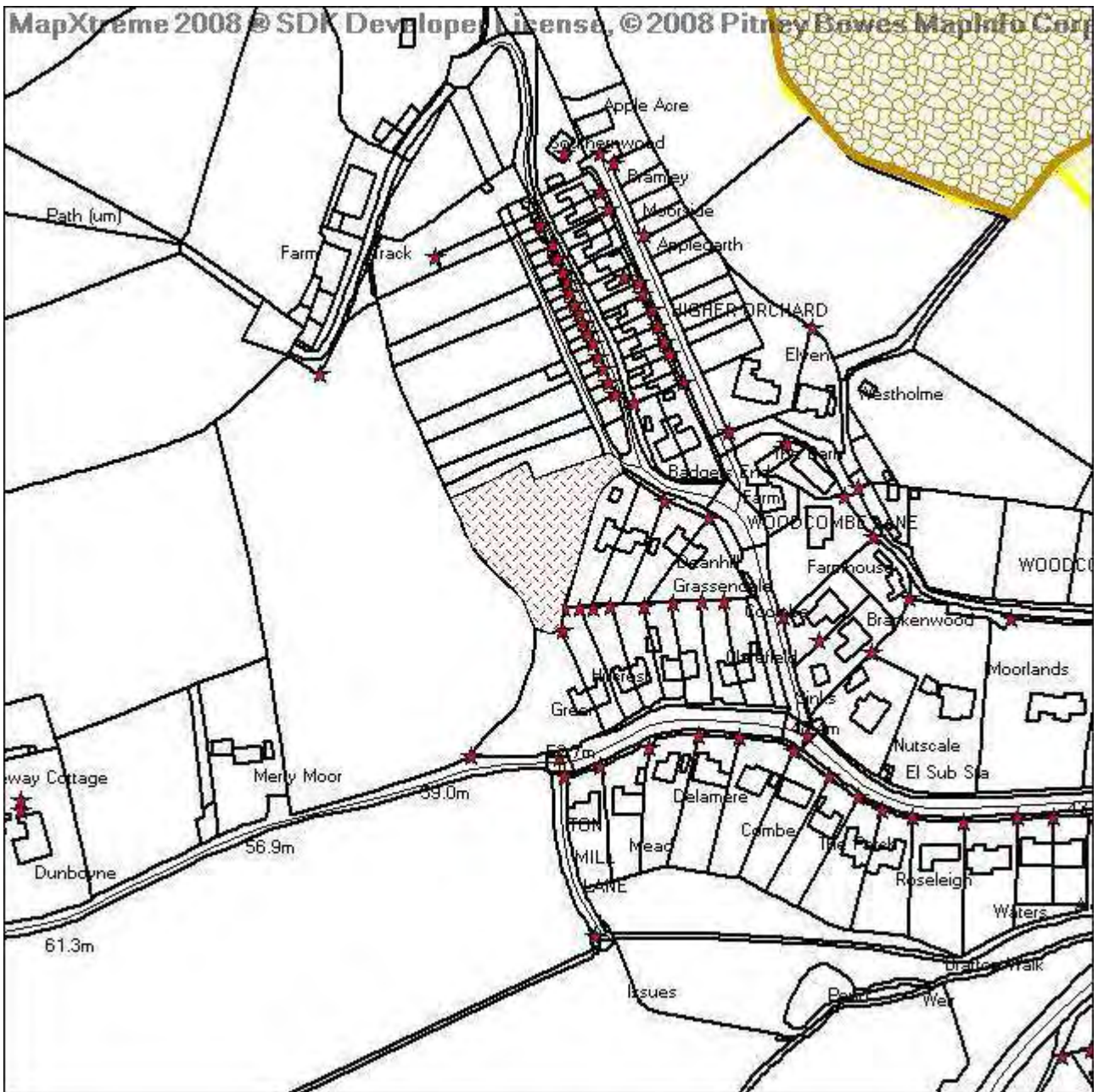
Notes

1 **STATEMENT OF POSITIVE WORKING**

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

- 2 The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining

Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.



Application No 3/21/12/127
 demolition of derelict hut and
 erection of two detached
 dwellings and associated works
 (resubmission of 3/21/12/114)

Land at Woodcombe
 29/10/12

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



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Easting: Scale: 1:1250

Northing:

APPENDIX

Application No:	3/21/12/127
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Kenneth Taylor
Applicant	Renscombe Properties Ltd
Proposal	Demolition of derelict hut and erection of two detached dwellings and associated works.
Location	Land at Woodcombe Lane, Minehead, TA24 8SB
Reason for referral to Committee	The site is outside the development limits

Risk Assessment

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

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

Site Location:

Land at Woodcombe Lane, Minehead, TA24 8SB

Description of development:

Demolition of derelict hut and erection of two detached dwellings and associated works (resubmission of 3/21/12/114)

Consultations and Representations:

The Local Planning Authority has received the following representations:

Minehead Town Council

Recommend Refusal: Decision as before on Plan 3/21/12/114: i.e. this development is outside the development boundary and the Woodcombe conservation area although the buildings would not be out of keeping with other properties.

Natural England

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

Highways Liaison Officer

I have the following observations on the highway aspects of this proposal:-

Given that this application is a resubmission of 3/21/12/114, many of the comments made by the Highway Authority regarding that application are largely applicable in this instance, (although it is noted that the red line area now includes the entire means of access to the highway, the distances to nearest shops and bus stop etc have been amended in the Design and Access Statement, the garages are stated as having been increased in size and an interceptor drain is shown across the access to deal with surface water disposal).

The site lies (just) outside the development boundary limit for Minehead, in location where it is likely that occupiers of the proposed dwellings will be largely dependant on their private motor vehicles for accessing the site, (due to the distances from the nearest shops, schools, services, facilities, public transport etc.), such a development would normally receive a recommendation of refusal from the Highway Authority on such grounds. However, given the proximity to the development boundary limit it must be a matter for the Local Planning Authority to decide the principle of such a development in this location. Additionally, I am aware that the Highway Authority has previously stated that two dwellings on the site would be acceptable from a highways point of view.

APPENDIX

In terms of detail, the site is accessed via Woodcombe Lane, which is of restricted width in parts, but given the number of dwellings it currently serves, the proposal is unlikely to result in a significant increase in its use (especially when taking into account potential vehicle movements generated by the existing permitted use of the site). It was noted at the time of my site visit that there were vehicles parked on the site, with the Design and Access Statement stating that this is an informal arrangement with the site owner's permission, and as such it would be unreasonable to raise an objection on the grounds of the loss of this parking area. It is however considered necessary for the proposal to provide full parking, so that the existing parking situation is not exacerbated. Amended plans (12.04.04D and 12.04.06B) show the proposed garage as meeting the required minimum internal dimensions.

As mentioned with regard to previous application 3/21/12/114 there are concerns over the access in terms of width, with it considered necessary for an access serving more than one dwelling needing to be a minimum of 5m wide, particularly in this location, (so that vehicles can pass in the access). This is not shown as provided on the submitted plan (drawing no. 12.04.04D) due to the proposed new tree and build out/flower bed; but this issue can easily be rectified, and in the first instance I would request an amended plan be submitted showing this issue as having been addressed.

Minehead Conservation Society

We write to register our strongest objection to the above planning application which relates to the demolition of the structure known as 'the Church Hut, Woodcombe', and the proposed erection of two detached dwellings and associated works.

There are many reasons why this application should be rejected:-

1. The site, including the Hut, is within the Conservation Area. Previous applications for development on this site have been rejected even before it was included within the Conservation Area. The land is regarded as being of high environmental quality and any development would be prejudicial to the appearance and character of this attractive area, as well as detracting from the amenities of nearby residents. The outlook from Woodcombe Cottages and adjacent properties would be severely impaired.
2. If permission for even one dwelling only were to be granted on this site it would set an extremely dangerous precedent. The applicants may be simply seeking planning permission with a view to then selling on the land and no intention of building the dwellings themselves. Should this be the case the next owner may well press for more houses on the site. This would prove difficult to refuse once a precedent is set.
3. The Planning Committee of West Somerset District Council resolved on 21st October 2004 that this site would be positioned outside the Settlement Line, and this Resolution was adhered to by an overwhelming majority when the Full Council voted on 8th December, 2004 not to accept the Local Plan Inspector's recommendation. The reasons quoted in the Proposed Modifications Schedule 2006 remain valid today, as follows:-
"Reasons - Land west of Woodcombe Cottages remains a sensitive buffer area between Minehead and Exmoor National Park reflected in landscape policy. Specific transport policy issues exist in terms of RPG10 travel distances to local services and inadequate site access arrangements under Policy T/3."
4. The 18th century Woodcombe Cottages are an historic and unusual set of terraced houses, each separated by a grass track from their long 'strip' gardens. Their uniqueness in Minehead led to them being put into a Conservation Area to create protection from inappropriate development. Their setting is very important in this context which is precisely why the adjoining land (the subject of this application) was included in the Conservation Area and why the West Somerset Council believed that the land should remain outside the permitted development line. Both actions were designed to protect the cottages and their gardens from the impact of harmful development. The attractiveness of the terrace lies in its rural surrounds. To build close by would be to diminish their character and destroy their tranquil setting that is so vital to their uniqueness. To introduce car movements, additional lighting and manicured gardens would combine to destroy that which Conservation Area status sought to protect.

APPENDIX

5. Legal vehicular access to the site is inadequate and questionable. It is only within the last 6 years that the access has been widened to more than one vehicle width, when illegal groundwork was carried out by Renscombe Properties on and about 6th February, 2007. The north-east boundary fence against the right of way to the Cottages and the pedestrian gate leading to the entrance door to the Hut were removed at that time and tarmac was laid over the Cottages' right of way over which Renscombe Properties had no ownership rights. The extent of the interference and tarmac laid was measured and noted by the County Council's Area Highway Surveyor at the time. The area of public highway near the site is already congested with motor vehicles and it is doubtful if highway requirements can be met.

6. The site, a former orchard, is valued by Woodcombe residents and visitors as a unique and aesthetically important tranquil area and should be retained as such. In November 2003 the Woodcombe Society forwarded to your department 71 letters from local residents and interested parties requesting that the site should be safe from development.

7. The Church Hut site is rich with wildlife with many species, including bats, recorded locally. Accordingly, an ecological survey should be carried out before any decision is reached in regard to the demolition of the Hut

2nd Letter dated 19th November

Legal vehicular access to the site is inadequate. We have now examined the plans submitted with the current application and have taken measurements on site. The applicants' plans are inaccurate in relation to the access to the highway in order to try and meet Highways criteria.

The Proposed Site Layouts (12.04.04B and 12.14.15B) are inconsistent, sometimes indicating the same plot boundaries for the original and the revised applications, and sometimes showing ownership extending to include the area which was illegally tarmacadamed by the applicants in February 2007. The larger scale measured and levelled plan appears to suggest a further variation.

The maximum width of access to the highway from the site is 4 meters between the base of the bank and hedge of Cottage No.1 and the boundary wall of Littlemoor. The applicants are only able to show an available width of 5 meters by trimming into both of these two boundaries. It is also apparent that the applicants are laying claim to ownership of the boundary wall of Littlemoor, but this wall has always been maintained by the owner of Littlemoor of which it is a legal part.

The two houses with garages forward of the dwellings proposed for the site are typical modern suburban development which could not be more unsuitable in this special area as they in no way match the historic terrace with the Conservation Area nor the semi-detached houses immediately adjacent to the east and south.

We are in no doubt that this application should be refused.

CPRE Somerset

I'm writing on behalf of CPRE Somerset to object to the proposed development at Woodcombe.

The grounds for objection are quite clear, Woodcombe is in a Conservation Area and it would be outside of the Minehead Development Area.

Any untoward development here would have a deleterious effect on the remaining fragile fabric of vernacular buildings in the Minehead area. Any benefit from allowing this development would be to a private individual only and would not be of any benefit to the community.

Public Consultation

The Local Planning Authority has received 21 letters of objection making the following comments (summarised):

- Land is regarded as being of high environmental quality and the proposal would be prejudicial to the character and appearance of the area, and detract from residential amenity.
- Loss of views
- Planning permission granted on this site would set a dangerous precedent and could lead to

APPENDIX

further applications for additional dwellings.

- Site is outside the Development Limit Line.
- Modern buildings will detract from nearby buildings and harm the Conservation Area.
- Additional vehicle movements and traffic danger.
- Narrow access and turning area.
- Ecological issues - rich in wildlife.
- Width of access.
- Ownership/maintenance issues in respect of boundaries
- Flooding/ drainage issues

Similar issues were raised when the previous application at this site (3/21/12/115) was submitted. That application was subsequently withdrawn.

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset & Exmoor National Park Joint Structure Plan Review (adopted April 2000), Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Local Plan (adopted February 2005) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

- STR1 Sustainable Development
- STR6 Development Outside Towns, Rural Centres and Villages
- 48 Access and Parking
- 49 Transport Requirements of New Development
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- LC/3 Landscape Character
- CA/1 New Development and Conservation Areas
- CA/2 Demolition in Conservation Areas
- CA/3 Redevelopment Within Conservation Areas
- STR4 Development in Towns
- 9 The Built Historic Environment
- LC/1 Exmoor National Park Periphery
- SP/1 Settlement Hierarchy
- SP/5 Development Outside Defined Settlements
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- NC/3 Sites of Local Nature Conservation and Geological Interest
- W/1 Waste Water, Sewage Management and, Infrastructure
- W/5 Surface Water Run-Off
- LC/1 Exmoor National Park Periphery

National Policy

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

Planning History

The following planning history is relevant to this application:

3/21/81/074	Erection of 5 houses	Refused	14/12/82
3/21/83/063	Erection of 2 houses	Refused*	20/06/83
3/21/98/123	Demolition of church hut and erection of hall for community use	Refused	24/09/98
3/21/12/114	Demolition of derelict hut and erection of two detached dwellings and associated works.	Withdrawn	29/10/12

*An appeal against the refusal was lodged and subsequently dismissed in May 1984.

Proposal

The application comprises the demolition of the hut and the erection of 2 detached houses served by

APPENDIX

a joint access at the existing point of access onto Woodcombe Lane. The dwellings are proposed to be 2 storey in the main but with a projecting single storey at the front which accommodates a cloakroom. The land rises up from the frontage quite steeply but the houses are to be cut into the land so that their ground floor levels are at or near the road level.

Site Description

The site is located on the western edge of Minehead, being roughly triangular in shape with a short frontage onto a lane that gives access to Woodcombe Lane. It extends to some 0.23 ha. in area. The site is bounded to the south east by housing and to the north by residential garden plots. To the west is agricultural land. The site is uncultivated and largely unused except for a former timber church hut near the frontage, which has not been used for some years and is now in a state of disrepair. There is a small area of hard standing adjoining the frontage which is currently used for car parking. The major proportion of the site beyond the existing small parking area is rough overgrown land that slopes from the south east boundary with Littlemoor up to the north west corner of the site with an increasing gradient.

1. Principle of Development

1.1 Overview

Policy STR1 in the Structure Plan requires, amongst other matters, that development should create a pattern of land use and transport which minimises the length of journeys and the need to travel, and maximizes the potential for the use of public transport, cycling and walking. Policy STR4 of the Structure Plan directs that new development should be focused on towns with priority given to the reuse of previously developed land.

Policy SP/1 of the Local Plan designates Minehead as a town. Policy SP/2 of the Local Plan states that within the development limits of Minehead commercial or residential development will be permitted where:

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

Collectively the settlement policies within the Structure and Local Plan seek to focus the majority of development within the towns (Minehead in the case of West Somerset). The Local Plan specifically identifies the extent of the development limits. The application site is located outside, but abutting the development limits of Minehead. The site is roughly triangular in shape and abuts the development limit along the short site frontage and the northern and south-eastern boundary (i.e. two sides of the triangle).

When dealing with sites outside of the development limits Policies STR/6 of the Structure Plan and SP/5 of the Local Plan are the relevant settlement policies. These policies direct that development on sites outside of the development limits are strictly controlled and limited to development that benefits social or economic activity, maintains or enhances the environment and does not increase the need to travel.

However Paragraph 49 of the NPPF identifies that Development Plan policies that specifically deal with supply of housing should not be considered up to date where a local planning authority cannot demonstrate a 5 year land supply. In this scenario the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

1.2 Five Year Land Supply implications

In view of the current progress in relation to the emerging Local Plan 2012-2032, it is acknowledged that the local planning authority is currently not in a position to demonstrate a five-year housing land supply in accordance with the paragraph 47 of the National Planning Policy Framework (NPPF).

APPENDIX

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a strong material consideration that indicates that, in view of the current position in respect of the five-year housing land supply, the current application should not be judged against criteria within Policies STR/6 and SP/5 but rather the main issue in this case (in respect of the principle of the development) is whether the proposal constitutes sustainable development as defined by the NPPF.

Paragraph 7 of the NPPF is the crucial test in determining whether or not a development proposal is sustainable. This sets out the three dimensions to sustainable development. An economic role, a social role and an environmental role.

The NPPF clearly sets out that, even when the Development Plan is absent, silent or the relevant policies are out of date planning permission should not be granted where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so when assessed against the policies in the NPPF (paragraph 14 of the NPPF).

As such notwithstanding the fact that the site is located outside of the development limits consideration must be given to whether the proposed development is suitable having regard to the principles of sustainable development and other material considerations.

2. Principles of sustainable development

In reaching a view as to whether the site is suitable for the development proposed a range of background information is of significance: The planning history for the site, the recommendations of the Local Plan Inspector and the Woodcombe Conservation Area Appraisal.

2.1 Planning History

In the early 1980's two applications for housing on the site were refused. The second of these was also subject to an appeal. In 1998 an application for the construction of a community hall was refused. In refusing the all these applications the impact on the character of the area was cited as a reason for withholding planning permission. In the appeal decision the Inspector states that:

"I find the appeal site, and other underdeveloped land to the north-west to be of high environmental quality, forming the lower slopes of an attractive valley rising to the more prominent landscape within the Exmoor National Park. The development of the appeal site, in my opinion, would be prejudicial to the visual appearance of this attractive area which forms an important part of the open countryside in contrast to the nucleus of development at Woodcombe".

2.2 Local Plan Inspector's comments

The Inspector's report in respect of the draft deposit Local Plan is dated 2003 and made comments in respect of the inclusion of the application site within the development limits. The relevant section states the following:

"The triangular objection site, a 0.2 ha tract of overgrown land with a wooden building, described in objection 34 as a church hut but in a poor state of repair, adjoins properties known as Woodcombe Cottages, I note that the site was included within the settlement development boundary in the consultative draft of the Plan but was deleted in the deposit draft.

Residential development is stated by the LPA to have previously been rejected on the grounds of landscape policy and inadequate access and permission for a community hall was refused in 1998 on similar grounds together with settlement policy. In the Plan it falls within the Blue Anchor Bay Character Area (Minehead Exmoor Fringe Sub-Area which is subject to Policy LC/3 and PC28. The LPA regards the site as part of the buffer zone between the built-up area of the town and Exmoor

APPENDIX

National Park, which clearly defines Minehead on its western side.

The south eastern boundary of the site is contiguous with residential development. The north western boundary abuts that of a series of plots at the rear of, and separated by a lane, from Woodcombe Cottages. That land has the appearance of detached garden areas of the curtilages of the cottages. I am mindful that though subject to the proposed new policy SP/5 the site is nevertheless contiguous with the built up area. In my view its openness serves little visual purpose in the local scene as it neither shares the character of, nor opens a window on, the open country beyond. It appears to me that the boundary of the settlement development limit to the north and south of the site follows a clearly defensible line. I regard the resisting of that line along the south western boundary of the site as logical. Notwithstanding, therefore, that there exists within the Minehead development limits areas subject to unimplemented planning permission as well as potential sites identified in the Residential urban capacity study and the residue of the allocation of housing land at Seaward Way I consider the inclusion of this relatively small site within the settlement development limit of the town justifiable.

I recommend that:

- (i) Land west of Woodcombe Cottages (objection 34) be included within the settlement development limit".

Notwithstanding the Inspector's recommendation the application site was not included in the development limits for Minehead.

2.3 Woodcombe Conservation Area Appraisal

Within the Conservation Area Appraisal, dated July 2006, the rationale for including the application site, along with the land located to the north-west of Woodcombe Cottages is as follows:

"The small enclosures to the north and south of Woodcombe Cottages gardens as remnants of former orchards and for their importance as part of well defined open space that forms the immediate setting to Woodcombe Cottages".

2.4 Location of the site (transport links/proximity to services and facilities)

Planning policy seeks to ensure that maximum use of public transport, cycling and walking can occur (paragraph 17 and 35 of the NPPF and Policy STR1 of the Structure Plan).

The site is located about a mile from the town centre of Minehead, where there is a good range of services and facilities. A mile is beyond what is considered to be easy walking distance but is a relatively easy cycling distance. The site is located around 300m from a bus stop that provides relatively regular buses to town. The distance to the town centre and other services and facilities is such that the site is not the most ideal in terms of transport sustainability. However other sites within the development limits are located equally as distant from the town centre. Realistically, in allocated new sites to meet the housing need, sites that are similarly distant from the town centre are likely to be allocated for housing development. As such it is considered that the location of the site is acceptable in transport sustainability terms.

2.5 Impact of the built and historic environment.

The application site is located within the Woodcombe conservation area. Woodcombe Farmhouse, located to the south east of the application site, is also located within the conservation area and is a grade II listed building.

Policy 9 of the Structure Plan seeks to ensure that the setting and local distinctiveness of buildings of historic interest is maintained and where possible enhanced. This Policy also requires that the character or appearance of conservation areas should be preserved or enhanced.

APPENDIX

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

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

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

Having regard to the planning history, the Local Plan Inspector’s comments and the Conservation Area Appraisal, it is clear that there are contradictory views expressed as to the importance of the application site in providing an open space that contributes to the setting of Woodcombe Cottages and wider conservation area.

In considering this application, the impact on this area of open space and the impact of the proposed development on the wider conservation area needs to be given consideration. Firstly consideration must be given to whether the proposal will lead to harm to the heritage asset (the listed building, the conservation area and its individual components). If it is considered that harm would arise then consideration must be given to the extent of the harm and then the benefits of the proposal need to be weighed against the harm (paragraphs 132 - 134 of the NPPF).

The relationship between Woodcombe Cottages and the garden areas, detached from the properties by a shared private lane, is of significant interest and contributes to the character of the conservation area. The garden areas represent an open space of significant importance. The application site adjoins this open space. The land that forms the application site is visually distinct from the open space that forms the garden areas to Woodcombe cottages. The separation by the boundary hedging and the application site being physically off-set from Woodcombe Cottages is such that the application site is read as a separate entity from the adjoining open area. As such it is considered that the development of the application site would not degrade the distinct open nature of the adjoining gardens associated with Woodcombe Cottages. It is considered that careful development of the application site would result in what would appear as contiguous development of the residential development to the east and would therefore, be acceptable in principle.

The proposed dwellings are sited along a similar building line to the neighbouring dwellings (Littlemoor and Windover). This siting is such that the dwellings would appear as a continuation of the existing residential development in the area. Changes in land levels are such that the ridge height of the proposed dwellings would be above those of the adjoining semidetached dwellings (Littlemoor and Windover). In the context of changing land levels this would not appear incongruous.

Elements of the design of the dwellings has been informed by characteristics within the nearby buildings. The use of render for the walls and plain tiles is a common in this area. Details such as exposed rafter feet and extended purlins are features of some of the local buildings and proposed in the dwellings. The proposed fenestration details and brick chimneys are also in keeping with other nearby buildings. The proposal originally included attached single storey forward projecting garages. These however have been subsequently removed and a small single storey forward projecting porch structure with a lean-to roof is now proposed. The fenestration detail at the front of each dwelling is a little different, and this design approach helps to add interest to the scheme. It is

APPENDIX

considered that the design of the dwellings, in the revised form, is in keeping with the character of the local area. To the front of the dwellings, a parking area and garden/landscaping area is proposed. It is considered that an area of soft landscaping is important to soften the appearance of the development and to break up the area of hard standing to the front of the dwellings.

Overall it is considered that the proposed development would be acceptable in principle, would result in the character and appearance of the conservation area being maintained and would not harm the setting of the nearby listed building.

2.6 Other matters

In considering a proposal against sustainable development principles the provision of a supply of housing to meet the needs of present and future generations is an important factor. Although only a small number of dwellings are proposed, the development would make a small contribution to meeting the housing need.

3. Residential Amenity

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

The siting of the dwellings is such there would not be any significant impacts on neighbour amenity. The buildings are sited broadly in line with the neighbouring dwelling (Littlemoor). The siting and the distances to nearby dwellings are such that there would not be any significant impacts through overlooking, overbearing or overshadowing. There are only en-suite bathroom windows at first floor level in the sides of the dwellings, which could give rise to a small degree of overlooking. A condition to secure that these are glazed with obscure glass and have restricted openings would overcome any issues.

4. Highway Safety

The Highway Authority has not raised any concerns in respect of the visibility at the site and consider that the additional traffic generated by the development would not be significant. Concerns were raised in respect of the width of the access to the dwellings. The Highway Authority would wish to see the access width increased to 5m. In view of the width of the site frontage, this is feasible. A 5m wide access would provide a road where two vehicles could easily pass (i.e. a vehicle entering and another exiting the site). The provision of a 5 metre wide access would involve the removal of a small portion of the proposed planting area. The loss of even a small portion of planting is not desirable, if its loss is not essential. The proposed tree planting, although modest in size, will enhance the setting of the development. At around 4.5m wide the access is not unduly narrow and the visibility is good. It is likely that vehicles exiting the site would see a vehicle seeking to enter the site in advance of reaching this narrow point and would wait until the other vehicle passes. The proposal is for only two dwellings and as such there would only be low vehicle movements and the likelihood of two vehicles seeking to enter and exit the site at the same time would be low. There is a pinch point where the private lane meets Woodcombe Lane. At this pinch point the road is a little under 4m wide. As such having an access to the dwellings that is under the ideal width of 5m but wider than the pinch point would not provide any great benefit in this location. This forward visibility at the access and pinch point are good and will allow drivers to see approaching vehicles and wait for the other to pass. In this case, in view of the desirability of retaining the small planting area, it is considered that a narrower access is sufficient. Having regard to Manual for Streets, decision makers are encouraged to take a flexible approach where appropriate to do so. It is considered that this is a case where rigid application of a standard access width is not necessary.

5. Flood Risk

The application site is located outside of flood zones 2 and 3 and as such is not in an area at significant risk of flooding. To ensure adequate drainage is provided a condition to secure a drainage scheme has been recommended.

6. Biodiversity

APPENDIX

Policy 1 of the Structure Plan requires that biodiversity is maintained and enhanced. Policy NC/4 of the Local Plan prohibits development that would give rise to harm to protected species unless the harm can be avoided through the use of planning conditions. One of the facets of sustainable development as defined by the NPPF is “helping to improve biodiversity” (paragraph 7). Within chapter 11 of the NPPF the overarching aim is that in making decision on planning applications, biodiversity should be maintained and enhanced.

An ecological appraisal report has been submitted as part of the application. The report is dated September 2012 and as such is suitably up to date.

The proposed development will not result in an impact on any habitats of significant ecological value. The trees, hedgerows and some areas of rough grassland are located outside of the part of the site where development is proposed. The most significant potential impact would be on the slowworm population. Suitable means of mitigation, such as the erection of reptile fencing and translocation, can be put in place to minimise the impact.

As well as mitigating impacts (and potential impacts) on the biodiversity of the site, a number of measures can be put in place to enhance the biodiversity of the site. In view of the overarching aims of planning policy at all levels to seek biodiversity gains it is considered the securing these enhancements through planning conditions is reasonable and necessary.

7. Demolition in a conservation area.

This application involves the demolition of an existing timber hut on the application site. Policy CA/2 of the Local Plan seeks to prohibit the demolition of buildings that contribute to the character and appearance of the conservation area. Policy CA/3 of the Local Plan requires that where the demolition of a building in a conservation area is to be followed by redevelopment of the site, consent will only be given where there are acceptable detailed plans for that redevelopment and that it may be necessary for the local planning authority to ensure that the redevelopment occurs.

It is considered that the existing building is not of any significant merit and it does not positively contribute to the character of the conservation area. As such it is considered that the loss of the building should not be resisted. Although there are plans proposed for the redevelopment of the site it is not considered necessary that the redevelopment is secured. In this case if the existing building were to be demolished but the proposed dwellings were not constructed there would not be any harm to the character or appearance of the conservation area.

8. Other matters

Queries have been raised in respect of ownership of boundaries at the application site. The boundary in question is not proposed to be altered as part of the development and any dispute over ownership/responsibilities is not a material planning consideration.

Concerns have been raised about development that has occurred at the site, the hard surfacing of an area of the access track that links the rear of Woodcombe Cottages and the public highway and the hard surfacing of an area of land at the front of the site. These matters cannot be taken into account in considering the current planning application.

Concern has been raised that allowing this application could give rise to a revised application being submitted for a greater number of dwellings. Each case has to be considered on its own merits and any future applications would be given consideration should they be submitted.

9. Conclusion and Recommendation

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

Reason for Approval:

Although the application site is located outside of the development limits for Minehead, as the local planning authority is currently unable to demonstrate a 5 year housing land supply, the proposal should be judged on sustainable development principles. Having

APPENDIX

regard to the location of the site, adjacent to the development limits of Minehead, it is considered that the site is suitably located in transport sustainability terms. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. The character and appearance of the Conservation Area would be preserved. The setting of adjoining Listed Buildings would not be harmed. The proposal, by reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users. The means of access and parking are acceptable and will ensure the free flow of traffic on the highway. The proposal makes adequate arrangements for the protection of biodiversity. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:

Saved Policies STR1, STR4, STR6, 9, 48, 49, SP/1, SP/5, CA/1, CA/2, CA/3, BD/1, BD/2, LC/1, LC/3, NC/4, W/5, T/3, T/3 and T/8 of the Somerset & Exmoor National Park Joint Structure Plan Review (adopted April 2000) and the West Somerset District Local Plan (adopted December 2006).

Planning Permission is subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 120.04.01D, 04E, 05D, 06D and 07B submitted on 03 January 2013.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No works shall be undertaken on site unless a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include positions, species and size of all new trees and the location of grassed areas and areas for shrub planting; details of the hard surface treatment of the open parts of the site; and a programme of implementation. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.
Reason: To ensure the provision of an appropriate landscape setting to the development having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).
- 4 No site works, demolition or clearance shall be undertaken on site unless the site has been prepared in accordance with a specification detailing protective measures and methods of working in relation to existing planting on the site and a programme for such work, which has been first submitted to and approved in writing by the Local Planning Authority. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works. The protective measures shall be retained until the development, hereby approved, has been completed.
Reason: To safeguard the existing trees and planting to be retained within the site having regard to the provisions of Saved Policies NC/4, BD/1, BD/2, TW/1 and TW/2 of the West Somerset District Local Plan (2006).
- 5 No works shall be undertaken on site unless details for the erection of reptile fencing

APPENDIX

around the areas of the site where development will take place. Details for the method of capturing and relocating slow worms from the parts of the site to be developed to the parts of the site where development will not take place and a programme of implementation shall be submitted to and approved in writing by the local planning authority. The reptile fencing shall be erected in accordance with the approved details and shall be retained until the development has been completed. The relocation of slow worms shall be carried out in accordance with the approved details.

Reason: To ensure that harm does not arise to the protected species during development having regard to the provisions of saved Policy NC/4 of the West Somerset District Local Plan.

- 6 No works shall be undertaken on site unless details for the retention of rough grassland along the western boundary of the site and the provision of habitat enhancements for reptiles, bat roosts and bird nesting sites and a programme of implementation have been submitted to and approved in writing by the local planning authority. The habitat retention and enhancements shall be carried out in accordance with the approved details and thereafter retained.

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

- 7 No works shall be undertaken on site unless details and samples of all external materials to be used in the construction of the dwelling have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1, BD/2, BD/3, CA/1 and CA/3 of the West Somerset District Local Plan (2006).

- 8 No works shall be undertaken on site unless full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows and doors. The works shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Saved Policies BD/1, BD/2, CA/1 and CA/3 of the West Somerset District Local Plan (2006).

- 9 The proposed en-suite bathroom windows at first floor level in both plots shall be glazed with obscure glass. The windows shall also be non-opening unless the parts of the windows which can be opened are more than 1.7metres above the floor of the room in which the windows are installed. The windows shall be permanently retained in accordance with the requirements of this condition.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Saved Policy BD/2 of the West Somerset District Local Plan (2006).

- 10 No works shall be undertaken on site unless details for the sewage disposal and surface water drainage works (including the means to prevent water being discharged on to the highway) have been submitted to and approved in writing by the Local Planning Authority. The details shall include a schedule of implementation for the works. The works shall be carried out in accordance with the approved details and schedule of implementation and shall be retained in that form.

Reason: To ensure the adequate provision of drainage infrastructure having regard to the provisions of Saved Policy W/1 of the West Somerset District Local Plan (2006).

- 11 The dwellings shall not be occupied unless the access to the site has been provided in accordance with the approved plans (dwg. 12.04.04E). The access shall thereafter be retained in the approved form.

APPENDIX

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

- 12 The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans (drawing number 12.04.04E) for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of the vehicles associated with the development.

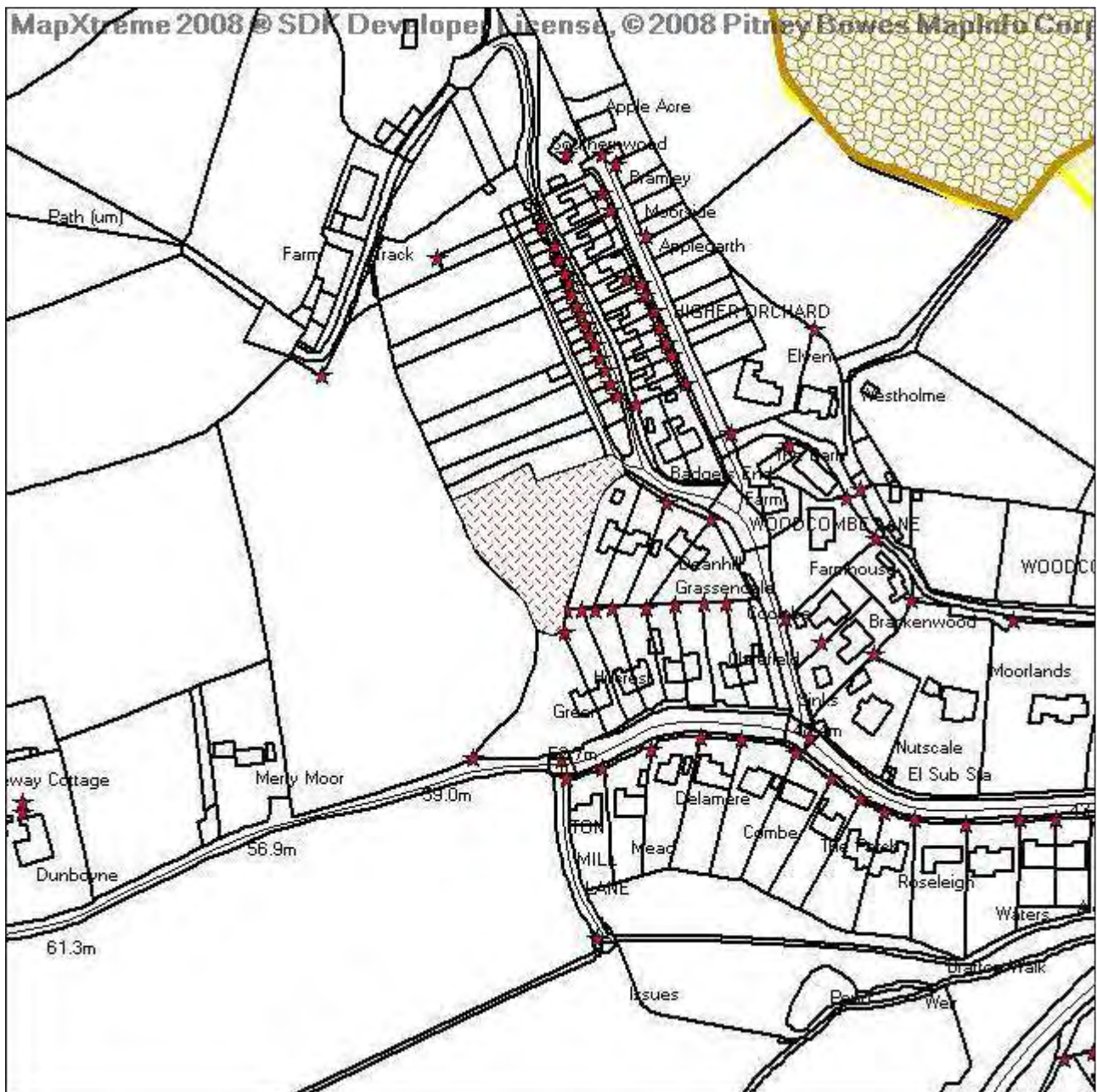
Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

Notes

1 **STATEMENT OF POSITIVE WORKING**

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

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



Application No 3/21/12/127
 demolition of derelict hut and
 erection of two detached
 dwellings and associated works
 (resubmission of 3/21/12/114)
 Land at Woodcombe
 29/10/12

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



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 Easting: Scale: 1:1250
 Northing:

Application No:	3/21/13/014
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Kenneth Taylor
Grid Ref	Easting: 295264 Northing: 146447
Applicant	Mr. Anthony Connolly
Proposal	Erection of detached four bedroom dwelling
Location	Land adjacent to Green Hollow, Woodcombe, TA24 8SG
Reason for referral to Committee	The applicant is employed by the Council

Risk Assessment

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

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

Site Location:

Land adjacent to Green Hollow, Woodcombe, TA24 8SG

Description of development:

Erection of detached four bedroom dwelling

Consultations and Representations:

The Local Planning Authority has received the following representations:

Minehead Town Council

Recommend 'refusal' and objection and support the evidence that is included in these minutes.

Highways Liaison Officer

This application relates to previous application 3/21/12/021, and as such, comments made regarding the principle of development in relation to that application are equally applicable in this instance, namely:

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

In terms of detail, the site is accessed from Bratton Lane, an unclassified carriageway where vehicles are subject to 30mph speed restrictions, (although actual typical vehicle speeds past the site are likely to be less than this, with vehicles observed passing the site at approximately 25mph in both directions at the time of my site visit). As such, the required visibility splays for such speeds (under the Manual for Street guidance) are 2.4m x 33m in both directions, (as measured to the nearside carriageway edge), with no obstruction to visibility greater than 900mm above adjoining road level. Whilst no visibility splays are shown on the submitted proposed site plan (drawing no AJC/N/009), the Highway Authority is not convinced the required splay can be provided looking east. Under the previous application the required splay extended to the eastern extremity of the Green Hollow site. This can no longer be provided as the red/blue line plan does not show this area as being under the control of the applicant.

Since the previous application the new County Parking Strategy has been adopted and in this location a 4-bedroom dwelling is required to have three parking spaces. Although the application form states that four spaces are provided this would not be the case as the proposed garage does not meet the minimum internal dimensions of 6m x 3m. Additionally the County Parking Strategy requires cycle parking/storage at a level of one space per bedroom, and I cannot see this as having been provided. The submitted proposed site plan does not show any parking spaces, so it is not clear if the entire area to the front of the dwelling would be available for parking; if so then it may be possible to fit three spaces within this area, but if the garage is not extended to meet the required dimensions then three spaces should be shown on the drive (to demonstrate that they can be provided and so that they can be conditioned).

As stated in response to application 3/21/12/021, it is considered necessary for a waiting bay to be provided within the site at the point of access so that short stay visitors and deliveries are able to park clear of the highway, given that Bratton Lane narrows significantly in the vicinity of the proposed access. This has not been shown as provided either. Additionally, no detail has been provided on the submitted plans or in the design and access statement with regard to the proposed surfacing of the access/parking area, nor how provision is to be made within the site for the disposal of surface water within the site so as to prevent its discharge onto the highway, (although these issues could be dealt with by conditions).

Given the above, it has not been demonstrated that adequate visibility splays can be provided, (not least because they need to be under the control of the applicant), nor that adequate parking can be provided within the site (bearing in mind that some of the area shown on the drive will be lost by the provision of the waiting bay, which should meet the details shown on the attached diagram – with a type A waiting bay required in this instance). Therefore, unless amended plans are submitted showing the above issues as having been addressed this application will receive a recommendation of refusal from the Highway Authority for the following reasons:

- The proposal does not demonstrate that adequate provision can be made within the site for the parking of vehicles in a satisfactory manner, (including a type A waiting bay for short stay visitors to park clear of the highway). The proposed development would therefore be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011
- The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 since the proposed access to the Bratton Lane does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

SCC - Ecologist

Awaiting comments.

Minehead Conservation Society

I am writing to record the Society's strong objections to the above application. There are several mistakes in the Design and Access Statement and the Applicant does not appear to be aware that the garden site is not just 'mainly grass and terraced borders' but a quite steeply-sided former quarry which has been landscaped, stocked and cultivated for five and half decades. The site is not surrounded by existing development. There are only houses adjacent on the east side and small bungalows on the other side of the road to the south. The western hedge of the site is the Exmoor National Park boundary. This is not infilling development but an unsuitable extension into the countryside.

The proposal is totally out of scale with nearby dwellings. It is larger than the combined floor areas of the adjoining pair of semi-detached houses, Green Hollow and Hillcrest. The Statement says the proposal is set out to follow the existing development lines of the adjacent

property, but this is not what the plan indicates. The proposed building line of the main part of the frontage is over 3 metres nearer the road, and the frontage of the 2 storey extension at the west end of the house is over 7 metres to the fore, almost touching the roadside hedge. Bear in mind also the letter dated 11th March from the Transport Development Group of Somerset County Council which considers a waiting bay together with adequate visibility splays to be necessary.

The front elevation of the dwelling proposed shows ten windows and the accommodation will be reversed so that the bedrooms will be on the ground floor and living rooms upstairs. In addition to this there is to be a large raised decking patio with glass screen, also at first floor level. The dwelling will therefore completely dominate and overlook the bungalows opposite, and at the same time destroy for their owners the views that they cherish of Bratton Ball and Woodcombe.

It would be difficult to design any house to fit into this plot due to the nature and contours, but what is presently suggested is gross and incongruous in this location.

Public Consultation

The Local Planning Authority has received 12 letters of objection making the following comments (summarised):

- Questions regarding the identity of the applicant and landownership status.
- The site plan is an enlarged drawing not a site plan.
- beautiful note-worthy garden.
- Appalling proposal, with no preliminary consultation before submission.
- Out of Scale with adjacent properties.
- The application material states that the site is surrounded by existing development, only on east side and bungalows opposite (south).
- The north boundary adjoins the Conservation Area.
- The site plan does not show the extent of the semi-detached pair of houses of Green Hollow and Hillcrest.
- The proposal is for a 5 bed house with a floor plan as large if not larger than two houses.
- The bungalows opposite will be completely overlooked and lose their views of Bratton Ball and Woodcombe will be wrecked.
- The existing building line is not being followed and the front elevation will be forward of that line.
- Concerns as the building is not worthy of the site or in-keeping with adjacent buildings.
- Irregular shape of site and restricted size is unsuitable for this development, the house would need to be at an angle.
- The garden is close to the road and has no front garden.
- House would be out of kilter with the layout and spatial qualities of adjoining houses.
- The new house with the projecting front wing would pay no regard to the character and appearance of the area.
- The front elevation is dominated by the irregular arrangement and no of windows.
- The scheme would be monstrous in the street scene and pays no attention to the surrounding the house is meant to fit into.
- The application should be resisted, the site is not suitable for a new house.
- Query whether the pavement will be extended to the new access.
- Highway safety concerns in respect of the proposed access.
- There are many houses available for sale – so there is no shortage of houses.
- Overlooking to and dominating impact on the bungalows opposite.
- Impact on views.
- Concerns in respect of the loss of the garden which contained many plants and is a habitat for wildlife.
- Concerns in respect of land stability.

Two letters not specifically supporting or opposing the proposal but providing comments have also been received, the following comments were made (summarised):

- The previous agent is not involved with the current application.

- The comments by an adjacent neighbour are completely wrong.
- The previous application was not withdrawn because it could not fit in the contours of the land.
- The previous application was withdrawn as objectors had claimed that protected species resided on land at Green Hollows and this meant that an Ecological Study had to be submitted with the proposal and whilst waiting for this to be carried out and it was planned to re-submit at a later date.
- It would seem that town councillors listen to hearsay and not facts, and question if they had a copy of the plans to refer to as they seem to have taken the objections from Mr Robinson as evidence.
- The northern boundary of Green Hollow backs onto the conservation area, - a small part of Green Hollow does back onto the conservation area but the building is being built not in Green Hollow but land to the west.
- The development site is not in a conservation area or anywhere near it, and this is clearly visible on the red line plan.
- The statement that the western boundary hedge of the plot is on the boundary of the National Park, this will not change, and the western boundary is meters above the building plot and clearly shown by contour lines on the red line plan.
- The boundary will be landscaped to compliment the surrounding area.
- In respect of the statement that this is not an infill development but an extension into the countryside, the development is within the development limits of Minehead.
- The proposal is for a four-bedroom house and not a five-bedroom house and this is clearly stated on the plan.
- Regarding the statement that the footprint of the new build is as large if not larger than Green Hollow and Hillcrest put together, these have a joint footprint of 162sqm and the footprint of the new build is 104sqm including a garage and this is clearly stated on the plan.
- If the Town Council have taken the neighbours objections and untruths as evidence, how can they make an informed decision? We hope they take the facts, which can be verified by the plans and documents already submitted into consideration and rethink their decision.

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset & Exmoor National Park Joint Structure Plan Review (adopted April 2000), Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Local Plan (adopted February 2005) and the West Somerset District Local Plan (adopted April 2006).

The following Policies are considered relevant to this application:

- STR1 Sustainable Development
- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- BD/3 Conversions, Alterations and, Extensions
- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- 49 Transport Requirements of New Development
- NC/4 Species Protection

National Policy

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

Planning History

The following planning history is relevant to this application:

3/21/12/021	Erection of dwelling in the garden to the west of Green hollows	Withdrawn	02/04/12
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Proposal

The application seeks planning consent for the erection of a detached four bedroom dwelling with associated vehicular access and parking. The application proposes a 4 bedroom detached dwelling with an integral garage which will face onto the Bratton Lane. The dwelling is to be sited on a triangular shaped plot measuring approximately 0.10 of a hectare in size. The proposed dwelling would have an overall floor area of 104sqm, containing three bedrooms (2 en-suite), hall, garage and a utility/wet room at ground floor level and at first floor level the master bedroom and dressing room and en-suite and open plan lounge dining and kitchen area. On the western elevation at first floor level it is also proposed to install a balcony/patio area with glass balustrade to be able to exist the first floor lounge area into the adjoining terraced garden and steps leading off of this balcony on the rear north elevation and southern elevation down to ground level. The proposal has been designed to incorporate a steeply pitched gabled and hipped roofs in an attempt to reflect some of the design features of the neighbouring dwellings. The main section of the proposed dwelling is sited to broadly follow the existing building line, albeit slightly forward than its neighbour due to the existing contours of the site. A front projecting feature is proposed which extends beyond the building line of the neighbouring dwellings. A 30 degree roof pitched has been designed in order to keep the height of the proposed dwelling lower than the adjacent housing.

Site Description

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

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

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

Planning Analysis

1. Principle of Development

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

Policy STR1 in the Structure Plan requires, amongst other matters, that development should create a pattern of land use and transport which minimises the length of journeys and the need to travel, and maximizes the potential for the use of public transport, cycling and walking. Policy STR4 of the Structure Plan directs that new development should be focused on towns with priority given to the reuse of previously developed land. Policy SP/1 of the Local Plan designates Minehead as a town. Policy SP/2 of the Local Plan permits commercial or residential development within the development limits of Minehead subject to a range of criteria.

Collectively the settlement policies within the Structure and Local Plan seek to focus the majority of development within the towns (Minehead in the case of West Somerset). The Local Plan specifically identifies the extent of the development limits. The application site is located inside the development limits of Minehead.

The proposed development site is located within the town of Minehead. Minehead is the principal town within the District of West Somerset and is likely to be the settlement which

takes the greatest proportion of new housing within the District over the next plan period. Development within Minehead is assessed against Local Plan Policy SP/2: Development in Minehead and Rural Centres. Policy SP/2 supports residential development providing that it complies with the following criteria:

- *"It does not result in the loss of land specifically identified for other uses"* - in this instance the application site is not designated for any other use.
- *"There is safe and convenient access by bus, cycle or on foot to facilities or employment"*. The site lies within Woodcombe and the development limits of Minehead. Although the site is located some distance from the main centre of Minehead, the nearest bus stop is located at the bottom of Bratton Lane and the Porlock Road around 290m away from the entrance to the site. This provides access to the town centre. While the application site is not within easy walking distances of the majority of facilities and employment uses in the town there is a bus link in very close proximity to the site and the site is in relatively easy cycling distance of the facilities in the town.
- *"It involves infilling or small groups of dwellings, conversion, sub-division or redevelopment of an existing building or buildings or the redevelopment of previously used land"*. This proposal sees the redevelopment of an existing garden plot as a single infill development.

It is therefore considered that the proposed development is acceptable in principle and accords with the strategic policies within the development plan.

2. Character and Appearance of the Area

Policy STR1 of the Structure Plan seeks to ensure that development is of a high quality, good design and reflects local distinctiveness. Policies BD/1 and BD/2 of the Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms of layout, design, use of materials, landscaping and use of boundary treatments. The NPPF places a strong emphasis on design and states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" (paragraphs 56).

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

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

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

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

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

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

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

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

The proposed dwelling is relatively large at a little over 13 meters in frontage width. This compares with the neighbouring pair of semi detached dwellings which are collectively also a little over 13 metres in frontage width and the next pair of semidetached dwellings being around 12 metres in frontage width. It is rarely appropriate to make a judgment as to whether a proposed dwelling is in sympathy with the scale of the surrounding buildings solely having regard to comparing measurements as a more holistic approach is required. However the proposed single dwelling having a frontage width similar to and greater than the nearest two pairs of semidetached dwellings does raise questions as to whether this building is of a scale appropriate to its context. Although the application is not supported by detailed street scenes, information has been submitted to demonstrate that the eaves height would match the adjacent Green Hollows and the ridge height would be lower.

The design of the dwelling has sought to take some design details from the neighbouring buildings. For example a forward projecting element is proposed that has a long sloping roof down to ground floor eaves level. In principle it is often appropriate to seek to reflect the design features and detailing of nearby, good quality, buildings. It is considered that in this case the execution of this has not achieved the desired outcome. The depth of the forward projecting element is significantly greater than the neighbouring buildings from which this design feature is borrowed. On the neighbouring semidetached dwellings this projecting feature results in a symmetrical design of the semidetached dwellings. On the proposed dwelling just one half of this feature is proposed and the angle of the roof form appears to be significantly different. As this design feature does not replicate the neighbouring design it is likely that it will result in the proposed dwelling appearing more conspicuous which is at odds with the design ethos of copying features from neighbouring buildings which should help the proposed dwelling blend in with the neighbouring buildings. There are other design elements of the building which are not in keeping with the surrounding area such as the number, design and detailing of the windows. The inclusion of an integral garage has resulted in the significant frontage width proposed and results in the inclusion of a feature which is not common in the

adjoining buildings. Taken collectively the design, scale and detailing is such that the proposed dwelling would be at odds with the character of the surrounding area.

Quite a strong design feature of the nearby dwellings is their siting, set back from the highway, with a reasonable front garden. The constrained nature of the site does result in achieving this being more challenging. The main front building line of the proposed dwelling does broadly reflect the front building line of the neighbouring dwellings. However the deep front projection results in this part of the proposed dwelling being sited much closer to the highway than the neighbouring dwellings. This would result in a dwelling that is at odds with the prevailing layout of the nearby dwellings.

This proposal includes a large raised patio/balcony feature which would be at first floor level of the proposed dwelling and would project to just behind the front boundary hedge. In itself this is not a common feature in the local area. This would add a significant amount of hard landscaping to the site, where a large building is already proposed. Although the front hedge may screen this feature to a degree it would be visible from the public domain. It is considered that this would further detract from the character of the area.

Overall, while it is considered that this site could accommodate a well designed single dwelling, it is considered that the scale, design and detailing of the proposal is not appropriate and will detract from the character of the local area in conflict with the local and national planning policy set out above.

3. Residential Amenity

Overlooking

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

The proposed development would not cause any significant overlooking issues as there are no windows or door openings proposed in the eastern elevation (facing Green Hollow) at either ground floor or first floor with the majority of the windows being on the front and the rear. Windows to the rear face the rear boundary of the site at a distance of 17m at the farthest point, and windows on the front elevation face towards the front boundary between 4-8m away (due to the partial projecting portion of the development). The bungalows on the opposite side of Bratton Lane are around 20m away from the edge of the application site and at a lower level.

On the eastern elevation, two single windows are proposed at ground floor level in the projecting portion of the build to give light to the ground floor bedroom. There are no other windows either at ground floor or first floor proposed on this elevation to avoid overlooking towards Green Hollow. A 1.8m high timber fence is also proposed on the eastern boundary between the plot and the adjoining house for the same reason.

Turning to the western elevation, it is proposed to have a double set of two French/patio doors at first floor level which will give access to the proposed first floor patio area which will be cantilevered off of the building and the existing western terraced garden. This patio area will have clear balustrades at both the northern and southern edge leading to two sets of steps as access to and from the ground level. The patio will enable some views into the adjacent agricultural land to the west (this is in the Exmoor National Park) but due to the location of the patio and the distance to the properties on the opposite side of Bratton Lane there would not be any significant views into the nearby or adjoining neighbours.

Overbearing Impact

Distances between the proposed building and Green Hollow on the eastern elevation are 6.9m between each respective side walls with a proposed new boundary fence 1.8m high and this fence varies from 400mm to 2.4m from the eastern side wall of the new house. It is considered that with this degree of separation the impact on the adjoining neighbour would be acceptable.

4. Highway Safety

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

The applicant has not shown any visibility splays on the submitted proposed site plan (Dwg no. AJC/N/009) and whilst the splay could be provided in one direction the splay in the opposite direction is not within the redline (ownership of the applicant). The newly adopted County Parking Strategy requires that the proposed dwelling has three parking spaces provided. The submission states that there would be four parking spaces provided when counting the parking space within the new internal garage. However, the Parking Strategy requires that newly constructed garages should have a minimum internal measurement of 3m x 6m. The proposed garage has an internal measurement of 3.4 x 5.6m. The Parking Strategy also requires cycle storage of one space per bedroom. Cycle storage has also not been indicated on the submitted drawings.

The provision of a waiting bay is considered to be necessary, however has not been shown on submitted plans. In view of the above it is considered that visibility necessary to provide safe access cannot be achieved and that sufficient parking has not been shown.

This highway authority has raised a concern in respect of the drainage of surface water to prevent discharge onto the highway. This matter could be controlled through condition.

A query has been raised as to whether the existing pavement would be extended to meet the new access. This is not shown as part of the proposals, however it is noted that the Highway Authority have not raised any objections in this regard.

5. Ecology

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

An Ecological Appraisal has been submitted by the applicant in support of the proposal (dated 30/10/12). The appraisal identifies any wildlife constraints that maybe associated with the proposed development and to advises on any necessary avoidance/mitigation measures and enhancement to be undertaken at the site. The appraisal identifies impacts on the presence of legally protected species within the proposed development site.

The appraisal found that the site is partially enclosed by species-poor hedgerows. These provide potential habitat for dormice, bat foraging and travelling opportunities and provides bird nesting habitats and sheltering opportunities for reptiles present in the area. Apart from this there is a low potential for the habitation of other protected and notable species.

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

The proposed development would involve the removal of a section of species-poor hedgerow and mitigation would be required and to ensure that the development does not result in harm to protected species.

The County Ecologist has been consulted and his comments are awaited, however, in view of the information within the submitted report, it is likely that this matter could be addressed through appropriate conditions. The comments from the ecologist and any associated implications will be reported to the Planning Committee via the late correspondence sheet.

6. Other issues

Concerns have been raised in respect of the impact of the development on land stability. There would be appropriate engineering solution that would allow the development to proceed

and as such this is not a reason to withhold planning permission.

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

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

Conclusion and Recommendation

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

Reason for Refusal:

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

Notes

- 1 **STATEMENT OF POSITIVE WORKING**
In the determination of this application the local planning authority complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. During the consideration of the application certain elements of the proposal were deemed to be unacceptable and concerns were raised by a statutory consultee. The local planning authority contacted the applicant to inform them of the concerns. The Local Planning Authority suggested that the applicant withdrew the application to make amendments to the scheme to seek to address the issues/concerns raised. The applicant choose not to withdraw the application and requested that the application be determined as submitted. For the reasons given above and expanded upon in the planning officer's report, the application was deemed to be unacceptable and planning permission was refused.
- 2 The refusal of this development proposal relates to the following drawing nos. Sections A-A and Sections B-B, Ordnance survey site plan, block plan, dwg. no. AJC/N/010 Existing survey, Dwg. no. AJC/N/009 Proposed site plan, Dwg. no. AJC/N/003 Ground floor plan, Dwg. no. AJC/N002 first floor plan, Dwg. no. AJC/N/001 proposed elevations, Dwg. no. AJC/N/004proposed front elevation, Dwg. no. AJC/N/006 proposed side elevation (east), Dwg. no. AJC/N/007 proposed side elevation (west), Dwg. no. AJC/N/008 proposed rear elevation and dwg. no. AJC/N/005 Proposed roof plan.



Application No 3/21/13/014
erection of detached four
bedroomed dwelling
land adjacent to Green Hollow,
Woodcombe
25/02/13



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

West Somerset Council
Licence Number: 100023932

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Easting:295264 Northing: 146447
Scale: 1:1250

Delegated Decision List

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/01/13/001	St George's Church, Church Lane, Bicknoller, Taunton, TA4 4EW Formation of disabled WC (resubmission of 3/01/12/009)	06 March 2013	Grant
3/02/12/009	Brendon Cottage, Brompton Ralph, Taunton, TA4 2RU To replace hardboard ceilings in kitchen, two bedrooms, bathroom and landing with plasterboard - all plasterboard to be skimmed with rough coat of plaster to simulate lime plaster.	27 February 2013	Grant
3/06/13/001	Land at Week Farm, Wiveliscombe Erection of a three wire overhead electricity line operating at 11,000 volts and supported on wooden poles	20 February 2013	Raise No Objection
3/07/13/001	Bracken Cottage, Crowcombe Heathfield, Taunton, TA4 4BS Extension on the front elevation and new hipped roof to replace flat roof on rear elevation	28 February 2013	Grant
3/09/13/001	Sanctuary Farm, Dulverton, TA22 9RZ Proposed single storey extension to farmhouse to replace existing buildings.	08 March 2013	Grant
3/17/13/001	East Withy Farm, Huish Champflower, Taunton, TA4 2EN Construction of covered manege	04 March 2013	Grant
3/17/13/002	Beechwood, Chipstable, Taunton, TA4 2QE Extensions to dwelling	11 March 2013	Grant
3/21/13/003	1 Warden Road, Minehead, TA24 5RL Installation of two dormer windows on the south west elevation and conversion of existing loft into living accommodation	01 March 2013	Grant
3/21/13/004	1 Bowsprit Close, Minehead, TA24 6GR Rebuilding of first floor flat destroyed by fire damage	20 February	Grant

2013

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/13/006	15 King Edward Road, Minehead, TA24 5EA Change of use of property from C2 to C3 (dwelling house).	07 March 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/31/13/002	The Old Mill Barn, Northam Mill, Stogumber, Taunton, TA4 3TT Change of use from three bedroom first floor flat and separate accommodation units on ground floor, to single three bedroom house with new access.	28 February 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/32/12/072	Stable Cottage, Stolford Farm, Stolford, Stogursey, Bridgwater, TA5 1TW Replace wood framed windows with flush casement windows, replace front door in same tongue and groove style as existing and replace rear French doors in same style as existing.	08 March 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/32/13/005	Willow Barn, Stolford, Stogursey, Bridgwater, TA5 1TW Replacement windows and doors	12 March 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/37/13/001	Kentsford Farm, Washford Hill, Watchet, TA23 0JD Repair and replacement of existing windows	06 March 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
C/32/13/001	Hinkley Point C, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UF Approval of details reserved by condition SP1 (relating to Drainage: Surface Water and Foul Drainage Works) in relation to planning permission ref: 3/32/10/037	25 February 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
C/32/13/002	Hinkley Point C, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UF Approval of details reserved by condition SP11 (relating to (part 4) remediation validation) in relation to planning permission ref: 3/32/10/037	04 March 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
C/32/13/003	Hinkley Point C, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UF	04 March 2013	Grant

Approval of details reserved by condition SP20
(relating to Site Waste Management Plan) in relation
to planning permission ref: 3/32/10/037

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
C/32/13/004	Hinkley Point C, Hinkley Point Road, Stogursey, Bridgwater, TA5 1UF Approval of details reserved by condition FP14 (relating to Ecology: Wildlife Mitigation Measures - Reptiles) in relation to planning permission ref: 3/32/10/037	25 February 2013	Grant
CA/26/13/001	The Former Rectory, Old Cleeve, Minehead, TA24 6HN Trees T1, T2, T3, T4, T6 and T7: 30% crown reduction and cut back from property of multi stem Hornbeams. T5: 30% crown reduction and cut back from property of Beech. T8: Fell Eucalyptus.	08 March 2013	Raise No Objection
T/21/13/001	8 THE CEDARS, MINEHEAD, TA24 5PE To fell two trees	27 February 2013	Split Decision