



To: Members of Planning Committee

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

Our Ref TB/TM

Your Ref

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

Extension 01823 219735

Date 20 June 2018

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 28 June 2018

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

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

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

Yours sincerely

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

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 28 June 2018 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 31 May (to follow)

3. Declarations of Interest or Lobbying

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

4. Public Participation

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

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

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

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

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

Report No: Two

Date: 20 June 2018

<u>Ref No.</u>	<u>Application/Report</u>
3/07/18/004	Erection of glazed link, two storey extension and double garage. Leigh Mill Farm, Leigh Lane, Stogumber, Taunton, TA4 4BL
3/07/18/005	Erection of glazed link, two storey extension and internal alterations together with alterations to the vehicular access and outhouse. Leigh Mill Farm, Leigh Lane, Stogumber, Taunton, TA4 4BL
3/18/18/001	Erection of a yurt on decking area with mobile shower/toilet facility for use as a holiday let. Alfoxton Cottage, Pardlestone Lane, Kilve, TA5 1SG
3/21/18/012	Installation of a flue cube chimney cowl. Drop Anchor, 37 Quay Street, Minehead, TA24 5UL
3/21/18/026	Demolition of bungalow and erection of 6-bed bungalow as assisted living unit annexe to Dene Lodge Nursing Home with associated car parking (amended scheme to 3/21/17/025). 19 Dunster Close,

	Dunster Close, Alcombe, Minehead, TA24 6BY Alcombe
3/37/17/030	Replacement of buildings with the erection of 5 No. self-catering holiday pods, a gallery (Class D1), ancillary offices, workshops/studios (Class B1), marina offices and ancillary wc and restaurant (Class A3) with upgrades to coastal path. East Quay Site, Harbour Road, Watchet, TA23 0AQ

6. Exmoor National Park Matters - Councillor to report

7. Delegated Decision List - Please see attached

8. Appeals Lodged

No appeals lodged

9. Appeals Decided

Appeal against the refusal of the erection of 1 (no.) dwelling with detached house and associated works at Magnolia House, Abbey Road, Washford, TA23 0PR – appeal dismissed. (Application no. 3/26/17/017).

Appeal against the refusal of an outline application with all matters reserved, except for means of access, for the erection of 5 (no.) dwellings and associated works on land adjacent to Garlands, Withycombe Lane, Withycombe, Minehead, TA24 6RF – appeal allowed. (Application no. 3/05/17/016).

Appeal against the refusal of an outline application with all matters reserved, except for means of access, for the erection of 1 (no.) dwelling in the garden to the rear of 22 Whitecroft, Williton – appeal dismissed. (Application no. 3/39/17/014).

Appeal against the refusal of the erection of 1 (no.) dwelling and associated works at Combe Water, 29 Manor Road, Alcombe, Minehead – appeal allowed (Application no. 3/21/17/091).

10. Reserve date for site visits – 23 July

11. Next Committee date - 26 July

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:	3/07/18/004
Parish	Crowcombe
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 311962 Northing: 136179
Applicant	Mr & Mrs C Webber
Proposal	Erection of glazed link, two storey extension and double garage.
Location	Leigh Mill Farm, Leigh Lane, Stogumber, Taunton, TA4 4BL
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

(A4) Proposed Block Plan

(A1) DrNo J1802/03A Proposed Floor Plans & Elevations

(A1) DrNo J1802/04A Proposed Site Plan

(A2) DrNo J1802/05 Existing & Proposed Plans & Elevations Gateway & Outbuilding

(A2) DrNo J1802/06 Proposed Garaging

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

- 3 The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Greena Ecological Consultancy report, dated August 2017 submitted with planning application 3/17/17/010 and include:

1. Details of protective measures to include method statements to avoid

- impacts on protected species during all stages of development;
- 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
- 3. Measures for the retention and replacement and enhancement of places of rest for the species
- 4. Details of any outside lighting

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife.

- 4 Prior to the construction of the garage, stone walling and extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building and area.

- 5 No works shall be undertaken on installing the windows and external doors 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.

Reason: To safeguard the character and appearance of the building.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application concerns were raised concerning design. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report,

the application was considered acceptable and planning permission was granted.

Proposal

It is proposed to extend Leigh Mill Farm by erecting a two and single storey extension to accommodate a kitchen and breakfast room on the ground floor and a master bedroom, en suite and dressing room on the first floor. This rendered extension is to be attached to the main building by a 1.5 and single storey glazed link which will accommodate a hall, utility, landing and stairs. The glazed link will be glazed on the front elevation with render on the rear. The roof of the glazed link will be zinc and the roof to the two and single storey extension will be covered in natural slate. The link building will be set back approximately 3m from the front wall of the existing building and the two storey part of the extension will be set back approximately 2m back from the front wall of the cottage. The windows will be powder coated aluminium windows but wooden windows will be retained in the existing building.

The existing cottage will accommodate three bedrooms, a family bathroom, a sitting room, study, boot room and plant room. The existing lean-to shed on the side of the property will be demolished to allow for the glazed link to be erected and the section of the southern gable end wall which is a single skin brick wall will be rebuilt.

A double open fronted wooden cladded garage with a natural slate roof is proposed within the garden approximately 19m to the north west of the cottage.

The existing access will be altered by replacing the fence sections on either side of the entrance and part of the entrance with stone walls and replacing the two gates with two smaller wooden gates. The entrance will be reduced in width from 6m to 3.6m. The outbuilding that is currently open fronted will have wooden doors added and the remainder of the front elevation will be filled in with stone. The stone to be used is from the site.

Site Description

Leigh Mill Farm, a Grade II listed building (designated in December 2017) is a rendered and thatched cottage situated in open countryside set back from the road. The land rises to the rear of the cottage and the area to the rear of the retaining wall is wooded with the West Somerset Railway beyond. There are fields to the south and west of the property.

Relevant Planning History

Case Ref	Proposal	Decision	Decision date
3/07/16/005	Erection of two storey, single storey and first floor extension and erection of garage block	Grant	01 July 2016
3/07/17/010	Demolition of dwelling and outbuildings with erection of 1 No. dwelling, double garage, store and associated works	Withdrawn by Applicant	03 January 2018

The 2016 permission was granted before the property was listed as a Grade II Listed Building and the 2017 application was withdrawn as the property was listed prior to a decision being made on the application.

Consultation Responses

Crowcombe Parish Council - Original Scheme

On behalf of Crowcombe Parish Council we are formally submitting our unanimous objection to the most recent proposals submitted for the development of the building known as Leigh Mill. The reasoning for this is as follows, with reference to the s9 Planning (Listed Buildings and Conservation Areas) Act 1990 and the published Conservation Principles and Policies of Historic England.

The main objections are as a consequence of what is disproportionate development, contributing to significant harm to the:

- . Significance
- . Setting
- . Character and Sustainability

Notes on which our decision is based:

Significance. The building was recently designated and therefore measured as of Architectural and/or Historical merit, under the current constraints of the Principles of Selection for Listing Buildings, Historic England. Basically building another property of similar size to the existing one, attached by whatever means, does and will significantly impact on the Historical and Cultural value of the current building and we can see nothing that would represent a public benefit.

Setting. We do not feel that the topography is suitable for the proposed development, as it would involve further major earthworks that would continue to destroy what is left of the historical landscape, where it was once possible to read that this was a Mill.

Character and Sustainability. Some may argue that Character is subjective but in this case we believe it to be clear. What remains of Leigh Mill is a culturally significant example of Vernacular architecture, as detailed in its designation. The size and positioning of the proposed development inflicts excessive harm on this legally protected building, again with no mitigation or suggestion of the benefit to the public.

Sustainability. Is displayed and discussed in many formats. We can see no contribution to the Sustainability, to the Building or the wider community, other than the use of the existing building which could be carried out with minimal intervention.

Conclusion

In short we can see no elements of the current proposals that are in line with culturally and legally agreed "Heritage Values" and would be easily challenged on this basis.

West Somerset Railway - No observations received.

Biodiversity and Landscaping Officer - Original Scheme

I do not like to see glazed links on dwellings in rural areas due to increased light pollution.

In this situation, bats are known to roost in the present building (please see my biodiversity comments made in connection with 3/07/17/010 below). I have concerns that uncontrolled increased lighting may impact on bats in the area

Leigh Mill Farm 3/07/17/010

The site comprises an existing twin-storey dwelling with adjoining single storey leanto and a parcel of land on the grounds of Leigh Mill Farm near Stogumber, Somerset.

The nearest Special Area of Conservation (SAC) is Exmoor and Quantock Oakwoods located approximately 1.5km to the north-east of Leigh Mill Farm, also protected as a Site of Special Scientific Interest. When a site of proposed development is located within 2km of SPA or SAC, the impacts on European protected sites must be considered.

Greena Ecological Consultancy carried out an ecological assessment of the site in August 2017.

Findings were as follows

Bats

Limited evidence of long eared bat roosting was found in the form of 20 droppings in the loft of the house. The interior of the main house was considered unsuitable for bats.

The garage was assessed as having negligible roosting potential but could possibly serve as a sheltered night roosting or feeding area due to the fact the structure

remains permanently open to the west.

Two emergence surveys were carried out. A single pipistrelle bat was seen to emerge from the SW corner of the house. Several pipistrelle bats were seen in the locality as well as commuting long eared bats myotis and noctule bats.

A bat licence will be necessary to develop the site. If DNA analysis confirms brown rather than grey long eared bats then, I agree that a low impact licence will be sufficient

The habitat is suitable for bat foraging and may serve as a navigation feature for Commuting. The mature vegetation to the east of the farm house will not be affected by the proposed development. Mitigation measures in form of limited external lighting will be required. Two bat boxes placed onto the mature trees in the east, North-east or onto the newly constructed dwelling would be a desirable biodiversity enhancement of the area. These should be placed ideally 4-5m high and facing west in an unlit area.

Birds

Small commonly occurring species of passerine birds utilise the southern lean-to of the main farm house for nesting. The works should be carried out outside of the bird nesting season and mitigation measures for the loss of the nesting site will be required.

There is no potential for nesting owls within the surveyed properties.

Reptiles

The rubble currently present on site may potentially offer basking and resting opportunities for low numbers of commonly occurring reptile species, although no evidence of reptile presence was found. The rubble should be removed by hand (do not use machinery) during the active season for reptiles, i.e. between April and October inclusive to avoid potential reptile hibernation on site.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds and reptiles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Greena Ecological Consultancy submitted report, dated August 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of any outside lighting

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be

occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented
Reason: To protect and accommodate wildlife.

Informative Note

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

Bats are known to use the building(s) as identified in Green Ecology's report, dated August 2017. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

The condition relating to wildlife requires the submission of information to protect wildlife. The local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal.

Amended Scheme

This is an improvement on the previous application as the amount of glazing has been reduced.

However I still have concerns regarding any impact lighting may have on bats in the vicinity.

I suggest that blinds be used at night during the summer months .

The wildlife condition should ask for details of outside lighting and details of any light spill from interior lighting.

Representations Received

One letter of support has been received as it is considered that the stylish house will benefit the community and will lead to vital support for the local economy.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH1	Historic Environment
NH2	Management of Heritage Assets
NH13	Securing high standards of design
NH6	Nature conservation & biodiversity protection & enhancement

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

BD/3	Conversions, Alterations and, Extensions
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Determining issues and considerations

The main issues in the consideration of this application are the effect on the setting and significance of the listed building and biodiversity.

Effect on the setting and significance of the listed building

Setting is defined in the NPPF as,

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

Currently it is considered that the setting of Leigh Mill Farm includes the garden area, adjoining fields and woodland. These areas will be safeguarded as the property will be seen as a single property in a rural landscape even if the proposed extensions to the building and the erection of a free standing garage building in the garden are constructed.

The significance of the building relates to the building being a modest vernacular late 18th Century cottage which retains most of its envelope and a good proportion of historic fabric (such as some internal joinery, fireplace and original roof structure) as well as having historic interest as it is part of a former mill complex which despite the loss of the watermill is well documented. There have been late 20th Century and 21st Century alterations including windows and partial rebuilding of the south gable

wall but as recognised by Historic England these have not impacted unduly on the integrity and legibility of the building. Through negotiations the proposal has been amended by changing the roof design and fenestration, reducing the amount of glazing and reducing the size of the proposal. The proposed extensions due to the traditional materials to be used, being set back from the front wall of the existing building and the design means that the proposed extensions are subservient to the main building and meets the design principles as outlined in the Council's supplementary planning guidance, Design Guidance for House Extensions. The listed building will be read as the main part of the enlarged building and will be seen as a modest vernacular building. The proposed garage building due to its design, size, materials to be used, location and the distance from the dwelling will not adversely affect the setting of the listed building. The proposed reduction to the vehicular entrance and the addition of filling in the front wall of the outhouse will not adversely affect the setting of the dwelling due to the design and materials to be used.

The significance of the building as noted above relates to the key elements of the building's special architectural or historic interest which will be preserved. The National Planning Guidance explains that it is the degree of harm to the asset's significance rather than the scale of the development that needs to be assessed. The harm may arise from works to the listed building or from development within its setting. It is considered that there will be less than substantial harm. As there is less than substantial harm the NPPF states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits with this proposal include ensuring that the building is brought back into residential use, the building's optimum use, as it has been empty for approximately 2 years so safeguarding the future of the dwelling. The repairs to the existing windows, the replacement of cement render with lime render together with the removal of the leanto shed and the rebuilding of the single skin gable end wall which will help improve the living conditions within the listed building are also public benefits. It is therefore considered that these public benefits outweigh the less than substantial harm to the property.

Biodiversity

As part of the previous planning application which was withdrawn following Leigh Mill Farm being designated a Grade II listed building an Ecological Assessment was submitted which is also relevant to this application. Evidence of bats in the loft were found. The emergence surveys found evidence of a bat emerging from the house and bats commuting through the site. Mitigation measures will be required to help enhance the biodiversity in the area which should include limited external lighting and two bat boxes placed onto the mature trees in the east, north-east or onto the dwelling. A condition as requested by the Council's Biodiversity officer is recommended to ensure that these measures are carried out.

In conclusion it is considered that the proposed detached garage, reduction in the vehicular entrance and alterations to the front elevation of the outhouse will not adversely affect the setting or significance of Leigh Mill Farm and that the proposed

extension will have a less than substantial harm to the significance of Leigh Mill Farm and this harm is outweighed by the public benefits of the proposal. In addition the biodiversity of the site will be safeguarded. The proposal therefore accords with local plan policies and the NPPF and as such it is recommended that planning permission be granted.

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



Application No 3/07/18/004
Erection of glazed link, two
storey extension and double
garage including internal
alterations
Leigh Mill Farm, Leigh Lane,
Stogumber, TA4 4BL
Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA

West Somerset Council
Licence Number: 100023932



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Easting: 311964
Northing: 136181

Scale: 1:1250

Application No:	3/07/18/005
Parish	Crowcombe
Application Type	Listed Building Consent
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 311962 Northing: 136179
Applicant	Mr & Mrs C Webber
Proposal	Erection of glazed link, two storey extension and internal alterations together with alterations to the vehicular access and outhouse.
Location	Leigh Mill Farm, Leigh Lane, Stogumber, Taunton, TA4 4BL
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A4) Proposed Block Plan

(A1) DrNo J1802/01 Existing Topographical Survey

(A1) DrNo J1802/03A Proposed Floor Plans & Elevations

(A1) DrNo J1802/04A Proposed Site Plan

(A2) DrNo J1802/05 Existing & Proposed Plans & Elevations Gateway & Outbuilding

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

- 3 Prior to the construction of the extension and alterations to the outbuilding samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the listed building..

- 4 No works shall be undertaken on installing the windows and doors and balustrade to the existing staircase 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. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building.

- 5 Prior to the construction of the stone walls hereby permitted, a panel of the proposed stone/brickwork measuring at least 1m x 1m shall be built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses.

Proposal

It is proposed to extend Leigh Mill Farm by erecting a two and single storey extension to accommodate a kitchen and breakfast room on the ground floor and a master bedroom, en suite and dressing room on the first floor. This rendered extension is to be attached to the main building by a 1.5 and single storey glazed link which will accommodate a hall, utility, landing and stairs. The glazed link will be glazed on the front elevation with render on the rear. The roof of the glazed link will be zinc and will have a conservation roof light to light the utility. The roof to the two and single storey extension will be covered in natural slate and will incorporate four rooflights, one on each rear slope. These are to light the en suite and kitchen. There will be no rooflights in the slate roof on the front elevation. The link building will be set back approximately 3m from the front wall of the existing building and the two storey part of the extension will be set back approximately 2m back from the front wall of the cottage. The windows will be powder coated aluminum windows but repaired windows together with new flush casement wooden windows in the existing building. The link building and extension will be approximately 8.2m long compared to the existing building which is 13.3m long. This measurement excludes the leanto shed that is located on the gable end where the proposed extension and link building are to be situated. The leanto shed is approximately 2.8m long. This structure is specifically excluded from the listing.

The existing cottage will accommodate three bedrooms, a family bathroom, a sitting room, study, boot room and plant room. To achieve this some of the modern partition walls will be removed and one will be resited to ensure that the wall does not go in front of a first floor window as it currently does. New walls to create the

bathroom, en suite, plant room and downstairs cloakroom will be required. A wall to create the study and hall way on the ground floor will be sited where there was a partition in the past (as noted in the listing description) . The existing leanto shed on the side of the property will be demolished to allow for the glazed link to be erected and the section of the southern gable end wall, which is single skin brickwork will be rebuilt and rendered. The breeze block fireplace will also be demolished. This fireplace is not functional as there is no flue to the chimney. The late 18th Century plank door on the first floor, fireplace on the ground floor and cupboard (as mentioned in the listing description) will be retained. A blocked doorway on the ground floor will also be unblocked and the door in the doorway to be blocked up will be relocated to the opened up opening. The porch over the front door is to be removed and the door will locked shut. The area between the door and the fireplace will become a cupboard. Two rooflights will be incorporated into the tiled rear roof to light the boot room as it has no windows at present

Site Description

Leigh Mill Farm, a Grade II listed building (designated in December 2017) is a rendered and thatched cottage with tiles on the rear situated in open countryside and set back from the road. The land rises to the rear of the cottage and the area to the rear of the retaining wall is wooded with the West Somerset Railway beyond. There are fields to the south and west of the property. There is a small outbuilding set into the bank to the north of the dwelling.

Relevant Planning History

Case Ref	Proposal	Decision	Decision date
3/07/16/005	Erection of two storey, single storey and first floor extension and erection of garage block	Grant	01 July 2016
3/07/17/010	Demolition of dwelling and outbuildings with erection of 1 No. dwelling, double garage, store and associated works	Withdrawn by Applicant	03 January 2018

The 2016 permission was granted before the property was listed as a Grade II listed building and the 2017 application was withdrawn as the property was listed prior to a decision being made on the application.

Consultation Responses

Crowcombe Parish Council - Original Scheme

On behalf of Crowcombe Parish Council we are formally submitting our unanimous objection to the most recent proposals submitted for the development of the building known as Leigh Mill. The reasoning for this is as follows, with reference to

the s9 Planning (Listed Buildings and Conservation Areas) Act 1990 and the published Conservation Principles and Policies of Historic England.

The main objections are as a consequence of what is disproportionate development, contributing to significant harm to the:

- . Significance
- . Setting
- . Character and Sustainability

Notes on which our decision is based:

Significance. The building was recently designated and therefore measured as of Architectural and/or Historical merit, under the current constraints of the Principles of Selection for Listing Buildings, Historic England. Basically building another property of similar size to the existing one, attached by whatever means, does and will significantly impact on the Historical and Cultural value of the current building and we can see nothing that would represent a public benefit.

Setting. We do not feel that the topography is suitable for the proposed development, as it would involve further major earthworks that would continue to destroy what is left of the historical landscape, where it was once possible to read that this was a Mill.

Character and Sustainability. Some may argue that Character is subjective but in this case we believe it to be clear. What remains of Leigh Mill is a culturally significant example of Vernacular architecture, as detailed in its designation. The size and positioning of the proposed development inflicts excessive harm on this legally protected building, again with no mitigation or suggestion of the benefit to the public.

Sustainability. Is displayed and discussed in many formats. We can see no contribution to the Sustainability, to the Building or the wider community, other than the use of the existing building which could be carried out with minimal intervention.

Conclusion

In short we can see no elements of the current proposals that are in line with culturally and legally agreed "Heritage Values" and would be easily challenged on this basis.

Historic England - Original Scheme

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

Representations Received

None received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH1	Historic Environment
NH2	Management of Heritage Assets

Determining issues and considerations

As Leigh Mill Farm is a Grade II listed building this application must be determined in accordance with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that the listed building, its setting and any features of historic or architectural interest must be preserved when considering whether to grant listed building consent.

The property was first listed in December 2017. The reasons for the designation are:

Architectural interest:

- * The building is a well-preserved, modest vernacular cottage of the later C18, a period at which most buildings are listed;
- * It retains the majority of its envelope and a good proportion of historic fabric, such as some interior joinery, fireplace, and original roof structure;
- * There have been late C20 and early C21 alterations, including the replacement of windows and the partial rebuilding of the south gable wall, but these have not impacted unduly on the integrity and legibility of the building.

Historic interest:

- * As part of a former mill complex which, despite the loss of the watermill itself, is

well-documented in contemporary sources. "

The modern timber structure attached to the south gable wall and the detached open-fronted outbuilding to the north of the house are not of special architectural or historic interest and are excluded from the listing.

This application has been the subject of pre application advice and further negotiations following the submission of the application. Whilst it is acknowledged that the proposed extension and glazed link building does extend the building by approximately 8.2m, the design of building reflects the character of the existing building with the use of render and the style of windows on the front elevation but differs with the use of a glazed link and the use of power coated aluminium windows and doors. This together with setting back the building from the front of the main building and having lower roof levels than the existing building helps to ensure that from a visual perspective that it is subservient to the listed building. The provision of the extension has helped to ensure that the proposed alterations to the listed building are kept to a minimum with improvements such as the moving of a wall upstairs to ensure that it does not go across a window, the reinstatement of a ground floor wall, the retention of the items that are of architectural interest, better use of the first floor, replacement of concrete floors with limecrete floors, the replacement of the asbestos roof on the rear with natural slate, the removal of cement render and replaced with lime render which will help ensure that the building can breathe and the removal of the leanto unlisted structure. The stone outbuilding that is not included within the listing description will be retained and the front elevation will be infilled with wooden doors and a stone wall ensuring that the building has a use which will help safeguard its future. It is considered that the proposed alterations to the listed building itself and the outbuilding will preserve the character, appearance, integrity and significance. The proposed extension and glazed link will be subservient to the listed building and the listed building will still be easily read as the original building.

With regard to the setting of Leigh Mill Farm, the setting is defined in the NPPF as,

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

Currently it is considered that the setting of Leigh Mill Farm includes the garden area, adjoining fields and woodland. These areas will be safeguarded as the property will be seen as a single property with the dominant part being the existing building in a rural landscape even if the proposed extensions to the building is constructed. In addition the tranquility of the site will be retained.

The significance of the building includes its setting as well as the building itself. In this instance the building is a modest vernacular late 18th Century cottage which retains most of its envelope and a good proportion of historic fabric (such as some internal joinery, fireplace and original roof structure) as well as having historic interest as it is part of a former mill complex which despite the loss of the watermill is

well documented. There have been late 20th Century and 21st Century alterations including windows and partial rebuilding of the south gable wall but as recognised by Historic England these have not impacted unduly on the integrity and legibility of the building. The proposed extensions due to the traditional materials to be used, being set back from the front wall of the existing building and the design means that the proposed extensions are subservient to the main building and as such does not significantly affect the significance of the listed building. The listed building will be read as the main part of the enlarged building and will be seen as a modest vernacular building.

The significance of the building as noted above relates to the key elements of the building's special architectural or historic interest which will be preserved. The National Planning Guidance explains that it is the degree of harm to the asset's significance rather than the scale of the development that needs to be assessed. The harm may arise from works to the listed building or from development within its setting. It is considered that there will be less than substantial harm for the reasons outlined above. As there is less than substantial harm the NPPF states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits with this proposal include ensuring that the building is brought back into residential use, the building's optimum use, as it has been empty for approximately 2 years so safeguarding the future of the dwelling. The repairs to the existing windows, the reinstatement of the ground floor partition, the replacement of the asbestos on the single storey rear roof with natural slate, the replacement of cement render with lime render together with the removal of the leanto shed and the rebuilding of the single skin gable end wall which will help improve the living conditions within the listed building are also public benefits. It is therefore considered that these public benefits outweigh the less than substantial harm to the property.

In conclusion, it is considered that the proposed alterations to the front elevation of the outhouse will not adversely affect the setting or significance of Leigh Mill Farm and that the proposed extension and internal alterations to the dwelling will have less than substantial harm to the significance of Leigh Mill Farm for which there are public benefits which outweigh the harm. The character and appearance of the listed building will be preserved as the proposed extension is subservient to the listed building. The proposal therefore accords with local plan policies and the NPPF and as such it is recommended that listed building consent be granted.

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



Application No 3/07/18/005
Erection of glazed link, two
storey extension and double
garage including internal
alterations
Leigh Mill Farm, Leigh Lane,
Stogumber, TA4 4BL
Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA

West Somerset Council
Licence Number: 100023932



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Easting: 311964
Northing: 136181

Scale: 1:1250

Application No:	3/18/18/001
Parish	Kilve
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 314421 Northing: 141480
Applicant	Mr Stuart Moffatt
Proposal	Erection of a yurt on decking area with mobile shower/toilet facility for use as a holiday let
Location	Alfoxton Cottage, Pardlestone Lane, Kilve, TA5 1SG
Reason for referral to Committee	The recommendation is contrary to the Parish Council's views

Recommendation

Recommended decision: To give the Assistant Director, Planning and Environment delegated powers to refuse the application once the reconsultation period has expired and subject to no substantive comments being received.

Reasons for refusal:

1. In the opinion of the Local Planning Authority, the application site is located within open countryside where in exceptional circumstances development may be permitted in accordance with Policy OC1 of the West Somerset Local Plan to 2032, where this is beneficial for the community and local economy. One exception is if it is new-build to benefit existing employment activity already established in the area that could not be easily accommodated within or adjoining a nearby settlement identified in policy SC1. The proposal does not comply with policy OC/1 as the proposal does not benefit existing employment activity as it is a new enterprise and as the proposed business could be accommodated within or adjoining a nearby settlement.
2. The proposed yurt for use as a single holiday let would involve the construction of a decked area in the open countryside on which the yurt is located as well as other associated paraphernalia. The yurt and associated WC/shower unit, outdoor cooking and eating area together with refuse and recycling bins which due to the site's prominent undeveloped location within the Quantock Hills designated AONB (Area of Outstanding Natural Beauty) and design would adversely affect and not conserve the setting, tranquillity, character and appearance of the AONB. This is contrary to policy NH14 of the West Somerset Local Plan to 2032, guidance within the adopted Quantock Hills AONB Management Plan 2014-2019 and guidance contained in the National Planning Policy Framework, in particular Section 11 - Conserving and enhancing the natural environment

3. It is considered that the proposal generates new unsustainable transport patterns over minor roads and will generate additional traffic movements as it is likely that users of the proposal will use a private vehicle due to the distance of the site from settlements and railways stations and as the access roads have no pavements and are unlit. This is contrary to policy TR2 of the West Somerset Local Plan to 2032 and the guidance in National Planning Policy Framework, paragraphs 34 and 35.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority. The proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the Development Plan / policies within the National Planning Policy Framework and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw the application.

The application was considered not to represent sustainable development .

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.

Proposal

It is proposed to erect a yurt on decking area with a separate mobile shower/toilet facility for use as a holiday let on land to the east of Alfoxton Cottage, Pardlestone Lane, Kilve. The site lies adjacent to a restricted Byway WL11/31.

Details of the proposal include the erection of an 18ft (5.5m, diameter), Mongolian-styled (round) Yurt which will be sat on top of a raised timber decked floor, sat on hand dug wooden posts. The yurt is made of a polycotton canvas in a sand and olive colour on a frame made of locally sourced Ash. The overall height of the conical roof is 3.1m above floor level and the walls are 1.35m high. The Yurt has 44 roof poles measuring 2.6m long and the crown of the circle is 1.7m in diameter. An external decked area is also to be provided for safe access to the yurt

due to the hillside location. A small section measuring 7.3m on length of new native hedge is also shown to be provided on the south western corner of the site.

The yurt will include a wood burning stove internally stood on a flagstone hearth and have a 3m high chimney flue through the roof for heating. The firewood would be locally sourced.

A converted horse trailer is also to be stationed on the site to provide a mobile toilet and shower facilities. Outdoor cooking facilities will be provided in the form of a portable gas stove and portable barbecue and picnic table.

Secure refuse and recycling bins will be provided. Lighting will be via solar/battery LED lights and the heating for the shower will be provided by bottled gas using a portable outdoor gas boiler.

Site Description

The proposal site is a small area of cleared paddock land in a sheltered corner and which is surrounded by several mature trees. The site is a rural location within the Quantock Hills Area of Outstanding Natural Beauty (ANOB) on land significantly higher than the village of Kilve and where there are few residential properties near the site.

The adjoining land to the proposal site is a mix of arable land and agricultural pasture, and there is open heathland located some 260m to the west and 430m to the south and which includes a wide range of habitats for wildlife.

The paddock has an existing water supply feed from the dwelling which will be used to supply the toilet and shower. The water will be provided by a portable gas boiler. Two soakaway pits will be installed, one for the foul water from the shower and hand basin and one for the waterless toilet. Solid waste from the toilet will be disposed of in the domestic septic tank to the main house. The land also has stock fencing along three side of the site (namely north, east and part of the west).

Parking for the holiday yurt will be provided in the stable yard at Alfoxton Cottage.

Relevant Planning History

No relevant history on this site.

Consultation Responses

Kilve Parish Council -

After a site meeting re: the above application Kilve Parish Council have no

objections to the application on the proviso that the screening suggested by the applicant is put into place to minimise the view from the road and the yurt is taken down through the winter, as suggested by the applicant.

Highways Development Control -

1. The red/blue line of the site does not extend to the adopted public highway therefore the means of access is unclear and should be amended accordingly.
2. Access is from/onto a restricted Byway WL 11/31, therefore Rights of Way should be consulted regarding vehicular access as there are restrictions in place.

Economic Regeneration and Tourism - No comments received.

Biodiversity and Landscaping Officer -

The site is located within the Quantock hills AONB.

Landscape

The application site is located in the open countryside within the AONB. It is also in an elevated location, adjacent to a PROW and overlooking a nearby dwelling.

I agree with comments made on line that the proposal would “conserve or enhance the natural beauty, wildlife, cultural heritage and tranquillity of the AONB” I also agree that cumulative loss of tranquillity and character due to ongoing small-scale conversion, change of use and development activity is one of the threats to the AONB.

Biodiversity

Quantock Ecology carried out an ecological assessment of the site in January 2018. Findings were as follows;

Protected sites

Quantocks SSSI is located within 50 m to the south. Exmoor and Quantocks SAC is located 450m to the SE and GE Mare Farm fields SSSI is located approximately 1.1 km to the NE

Habitat

As the site is currently bare ground it provides little habitat for wildlife. Trenches dug for the water supply should be covered at night.

Bats

The surveyor noted suitable roosting features for bats in the canopy of some mature trees to the SE corner of the site. However no lighting is proposed.

I support the proposal to erect bird and bat boxes and an insect box so I suggest the following condition should permission be granted.

Condition for protected species:

The applicant shall undertake all the recommendations made in Quantock Ecology's Ecological assessment report dated January 2018, and provide wildlife enhancement as recommended.

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife

Informative Note

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Tree Officer - I had a look at this one in Alfoxton. It's quite an out-of-the-way location, somewhat, although next to public footpaths. It's relatively remote and in a well-treed area. However, it would be better not to lose any trees. I think that the extent of the canopies and roots would be greater than shown on the plan. Could we therefore have details about how the decking is to be constructed, and whether any excavation is proposed. I'm also wary that once there are people staying underneath the trees, there may be pressures to then remove the trees because of the possible risk of branch or tree failures.

It's an odd one, because although I felt that we needed more info, there seems to be the intention to retain trees, and it is in a pretty remote area that could probably withstand the loss of a tree or two anyway. So, if you need to do your decision, I'd say no objection, but perhaps we could have the usual tree protection condition, as well as a mention that no excavation should occur within the rooting areas of any trees without prior consent from this council

Quantock Hills AONB -

The Quantock Hills was the first landscape in England to be designated as an Area of Outstanding Natural Beauty (1956). The primary purpose of AONB designation is the conservation and enhancement of the landscape's natural beauty. The Quantock Hills AONB Service, on behalf of its Joint Advisory Committee, undertakes its work according to this primary purpose – to ensure this beautiful and nationally protected landscape remains outstanding now and into the future. Please accept the following within this context.

Thank you for your consultation letter in respect of the above planning application. The AONB Service is concerned about the potential impacts of the proposal on both visual amenity and landscape character. We therefore request that the following points of concern be duly considered as part of your assessment. We

make this request to ensure that this application only be approved where it is clear that there will be no adverse impacts on this very special place.

We recognise the importance of the tourist industry to the local economy but it is essential that the very reasons for people wanting to visit the Quantock Hills – its special qualities - are not compromised by the provision of facilities to support this economic driver.

The AONB Service does not believe the siting of a yurt with decking and toilet/showering facilities (in a horse trailer) in this location would conserve or enhance the natural beauty, wildlife, cultural heritage and tranquillity of this part of the AONB landscape.

We agree with the comments submitted by your landscape and biodiversity officer in respect of landscape effects. The statutory primary purpose of AONB designation is the conservation and enhancement of the natural beauty of the landscape. We believe a yurt in this location would be contrary to AONB statutory purpose. Policy NH14 of the West Somerset Local Plan states that *“development which would conflict with the achievement of the statutory purposes of the AONB or the National Park or their settings ... will not be permitted”*.

The yurt and trailer cannot be considered in isolation – the decking and other paraphernalia associated with glamping are likely to all become features of the landscape – cooking facilities, seating, table, potentially a washing line and solar lighting and the collective human activity associated with the establishment of a holiday let - will bring a change to the tranquil and undeveloped character of this site. The application site is located very close to the quintessential Quantock landscape of the open heathland – a landscape valued for its tranquillity and sense of remoteness.

On ascent towards the heathland, settlement and activity lessens as the heathland landscape reveals itself as the jewel in the Quantock’s crown. The prospect that the edge of the heathland could become a focus for separate scattered glamping/camping spots detached from existing buildings or settlement is a concern to the AONB service – seeing yurts in sequential views through the hills would, cumulatively, be harmful to the largely undeveloped area of land that skirts and forms the setting to the open heathland.

Whilst this is a single application, if a principle is established for areas of pasture or woodland on the edge of the heathland to be given over to a yurt or similar, then it must be considered that there may be other applications for this type of small economic venture – the cumulative effect of which would be detrimental to the character of this landscape. This application has for example quickly followed an approved scheme for a yurt close by at Willoughby Cleeve.

We ask that you consider the potential effects on landscape character in the context of the adopted AONB Management Plan when assessing this application.

PROW - Comments awaited.

Environmental Health - After consideration of this application, Environmental Health **object** to this planning application.

It is proposed that there is to be Yurt erected on wood decking in an existing field i.e. as a permanent fixture and possible change in use. The WC and Shower facilities for this development is however to be located in a mobile vintage horse trailer with an as proposed 'waterless composting toilet'. This is not a building and so will not be subject to building control.

There is no fixed utilities shown, and so the shower must be assumed to be derived from a water supply of uncertain pressure and also quality. The drainage provisions would also not be considered satisfactory, and neither waterless. It is also unclear the method and the location of the disposal of this human waste.

I have also considered noise impacts, but it can be seen from the plans that the Yurt is to be located some distance from the applicants and also neighbours dwelling.

Reason for objection: To protect public health and the environment.

Comments following receipt of additional information

I must still object.

The proposals submitted by the applicant are not considered acceptable both in terms of standard of drainage works and risk from nuisance / pollution (odour / flies etc.) from these pits as proposed. There is also no mention of suitable and sufficient waste transfer arrangements. Without sufficient details being submitted I must object.

Reason; To prevent unacceptable risks of soil and water pollution (NPPF, Section 109).

Representations Received

5 letters have been received from members of the local community (2 from the same household) making the following representations;

Support x 2

- We think this is an innovative proposal and would be a welcome attraction to the area.
- It would give a boost to local tourism and benefit Public Houses and shops in Kilve and Holford.
- The ongoing development of Hinkley point is putting a strain on local tourism, with lack of accommodation availability and the off putting nature of a Nuclear power station.
- A key issue in West Somerset is the need to retrain more young people and the

extra income generated from this holiday let should enable this young family to live and work here.

- I have no problems with the application.

Objection x 2 (three emails with two from the same household)

- Friends of Quantock are concerned that the proposal is in a highly sensitive position with the protected landscape of the ANOB.
- It is not adjacent to or connected with any existing dwellings and will be an intrusion into a sensitive area of historic woodland.
- No provision appears to have been made for vehicular access which is bound to be necessary that will add to the intrusion and aggravate problems with the use of this narrow lane.
- The mobile shower and toilet facility is inappropriate in this location and as no cooking facilities would be provided is likely to lead to lighting open fires and a fire risk to the hills.
- Friends of Quantock are strongly opposed to the proposal and hope it will be refused.
- As owners of Seven Acres which is immediately below and to the north of the application site we ask you to refuse this application as the proposed development would be above, and the deck would face directly towards, our property.
- Activity and noise from use of the yurt and decking would be very apparent. Any noise from activity in that field and the adjacent field is very noticeable.
- The background noise levels in this location are very low, particularly at night and our main bedroom points directly towards the application site.
- The proposal clearly constitutes operational development and a material change of use to residential of part of a field within the AONB which does not form part of a residential curtilage and does not benefit from any permitted development rights.
- The application site is not within or in close proximity to a built-up area or primary or secondary village so the proposed development is to be considered under Policy OC1 of the 2016 Local Plan. The proposal does not meet any of the criteria set out in that Policy and is clearly contrary to the development plan for that reason alone.
- The proposal would not “conserve or enhance the natural beauty, wildlife, cultural heritage and tranquillity of the AONB” and is also contrary to Policy NH14 of the Local Plan 2016 and the NPPF.
- We note that the cumulative loss of tranquillity and character due to ongoing small-scale conversion, change of use and development activity is one of the threats to the AONB identified in the current AONB Management Plan (at p.19/2.1(b)).
- If this application is permitted it is difficult to see how numerous similar applications in fields and woods within the AONB could be treated differently.
- We are not against facilities for visitors in principle, however, policy state that such facilities should be within settlements and only allowed in open countryside in exceptional circumstances.
- Local planning policy NH14 requires that proposals conserve or enhance the natural beauty and tranquillity of the AONB, and the AONB Management Plan highlights the threat of the cumulative effect on landscape tranquillity and

Character.

- If this proposal is accepted there may be many other green field sites in the area in the wider AONB in which it would be difficult to treat as unacceptable and lead to the cumulative impacts the AONB Management Plan highlights.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
OC1	Open Countryside development
EC9	Tourism outside settlements
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement
NH9	Pollution, contaminated land and land instability
NH14	Nationally designated landscape areas

Determining issues and considerations

The main issues and considerations of this proposal are;

- Principle of development
- Impacts on the character and appearance of the area
- Ecology
- Impacts on residential amenity
- Highway safety/ PROW
- Environmental Health

Principle of development

The proposal site is located in a remote location in open countryside and outside of

the contiguous built up area of Kilve (a primary village). The site has to be accessed by private vehicle, in an unsustainable location and therefore the related local policy in the West Somerset Local Plan to 2032 is OC1 (open countryside development). The proposal is considered to be contrary to this policy as the proposal being new build does not benefit existing employment activity as it is a new enterprise and as the proposed business could be accommodated within or adjoining a nearby settlement.

Also relevant are policies NH5 (Landscape Character) and NH14 (Nationally designated landscape areas), plus the National Planning Policy Framework, Chapter 11 Conserving and enhancing the natural environment (paras 109 and 115). It is considered that the proposal will adversely impact on the existing landscape character and on the Quantock Hills AONB and on the adopted AONB Management Plan p.19/2.1(b), (Opportunities and Treats), which includes changes and setting and views in and out of the AONB and cumulative loss of landscape features, tranquillity and character due to ongoing small-scale conversion, change of use and development activity. Given the aforementioned it is considered that the development is unacceptable in principle.

Impacts on the character and appearance of the area

It is noted that this small (former equestrian paddock) site is located on raised ground and in a levelled area around which there are several trees around it together with a low natural stone wall above a low raised bank at the southern boundary of the land. The wider views to the lower land and nearest neighbours are directly to the north.

As well as the elements to be provided within the description of the development, a small section of new hedge (approximately 7.3m) is proposed to be planted along the south western corner of the site.

The Council's landscape and biodiversity officer concludes that the proposal is in an elevated position within the AONB and adjacent to a PROW (Public Right of Way), and that the development would not "conserve or enhance the natural beauty, wildlife, cultural heritage and tranquillity of the AONB" and that the change of use of the land is one of the threats to the designated area.

The AONB service agree with the landscape officer's comments and also point out that the potential impacts of the proposal on visual amenity and landscape character should only be approved where it is clear that there will be no adverse impacts on this very special place.

Whilst recognising the importance of the tourist industry the AONB service believe that the siting of the yurt with decking and the horse trailer containing toilet/showering and other paraphernalia associated with glamping facilities would be likely to become features of the landscape and the collective human activity associated with an established holiday let will change the tranquil, undeveloped character of the site that would not enhance the AONB landscape. Further they comment that separate scattered glamping/camping spots, detached from existing buildings or settlements is a concern of the AONB service, especially harmful to the

largely undeveloped land that skirts and forms the setting to woodland and the open heathland nearby and that this proposal is seen as a result of a previous scheme for a yurt at Willoughby Cleeve.

Several objections have also been submitted from members of the local community , regarding the special character and location of the site and the need to protect the landscape, the site's location and the potential impacts on noise generated by the development.

Comments returned from the Council's tree officer raise concerns on the remote but well-treed area and that it would be preferred that no trees should be lost and that the extent of the roots and canopies would be greater than that shown on the submitted block plan. They also had concerns regarding the installation of the decking and any excavation required (hand-dug post to be installed to hold the deck), and that there may be pressure to remove the trees due to the possible risk of branch and tree failures and people staying underneath them. An additional comment received considered the intention to retain the trees so no objection was made as long as a tree protection condition were added to any approval.

It is also noted that there have also been letters of support to the proposal on the innovative proposal which would contribute to tourism and the economy in the local area. Whilst this former statement is appreciated and could possibly be the case, this has to be weighed up against the location of the holiday let and local policy EC9 (Tourism outside settlements) which guides that such cases can only be supported if it can be demonstrated that;

The proposed location is essential to the business and cannot be located elsewhere.

It is understood this is a new venture for the applicant to supplement their current home-based IT income, and that part of the owners stable yard at Alfoxton Cottage would be used for parking.

It does not adversely affect the vitality and viability of neighbouring settlements,

This is not considered to be the case.

It complements existing tourism service and facility provision in neighbouring settlements and surrounding area without generating new unsustainable transport patterns.

The development is for one single holiday let, however, the site is in a very rural isolated location, where visitors would be using a narrow private track and a restricted Byway to access the site.

The above policy seeks to allow for additional tourist attractions in the countryside subject to environmental and viability safeguards.

An email response to comments received from the applicant state that the area is popular with visitors to the area and that other former tourist facilities have diminished and which included his own house which was a former Bed and

Breakfast and now solely residential. The applicant considers that the low impact development does not infringe on the character of the area.

Kilve Parish Council have no objections providing the applicant provides screening to minimise the view from the road (7.3m of native hedge along the south western corner of site), and that the Yurt is taken down through the winter as suggested by the applicant.

Having considered the issue and considerations regarding the siting of the holiday let and the adverse impacts on the character and appearance of the area along with the comments received, it is concluded that a small single unit of accommodation, together with the associated paraphernalia would not be acceptable in this important area of landscape character and it is therefore contrary to local policies NH5, NH14 and EC9 of the local plan.

Ecology

The applicant has submitted an Ecological Assessment (Prepared by Quantock Ecology) which provides a preliminary view of the likelihood of protected species being present and proposed biodiversity enhancement include the installation of 2 bird boxes, a bat box and an insect box/hotel being installed around the perimeter of the site to the south. This document has been assessed by the Council's biodiversity officer and suggests that if the application were approved, the recommendations of biodiversity enhancement should be included as a condition for protected species, as well as an informative note be appended to the decision.

Impacts on residential amenity

The site is in a rural location with the nearest neighbours to the site being located some 133m north at a significantly lower level and the most visible (Seven Acres), Top Cottage 147m to the south west, at a higher land level than the site (not readily visible) and Beech Hanger Farm 250m north west of the site at a lower level and not visible from the site.

In terms of neighbourhood amenity, comments have been made about the activity and noise generated and views towards existing property from the proposed yurt. It was evident from the officers site visit that the property to the north at a significantly lower level would have the most impact, however this property is approximately 133m away and at a much lower level. On the issue of noise this is to be discussed further in the Environmental part of the report. Other neighbour comments about the character of the area have been previously addressed.

It is therefore considered that the development would not have significant impacts on residential amenity grounds in accordance with local policy NH1.

Highway safety/ PROW

Highways comment that the red line (proposal site does not extend to the Highway) and that the means of access is unclear. It has therefore been requested that the applicant provide an amended red line site plan a second revised site plan has been received and has been forwarded to Highways and the PROW contact. It is however, also noted that the submitted block plan does show an entrance footpath from the Restricted Byway (WL 11/31) to the site.

Highways also advise that access is from a restricted Byway and that the Rights of Way Group should be consulted regarding vehicular access as there are restrictions in place. Accordingly, the PROW group have been consulted and their views are currently awaited.

Parking associated with the holiday let would be available as guest parking in the stable yard at Alfoxton Cottage (applicants dwelling) located approximately 150m to the north west.

The site is in an isolated location away from local services and facilities and where tourists would be reliant on the private motor vehicle. The village of Kilve has a public house, village hall and a small Post Office/shop providing basic facilities but further facilities and services would be further afield. It is therefore considered that the development is contrary to local policy TR2 (Reducing reliance on the private car) that seeks to minimise additional transport demand arising from new development, albeit 1 single holiday unit and to maximise public transport within the area.

Environmental Health

Environmental Health object to this proposal as there were no fixed utilities shown within the proposal and assumed that the water for shower facility in the horse trailer would be derived from an uncertain water supply of uncertain pressure and quality. They also advised that the proposed drainage provision were not considered satisfactory and it was unclear of the method and location of the disposal of human waste.

The applicant has spoken to Environmental Health and forwarded an email confirming that the waste arrangements were confirmed within the Supplementary information; 'grey and foul water waste will be collected and disposed of in the private waste system of the main house, a waterless toilet is to be provided to collect solid waste to be combined with horse manure compost. The paddocks have an existing water supply fed from the main house and heating for the shower would be via bottled gas and a portable gas boiler.

Following discussions between the applicant and environmental health, it appears that a preferred solution would be to install soakaway pits instead of the proposed holding tank method and adapt the proposal to meet Environmental Health requirements.

The applicant reconfirmed the following in this respect;

"I can make the following statements to provide further clarity and improvement to the wc/shower arrangements:

- Water supply to the wc/shower is mains-fed fresh water from the house supply, requiring a short extension from the neighbouring paddock. Hot water for sanitation will be provided by a portable gas boiler, subject to UK Gas Safety Requirements.
- Foul water from the wash basin and shower will be disposed of by the installation of a soakaway pit (1m x 1m x 1m).
- Foul water from the waterless wc will be disposed of by installing a separate soakaway pit (0.5m x 0.5m x 0.5m) under best-practice advice from the wc manufacturer in order to promote the efficient breakdown of urine and avoid odours.
- Solid wc waste will be disposed of in the private domestic septic tank at the main house. There is an access cover near the tank inlet that provides a safe and convenient disposal method without going near the main tank emptying hatch. Handling of waste will be compliant with Building Regs G 4.19. On-site disposal of solid waste by composting is possible if this is a preferred option."

Noise and Light Pollution

Environmental Health have considered the noise impacts of this development and advise that the yurt is to be located some distance away from both the applicant's and neighbours dwellings. The distances between the existing dwelling is quite considerable and the applicant has also state that there is no direct line of sight between the yurt and neighbouring houses and when the trees are in leaf this will further minimise any visual impact. It is considered that noise pollution with regard to the effect on neighbours is not so substantial that refusal could be recommended on this ground. The tranquility of the area will however be harmed and this is considered to adversely affect the character of the AONB.

Lighting is to be provided via low level battery/solar lighting and not considered to be a significant issue.

Conclusion

It is noted that the AONB service in their comments referred to another proposal for the erection of a yurt at Willoughby Cleeve Hodders, Combe Road, Holford (ref 3/16/17/003) which was granted approval and that proposal could have been the start for this and/or subsequent applications. Each proposal has to be judged on its own merits in terms of siting, location and landscape issues and in the case of the Holford yurt, the National Trust were owners of the agricultural land and granted permission of the change of use of the land leased by the applicants to include the construction of the yurt. This yurt was also to be sited on mown grassland adjacent to a large tennis court and which is used as an extension to the domestic curtilage of the applicant's and accessed via a private track.

However in this case the decked area on which the Yurt is to be sited is to be located within a small copse of existing trees on the edge of an existing paddock

owned by the applicants and accessed by a pedestrian footpath only from a restricted Byway and although in a remote location having closer impact on the pedestrians and vehicles passing the site to get to the heathland beyond.

It is accepted that this proposal relates to tourism and the benefits of this to the local economy are recognised as important priorities, however, in terms of sustainability the proposal will have an adverse impact on the landscape character and appearance of the AONB, is contrary to Policy OC/1 and has unsustainable traffic links by car and foot. For these reasons it is recommended that this proposal is refused.

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

Application No:	3/21/18/012
Parish	Minehead
Application Type	Listed Building Consent
Case Officer:	Tony Garratt
Grid Ref	Easting: 297131 Northing: 146944
Applicant	Miss B Robinson
Proposal	Installation of a flue cube chimney cowl
Location	Drop Anchor, 37 Quay Street, Minehead, TA24 5UL
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council.

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 The proposed development would will make the existing chimney look out of balance and will introduce a visually intrusive alien feature into the street scene which would be to the detriment to the character and appearance of the listed building and will not preserve or enhance the character and appearance of the Conservation Area. The proposal is therefore not in accordance with policies NH1 and NH2 of the West Somerset Local Plan to 2032 and is contrary to the guidance contained in the National Planning Policy Framework in particular Chapter 12.

Proposal

The application is made for the removal one of the two current chimney cowls and its replacement with a 'Flue Cube'. This is a 30.5cm Stainless Steel Cube which creates an updraft to ventilate the chimney stack.

Site Description

Drop Anchor is an end of terrace of three two storey dwellings, all of which are Grade II Listed Buildings, located on Quay Street Minehead. The property is close to the old harbour and lies North West of Minehead town centre. The property lies within a designated Conservation Area.

Relevant Planning History

None

Consultation Responses

Minehead Town Council - consider that there is no material planning reason to refuse this application.

Representations Received

None received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH2	Management of Heritage Assets
NH1	Historic Environment

Determining issues and considerations

Applications for listed building consent must be determined in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant listed building consent, the Local Planning Authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

The National Planning Policy Framework (NPPF), Chapter 12 ‘Conserving and enhancing the historic environment’ also requires that an assessment on the impact that development will have on a heritage asset is carried out. The following

paragraphs are the most relevant:

Paragraph 126 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 131 states:

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states:

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 more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

In particular Paragraph 134 states:

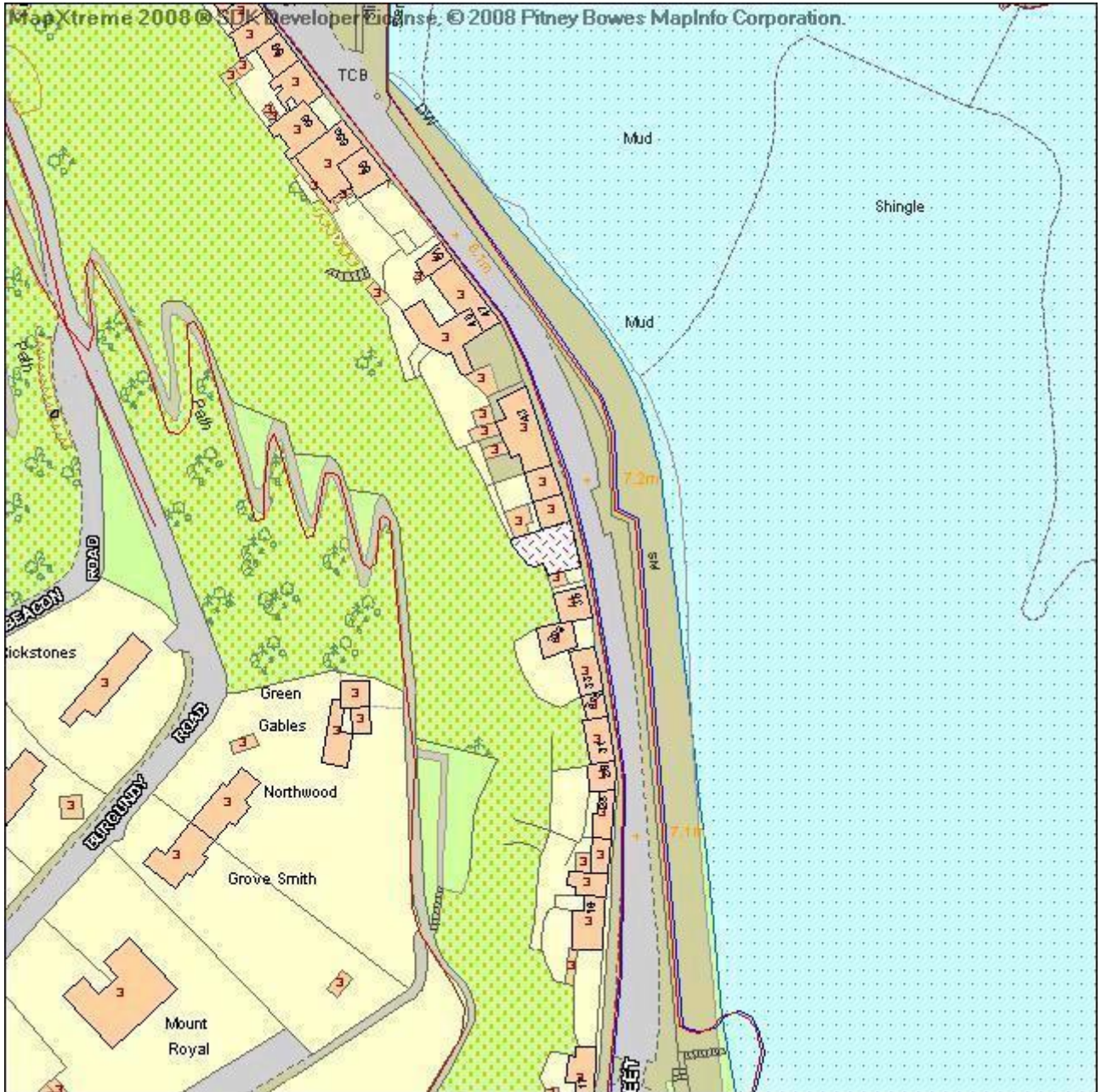
Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In this case the chimney is prominent when viewed from the promenade and from along Quay Street. The flue cube unit will be mounted on one of the two chimney pots. This will make the existing chimney look out of balance and will introduce a

visually intrusive alien feature into the street scene. This not only harmful to the character and appearance of the listed building but will also not preserve the character and appearance of the Conservation Area.

Negotiations with the applicant and the heating engineer to revise the design to create something that is more balanced and less intrusive have been undertaken. A meeting with the engineer on site has also been offered. An alternative design has not been forthcoming. As submitted it is considered that the proposed flue will cause 'less than substantial harm' as prescribed in paragraph 134 of the NPPF. This is at the lower end of the spectrum of harm in this category. There is no public benefit to offset this harm. Consequently the application is recommended for refusal.

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



Application No 3/21/18/012
 Installation of a flue cube
 chimney cowl
 Drop Anchor, 37 Quay Street,
 Minehead



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

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 Easting: 297131 Scale: 1:1250
 Northing: 146944

Application No:	3/21/18/026
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 297921 Northing: 145008
Applicant	Mr Sykes Brown
Proposal	Demolition of bungalow and erection of 6-bed bungalow as assisted living unit annexe to Dene Lodge Nursing Home with associated car parking (amended scheme to 3/21/17/025)
Location	19 Dunster Close, Alcombe, Minehead, TA24 6BY
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council.

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

(A4) Site Plan

(A4) Block Plan

(A3) Dwg. No. 2017-4C (Rev B) Proposed Scheme

(A3) Dwg. No. 2017-5 Proposed Scheme

(A3) Dwg. No. 2017-6 Proposed Scheme

(A3) Dwg. No. 2017-8 Proposed Scheme

(A3) Dwg. No. 2017-9 Proposed Scheme

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

- 3 Before the dwellings hereby permitted are first occupied, a properly

consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of Highway safety.

- 4 There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of Highway safety.

- 5 The area allocated for parking on the submitted plan, drawing number 2017-4C, Rev B shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of Highway safety.

- 6 Prior to first occupation of the development hereby permitted, covered charging spaces for no less than 3 mobility scooters in relation to the proposal shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The charging spaces shall thereafter be retained in the approved form.

Reason: In the interests of Highway safety.

- 7 Prior to any work commencing on site, the existing access to the site from Dunster Close shall be stopped up as shown on the submitted Block Plan, dwg. no. 2017-4c Rev B and retained in this manner at all times thereafter

Reason: To safeguard residential amenity in the area, during the construction period and after the development is completed.

- 8
 - i) Before construction works commence (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
 - ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
 - iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No

activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

- 9 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

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

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, shall be erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: to prevent over development and impacts on residential amenity in the area.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. No substantive issues were raised by consultees through the application process. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 The applicant will need to be aware that no surface water from the development site will be allowed to discharge out onto the existing publicly

maintained highway and that if lighting units are to be installed along the access road then they shall be energized by a private power source and not one being used by Somerset County Council.

- 3 There are trees within the site that are protected under a Tree Preservation Order (TPO) and no works must be undertaken to these tree without the submission of a separate TPO application to be determined by the Local Planning Authority.

Proposal

It is proposed to demolish the existing bungalow and erect a rendered 6-bed bungalow as an assisted living unit annexe to Dene Lodge Nursing Home with associated car parking. This is an amended scheme to 3/21/17/025. The proposal involves demolition of the current bungalow to slab level and rebuilding as identical to that previously approved together with relocating the parking area for the unit into part of the garden space of Dene Lodge Nursing Home. A pedestrian access onto Bircham Road is also proposed. There will be no access from Dunster Close.

The term Assisted Living (also termed Sheltered Housing) relates to persons living independently under the same roof and who share the main facilities in the unit. They have the use of a piperline system to call for care if and when required and/or can purchase additional care from the adjoining home. However, because the proposal is for a maximum of six people sharing all essential facilities, no change of use will have occurred and the property can still be considered to have a residential (C3) use.

Site Description

19 Dunster Close, is located in a residential area on the outskirts of the centre of Alcombe and is accessed from Combeland Road from either Bircham Road and Church Street or Brook Street or via the 'back road' from Ellicombe Lane off the Ellicombe roundabout. The site is one of 17 single storey bungalows, both detached and semi-detached, some with adjoining garages and some with detached single garages arranged in a linear arrangement and with nos. 19 and 14 (adjacent) at the end of the cul-de-sac and turning head.

The dwellings are a mixture of two and three bedrooms constructed in a mix of brick and painted render with tiled roofs and have a mix of wooden and upvc windows and doors. All of the dwellings have open front gardens facing the access road. Numbers 14 and 19 are corner plots which also share the main Bircham Road boundary. Number 19 itself is tucked into the north western corner and directly adjoins the Dene Lodge Nursing home which is to the west of the site.

The site is well screened by trees that are protected by a Tree Preservation Order

and tall hedging including hedging along the boundary with Dene Lodge (to the west) and is not visible from Bircham Road. There is wire fencing along the western boundary, with wooden panel fencing along part of the northern, eastern and southern boundaries. Stone walling is also on part of the northern boundary and concrete walling on the southern side of the main building. The site also contains a single garage workshop in the south western corner and two timber sheds in the north west corner. A current hardstanding/drive is located on the southern boundary with paving linking the bungalow with the garage and workshop and sheds.

On the opposite side of Bircham Road, to the north of the site is West Somerset College and further residential development.

The site is close to local facilities and public bus stops can be found on Bircham Road opposite the site and to the east towards the local Rugby Club.

Relevant Planning History

3/21/17/025 Extension and conversion of 3 No. bed bungalow into a 6 no. bed bungalow as an assisted living unit annexe to Dene Lodge. Approved on 4 July 2017

Consultation Responses

Minehead Town Council - Recommend Refusal.

Excessive overdevelopment and a total departure from the original plans.
Inaccessibility on current plan which will have implications for Dunster Close being over-used in construction and future use for access.

Highways Development Control - I refer to the above-mentioned planning application received on 24 April 2018 and have the following observations on the highway and transportation aspects of this proposal:-

The current application is in relation to a previously approved proposal where the Highway Authority recommended conditions were attached subject to approval (application number: 3/21/17/025).

In terms of traffic impact it would appear to be on a like for like basis in comparison to the previously approved scheme (3/21/17/025). However, the parking arrangement within the internal layout as been amended and altered.

After consulting the amended plans (Drg No: 2017-4C), there is no objection from the Highway Authority where our previously recommended conditions apply as found below:

1. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed

form thereafter at all times.

2. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

3. The applicant will need to be aware that no surface water from the development site will be allowed to discharge out onto the existing publicly maintained highway and that if lighting units are to be installed along the access road then they shall be energized by a private power source and not one being used by Somerset County Council.

4. The area allocated for parking on the submitted plan, drawing number 2017-4C shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

5. Prior to first occupation of the development hereby permitted, covered charging spaces for no less than 3 mobility scooters in relation to the proposal shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Wessex Water Authority - Thank you for the consultation in respect of the above. Please find attached a map showing the approximate location of our services near the site.

Wessex Water has no objections to this application and can advise the following information

The Planning Application

The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via a soakaway.

Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found here.

Are existing public sewers or water mains affected by the proposals?

Wessex Water will not permit the build over of public shared sewers by new properties.

Your contractor must undertake private survey to determine the precise layout of

the existing foul and surface water network and location of connection to the existing public network(s). This survey will be crucial for site layout and for agreeing surface water discharge arrangements. Easements are usually 3 metres either side of the public sewer, subject to application sewers can sometimes be diverted, at the applicants cost, to achieve suitable easements. Further details can be found here Any existing redundant connections to the public foul sewer must be sealed at the point of connection.

Is the surface water strategy acceptable to Wessex Water?

Our main priority in considering a surface water strategy is to ensure that surface water flows are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via soakaways. The strategy is currently acceptable to Wessex Water There must be no surface water connections to the foul sewer network.

Tree Officer - I have no objection to this application, with regard to the existing trees. The main trees to the east of the proposed building (included in the TPO) appear to be distant enough to avoid being damaged by the development, so long as they are adequately protected during the build by fencing in the usual way – standard condition re tree protection fencing required.

Biodiversity and Landscaping Officer -

Landscape

Details of the proposed landscaping are required.

As there are TPO trees on this site please consult with the tree Officer.

Biodiversity

Removal of vegetation should take place outside of the bird nesting season.

Representations Received

9 letters of objection have been received (3 from the same person), raising the following;

- Dunster Close is smaller than standard size and totally unsuitable to any increase in parking of traffic
- There are already existing problems with numbers of visiting/parked. If approved the original condition (7) stating the existing access from Dunster Close to be closed prior to any work starting must still apply and access to the site is only from Bircham Rd and the main entrance to Dene Lodge via the proposed new service road within the Dene Lodge complex.
- Priority must be the construction of that road prior to any demolition or building work commencing. All contractor traffic can then access the site via that service road.

- A sensible solution would be to continue the proposed close boarded fence all along those borders. This would give aesthetic continuity and require very little maintenance.
- I live next door to this property and have lived in a state of limbo for several months due to the work this building has been subject to in an effort to destroy it over this time.
- A few weeks ago I contacted the architects regarding the demolition of their half of the shared garage. I had a written reply to say the garage and outbuildings would no longer be demolished. Yet on the new planning application their garage is quite clearly not there. It is stated that the footprint will remain the same but the plans have been changed so many times since the original planning, I wonder if the next step will be to put another amended plan for a much larger building on the remaining plot.
- The conversion of this bungalow is stated as being in keeping with other properties on the Dene estate, however, this is not true as the new property will be bigger than anything else and it will be rendered and painted when all the other bungalows are built of red brick and not render, therefore this new build will not be like anything else on the estate.
- We believe it is not in keeping with the residential area and has the potential to cause unnecessary disruption. I would ask you to reconsider this unnecessary development, a view shared by many of the residents in the area.
- The residents next door, who since this development has been announced have been unable to sell their home even at a reduced value, and who are likely to experience the most inconvenience and disruption.
- This would set a precedent for commercial use of property in the area. This residential area of 50 bungalows occupied by mainly elderly residents and the whole Dene estate is a cul-de-sac.
- I would like to point out that the applicant has already broken the previous planning conditions by having a bulldozer delivered to the site via Dunster Close. The development, yet again, does not address the staff parking problem which is currently resolved by staff parking in the turning area at the end of Dene Gardens.
- The applicant has already shown a cavalier attitude to the conditions attached to the original application namely in allowing heavy plant to be delivered via Dunster Close. The immediate planting of the hedging following the decision would have illustrated the applicant's intention to abide by what was seen by objectors as a very reasonable measure. This has not been done.
- As you will appreciate, the dust and debris from the demolition and construction site can be carried from the construction site onto the highway.
- The new laurel hedge on the border is notoriously difficult to establish, requires

high maintenance in the initial 3-5years and produces berries which are poisonous to animals and children both of which frequent that end of Dunster Close.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
MD1	Minehead Development
EC1	Widening and strengthening the local economy
NH6	Nature conservation & biodiversity protection & enhancement

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

E/6	Expansion of Existing Business
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Determining issues and considerations

The main issues and considerations in this case are:

- Principle of Development
- Impacts on the character and appearance of the area
- Ecology/landscaping
- Widening and strengthening the local economy
- Impacts on residential amenity
- Highway safety
- Flooding and drainage

Principle of Development

The principle of development has previously been established with the granting of planning permission (3/21/17/025) for a six bedroom assisted living annexe to Dene Lodge. This approval is a material consideration and is the current 'fall back' position as the permission is extant, expiring in July 2020.

Impacts on the Character and Appearance of the Area

The erection of the new bungalow on the existing slab (footprint) as per the approved scheme is considered acceptable in terms of scale and appearance and will not have significant impacts on the character and appearance of the area in general which is not a designated Conservation Area and there are no listed buildings nearby.

The provision of a new pedestrian access from Bircham Road and a path from the boundary of Dene Lodge rather than the previously approved roadway is considered an improvement to the previous scheme.

The existing boundary planting in place is to be retained and additional new hard and soft landscaping is to be added and particularly at the new entry point inside the Dene House main entrance to the bungalow, where a new hedge will be planted to screen parked cars for privacy of the staff and residents. A condition is recommended requesting full detail of the hard and soft landscaping and also protection measures to be used to protect the group of protected trees in the corner of the site.

It is therefore considered that the proposal is in accordance with policy NH13 of the West Somerset Local Plan.

Ecology/Landscaping

The Council's Landscape and Biodiversity Officer concludes that the removal of vegetation should take place outside of the bird nesting season. Further details of the proposed landscaping are required and are conditioned accordingly.

The Council's Tree Officer has no objections subject to a condition requiring protection measures during construction for the TPO trees nearby.

The proposal therefore accords with policy NH6 of the West Somerset Local Plan to 2032.

Widening and strengthening the local economy

As per the previous proposal, both of these properties are owned by the applicant. These two uses provide for housing for current and future needs for older and disabled members of the local community. As such this new use on the site will

accord with policy EC1 (widening and strengthening the local economy) by redeveloping the current site and which will generate some employment for the proposed care providers.

Retained policy E/6 (Expansion of Existing Business), is also applicable and this revised scheme is also considered compatible with the role and size of the development and accords with the advice of this policy.

It is considered that the proposed accords with policy E/6 of the 2006 West Somerset Local Plan and policy EC1 of the West Somerset Local Plan to 2032.

Impacts on residential amenity

Several comments have been received by members of the community that relate to residential amenity.

With regard to existing parking issues in Dunster Close and the Dene estate as a whole the application proposes that the parking for the unit is kept to the front of Dene Lodge with access from Bircham Road. The Dunster Close access is to be stopped up through the planting of a Laurel hedge. The Highway Authority has no objections subject to a range of conditions as discussed below. It is considered that as there will be no access from Dunster Close to the application site this will help to limit the number of staff who park in Dunster Close and there will be parking spaces on site for the residents of and visitors to the property, this will also help reduce the need for on street parking.

Comments relating to the value of property have been received. The value of someone's home is not a material planning consideration.

A number of residents have mentioned that the unit is not in keeping with the estate. The bungalows in Dunster Close are predominantly brick, however immediately opposite the site on Bircham Road there are a mixture of construction types and materials and this includes painted render. As the property will be accessed from Bircham Road only and will not be seen to be part of Dunster Close together with the fact that there are other rendered properties in proximity to the application site, it is considered that the use of render is acceptable.

Comments concerning the demolition of an adjoining garage on a shared boundary in Dunster Close have been received. This is a civil matter and can not be dealt with under the planning remit.

The proposal is for the erection of a bungalow to match the previously approved scheme to form a 6 single storey bungalow. The use of the unit will be residential (for assisted living) with up to 6 persons living under the same roof and sharing the main facilities which will be annexed to the main nursing home. There will be no change of use involved as the unit is residential and thus there will be no planning impact on residential amenity.

There will be no overlooking impact from the southern side of no.19 and the north of

adjoining neighbours at no. 17 as a 1.8m high close boarded fence and 1.8m high laurel hedge are to be planted/erected along the shared boundary as shown on the site plan.

The submitted roof plan shows a series of four velux windows and several sunlight tubes. In terms of overlooking to the adjoining neighbour at no. 17, no windows are proposed in the south western elevation (as is the current case) and on the south east, 3 sets of full length windows instead of two existing double paned windows as currently. It is noted however that these additional new windows will be facing onto a proposed 1.8m high hedge and close boarded fence along the adjoining boundary. It is further noted that enlarged windows openings could be permitted householder development if development rights were not removed. It is therefore considered that there is no substantial overlooking or loss of privacy to adjoining neighbours.

It is concluded that this development will not have significant impacts on residential amenity in Dunster Close and is in accordance with policies NH1 and NH13 of the West Somerset Local Plan to 2032.

Highway Safety

As shown on the submitted site plan (dwg. no. 2017-4c Rev B) this submission shows the provision of four parking spaces to be located directly adjoining the existing terrace and eastern end of the main Dene Lodge Nursing Home building and accessed via a 3m wide access road from the current parking area in the front of Dene Lodge and with only a pedestrian pathway linked from the new parking area through the gardens to access the new assisted unit and alongside a small refuse store and secure mobility parking area. This proposal also sees the formation of a new pedestrian access from the adjoining pavement in Bircham Road to the entrance of the new unit.

This compares with the previous scheme which proposed a 3m wide road through the front of Dene Lodge and on into the grounds of the unit (19 Dunster Close) which is at a much lower level.

The Highway Authority have no objections and have requested a series of conditions be attached accordingly. The condition on the previous permission regarding the stopping up a cessation of the use of the access off from 19 Dunster Close is also again appended.

It is therefore considered that the development accords with policy ID1 of the West Somerset Local Plan to 2032

Flooding and Drainage

The site is not located within an area of Flood Risk meaning that there is no requirement for a Flood Risk Assessment.

The application states that foul sewage is to be dispersed of via the mains sewer via

connection to the existing drainage system and that surface water will be disposed of via soakaways. Wessex Water have no objections to the proposal.

Highways have requested a condition regarding surface water not discharging onto the Highway which is recommended that it be appended to the decision.

It is concluded that the proposed development will not create any flooding or drainage issues.

Conclusion

Given the above considerations the proposal has to be weighed up between the following considerations -

- Widening and strengthening of the local economy;
- The expansion of an existing business with a need for the future demographic needs for older and disabled members of the local community;
- As the property would remain as a C3 use, it would benefit from permitted development rights; these will need to be removed
- Highway safety implications;
- Careful considerations of the impacts on current residential amenity; and
- The character and appearance of the area.

This decision is balanced with the local representations received and with the comments from the Town Council and other consultees. It is also noted that there is an extant permission in place for development of this assisted living unit that could be built and that this submission seeks amendments to the previous scheme.

Overall it is considered that the proposal is acceptable and complies with Local Plan policies. The proposal is therefore recommended for approval.

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



Application No 3/21/18/026
 Demolition of existing bungalow and
 erection of a 6-bed bungalow as an
 assisted living unit annexe to Dene
 Lodge Nursing Home with
 associated car parking (amended
 scheme to 3/21/17/025)
 19 Dunster Close, Alcombe,
 Minehead, TA24 6BY
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Application No:	3/37/17/030
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Bryn Kitching
Grid Ref	Easting: 307286 Northing: 143337
Applicant	Ms Kelly
Proposal	Replacement of buildings with the erection of 5 No. self catering holiday pods, a gallery (Class D1), ancillary offices, workshops/studios (Class B1), marina offices and ancillary wc and restaurant (Class A3) with upgrades to coastal path
Location	East Quay Site, Harbour Road, Watchet, TA23 0AQ
Reason for referral to Committee	The Area Planning Manager considers that the application is significant nature

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

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

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

(A1) DRNO LTS_076(08)101 REV C LANDSCAPE GENERAL ARRANGEMENT

(A1) DRNO 1604 AP(0)10 B MAIN BUILDING PROPOSED GROUND FLOOR PLAN

(A1) DRNO 1604 AP(0)11 B PROPOSED MAIN BUILDING FIRST FLOOR PLAN

(A1) DRNO 1604 AP(0)12 B MAIN BUILDING PROPOSED SECOND FLOOR PLAN

(A1) DRNO 1604 AP(0)13 PROPOSED CAFE BUILDING GROUND/FIRST FLOOR PLANS

(A1) DRNO 1604 AP(0)20 MAIN BUILDING PROPOSED ELEVATIONS

(A1) DRNO 1604 AP(0)21 PROPOSED MAIN BUILDING ELEVATIONS

(A1) DRNO 1604 AP(0)22 PROPOSED MAIN BUILDING ELEVATIONS
 (A1) DRNO 1604 AP(0)23 PROPOSED CAFE MARINA BUILDING
 ELEVATIONS
 (A1) DRNO 1604 AP(0)30 BNB #1 PROPOSED PLANS/ ELEVATIONS/
 SECTIONS
 (A1) DRNO 1604 AP(0)31 BNB #2 PLANS/ ELEVATIONS
 (A1) DRNO 1604 AP(0)32 BNB (#3/#5) / BNB (#4) PLANS/ ELEVATIONS
 (A1) DRNO 1604 AP(0)33 STUDIO #1 PROPOSED PLANS/ ELEVATIONS
 (A1) DRNO 1604 AP(0)34 STUDIO #2/#3 PROPOSED PLANS/
 ELEVATIONS
 (A1) DRNO 1604 AL(0)00 C LOCATION PLAN
 (A1) REV A SITE PLAN
 (A1) DRNO 1604 DM1 DEMOLITION
 (A0) DRNO 2014/05/01 SURVEY
 (A3) DRNO SAS20401 EXISTING PLANS
 (A3) DRNO SAS20402 EXISTING ELEVATION
 (A3) DRNO SAS20403 EXISTING ELEVATION

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

- 3 Prior to the commencement of any part of the development a detailed set of working drawings showing the final site layout of all buildings and other structures, elevations, floor plans, external materials (including roofing materials, roof windows and all external vent pipes) and window and door details shall be submitted to and approved in writing by the Local Planning Authority. The development shall not proceed other than in accordance with the detailed approved plans unless any minor variation has been first agreed with the Authority.

Reason – In the interests of the appearance and character of the buildings. Certain elements of the development may need further refining and amendment and the Authority considers these are matters that need to be agreed prior to any other works taking place as a pre-commencement condition.

- 4 The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason – in the interests of highway safety and the the safety of users of the local highway network.

- 5 The area allocated for all parking and turning on the approved 'Site Plan' (including any amendments as may be required by these conditions) shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason – in the interests of highway safety and the safety of users of the local highway network

- 6 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in
- Pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contactors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason – in the interests of highway safety and the the safety of users of the local highway network

- 7 Unless otherwise agreed in writing beforehand with the Authority or as part of any necessary emergency works, there shall be no works taking place on the site outside the following hours.

- Mon-Fri 0800-1800
- Saturdays 0800-1300

There shall be no work taking place on Sundays or Bank/public holidays.

Reason – In the interests and amenity of those local residents living close to the site, boat users of the marina, and general visitors to the town.

8 Prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):

1. A site investigation scheme, based on the completed Desk Study (Sanctos 2016) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall take into account the health safety and amenity of future occupiers of the site as well as the potential for UXB associated with the previous war time use

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the LPA. The scheme shall be implemented as approved.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

Reason - For protection of contamination associated with historical industries at the site as well as the protection of future users of the site as well as for the protection of controlled waters.

9 No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme shall include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and

awareness.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

Reason - To prevent pollution of the water environment.

- 10 Before the use hereby permitted begins, equipment to control the emission of fumes and cooking smells from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment shall be installed as part of the approved scheme prior to the commencement of the use hereby permitted and shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

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

- 11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Version 3 by Clive Onions dated 8th June 2018, and the mitigation measures detailed within the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason - To prevent the increased risk of flooding.

- 12 Finished Floor Levels must be no lower than 8.7metre Above Ordnance Datum.

Reason - To prevent the increased risk of flooding.

- 13 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife and the adjoining Watchet station Local wildlife site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Geckoella's Ecological method statement, dated 2017, and the preliminary Ecological and Geological Appraisal dated August 2017 and any further surveys and include:

1. Details of protective measures to include method statements to avoid impacts on protected species and the adjoining Local wildlife site during all stages of development;

2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance

3. Measures for the retention and replacement and enhancement of places of rest for the species

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

- 14 Prior to the construction of any site boundaries and means of enclosure such details shall be submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary features shown on a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved enclosure details shall be carried out and be in place prior to the occupation of the buildings hereby approved.

Reason: To safeguard the character of the area.

- 15 Within one month of the commencement of development the following details shall be submitted for approval -

(i) A soft landscaping scheme to include details of the species, siting and numbers of any trees and shrubs to be planted.

The scheme shall be completely carried out within the first available planting season from the date of commencement of the development unless a written extension of that period has been agreed by the Authority.

For a period of five years after the completion of each element of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, become damaged or diseased shall be replaced by trees or shrubs of similar size and species within the next available planting season.

Reason: In the interests of the appearance of the development and to safeguard the character and appearance of the local area.

- 16 Prior to the construction of any buildings, a hard landscape scheme shall be submitted to and approved in writing by the Local Planning Authority showing details of existing and proposed walls, fences, ground levels, other boundary treatment and hard surface treatment of the open parts of the sites, and a programme of implementation for all new hard landscaping features.

Reason: In the interests of the appearance of the development and the surrounding area.

- 17
- i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
 - ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
 - iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

- 18 The holiday accommodation units shall be occupied for tourism purposes only and shall not be occupied as a person's sole or main residence.

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

Reason: To prevent permanent occupation of the residential units within the site as these are intended for commercial tourism purposes only.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. During the consideration of the application issues/concerns were raised by a statutory consultee in respect of flood risk. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

The Environment Agency advises that:

Reference should also be made to the Department for communities and Local Government publication 'Preparing for Floods' please email:

communities@twoten.com for a copy, as well as the communities and Local Government publication 'Improving the flood performance of new buildings' which can be viewed at:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>.

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that due consideration by the LPA is given to the issue(s) below and consultation be undertaken with the relevant experts where necessary. Issues are:

- The provision of an emergency flood plan.
- Details and adequacy of an emergency plan.
- Adequacy of rescue or evacuation arrangements.
- Whether insurance can be gained or not.

Proposal

This application is for full planning permission comprising the following elements:

Demolition of existing buildings and erection of new buildings comprising:

- 5 No. self-catering holiday-let pods;
- Gallery (Class D1);
- Ancillary Offices;
- Workshops/studios (Class B1);
- Marina Offices (Class B1) and ancillary WC;
- Restaurant (Class A3);
- an upgrade to the England Coastal Path, and associated landscaping and infrastructure works.

The Planning Statement submitted describes the application as a proposal

“for a cultural and enterprise scheme at East Quay, Watchet, comprising a new multipurpose building with landscaped courtyard area, the re-siting of the existing shipping container workshops, the demolition of the existing office buildings and construction of a new restaurant complex and access works to the coastal footpath along the southeast boundary of the application site, which is identified as a key regeneration site by West Somerset Council”.

The applicant is a director of Onion Collective who describe themselves

“as a social enterprise and a regeneration company which is community- led, with an aim of building a ‘stronger future for Watchet’ a deprived coastal town in Somerset, seeking to rejuvenate its economy by providing services, workspaces and opportunities through an ambitious, inspiring but financially sustainable and resilient model of development”.

The application proposals were preceded by extensive community engagement with the plans being revised over time. The community engagement has been supplemented with informal pre application discussions with the Council’s planning team as well as a presentation to the South West Design Review Panel who issued their report in May 2017.

The application submission which is classed as a major development includes the following reports

- Design and Access statement
- Landscape design and access statement
- Economic Impact Assessment
- Statement of Community Engagement
- Transport Statement and draft Travel Plan
- Ecological and geological appraisal
- Ground investigation report
- Landscape and visual impact assessment

The application has been advertised on site and in the local press. All near neighbours and other users/occupiers of the site have been invited to submit comments. The application falls below the threshold set out in the Environmental Impact Assessment Regulations 2017 being an urban development project of less than 1 hectare in area and not being located within a ‘sensitive area’ (i.e. for example within a National Park, AONB, or SSSI). Consequently the application is not deemed to be an application which should be covered by an Environmental Impact Assessment.

The applicant has served notice on the following parties who have an interest in the site

- West Somerset Council – land owner and landlord for the applicant and Marina and Boatyard.
- Western Power Distribution – owner of sub-station within the East Quay area
- John Richards – part owner of site along footpath to Splash Point
- West Somerset Railway – adjoining land owners
- Watchet Marina – leaseholders of land adjoining and occupiers/users of one of the buildings to be demolished.

Site Description

The Planning Statement describes the site being

“0.37ha (just under 1 acre) and forming part of the East Quay regeneration site within the town of Watchet. The site, an approximately triangular shaped piece of land, comprises mainly hardstanding with a bank of scrub and some office buildings. The site is bordered by the Watchet Marina to the west, a boatyard to the north (with Doniford Beach/Severn Estuary foreshore beyond) and Watchet Station and the West Somerset Railway to the south east. West Somerset Council owns the site. At present the site is used by arts organisation Contains Art, with shipping Containers as artist studios and a gallery, as well as housing the offices of Onion Collective. The site is also used by Watchet Harbour Marina for boatowner facilities, office space and some boat storage space”.

The site is located within a few minutes' walk of the town centre. It is accessed via Harbour Road from the south west with adjacent parking, the main bus stop and access to the railway station. The junction of Harbour Road and the site is also intersected by level pedestrian access from the Esplanade to the west and from Govier's Lane that crosses the railway line before dropping down to Harbour Road level via ramp and steps to the south.

There are currently two modern brick clad buildings on the site. Both buildings have a mono pitch felted roof and modern windows. One building is used by the applicants and their staff with offices on the first floor above a workshop area. The other building is used by the marina and boat users with showers, toilet block and laundry on the ground floor and the harbour master's offices and mess room on the first floor.

The site is located within the Watchet Conservation Area which includes most of the town centre and all of the harbour, including East Quay. East Quay is also within a non- statutory Area of Archaeological Importance. There are no Scheduled Monuments or Listed Buildings within the site. The England Coastal path runs adjacent to the East Quay site. The red line boundary includes part of the England Coastal path as it runs adjacent to the rear of the existing marina buildings.

There are two Sites of Special Scientific Interest (SSSIs) within a 4km radius of the site. The Blue Anchor to Lilstock Coast SSSI lies 0.2m to the north of the site which has been designated for its geological features of national importance. Cleeve Hill SSSI lies approximately 1.4km to the south-west of the site which has been designated for the rich and diverse calcareous grassland community it supports. The distance and the nature of the development makes effects on statutory sites extremely unlikely. Watchet Station Local Wildlife Site (LWS) lies adjacent to the south-east boundary of the site. The site lies 2.8km from the Quantock Hills AONB. Exmoor National Park lies 4.4km away.

Relevant Planning History

3/37/07/011 - Demolition of existing buildings, new build, mixed use development of community, commercial and residential units (86), marina facilities & urban landscape, accompanied by an Environmental Statement – as amended by drawing no. 1-012C, 1-013C, 1-014C & 1-027 received on 12/3/07, & incorporating ownership certificate dated 29/3/07 - Withdrawn 13/6/07

3/37/07/012- Demolition of existing buildings – as amended by drwgs. No.'s 1-1012C, 1-013C, 1-014C & 1-027C, received on 12/3/07, & incorporating ownership certificate dated 29/3/07 - Withdrawn 06/7/07

3/37/08/025 - Demolition of existing buildings and new build mixed use development of community, commercial and residential units; marina facilities including boatyard/workshop; and urban landscape, including accompanying Environmental Impact Statement. Also incorporating revised drainage strategy, water resource and ground conditions environmental statement, flood risk assessment and additional flood risk assessment figures - Granted 27/11/08 – (includes land to the north outside current application site)

3/37/11/036 - Application for a new planning permission to replace planning permission ref: 3/37/08/025 (Demolition of existing buildings and new build mixed use development of community, commercial, residential units; marina facilities including boatyard/workshop and urban landscape) - Finally disposed of 05/7/16 (i.e. not formally determined)

Consultation Responses

WATCHET TOWN COUNCIL - recommends approval

HIGHWAYS DEVELOPMENT CONTROL - The proposal site lies at the end of the unclassified, no through Harbour Road in Watchet. It was apparent upon a site visit that the site in question already has existing buildings in use with an art gallery already in practice.

Transport Statement

The submitted application included a Transport Statement (TS) which has been analysed. TRICS data is a commonly practiced tool to predict likely vehicle trips from a proposed development. However, due to the nature of the application TRICS data does not contain any information directly comparable to the overall proposal. When taking into account the Gross Floor Area (GFA) of each of the respective uses the overall predicted traffic generation is considered to be relatively modest by the applicant.

When taking into account the Gross Floor Area (GFA) of each of the respective uses the overall predicted traffic generation is considered to be relatively modest by

the applicant.

The Highway Authority is in agreement that whilst the proposed development will generate a material increase in vehicle movement to and from the site, it isn't considered the impact would be 'severe' on the local highway network. Although, any future proposals at the site that may generate vehicle movements over and above the current proposal may require further travel details.

Travel Plan

The body of the text also included an outline Travel Plan for the proposal. The Highway Authority find the outline for measures only Travel Statement broadly acceptable which can be conditioned. However the Bus Timetables will need to be refreshed as it is to our understanding services and frequency have changed in February 2018.

Parking

The Somerset Parking Optimum standard for this application in this instance would be 25 vehicle parking spaces, 26 cycle spaces, 1 motorcycle space and 1 disabled parking space. The applicant has proposed 26 cycle parking spaces, 2 motorcycle spaces, 2 disabled parking spaces and 9 standard vehicle spaces.

This figure falls below the optimum standard however it is accepted that a number associated visitors to the site are likely to be visiting the town anyway. The submitted Transport Statement identifies the proximity of two nearby public carparks (Harbour Road & Swain Street) to the site and their capacity.

It is also noted that a 'double stacked' parking arrangement has been proposed for a majority of the proposed parking spaces within the internal layout. Whilst the applicant states this is to be managed by the building operator, there is still potential for parking conflict here which could lead to additional vehicles associated with the site being reliant on the nearby public car parks. This should be noted by the Case Officer.

The Highway Authority has established Traffic Regulation Orders along the immediate surrounding highway. Although it would be up to the Local Planning Authority to consider any loss of the public parking spaces associated directly and solely to the development within the overall planning balance.

Conclusion

With the above in mind there is no objection from the Highway Authority. If the Local

Planning Authority are minded to grant planning permission the Highway Authority would recommend the following conditions to be attached:

1. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of

implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

2. The area allocated for all parking and turning on the submitted plan titled 'Site Plan' shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
3. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

LANDSCAPE –

I agree with findings of the submitted LIVA namely that the proposed development will generally sit comfortably within the site and the wider landscape and townscape setting. My main concern is the relationship of the proposal with the northern area of east quay. The fencing [along the site boundary] is very abrupt.

BIODIVERSITY –

The planning statement states that a desk study and fieldwork comprising an extended Phase 1 Habitat assessment and a preliminary Building Inspection for bat roost potential was carried out in November 2016, December 2016 and March 2017. An ecological Method statement was produced by Geckoella Ecology in March 2017, a preliminary Ecological and Geological Appraisal was produced by Geckoella Ecology in August 2017

Findings were as follows

Habitat

The habitat was found to primarily consist of an area of hardstanding with a scrub bank and footpath along the southeast boundary of the site and some office

buildings and other structures. This area is adjacent to Watchet Station Local Wildlife Site.

Bats

The office buildings on site were initially thought to have a high potential for bats. During the building inspection there was a possible bat emergence from the northern aspect of one of the buildings and foraging and commuting behaviour was observed along the footpath at the rear of the buildings.

Further bat 'emergence / re-entry' sessions were carried out between May and June 2017.

Although Common Pipistrelle bats were recorded possibly emerging from the office buildings on 15th November 2016 and 9th May 2017, the weight of evidence suggests that it is highly unlikely that a bat roost is present in the office buildings. There is however a well-established bat flightpath for Common Pipistrelle bats along the footpath and railway corridor to the south of the buildings. Overall though, the lack of any confirmed bat species on site other than Common Pipistrelle means that the bat diversity on site is remarkably low, especially for Somerset. The site overall has low value for bats.

Other observations included the intense security lighting on the car park side of the building. This would substantially reduce the potential for a bat roost on this (northern) aspect of the buildings.

Although, a bat roost is highly unlikely to be present within the office buildings, I agree that a Method Statement be produced that would set out what to do if a bat is encountered during works, and which suggests ways of working that would further reduce any residual risk of harm, and therefore any potential for an offence under protected species legislation.

Reptiles

The site holds potential refuge habitat for reptiles. The likely use of the site by reptiles will be limited to potential use of tree roots and rubble in the scrub bank as hibernacula.

The adjacent railway corridor offers excellent potential habitat for reptiles. Habitat manipulation should be carried out throughout the development phase to make the area unsuitable for reptiles. This includes strimming / removal of scrub / rubble / vegetation from the bank and footpath, under supervision from an ecologist. This removal should take place between March and October (incl.) outside the main hibernation period.

During the construction of the new ramp along the coastal footpath the installation of herptile fencing and/or the need to complete a destructive search is recommended (depending on the results of further surveys/exact scope of the works).

Birds

The scrub and buildings offer potential nesting opportunities for birds. During the

survey sparrows were observed roosting under the wooden fascia on the south building.

Works to or near trees and scrub, or to the fascia of the office building where nesting Sparrows have been found, should take place outside the bird nesting season (March to end of August).

Consideration should be given in the planning and design of the development to the potential for bird collision into glass window of the new build.

I support Recommendations to include, timing of the works to avoid sensitive periods for breeding birds, and an Ecological Method Statement relating to bats and to the works on the scrub bank.

The planning statement states that Suggested opportunities for biodiversity enhancements are included in the supplementary document by Geckoella, dated 2017 which forms part of the application submission.

I suggest the following condition

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife and the adjoining Watchet station Local wildlife site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Geckoella's Ecological method statement, dated 2017, and the preliminary Ecological and Geological Appraisal dated August 2017 and any further surveys and include:

1. Details of protective measures to include method statements to avoid impacts on protected species and the adjoining Local wildlife site during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

TREE OFFICER - No objection. Most of the trees along the embankment are to be retained, not least because they are helping to stabilise the bank. The loss of one evergreen tree is not excessive, especially given that some new evergreen trees are proposed along the front.

CONSERVATION OFFICER - Case officer to consider impact on heritage assets

ECONOMIC REGENERATION AND TOURISM – notes scheme follows extensive local engagement. Supports this combined proposal which are well thought through and will bring forward sustainable development at an appropriate scale, supporting the establishment and growth of the local arts community, whilst creating opportunities for further local employment.

ENVIRONMENTAL HEALTH - Environmental Health have no objection in principle to this development but would recommend the following conditions and informatives;

Odour:

With the proposed restaurant / kitchen and with holiday accommodation sited above there is a risk of cooking fumes and smells impacting the other units, therefore;

1. Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring units. It shall be designed to ensure that noise from the equipment does not disturb people at neighbouring units. The equipment shall be installed and be in full working order prior to the commencement of use. The equipment shall be effectively operated and maintained for as long as the use continues. External ducting should be so designed that the flue discharges not less than 1 metre above the roof eaves level.

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

2. **Contaminated land condition:** We would recommend a condition for contaminated land.

Please note one has already been recommended by the Environment Agency to protect controlled waters for which the Agency is the competent authority. However for all other uses including the future occupants, site workers, SSSI etc., the responsibility falls to the local Council and therefore environmental health would recommend the same condition but with a reason extended to additional uses other than controlled waters, for example;

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with relevant policies and NPPF. We have also mentioned previously

that owing to the former WWII gun emplacement, pillbox and observation box, any ground investigation and remediation should take into account risks from any UXB. Please provide copy of this combined condition in any agreed decision notice for our records.

3. **Noise:** To mitigate associated noise impacts, it is recommended that as part of a Construction Environmental Management Plan (CEMP) as submitted to and approved in writing by the LPA, that the following note is added to restrict the hours of operation for noisy work as follows;

Note: Construction site, hours of noisy work

- Mon-Fri 0800-1800
- Saturdays 0800-1300
- All other times, including Public Holidays, no noisy working
- The approved CEMP should also include as submitted to and approved in writing by the LPA the construction delivery hours.

ENVIRONMENT AGENCY – **Initially objected** to proposal on the following grounds

Flood risk has not been assessed. Site could be at risk of wave overtopping, wall failing and subject to climate change. The standard of protection provided by the sea wall is unknown. The EA will be modelling this part of coast this financial year as we are concerned about the level of risk in this area.

The applicant will need to assess the risk of flooding to the site as a result of breach of the wall, overtopping and climate change for a 1 in 200 year event. A FRA must accompany his application. The applicant needs to make sure the development would be raised to make the development safe for its lifetime. The applicant might want to consider non-residential use for the ground floor of the buildings, with a residential/holiday buildings on upper floors.

Subject to the above objection being overcome we would require the inclusion of conditions to meet the following

- Prior to each phase of development a remediation strategy to deal with potential contaminated land must be agreed in writing with the LPA
- If further contamination not identified is found a strategy to deal with such must be agreed
- Prevention of pollution during construction phase to be agreed

Further comments removing objection for submission of an Amended Flood Risk Assessment

Thank you for referring the updated Flood Risk Assessment (FRA) concerning the above application, which was received on 8 June 2018.

Providing the Local Planning Authority (LPA) is satisfied the Sequential Test under

the

National Planning Policy Framework (NPPF) the Environment Agency can WITHDRAW its earlier objection to the proposed development, subject to the inclusion of the following conditions within the Decision Notice:

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Version 3 by Clive Onions dated 8th June 2018, and the mitigation measures detailed within the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

REASON:

To prevent the increased risk of flooding.

CONDITION:

Finished Floor Levels must be no lower than 8.7metre Above Ordnance Datum.

REASON:

To prevent the increased risk of flooding.

The following informatives and recommendations should be included in the Decision Notice.

Reference should also be made to the Department for communities and Local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy, as well as the communities and Local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>.

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that due consideration by the LPA is given to the issue(s) below and consultation be undertaken with the relevant experts where necessary. Issues are:

- The provision of an emergency flood plan.
- Details and adequacy of an emergency plan.

- Adequacy of rescue or evacuation arrangements.
- Whether insurance can be gained or not.

Please be aware that the conditions and informatives covered under separate correspondence dated 3 April 2018 remain relevant.

WESSEX WATER – No comments received.

WATCHET CONSERVATION SOCIETY – The society was formed during the Urban Splash proposals to give local residents a voice in safeguarding the historic nature and heritage of Watchet. The Society welcomes the new design which is both striking and challenging and will be a beacon for the creative endeavour embodied. The workshops and studios will bring much needed employment. Support other elements such as the printing workshop which builds on local heritage. Scheme will benefit young people as well and the inward investment to give young people a future is welcomed.

WESTERN POWER DISTRIBUTION - Western Power Distribution owns a substation site, with an operational substation in situ that is supplying customers that will be effected by this development. Attached to this site are rights relating to installed cable routes, with rights to excavate to relay, repair, replace said cables and access rights, from the public highway, over the third party land both on foot and with vehicles. We are concerned that the proposed development may compromise WPD's ability to exercise these rights and access our substation.

Representations Received

19 letters received in support from the public and various organisations and other bodies giving the following reasons -

- Tracey Crouch MP Minister for Sport and Civil Society supports proposal
- School headmaster considers development will encourage arts and education
- Bridgewater College similarly support art education and consider the scheme will aid social mobility and opportunities for young people and low income families
- Royal West of England Academy support and welcome scheme and point to track record of success in Contains Art venture
- Watchet Coastal Community Team support positive impact for local businesses and potential for increased visitor spend
- Local artist community fully supports this innovative project
- Architecture is appropriate and aspirational building on artistic theme
- Significant investment in an area that is suffering from low levels of inward investment is to be welcomed

- Community based scheme welcomed as opposed to the usual developer led scheme
- Will build on Watchet's strong community spirit and has local engagement
- Scheme will build on Watchet's history of paper making guaranteeing local skills in this area, complements well the history of the town
- Job creation in such areas as Watchet is essential if community is to flourish
- Training and local employment opportunities are welcomed, mix of uses and variety of skills that will become available will be a boost to the town
- Strengthens the link between Watchet's maritime and industrial heritage, coast and environment, geology, arts and culture

6 letters of objection/concern received raising the following issues (organisations highlighted) -

- **Watchet Boat Owners Association** and other individual boat owners have concerns regarding new facilities not meeting current standard of facilities such as showers and toilets, issues around lack of car parking for boat users, access for heavy vehicles along quay side (issues regarding repair and maintenance of wall), but broadly supports if these matters can be resolved, concerns regarding lighting and security for boat owners, historic mooring bollard should be relocated
- **Marina owner** re-iterates the above. How will car parking work bearing in mind current lease arrangements with Council utilising Harbour Road public car park and potential knock on lack of parking for the town if that happens – insufficient parking capacity for the number of berth holders taking into account potential increase in numbers of berth holders. The area designated as the Boatyard on the East Quay is acceptable for use as a boatyard – there is very little capacity to accommodate car parking.
- **West Somerset Railway** - whilst we support the scheme from a tourism and employment aspect, we must formally register our concerns regarding the Watchet Footpath Level Crossing. We are concerned that the development will increase footfall using the unmanned crossing which has a long history of safety concerns. There have been many instances of pedestrians crossing in front of moving trains. Previous attempts to control the crossing with gates have not been practical. We consider the new attraction north of the railway line will increase local footfall using the crossing. We are governed by legislation and the Office for Rail and Road (generally known as HM Railway Inspectorate) have intervened in the past. Whilst the current chicane arrangement which also allows motorised buggies and pedestrians with push chairs is safe for those users who are responsible there is still misuse of the crossing particularly by local people who continue to cross in front of moving trains or when a train is standing at the station and passenger carriages are blocking the crossing. There seems no physical way of preventing greater use other than closure or replacement with a bridge or underpass which we acknowledge will be prohibitively expensive. Suggests that positive signing is introduced between the Harbour area and Govier's Lane that pedestrian access to the north of the railway is via the footbridge by the station and Boat Museum. This should be coupled with advertising on promotional/publicity material.

- One letter stating that public money should not be spent in this way, duplicating facilities already in Watchet, money should not be spent subsidising new businesses

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
WA1	Watchet Development
EC1	Widening and strengthening the local economy
EC7	Training and educational provision
EC8	Tourism in settlements
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
SC5	Self containment of settlements
CF1	Maximising access to recreational facilities
CF2	Planning for healthy communities
NH1	Historic Environment
NH2	Management of Heritage Assets
NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement
NH7	Green infrastructure
NH9	Pollution, contaminated land and land instability
NH13	Securing high standards of design
CC2	Flood Risk Management
CC3	Coastal Change Management Area

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

WAT/1	East Warf Mixed-Use Development
E/6	Expansion of Existing Business
TO/3	Tourism Development in Watchet
TO/4	New Tourism Accommodation in Watchet
T/5	Loss of Public Car Parking Provision
T/9	Existing Footpaths
T/14	Harbour Facilities at Minehead and Watchet

Determining issues and considerations

The key issues are

- the principle of development including potential socio/economic benefits
- design and layout and impact on heritage assets
- flood risk issues
- impact on local amenities and existing users;
- railway safety issues
- highway safety and parking
- landscape impact
- ecological impact
- contaminated land

Principle and socio/economic benefits

The earlier version of the Local Plan carried over a saved policy into the new Local Plan. POLICY WAT/1: East Wharf Mixed-Use Development –

The Local Planning Authority will permit a mixed employment/housing based development scheme with associated community related uses at the East Wharf, Watchet subject to the following:

- (i) the development does not detract from the character and the appearance of the adjoining conservation area and coastal zone
- (ii) that adequate access, servicing and parking provision is made for the development
- (iii) provision of a pedestrian link between the harbour frontage of the site to the Esplanade
- (iv) the development does not preclude new facilities for fishing vessels, pleasure cruise vessels and yachts provided by the marina
- (v) the development is compatible with other land uses in the area and complements the adjoining Esplanade Enhancement Scheme

The site is located within the settlement boundary for Watchet as shown in the adopted Development Plan. Policy WA1 for example encourages development that supports and strengthens the settlement's role as a local service and employment centre as well as sustaining and enhancing the attractiveness of the historic character and heritage assets as a tourist destination including the operation of the marina. Policies SD1 and SC1 confirm that the principles of sustainable development will apply and that larger developments such as that proposed are suitable for Watchet given its primary role in the settlement hierarchy.

As part of their submission the applicants have included an economic impact assessment the conclusions of which state the following

- 56 temporary construction jobs
- 42 new jobs created or sustained in the new development once opened
- Attract close to an additional 100,000 visitors to Watchet each year

- Bring in an additional £2.3m in expenditure annually supporting between 30 and 63 additional jobs with the multiplier effect of local and wider spend per visitor.
- Regeneration value for money with the community taking the lead
- Significant public realm improvements
- Capital receipt to the council and public purse and other areas of public funding benefit

Added to this are the softer social benefits such as social engagement, cultural and community benefits, youth engagement with the arts, social entrepreneurship, reduction in mental health and social deprivation problems, sharing and encouraging new skills. Policies EC1 and EC7 also encourage a widening of the existing economic base for the town and making provision for training and educational opportunities. Policy EC8 encourages new tourism development in the major centres. Policy CF1 encourages new cultural based development to strengthen local provision and so as to encourage tourism.

Taking the above into account it is considered that the principle of development on this site for the development as set out is acceptable and in line with the Development Plan as well as the tests of sustainable development in the National Planning Policy Framework (2012).

The application is supported by a detailed Community Engagement Statement which demonstrates the high levels of support for the proposals borne out by the letters of representation as well as the low level of objections. The single letter of objection which refers to public money which should not be spent in this way is not a material planning consideration but rather a matter for the grant aiding bodies concerned. The applicants have also submitted a detailed business plan to complement the Economic Impact Assessment and to demonstrate how economic added value has been calculated.

Design, layout and impact on heritage assets

Policies SC1, NH1, NH2 and NH13 in particular require development to have high standards of design and not to adversely impact on heritage matters. The Council has a duty to conserve and enhance the built and historic environment including Conservation Areas, and to consider the impact on this and other heritage elements such as Listed Buildings and other non-designated Heritage assets. In this case the development has been preceded by a significant degree of public engagement which elicited strong views regarding matters of design. Those views have been incorporated into a revised design which has been further tested by the recognised architectural body of the South West Design Review Panel. The latter wholeheartedly supported the proposal as now drawn which is unashamedly contemporary in its approach rather than the usual reliance on a pastiche copy of the past. The scale of the proposed development and its impact on the Watchet water front and public realm area has been particularly considered. A favourable comparison was drawn with the previous much taller and larger scale Urban Splash proposals for residential development.

Watchet Conservation Area has been the subject of review and also has the benefit of a Conservation Area Appraisal prepared in 2002 to guide new development. The coast and harbour are identified as an important sub area of the Conservation Area. The appraisal sets out the history of this area and refers to the importance of the area as being an essential part of what makes Watchet special. The scale and appearance of this sub area even with the new marina development is still intact as is its working charm. The area is prominent it says from a number of vantage points such as the Esplanade, the former pleasure grounds and Splash Point as well as from the opposing harbour walls and lighthouse. From here the scale of the waterfront is apparent and the need to ensure development is in scale and proportion vital to acknowledge. Finally the backdrop of the town when viewed from the harbour area is also considered important for example in relation to the heritage railway and other prominent landmarks such as the Grade 1 St Decumans Church. The original Conservation Area in 1975 excluded what was then a busy working wharf. With that role diminished and perhaps more of a tourism element now in its place it was nevertheless considered important to now include the area in the review and extension of the Conservation Area boundary.

With regard to other heritage assets, there are a number of locally important structures in the vicinity of the site such as the Esplanade, slipway, west and east pier walls and the lighthouse. Added to this are a number of designated Listed Buildings in the area of Market Street, Swain Street and the Esplanade as well as a terrace set at a higher level to the south of the site known as Seaview Terrace. This terrace of buildings will be impacted in terms of its general setting particularly by the new café building which for example from the outer harbour wall will be viewed directly in front of and to the side of this terrace but at a lower level. The café has large areas of glazing when viewed from this vantage point and will compete with the simple and more traditional glazing lines of the terrace above it.

The Listed terrace forms part of a general townscape of terraces on the hillside overlooking the harbour and marina. The Listed terrace will be affected in terms of its overall setting (which is wider than just a visual envelope) but not to such an extent that the setting is damaged. These and other terraced building blocks tend to be low rise as a contrast to the taller St Decumans Church and former mill buildings. A further significant vantage point to view the new development will be from Splash Point to the east. From here the new development will be seen against the backdrop of the hillside of Watchet and will affect the setting of Listed Buildings such as Seaview Terrace, but not to an unacceptable extent.

It is considered that the scale of development as now planned and the design details will not detract from those important heritage assets. The new buildings will be seen in context with these heritage assets but will add to the history and sense of experience of the townscape and its heritage assets both designated and undesignated. In comparison with the earlier much bulkier and taller development this current scheme will not compete so 'aggressively' with the traditional architecture of the town as was the case with the previous larger scheme.

The conclusion drawn by your officers and the Design Review Panel is that the current proposal is of a more appropriate scale, draws on the past for its inspiration whilst championing a modern fresh approach to design which will be an undoubted

draw for locals and visitors alike. The Panel also felt the design was flexible and adaptable to future changes of circumstances, was rooted in community engagement and to that end was unlikely to fail and that overall it would enrich the character and charm of the Watchet Conservation Area of which it forms an essential part, breathing new life into this part of the town whilst incorporating the personality, quirkiness and history of the town in its design approach. It is considered that the proposal as presented complies with the relevant policies set out in the Development Plan as well as the government advice set out in the National Planning Policy Framework (2012) and guidance produced by Historic England regarding the setting and significance of heritage assets.

Flood risk

There are a number of key issues for the EA who initially objected to the proposals for the following reasons

- Wave overtopping causing flooding of the site from the sea
- Resilience of buildings to withstand flood events
- Means of escape for those within the site particularly in relation to vulnerable uses
- Sea wall maintenance into the future and the potential for failure
- Potential further coastal erosion in the area exacerbated by climate change which could cause a breach and inundation behind the existing sea wall and harbour defences.

A meeting with Council officers, the applicants and the Environment Agency took place on 23 May with a view to resolving the issues set out. The meeting was productive and it was resolved that the applicants would carry out further work by way of providing a 'flood risk statement' building on the work carried out previously (under the earlier planning permission) but taking into account the differences between this current scheme and the earlier approval, assessing any changes of circumstances since the last FRA was undertaken, considering risks to the development, showing what proposals are planned to make the buildings resilient to flood risk, looking at potential evacuation plans and providing a greater assurance regarding the finished floor levels.

Following the receipt of this additional information the Environment Agency have withdrawn their objection and suggest conditions regarding the implementation of the measures contained in the Flood Risk Assessment and by setting the finished floor levels at a minimum height.

Impact on local amenity and existing users

There are four key areas for consideration

- Impact on local residents
- Impact on the general public using the site
- Impact on existing boat users and berth holders
- Impact on railway safety

Residential amenity

Dealing first with local residential amenity the site sits well below the level of existing dwellings to the south known as High View Terrace. These five dwellings plus a new house built adjoining the recreation ground will be able to see the new buildings but the development will not cause any loss of privacy given the distances involved and whilst having some impact on sea views these properties will still be able to see through the gaps in the building blocks and around the buildings. They may be some localised impact through noise and disturbance especially as the development may well result in the site being patronised in the evening. That said the level of disturbance is unlikely to be at a level to warrant a refusal of permission. A construction management plan can be attached as a condition to deal with any adverse impact through construction noise.

Public access

At the present time there is public access through the site along the eastern marina wall which forms a boundary with the application site and the boatyard area to the north. This access allows the public to enjoy the marina frontage and then access the eastern pier wall. This access however is not a designated public right of way albeit certain ad hoc use rights may have built up over time. Occasionally access has to be restricted when boats are being lifted out of the marina for storage or maintenance. At those times temporary fencing is usually put across to prevent public access. The current plans show a fence line along the northern boundary of the application site with the adjoining boatyard. A set of gates will also be installed across the public route which will allow this route to be closed for safety when necessary. A further moveable fence is shown on the site layout plan which is intended for safety purposes to stop the public wandering into the boat storage and working area.

The application site layout shows a public area between the buildings as well as five new moveable benches placed along the marina walkway on the western section of the site. These benches will be an added benefit to allow the public to enjoy the area.

In addition to this element of public access the England Coast Path passes directly to the south of the main site at a slightly higher level than the marina building and the applicant's office block and workshop. This path runs along the back of these buildings and borders the railway (but separated from it by a fence). This narrow hard surfaced path runs further uphill to the west with steps leading up to Splash Point and the lookout station. This area is a well-used public asset and gives pleasant views of the site and the town from a high vantage point.

There are no firm details of the planned improvements to the coast path at this stage and a condition will be required to agree these at a later date. The plans do however show the existing ramped access route from Harbour Road, a widening of the existing path, and a new ramped access up to Splash Point replacing the current stepped arrangements. The plans currently indicate level ramped access from the footpath to the 1st floor of the café including the roof terrace, as well as a ramped access from the footway to the first floor level of the main buildings. Those people

with differing access needs for example wheel chair users will therefore be able to access the ground floor from within the main site and the first floor from the public footpath as well as having an easier route up to Splash Point.

Overall it is considered that public access will be safeguarded, encouraged and enhanced with this latest proposed development.

Existing boat users and owners

The existing boat users, owners and berth holders in the marina are however impacted to a greater extent. It is noteworthy that the only substantive local objections to the scheme are from existing boat users of the boatyard and marina. Their concerns are basically fourfold.

- Impact on existing marina ablution block and laundry facilities
- Impact on car parking for boat users and owners
- Concerns regarding integrity of the Harbour wall and use of this area for heavy lifting equipment.
- Concerns over boat security and public access

By way of a response in a series of letters the applicant states the following –

Parking & WSDC Lease - *WSDC assure us that the space allocated to the Marina is enough to allow the Marina to carry out all boat yard operations as per their lease and for the car parking as per their lease. Indeed, although not strictly relevant in planning terms, it is worth noting that in earlier negotiations, Onion Collective agreed to the demarcation line being moved some 10 metres further south into their original development site specifically in to order to facilitate more space being available in the northern portion for parking, decreasing their own development site by some 10%. Subsequently, the Boat Shed was also taken down, again increasing the amount of space in the northern portion. The matter of the Marina lease and the car parking therein is simply a matter for the Marina Operator and WSDC to negotiate. This has been confirmed by the Council and to the Marina in clear terms in an email from Rachel Kelly to Mr. Taylor and Mr Lambert on 11th July 2017 and again on 25th January 2018 to Mr Lambert, where we also suggested they liaise with Jayne Souter at WSDC. The line has been set by WSDC and they inform us that this space is sufficient to allow the Marina to operate within the parameters of the lease.*

Marina Facilities – *In our original concept designs we increased the facilities to allow the Marina to achieve YHA Gold Standard to the maximum berth capacity for the marina. The Marina Operator did not wish to progress with the design offering additional square meterage. We then reached an agreement of like for like with rent comparable (plus inflation) to the current level paid. As per our email to Mr Lambert, the Marina manager, with reference to the facilities on 25th January 2018:*

‘Onion Collective confirmed the total GIA has been allocated at least like for like. The 2014 DVS Valuation gives the total floor space for the Marina

Offices 1,2&3, kitchen, store, laundry and berth holders facilities as 84.79m² and the Onion Collective drawings submitted to planning as part of the new development have allowed 90.5m². The internal layout in terms of allocation of space between office/berth holder facilities can be finalised during the technical drawing stage and the Marina Operator will instruct Onion Collective as to the allocations they require for specific facilities.'

The Marina operator did request 99m sq in an email 11th July 2017 which is why Onion Collective referred back to the DVS valuation total floor space to ensure accurate like for like as agreed.

Mooring bollards – *Thank you for raising this issue. We will consult with the Conservation Society, WSDC and the Marina operator to ensure the conservation of the bollard.*

Roadway – *We note the concerns regarding the realignment of the vehicle access. Our engineer has visited the site and WSDC have provided their survey from Pick Everard Condition Survey Perimeter Walls of Watchet Harbour Feb 2009. We have been given tonnage and vehicle specs by the Marina and our engineer is confident that the 10m strip for large vehicles based on tracking work we have completed will mean undue stresses are not placed on the walls. The impact of a large vehicle rolling in to deliver to the boat yard will be considerably less than that of the Marina crane lifting and manoeuvring boats into the water.*

Pedestrian Safety – *The roadway is a different surface finish to the main public realm space in the centre of the proposed development in order that pedestrians become aware they are no longer in a pedestrian only area. Moveable benches have been placed on the 10 metre wide roadway strip (which is substantially wider than Harbour Road – which feeds into the site) with the intention of giving 'safety areas' for pedestrians to migrate to when vehicles drive through the site. Vehicles will be requested to travel at 5mph, as per the current advised speed limit on the site.*

Security - *We feel that boat yard security is an issue that the Boatyard Operator should address. We will ensure the safety of our own site in terms of CCTV and lighting but that any fencing around the boat yard and gates to the boat yard are not part of our remit but are would be there to enforce security on the boat yard only. As per our email to Mr Lambert, the Marina manager, with reference to fencing and the gates on 25th January 2018*

'This is a discussion for the Marina Operator and WSDC to have as Onion Collective have no requirement for a fence or gate system to the north portion and believe it to be more an issue in terms of H&S for WSDC and security for the Marina operator. In the planning drawings we are including a simple

elevation showing an indicative fence at [X] height but this will need to be specified in detail at a later date by WSC/Marina operator per their needs.'

We appreciate the efforts made by the Marina Operator in terms of coming to agreement on many other issues during this 4-year process, such as oil tank supply, gate electronics, facilities during the build and most importantly the roadway and crane access. We feel positive that with willing the issues 1,2 and 3 between WSDC and the Marina Operator can be resolved speedily but most importantly that they are not issues for consideration in relation to this planning application from Onion Collective.

Officer comments –

On the subject of car parking the existing boatyard area is now free of the large boat shed that used to exist on the site. This building measured some 44m x 12m. The removal of this building by the Council as it was deemed unsafe has now freed up the site and allows a much greater area for parking if necessary for the boat users. The Council currently has a lease arrangement with the boat users and this is being reviewed as part of a wider estate management exercise. Added to this a further strip of land measuring some 70m x 15m has also been relinquished by the current applicants back to the Council. Again this has freed up a significant new area which can be enjoyed by the boat users.

With regard to the safety of the harbour wall the Council has recently carried out strengthening works to part of this wall. There is sufficient space to allow large cranes to access the marina and to be able to lift boats out of the water along with other heavy boats lifted on an occasional basis. At these times the application proposals show moveable benches which can then allow reasonable access for heavy lifting machinery.

Whilst the concerns of the boat users and marina owner are acknowledged it is considered that the applicant has answered these points satisfactorily and that the final detailed drawings can consider these issues further if need be.

Impact on railway safety

The comments of the West Somerset Railway are summarised above. Their full letter which sets out in some detail the history of the railway and the issue at hand is on the planning web site for more detailed perusal.

There is likely to be some additional footfall from local residents accessing the application site and its facilities but the actual number of these extra users is difficult to quantify. The level crossing is a direct route to the town centre for part of the large housing area of Watchet which lives south of the railway. This level crossing route is a direct and convenient route to the site itself but it is not the only route to town. South Street also provides access more directly to Swain Street, and Harbour Road either via the road bridge or via the more recently installed new pedestrian bridge over the railway. Dependant on where people live on the south side of the railway will dictate which railway crossing point they use to get to the site or to town. There

are also likely to be linked trips accessing both the site and the town centre.

The applicants have responded positively to this concern and have agreed to look again at their Travel Plan and to consider new signage which encourages staff and tenants not to use the level crossing. This however does not cover the general public and visitors to the site. It is perhaps ironic that the cause of concern here comes from local users who know the crossing and the town rather than from visitors who tend to obey the rules and use the crossing responsibly. Those visitors who drive to the town will tend to park in Harbour Road or one of the other car parks on the south side of the railway thereby not needing to cross the railway to access the site. A summary of their response is reproduced here –

His [WSR] response document was comprehensive and whilst we may disagree with some suggestions regarding the current use of the crossing and the impact of the development on the crossing and type of use this will engender, we are nonetheless happy to look to include guidance in the Operational Travel Plan for the East Quay building. This will ensure guidance is given to staff and tenants as to the use of the crossing on Goviers Lane. We would suggest it will state that those walking from the school side of town should walk either down South Road and cross using the foot bridge or come down Goviers Lane and migrate along the platform to the footbridge and those cycling use South Road and continue over the road bridge and down Harbour Road.

We are also happy to discuss more signage to compliment the signs we already erected following the opening of our Visitor Centre on the station platform. As WSR will be aware we have always been mindful of driving footfall over the footbridge in order to ensure we obtain maximum footfall past our own Visitor Centre opposite the station. We appreciate that the station is not actually owned by WSR, but we also have excellent relations with the Watchet Train Station team and are positive that agreement may be reached between all three parties on appropriate signs and their placement.

Officer comments-

Bearing in mind the circumstances here and the differing options to access the town centre and the site, It is the Officer's view that the application proposal will not lead to a material increase in foot traffic using the pedestrian level crossing and that there is no formal requirement to consult with the Secretary of State for Transport which is a set requirement under the General Permitted Development Procedure Order before granting planning permission.

That said the applicant's offer to look at advisory signage is one that should be explored as part of the Travel Plan arrangements and condition. Officer's made the point to the objector in a recent meeting that there is a wider safety issue here as well which might be addressed by a public safety campaign undertaken by the WSR for example by talking to local schoolchildren and other community groups to emphasise the care needed when crossing the railway and the potentially serious

implications for misuse.

Highway safety and parking

The site is in a sustainable location accessible from a range of transport options including in this case a light passenger railway. In addition, the proposal seeks to improve public connectivity to the site even further, by improvements to the coastal path that runs along the bank to the rear of the site. Given the accessibility of the site from the town it is considered that lower than normal car parking standards would be acceptable.

With regard to parking the proposal indicates the following provision to serve the development –

- Car Parking – 9 No. dual use car parking spaces;
- Cycle Parking – 26 No. cycle parking spaces - using 13 Sheffield-type stands located in two high surveillance areas; one bank of spaces located at the end of the Esplanade opposite the café/restaurant, and the other located in front of one of the containers (container 3);
- Motorcycle Parking – 2 No. motorcycle spaces are proposed opposite the café/restaurant, again in a highly visible area;
- Disabled Parking – 2 No. spaces would be provided close to the café/restaurant.

The detailed comments of the Highway Authority are set out above.

Overall they raise no objections to the proposed development subject to a number of conditions which can be attached to any planning permission. The general comments on parking are noted and there will be further discussions on the parking issue between the Council as landowner and prospective tenants which will cover matters of car parking for the adjoining boatyard users. So whilst the proposal will generate an increase in vehicular and pedestrian traffic entering and leaving the site such impact is not judged to be severe by the Highway Authority. It is recommended that the proposed conditions set out are included in any approval. It is considered therefore that the relevant policies set out in the Development Plan have been adequately addressed on this occasion.

Landscape Impact

The application includes a Landscape and Visual Impact Assessment (LVIA) which assesses the landscape and visual effects of the proposed development. The LVIA considers that -

Due to the nature, position and topology of the site, the LVIA concludes that the site is naturally well screened from most long and medium views from key locations. The natural escarpment on the eastern boundary of the site forms a visual backdrop to the proposed building as the roofline is set below the ridge of this natural landscape feature. Views of the proposed development from the eastern side of the site are entirely screened by this

landform. From further afield, the natural topography of Watchet town centre and the harbour frontage means that this place is enclosed by the surrounding rolling hills most of which support woodland copses which assist in concealing long distance views into the town. Primary short distance views only become significant in close proximity to the site.

Officers consider that the development is acceptable in broad landscape terms and will not have an adverse impact on the wider landscape. The development it is considered will sit comfortably into its setting and will not unduly impact on the townscape.

Specific hard landscape proposals include:

- Robust, durable materials which will be easy to maintain and will allow for heavy plant access to the marina.
- The primary material will be a textured concrete with a hierarchy of surface colour to define external zones, in keeping with the maritime context.
- A salvaging strategy will be deployed maintaining as much of the existing material strata as possible, to reduce build costs and remain in keeping with the maritime character of the site.
- Existing materials will be reclaimed and reused notably in the paved areas of public realm between the containers.
- A rich surface patina of textured ground form will be created with tree planting to soften the material landscape.
- Moveable timber seating along the water's edge will allow flexibility for heavy plant access (minimum 10m width).
- Carefully considered lighting will make the site a useable place at night.

Specific soft landscape proposals include:

- Maintenance and improvement of the group of trees and other native species on the eastern boundary embankment
- New planters at edge of spaces to include saline tolerant species.
- New trees introduced will be in keeping with local context.
- Proposed planting at edge of courtyard space to form a feeling of enclosure.
- Planting will be appropriate for the conditions but introduced to soften the hard landscape and industrial feel of the development.

All the hard and soft landscaping details can be agreed as part of a planning condition.

Ecology

Ecologists Geckoella have undertaken a Phase 1 Extended Ecological Survey and have recommended that the development should be carried out in a way that ensures that there are no adverse impacts on the Watchet Station Local Wildlife Site with no encroachment on the wildlife site for storage or access. In addition, fencing and measures to reduce dust pollution during the construction phase and prevent encroachment onto the Local Wildlife Site should be drawn up and agreed with an

Ecological Clerk of Works for the site to reduce the risks of adverse effects. These are unlikely to be direct or indirect effects on any other designated sites due to the small-scale nature of the works and the character of the areas affected.

The Council's landscape and ecology officer has no objections subject to appropriate conditions and guidance notes. The relevant policies in the Development Plan are adequately addressed it is considered.

Contaminated land

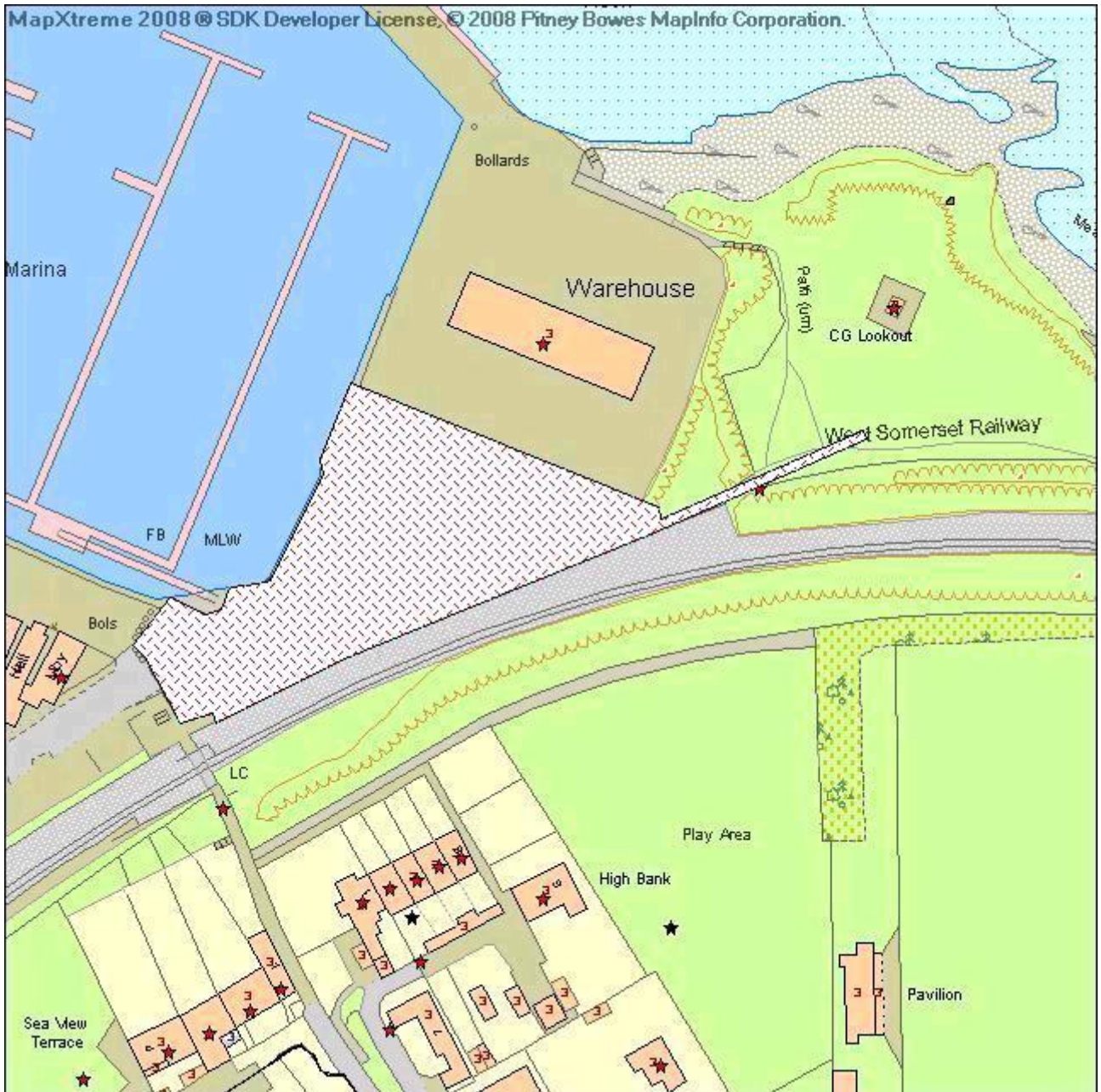
As part of their submission the applicants have provided a contaminated land report the recommendations of which include a further assessment of potential sources at site, to specifically include the made ground behind the harbour wall, and the ground in the area of the above ground storage tank. This would not only allow an assessment of risk posed by the Made Ground at the site, but also allow an assessment of potential waste classifications of surplus soils that may be generated during development works allowing these risks to be successfully managed during the construction process and post project completion.

The Council's EHO accepts that subject to appropriate conditions dealing with any potential land contamination and other matters the development is acceptable.

Conclusions

The proposed re-development of part of this key site in Watchet has significant public and community support. It brings forward an innovatively designed scheme which provides for an exciting mixed use development resulting in additional employment, as well as significant cultural and tourism benefits which complement and build on the town's maritime history. The scheme is appropriate in design and scale and will not harm the wider landscape, townscape or the appearance and character of the Conservation or the setting of heritage assets. The scheme will also assist in making Watchet more sustainable as a place and will bring forward other social benefits. The concerns of local objectors have been assessed and in the main addressed. The suggested conditions of consultees will be incorporated into an approval. The proposal meets with and supports the fundamental principles set out in the Development Plan and the National Planning Policy Framework (2012).

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



Application No 3/37/17/030

East Quay Site, Harbour Road,
Watchet

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

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Easting: 307344 Scale: 1:1250
Northing: 143387



Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/01/18/006	Rowan Cottage, 12 Trendle Lane, Bicknoller, Taunton, TA4 4EG	Erection of single storey extension to rear	08 June 2018	Grant	SW
3/10/18/003	Flat 1, Avill Court, Marsh Street, Dunster, Minehead, TA24 6PN	Replacement of single glazed softwood windows with double glazed hardwood windows	04 June 2018	Grant	SW
3/16/18/008	Copse Cottage, Combe Lane, Holford, Bridgwater, TA5 1RY	Erection of first floor extension, replacement windows and doors, demolition of bay window and porch to front, erection of verandah to front and porch to side	15 June 2018	Grant	SW
3/21/18/029	11 Glenmore Road, Minehead, TA24 5BQ	Erection of a rear lean-to single storey extension and a dual pitch side extension	12 June 2018	Grant	SW
3/32/17/018	Hillside Farm, Cockwood, Stogursey, TA5 1RH	Erection of a steel framed portal building for Class B1/B2 and B8 usage	29 May 2018	Grant	BM
3/32/18/009	Tenison Lodge, 11 Church Street, Stogursey,	Erection of extension to south elevation and re-roofing of dwelling,	07 June 2018	Grant	SW

Bridgwater, TA5
1TQ including extension, in
natural slate

Ref No.	Application	Proposal	Date	Decision	Officer
3/41/18/002	1 Culver Cottage, West Street, Withycombe, Minehead, TA24 6PY	Erection of a pitched roof over the existing single storey flat roof extension	04 June 2018	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
NMA/21/18/0 01	Appletrees, Church Road, Minehead, TA24 5SA	Non-material amendment to planning permission 3/21/17/060 to create two openings on the south elevation of the raised hardstanding and to install an up stand to the east and south wall of the hardstanding and vary the design of the approved balustrade	15 June 2018	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
NMA/26/18/0 01	Mayfield, 47 Chestnut Avenue, Chapel Cleeve, Old Cleeve, TA24 6HY	Non-material amendment to planning permission 3/26/17/013 in order to reduce the height and width of the approved extension and amend the fenestration on the east and south elevations	05 June 2018	Grant	SW



Appeal Decision

Site visit made on 9 May 2018

by Mrs J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 31st May 2018

Appeal Ref: APP/H3320/W/18/3195885

Garlands, Withycombe Lane, Carhampton, Somerset TA24 6RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Baker against the decision of West Somerset Council.
 - The application Ref 3/05/17/016, dated 2 November 2017, was refused by notice dated 30 January 2018.
 - The development proposed is for outline permission for the erection of 5 dwellings with associated vehicle parking.
-

Decision

1. The appeal is allowed and planning permission is granted for outline permission for the erection of 5 dwellings with associated vehicle parking at Garlands, Withycombe Lane, Carhampton TA24 6RF in accordance with the terms of the application, Ref 3/05/17/016, dated 2 November 2017, and the plans submitted with it, in so far as they relate to access, subject to the conditions set out in Schedule 1.

Procedural matters

2. The application was made in outline with all matters reserved except access. I have accordingly treated the submitted plans as definitive in relation to access and illustrative in relation to the other matters which are reserved. I have also adjusted the description of the development given on the application form to more appropriately describe the development.
3. An additional plan, Ref no 1341.1/201A was submitted with the appeal detailing a visibility splay to the highway authority specification. I shall return to the detail of this plan later. I do not consider that any party would be disadvantaged by my consideration of the additional plan.
4. The site is on the edge of the village of Carhampton rather than the village of Withycombe as described in the application form and the decision notice. The postal address of Garlands is Withycombe Lane, Carhampton, Minehead TA24 6RF. I have used the correct address details above.

Main Issues

5. The main issues are: a) the effect of the development on highway safety having regard to the width of Withycombe Lane and the level of traffic which would be generated by the development; and b) whether the proposal would

be appropriate to its location in relation to flood risk within the site or whether it would increase flood risk elsewhere off the site.

Reasons

Highway safety

6. The Councils' concern is that Withycombe Lane is of insufficient width to accommodate the additional traffic that would be generated by the development. Whilst the Lane is narrow over much of its length with a number of passing places it also serves as an access to the settlement of Withycombe to the east. The appellant says that the site is a short distance (around 250 metres) from the junction with the main road (A 39) and the traffic levels associated with the development would be on average around 2.5 each hour representing only a minor increase. The appellant says that the highway officer raised no objection to the proposal, and the visibility required by him has been detailed on the revised plan.
7. The Local Plan¹ states that development proposal within or in close proximity to primary villages will be considered where it does not generate significant additional traffic movements over minor roads on to the main road network. The number of additional dwellings proposed in this location would add vehicle movements along this stretch of road of up to 40 each day though I have no specific evidence from either the Council or the appellant to demonstrate the number of vehicles which use the lane on a day to day basis. It appeared to me that, even in the relatively short duration of my visit, the traffic level was more than occasional and in my judgement the additional traffic movements arising from 5 additional dwellings would make only a marginal difference to the overall traffic levels experienced between the site and the junction with the main road (A 39).
8. Although Withycombe Lane is generally only suitable for single vehicular flow the short distance between the site and the junction with the main road and the fact that this would be a small number of additional dwellings served from an existing access, albeit with improved visibility, weigh in favour of the proposal. In this context the development would not conflict with Policies SC1 (4D) and TR2 of the West Somerset Local Plan (2032) (2016) which seek to ensure that developments do not generate significant additional traffic movements over minor roads onto the highway network. The proposal would not therefore generate an unacceptable level of highway risk.

Flood risk

9. The National Planning Policy Framework (the Framework) requires that when determining planning applications, local planning authorities should ensure flood risk is not increased. Site specific flood risk assessments, where required, should ensure that the development will be safe for its lifetime without increasing flood risk elsewhere, and where possible, will reduce flood risk overall. The Council in refusing the application considered there was insufficient information to demonstrate this would be the case.
10. However, the Flood Risk Assessment (FRA) indicates the site is in Flood Zone 1, where there is the lowest probability of flood risk (less than 1 in 1,000 annual probability of flooding). The FRA does however points to a risk of surface water

¹ West Somerset Local Plan (2032)

(pluvial) flooding on part of the site with a low risk of occurrence. The FRA also assesses greenfield run off rates and identifies the required amount of on-site storage which would be needed for attenuation. It outlines that Sustainable Drainage Systems (SuDS) could be accommodated within the site though testing would be required to assess the effectiveness of infiltration methods. It is indicated that this should be coupled with a restriction of permitted development rights on part of the site to minimise any post development issues with surface water flows. A combination of on-site measures including attenuation would also ensure that the risk of flooding elsewhere from surface water is mitigated.

11. During the application process the Environment Agency and Drainage Board appeared content and the Somerset Drainage Board expressed a view that the site is capable of development without undue flood risk subject to conditions with details being resolved at the reserved matters stage. The report also says that there is no evidence to support the contention of the Parish Council that the site has the potential to exacerbate flooding issues. Similarly the FRA has not been disputed.
12. The Council having made a decision at variance to the professional advice given provide no substantive evidence to support that decision or to demonstrate how the information provided with the application leads them to conclude flood management measures would be inadequate. From the evidence before me, I see no reason why, subject to further technical investigation, it would not be possible to develop the site without increasing flood risk on the site or the adjoining area. In addition, as the application is in outline and the layout is for illustrative purposes only, the detailed layout and design of the scheme could be developed to take account of the technical requirements set out in the FRA.
13. Subject to the provision of appropriate attenuation measures, details of which could be secured by condition, I conclude that the development would not be at increased risk of surface water flooding nor would it increase the risk to adjoining properties or to the road. On this basis I find no conflict with the advice in paragraph 103 of the Framework and the PPG in this regard, nor with Policies CC2 or CC6 of the Local Plan.

Other matters

14. The Council also refer to criteria A and B of Policy SC1 arguing that the site is not a sustainable form of development due to the pedestrian access to the village being via the footpath. However, this position is not substantiated by further evidence and the site was described in the committee report as providing 'good pedestrian access into the village'. As the site is located immediately adjacent to or within the existing village and therefore compliant with Policy SC1 part 4, I conclude that there would be no conflict with Policies SC1 or TR2 of the Local Plan.
15. Representations raising concerns regarding the public right of way (PROW) have been made however the plans confirm that the PROW is to be unaltered. Similarly concerns regarding the boundary of the site not relating to any physical feature have been raised. The boundary follows the right of way and treatment of it is a matter reserved for subsequent approval rather than determination at this point.

16. Local residents express concerned that this scheme might pave the way for future development. Whilst understanding these local concerns they are not supported by any evidence and any future proposals would be dealt with on their individual merits in the context of the policies prevailing at that time. Representations relating to loss of view and devaluation of property are not material planning considerations.
17. The Parish Council, in addition to objections on flooding and access, which are dealt with above, made comments regarding the land adjacent to the lane being prone to landslip, but provide no other details. Photographs relating to flooding are from the main A39 close to the junction with Withycombe Lane and not outside the site. As such these additional comments are of limited weight in relation to my decision.

Conditions

18. I have considered the conditions suggested by the Council in the light of paragraph 206 of the Framework. It is necessary to substitute the time limit condition suggested by the Council as this is an outline not a full submission.
19. A condition identifying the approved plans including the revised visibility splay is necessary in the interests of precision. Conditions requiring formation laying out and maintenance of the access are required to ensure that the access is properly consolidated and that gates are not introduced in the first section of the access in order to enable vehicles to stand clear of the highway though some amendment of the wording is necessary to reflect the revised plan.
20. Conditions relating to the management of surface water are necessary to ensure the provision of effective drainage (both foul and surface water). Though I have amalgamated those suggested by the Council where there is duplication and adjusted the wording to ensure precision. A condition relating to finished levels of the buildings is also necessary to ensure that any ground levels change is fully considered, given the sloping site, and to ensure that any changes do not compromise the drainage proposals.
21. I note that a condition was recommended in the FRA in relation to removing permitted development rights in order to ensure that surface water flows are not impeded in the future. As the position of buildings is not part of this proposal it would not be possible at this stage to determine whether this would be necessary in relation to all or only some of the plots and this is a matter which would in any event need to be considered at the detailed stage of any application with appropriate restrictions considered at that time.
22. As landscaping is a reserved matter a specification will be part of the detailed approval and may also be affected by proposals for surface water mitigation. It would not therefore be appropriate to seek to detail this further at this point as the provision of landscaping will in any event be dependent on the evolution of the scheme at the reserved matters stage.
23. A condition is recommended by the Council to require electric charging points in the interests of highway safety although this would also ensure that the sustainable means of transport are encouraged. However I have used modified wording to require them on each individual dwelling prior to the occupation rather than require them for all dwellings prior to any occupation as this would be too onerous.

Conclusion

24. For the reasons given above and having regard to all other matters raised the appeal is allowed and outline planning permission is granted subject to conditions.

Janet Wilson

INSPECTOR

Schedule 1 - Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the approved drawings: DRNO 1341.1/202; Proposed Site Elevation; DRNO 1341.1/200A Proposed Site Plans; DRNO 1341.1/201A Proposed Site Layout Plans, but only insofar as it relates to access and visibility.
5. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access to the carriageway nearside edge 43m to the north and 43m to the south as shown on DRNO 1341.1/201A. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.
6. Any proposed entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.
7. Prior to occupation of the development hereby permitted the proposed access, over at least the first 5 metres of its length as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.
8. Prior to first occupation of each individual dwelling hereby permitted, access to a covered electric vehicle charging point to serve that dwelling shall be made available. These shall be provided within the garages (or through shared charge points) in accordance with a detailed scheme which shall have

previously been submitted to and approved in writing by the Local Planning Authority.

9. No hard surface shall be placed at the site until foul and surface water drainage works have been implemented in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework, associated Planning Policy Guidance and the Non-statutory technical standards for sustainable drainage systems. The results of the assessment shall be provided to the Local Planning Authority for scrutiny as part of the assessment. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event, plus an appropriate allowance for climate change. The submitted details shall:
- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system; and
 - c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, including details of land ownership; maintenance responsibilities; a description of system; the identification of individual assets, services and access requirements; details of routine and periodic maintenance activities.

The approved drainage schemes shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for the lifetime of the development.

10. No work shall commence on constructing the dwellings themselves until a scheme for flood resilient/resistant construction has been submitted to and approved in writing with the Local Planning Authority. Development shall take place in accordance with the approved details.
11. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the dwellings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

<<End of schedule>>



Appeal Decision

Site visit made on 9 May 2018

by Mrs J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 1st June 2018

Appeal Ref: APP/H3320/W/18/3195871

Magnolia House, Abbey Road, Washford, Old Cleeve, Somerset, TA23 0PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Graham Short against the decision of West Somerset Council.
 - The application Ref 3/26/17/017, dated 2 June 2017, was refused by notice dated 13 October 2017.
 - The development proposed is described as an additional dwelling and garage in the grounds of Magnolia House.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Graham Short against West Somerset Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development on a) the character and appearance of the area; and b) the living conditions of the future occupiers of both Magnolia House and the dwelling with planning permission with regard to privacy, outlook and amenity.

Reasons

Character and appearance

4. Magnolia House sits on a spacious plot at the edge of the village, land to the south is characteristically open and generally without buildings except for Cleeve Abbey and grounds a short distance away. To the west land is elevated and a high wall forms the rear of the site beyond which is a mill leat and a wooded backdrop. An overflow to the mill leat and generally low vegetation forms the southern boundary. Overall this forms a visually soft edge to the village when approaching from the south even though Magnolia House and the Commercial buildings behind are still visible. The appeal site comprises part of the grounds to Magnolia House though the land is currently untended and there is evidence of considerable vegetation clearance on the appeal site and elsewhere in the garden.
5. Work has not yet started on a dwelling for which planning permission has been granted between the appeal site and the road, an area also forming part of the

garden to Magnolia House. The appeal site is located between that frontage plot and the rear wall. The appeal proposal, the permitted dwelling and Magnolia House would share the same access. The appellant argues that as an infill dwelling on a subdivided site the appeal proposal is modest in scale. He further suggests that it would be in keeping with the general design and have a generous sized plot and that permission ought to have been allowed. In contrast the Council consider that the development in combination with the existing and permitted scheme would be oppressive and overbearing.

6. In this case, the dwelling would be set in the rear corner of the site very close to the high retaining wall. When considered as a proposal on its own, in the context of site, as it now, it would have a poor and illogical relationship with Magnolia House. It would take away a substantial area of garden from the existing house and would appear as a cramped form of development which would compromise the spacious setting of Magnolia House. It would be out of keeping with the overall loose knit character of the existing site and lack any positive contribution to the local context causing harm to the character and appearance of the site on the edge of the village.
7. When taken together with the extant permission the cumulative result would be both visually dominant and prominent emphasising a built edge to the village. The character of the site would change significantly and become dominated by the two new buildings and hard surfacing. There would be little opportunity to soften the impact with planting due to the position of the water attenuation measures.
8. Local Plan policies expect, amongst other things that development will complement existing character, and seek to ensure that development is designed to form an integral, harmonious addition to a settlements' existing character. The appellant argues that the Councils' terms of 'cramming' and 'cramped conditions' are overly dramatic and argue that the proposal is modest within a low intensity setting. In the context of this edge of village location the extent of the appeal building's footprint, its position against a wooded backdrop and its proximity to Magnolia House and the site of the extant consent the development would not, in my view, satisfy the local plan criteria for an integral or harmonious addition. In my judgement, this proposal would result in an overdevelopment of the site which would undermine the loose knit character and appearance of this part of the village.
9. I note that the Council do not take issue with the design of the house per se and that the appellant references "Creating Places, achieving quality in residential developments' 2004 which has been revised by the PPG guidance. These publications emphasise that buildings and the spaces between them should consider in particular the layout of existing buildings, to ensure that new buildings relate well to one another. However I have found this proposal fails to achieve this relationship.
10. For the reasons given the development conflicts with the aims and requirements of SV1 and SC1 and NH13 of the West Somerset Local Plan to 2032 (2016) (Local Plan) and the Framework and would fail to achieve an integral or harmonious additions to the village.

Living conditions

11. The subdivision of the garden to form a further building plot would result in a close proximity of buildings. The Council argue they would be unacceptably close whereas the appellant states that there are no minimum standards which are compromised. Whilst shorter distances may be appropriate in more urban settings in this part of the village the spacing between buildings is generous and the introduction of another dwelling on the site would mean the resulting distances would be small. The front elevation of the appeal proposal to the side elevation of Magnolia House and the side elevation of the appeal proposal to the face of the approved built dwelling would result in facing distances of around 10 metres. This proximity would result in the buildings appearing oppressive from one another causing harm to the outlook from those dwellings and a poor standard of privacy together with a sense of perceived overlooking for the future occupiers of those buildings.
12. Whilst acknowledging that there are no residents at present, and any future occupants of the properties would in all likelihood know what the arrangement would be, this would not overcome the harm caused by the abnormally close relationship between buildings. The lack of, or perceived lack of privacy would, in my judgement, significantly and adversely affect the living conditions of the appeal proposal and the future occupants of Magnolia House and the proposed dwelling.
13. The proposal would also result in poor levels of amenity space for Magnolia House which would be left with little useable garden in a space confined by the building and a high retaining wall. That serving the appeal proposal would be limited to a relatively small area when compared to the size of the dwelling and this area also accommodates surface water attenuation measures where there would be little opportunity for landscape planting. The appellant sets considerable emphasis by the measurements of the gardens however the context and relationship is an important factor. The private garden of Magnolia House would be particularly small when compared to the size of the house which it would serve whereas its current garden includes the whole of the plot associated with the appeal proposal. In my judgement the living conditions of the occupants of the appeal proposal and the existing house would be compromised by the extent of and arrangement of buildings.
14. For these reasons the proposal would conflict with Policies SC1 and NH13 in so far as they expect development to respond positively to neighbouring uses and seek to ensure that no harm is caused to their amenity.

Other Matters

15. The appellant suggests that the Council is unclear about the number of dwellings on the site. However from the evidence I have no doubt that the Council was clear the appeal submission related to 1 house and that the resulting number of dwellings on the Magnolia House site, should the approved development proceed would total three including the appeal scheme. It is not unreasonable for the Council to have considered both the existing dwelling and that which has already been granted planning permission in reaching their judgement on the proposal.
16. It is argued by the appellant that insufficient care and attention was given by the Council to the application with non-material and unsupported objections

given undue weight, though I find no substantive evidence to demonstrate this. The appellant achieved clarity from the exchange with the Council in order to address technical concerns. In so far as the suggestion that the Council were unwilling to discuss what would appease their concerns a meeting did take and though it did not reach a resolution I do not find that the Council was, as the appellant suggests unresponsive or unwilling to discuss their concerns. Pre-application dialogue is acknowledged as an important part of the planning process and advice was given prior to the submission of the application. However the behaviour of the Council during the pre-application process is not a matter which influences the determination of the appeal and in any event I have come to a judgement on the basis of the evidence before me.

17. It is suggested that the previous approval for a building plot created an isolated disjointed development leaving a large gap and that the appeal proposal represents a logical and well-designed infill. The appellant states that there is no policy base to resist the proposal however I have found that the policies cited are relevant to this edge of village site and the context of the proposal. Whatever the considerations given to the already consented dwelling the appeal scheme does not represent a frontage gap or infill plot. Even so, I have found the appeal proposal to be unacceptable for the reasons set out in relation to the main issues.
18. I note the appellants desire to make the best possible use of the available space but this should not be at the expense of compromising the character and appearance of the site and surroundings or the living conditions of adjacent occupiers.
19. The appellant states that all issues including those raised about knotweed, oil fired heating systems and waste have been addressed and a comprehensive set of supporting documents address heritage and drainage issues and the matters outlined by consultees. It is argued that there are no technical concerns which are unresolved and this may be so, however the interpretation of the policies is a planning judgement and I have found that there would be harm in relation to the main issues identified above.

Conclusion

20. For the reasons given above and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR



Costs Decision

Site visit made on 9 May 2018

by Mrs J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 1st June 2018

Costs application in relation to Appeal Ref: APP/H3320/W/18/3195871 Magnolia House, Abbey Road, Washford, Old Cleeve, Somerset, TA23 0PR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Graham Short for a full award of costs against West Somerset Council.
 - The appeal was against the refusal of an application for planning permission for an additional dwelling and garage in the grounds of Magnolia House.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The basis of this costs claim is that specific failures by the Council amounted to unreasonable behaviour including: disregard for the relevant guidance, legislation and procedure; failure to meet statutory timescales; failure to communicate with the applicant and failure to understand what constitutes the site. Furthermore even though revisions had been prepared to address concerns, the Council provided no justifiable basis for the refusal either in the decision notice or appeal statement and subsequently raised new issues during the appeal.
4. The Council has explained the extenuating circumstances which caused a delay in the time taken to reach a decision. Whilst these were unavoidable delays in the planning process they were understandable. Electronic exchanges, although not always promptly made, did communicate this to the applicant's agent. Though the time taken was frustrating for the applicant I consider that the circumstances outlined do not amount to unreasonable behaviour.
5. The Council makes clear in their statement that it needs to be read alongside the officer report as together they set out the case. The applicant argued no specific standards are set down in policy and therefore none have been compromised. In the absence of such standards the applicant says the Councils' case has no justifiable basis. However, Local Plan policies were set out as were provisions from the National Planning Policy Framework in both the report and in the reasons for refusal. It is clear to me that, regardless of the

outcome of the application, the Council was entitled to reach a judgement regarding their interpretation of those policies. Similarly I consider it is not unreasonable to rely on its original officer report to provide the principal explanation of the reasons for refusal. Although I recognise that it is a matter on which the applicant and the Council disagree, it does not mean that the basis for the refusal was unsupported or that the Council were unreasonable in reaching it.

6. The applicant states that the Council misunderstood what constituted the site. He says that the pre-application queries related to alternative schemes and not to the appeal proposal or the appeal site. However it is clear to me that the Council took issue with more than two dwellings on the overall site and this included Magnolia House. Even though the configuration of the scheme differed in detail from those outlined at pre-application stage I am satisfied that the Councils' approach was not inconsistent in this respect. The applicant says that there are no other approved structures on the appeal site rather these refer to the adjacent site. This may be the case, though I consider this is abundantly clear from the plans and I find nothing in the Councils' case which appears erroneous in this regard. Whilst there is no guarantee that the separate (permitted) building plot would be constructed, the relationship of the two sites to one another mean it was entirely reasonable for the Council to consider the impact of one to the other as well as the relationship with the existing house.
7. The applicant took steps to provide information to address the Councils' concerns but is aggrieved that they did not say during the application process that they thought the proposal was unacceptable in principle. He believed the purpose of providing extra information addressed the concerns identified. However, I have no substantive evidence to demonstrate that the Council at any point supported the development on this part of the site. Requests for additional information is a normal part of the planning process and serves to narrow down areas of dispute and I have not been provided with anything to suggest that the additional information resulted from unreasonable demands by the Council or that it misled the applicant.
8. The applicant argues that the Council ignored the requirements of the law in relation to tariff style financial contributions and this effectively constituted a new objection at the appeal stage. Conversely the Council explain that tariff style contributions are adopted policy and would have been sought had the two separate dwellings come forward together; their comment was also in response to the Parish Councils' representation. I do not see that this sought to attach an additional reason for refusal. The Council made a comment which the applicant has taken to imply deliberate avoidance of liability for a contribution which could be regarded as unreasonable in the context of this single application but I do not have sufficient evidence to show that this issue arose as a consequence of unreasonable behaviour, whether deliberate or otherwise. In any event it has not been shown that this led to the applicant being put to unnecessary expense during the course of the appeal.
9. The applicant in his conclusion refers to the decisions of other Inspectors which were indicated as being attached to the costs application. However as none were included and I am unable to comment further in this regard.

Conclusion

10. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has not been demonstrated, and an award of costs is not justified.

Janet Wilson

INSPECTOR