

PLANNING COMMITTEE

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

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 31 October 2013 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

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

4. Public Participation

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

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

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

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

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

Report No: SEVEN

Date: 20 November 2013

<u>Ref No.</u>	<u>Application/Report</u>
3/37/13/032 Full Planning Permission	Land at Somerset County Council Library, 11 The Esplanade, Watchet Erection Of War Memorial, Notice Board And Planters.
3/37/13/033 Advertisement Consent	Land at Somerset County Council Library, 11 The Esplanade, Watchet Advertisement Consent For The Erection Of Display Board

6. Exmoor National Park Matters

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

8. Appeals Lodged

Appellant TGC Renewables Limited	Proposal and Site Land at Aller Farm, East of Woodford and North Of Monksilver Erection of a solar PV development and associated works to include the installation of ground based racking systems and mounted solar panels (max 3m high), power inverter stations, transformer stations, sub station and comms building, fencing and associated access gates, and CCTV security cameras mounted on free standing support poles.	Appeal Type Written Representations
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9. Appeals Decided

Appellant Mr R H Vincent	Proposal and Site Land between Beverley Drive and Goviers Lane, Watchet Erection of one two storey, three bedroom house	Decision Dismissed 13/11/2013
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RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

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

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

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

PLANNING COMMITTEE

Minutes of the Meeting held on 31 October 2013 at 3.30 pm

Present:

Councillor A F Knight	Chairman
Councillor I Melhuish	Vice Chairman
Councillor G S Dowding	Councillor A P Hadley
Councillor B Heywood	Councillor E May
Councillor K M Mills	Councillor S J Pugsley
Councillor D D Ross	Councillor L W Smith
Councillor A H Trollope-Bellew	Councillor K H Turner

Officers in Attendance:

Planning Manager – Andrew Goodchild
Deputy Planning Manager - Kenneth Taylor
Planning Officer - Michael Hicks
Committee Administrator – Linda Bulpin
Legal Advisor – Brian Culverney - Mendip DC
SCC Highway Officer – Jon Fellingham

P052 Apologies for Absence

There were apologies for absence from Councillor C Morgan and Councillor M A Smith.

P053 Minutes

RESOLVED that the Minutes of the Planning Committee Meeting held on 26 September 2013 - circulated with the Agenda be confirmed as a correct record. Proposed by Councillor E May and seconded by Councillor D D Ross and all present voted in favour.

P054 Declarations of Lobbying

Name	Min No	Ref No	Application	Persons Lobbying
All Councillors	P057	3/21/13/084	Land at Ellicombe Meadow, Minehead	Objectors
Cllr E May	P057	3/39/13/029	Roughmoor Industrial Estate, Willton	Objectors

P055 Declarations of Interest

There were no Declarations of Interest.

P056 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P057	3/21/13/084	Land at Ellicombe Meadow, Minehead	Mrs T Frost	West Somerset Watchdogs	Objecting
P057	3/21/13/084	Land at Ellicombe Meadow, Minehead	Mrs Hutchings	Local Resident	Objecting
P057	3/21/13/084	Land at Ellicombe Meadow, Minehead	Mr K Marsh	Local Resident	Objecting
P057	3/21/13/084	Land at Ellicombe Meadow, Minehead	Mr Higgins	Local Resident	Objecting
P057	3/21/13/084	Land at Ellicombe Meadow, Minehead	Mr Williams	Local Resident	Objecting
P057	3/21/13/084	Land at Ellicombe Meadow, Minehead	Mrs Knee	Applicant's Agent	Supporting
P057	3/21/13/084	Land at Ellicombe Meadow, Minehead	Cllr Grierson	Ward Member	Commenting

P057 Town and Country Planning Act 1990 and Other Matters

Report Six of the Planning Team dated 23 October 2013 (circulated with the Agenda).

The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

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

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

Owing to the high number of members of the public in the Chamber, the Chairman changed the running order of applications to be determined. Application 3/21/13/084 was heard first.

Reference Location, Proposal, Debate and Decision

3/21/13/084 Land at Ellicombe Meadow, Minehead

Erection of 29 Dwellings, 8 Apartments And Associated Parking and Landscaping. Construction of Access from Ellicombe Meadow And Laying Out of a Temporary Construction Access from Ellicombe Lane

Objections raised by the speakers included:

- The question of need for the development and additional houses in Minehead
- The lack of sales on nearby developments currently underway
- Questions on the motives behind the development
- Concern over the construction access, suggesting the Rugby Club should be used
- Specific concerns on the bends and main access to Ellicombe Meadows being used as a construction access
- Highlighting that the site had previously been refused consent
- Destruction of unique area/historical landscape
- Questioning the validity of the HGV numbers presented by the developer
- The report presented a one-sided view of the development
- Impacts on adjacent tourism businesses
- Highway safety implications including emergency access
- Questions on the capacity of sewage network
- Noting that Minehead Town Council has objected
- The A39 is seriously congested
- Loss on ancient hedgerows
- Impact on tourism
- Site adjoins Exmoor National Park
- Disruption during construction phase for a period of 3 years
- Number of properties for sale in Minehead
- Opposition to the development

Supporting comments raised by the speakers included:

- The development constitutes sustainable developments
- Pre-application discussions and consultations
- Condition Survey before and after proposed development
- Applicant will continue to work with Highway Authority

The Members debate centred on the following issues:

- The validity of development in the context of the agricultural tie

- The percentage of affordable homes to be provided and the comparison between affordable bedrooms and market bedrooms
- The disturbance to wildlife during the construction phase
- Ellicombe Lane is very narrow
- Number of new homes required to be built in Minehead
- The identified need contained in the Housing Needs Assessment
- The role of windfall developments in the context of providing development sites
- Whether the off-site affordable housing contribution is sufficient
- That the development is not ideally located and away from the town centre
- The majority of owners will use their cars to go about their business
- Questions about the location of employment land relative to the development
- The practicalities of access from Ellicombe Lane vs. Ellicombe Meadows
- The signs of economic recovery and the provision of new jobs in Minehead were strong
- The length of the construction phase.
- Impact of construction traffic on the area
- Other possible means on access to the site by construction traffic
- Emerging Local Plan
- Maintenance of Public Open Space within the proposed site.

Cllr K Turner put forward a motion that a decision of approval be delegated to the Planning Manager. This was seconded by Cllr I Melhuish.

Cllr E May put forward an amendment to the motion that for the first half of the proposed development construction traffic accesses the construction site via Ellicombe Lane. This motion was seconded by Cllr K Mills. On the Chair's casting vote the motion was not carried.

A vote was then taken on first motion and the vote was carried.

3/09/87/019 Foxes and Piggies, Lower Chilcott Farm, Chilcott Lane, Dulverton
Application to Discharge a Section 105 Agreement.

Councillor S Pugsley proposed and Cllr E May seconded that the application be **APPROVED** in accordance with the officers recommendation.
All present **VOTED IN FAVOUR.**

3/37/13/031 Lorna Doone Park, West Street, Watchet
Variation of Condition 2 on Planning Permission 3/37/13/015 in Order to make Minor Amendments to the Seven Houses.

Councillor E May proposed and Cllr K Turner seconded that the application be **APPROVED** in accordance with the officers recommendation.
All present **VOTED IN FAVOUR.**

3/39/13/029 Roughmoor Industrial Estate Williton
The Display of One Non-Illuminated Locational and Directional Business Directory Sign

Cllr E May proposed that a decision of approval be delegated to the Planning Manager. This was seconded by Cllr D Ross.
All present **VOTED IN FAVOUR.**

P058 Exmoor National Park Matters

Cllr S Pugsley gave a report on matters relating to West Somerset considered at the last meeting of the Exmoor National Park Planning Committee.

P059 Delegated Decision List

The Deputy Planning Manager answered questions arising from the report.

P060 Appeals Decided

Appellant	Proposal and Site	Decision
Mr J Plowright	Lime Street Buildings, Shurton Lane, Stogursey, Proposed Erection of New Essential Agricultural Workers Dwelling	Dismissed 18/09/2013
Mrs K Collier	Land at Trendle Lane, Bicknoller Erection of Barn, Re-siting of Field Shelter And Use of Land for Grazing Horses	Dismissed 14/10/2013

The Deputy Planning Manager reported that a preliminary notification had been received informing the Authority that the Solar PV Development at Aller Farm (refused at the September Planning Committee meeting) would be going to appeal.

The Chairman gave a vote of thanks to Ken Taylor, who was leaving the Authority today, for the exceptional contribution he had made to the Planning Team.

The meeting closed at 7.15 pm

Application No:	3/37/13/032
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 307251 Northing: 143341
Applicant	Mr McDonald Watchet Remembrance Project
Proposal	Erection of War Memorial, notice board and planters.
Location	Land at Somerset County Council Library, 11 The Esplanade, Watchet, TA23 0AJ
Reason for referral to Committee	The proposal would be located on Council owned land

Risk Assessment

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

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

Site Location:

Land at Somerset County Council Library, 11 The Esplanade, Watchet, TA23 0AJ

Description of development:

Erection of War Memorial, notice board and planters.

Consultations and Representations:

The Local Planning Authority has received the following representations:

Watchet Town Council

The committee totally supports the idea of a War Memorial in Watchet. However, the committee has concerns about the intended site because of the proximity to the pebble mosaic. These concerns are increased by the inclusion of a notice board and planters in the application. In all the committee considers this is over-development of the site.

Highways Development Control

No observations

Watchet Conservation Society

Watchet Conservation Society wish to comment on the above proposal but wish to make clear their complete support for a war memorial in the town.

The Society believe that the site proposed is unsuitable. There is already an historic mosaic installation on the site adjacent to the library commemorating the legend of St Decuman. The setting of this work will be compromised by the insertion of another structure and the associated planters and noticeboard. The Society is particularly concerned because the mosaic is in a Conservation area and feel that this should protect it from encroachment and interference.

The Society are concerned that people will be encouraged to walk over the mosaic when they visit the memorial, planters and notice board resulting in damage to the structure of the mosaic.

The Society believe that a more appropriate site can be utilised in an adjacent position on the esplanade.

Public Consultation

The Local Planning Authority has received 11 letters of objection/support making the following comments (summarised):

10 letters and emails of support have been received making the following comments:

- War memorial is an integral part of recognising a communities contribution and sacrifice of its residents and Watchet has lacked this focal point.
- Design is unique; made from hard wearing Portland stone
- Will be an icon for Watchet
- perfect location as is an area for contemplation and will be enhanced by the planters and interpretation board.
- Planters will add to the sensory experience for those who can not see
- The war memorial can coexist with the mosaic and draw people to the area that was unloved before the Watchet Remembrance Project Group took it on and repaired the railings and weeding the area.
- War memorial is a fitting tribute to those who died in the wars
- Memorial was designed by local children showing how important the memorial is to the people of Watchet
- Prominent position so all can see the memorial including from the railway which would have been the last view of Watchet that those did not return saw and is complemented by its proximity to the Methodist Church
- The memorial will stand out from the red sandstone of the library
- Will not cost the District Council so why are the Planning Committee and Officers against it?
- Do not understand why some Watchet Town Councillors object to the scheme.
- A war memorial is needed

1 letter of objection has been received making the following comments:

- The simple integrity of the library is at stake
- The mosaic should be the the proper focus of attention as a genuine piece of public art and history
- Portland stone is not the best stone for the setting so close to the sea

Planning Policy Context

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

The following Policies are considered relevant to this application:

- BD/1 Local Distinctiveness
- BD/3 Conversions, Alterations and, Extensions

National Policy

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

Planning History

There is no relevant history for this site.

Proposal

The application seeks permission to erect a 3.01m high stone War Memorial, six planters and a free standing notice board on the triangular piece of land to the east of the library.

The War Memorial will be centrally located along the side wall of the library and will be constructed from Portland stone incorporating a 1.4m high cross above 12 rows of stone sandbags (1.2m high) and a 0.4m high plinth consisting of two rows of stone. The cross incorporates a Celtic knotwork circle between the arms of the cross and a dove will be incised into the centre of the cross with a circular gold leaf background. An area (74cm x 94cm) on the front of the sandbag centre will have the names inscribed of those who died in the two World Wars. The lettering (16mm tall) will be inscribed into the stone and coloured in with a grey colour. A sample of the lettering will be available at the Committee meeting. The names will be bordered by barbed wire and two poppies will be carved into the sandbags. On the plinth the words, "We will remember them" will inscribed on the front with "Tell them of us" on the side. On the bottom of the plinth will be the badges of the Royal Navy, Army, Air Force, Merchant Navy and The Royal British Legion. The war memorial will be freestanding located on the existing pavers and 10cm away from the library wall.

The six proposed planters will be made from wrought iron and will be black in colour. They are designed to represent a "Viking ship" and will be 300mm wide and 610mm long at the widest points. The planters will be 45cm high. Four of the planters will be sited around the St Decuman's pebble mosaic and two will be located adjacent to the library next to the two seats.

The notice board will be black in colour with steel twisted legs. The notice board section will be constructed from metal with a glass front. The notice board will be freestanding, located adjacent to the entrance to the area and will be 2.25m tall.

Two of the existing benches will be repositioned, one on either side of the war memorial and one will be removed.

Site Description

The triangular site is sited to the east of the library. The area is bordered on the south east and north east sides by a low stone wall with black railings on top. The area incorporates a pebble mosaic telling the legend of St Decumans together with 3 seats along the wall of the library. Pavers are used around the pebble mosaic and around the three benches. Pedestrian access to the area is via the Esplanade. Harbour Road runs along the southern boundary.

Planning Analysis

1. Principle of Development

The site lies within the development limits of Watchet and as such the proposal is acceptable in principle

2. Character and Appearance of the Area

The site lies in the vicinity of the West Somerset Railway and the marina and is adjacent to the library. The buildings in this part of Watchet are constructed of a mixture of materials including stone, brick and render. The library is constructed of stone as are the boundary walls within this part of Watchet including around the application site. The site lies within Watchet Conservation Area and the nearest listed building is the imposing Methodist Church on Harbour Road.

As the site lies within a Conservation Area the proposal has to be assessed as to whether the proposal preserves or enhances the character and appearance of the Conservation Area. It is considered that the siting of the war memorial, due to its location, design and materials used will preserve the character and appearance of the Conservation Area and complies with the criteria set down in local plan policy CA/1. The notice board and the planters together are considered to add visual clutter to the area which currently has a simple and uncluttered appearance with an ambience for quiet contemplation where residents are often seen sitting on the benches as this area is a sun trap. The introduction of this amount of additional features is considered to detract from the character of this area. The amount of visual clutter could be ameliorated by reducing the number of the decorative planters. It is therefore considered that, on balance, the notice board will be acceptable but that to reduce the visual clutter the four planters proposed along the external facing boundary walls are not installed, this will assist in maintaining an un-interrupted view of the pebble mosaic. A condition to ensure that these planters are not placed on the land is therefore recommended.

Policies BD/1 and BD/2 state that new development should be sympathetic to the scale and layout of existing buildings and spaces and should respect the character of the surroundings. There are a number of criteria that need to be complied with and these relate to the materials and detailing being appropriate to the area, the design being in harmony and scale with adjoining buildings and the area and that hard and soft landscaping form part of the proposal. It is considered that these criteria are complied with provided the number of planters is reduced to ensure that the character of the area is safeguarded.

It is argued by Watchet Conservation Society that the site is unsuitable as the setting of the pebble mosaic will be compromised by the addition of the war memorial, planters and notice board. Watchet Town Council has also raised similar concerns. The Society also considers that the mosaic should be protected from encroachment and interference and that people will be encouraged to walk of the mosaic which could result in damage being caused. These comments have been assessed and as explained above the removal of four of the planters around the mosaic will reduce the encouragement for people to walk on the mosaic, maintain the existing views of the mosaic and will reduce the impact of the proposal on the character and appearance of the area.

The proposal due to its location, design and distance to the Methodist Church will not adversely affect the setting of the church.

3. Residential Amenity

There will be no over bearing impact of loss of light to any residential property as the site is not adjacent to any dwellings. There will be no adverse effect on the enjoyment of the users of the library as the war memorial and notice board are not sited in front of the windows.

4. Highway Safety

The Highway Authority have no observations to make so there are no highway safety issues that need to be addressed. It is noted that on Armistice Day and other occasions there could be a large number of people congregating in this area however, this can not be controlled by a planning condition.

Environmental Impact Assessment

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

Conclusion and Recommendation

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

Reason for Approval :

The proposal accords with the Council's settlement strategy for the location of new development. The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. The character and appearance of the Conservation Area would be preserved. The setting of the adjoining Listed Building would not be harmed. The proposal, by reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users.

The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:-

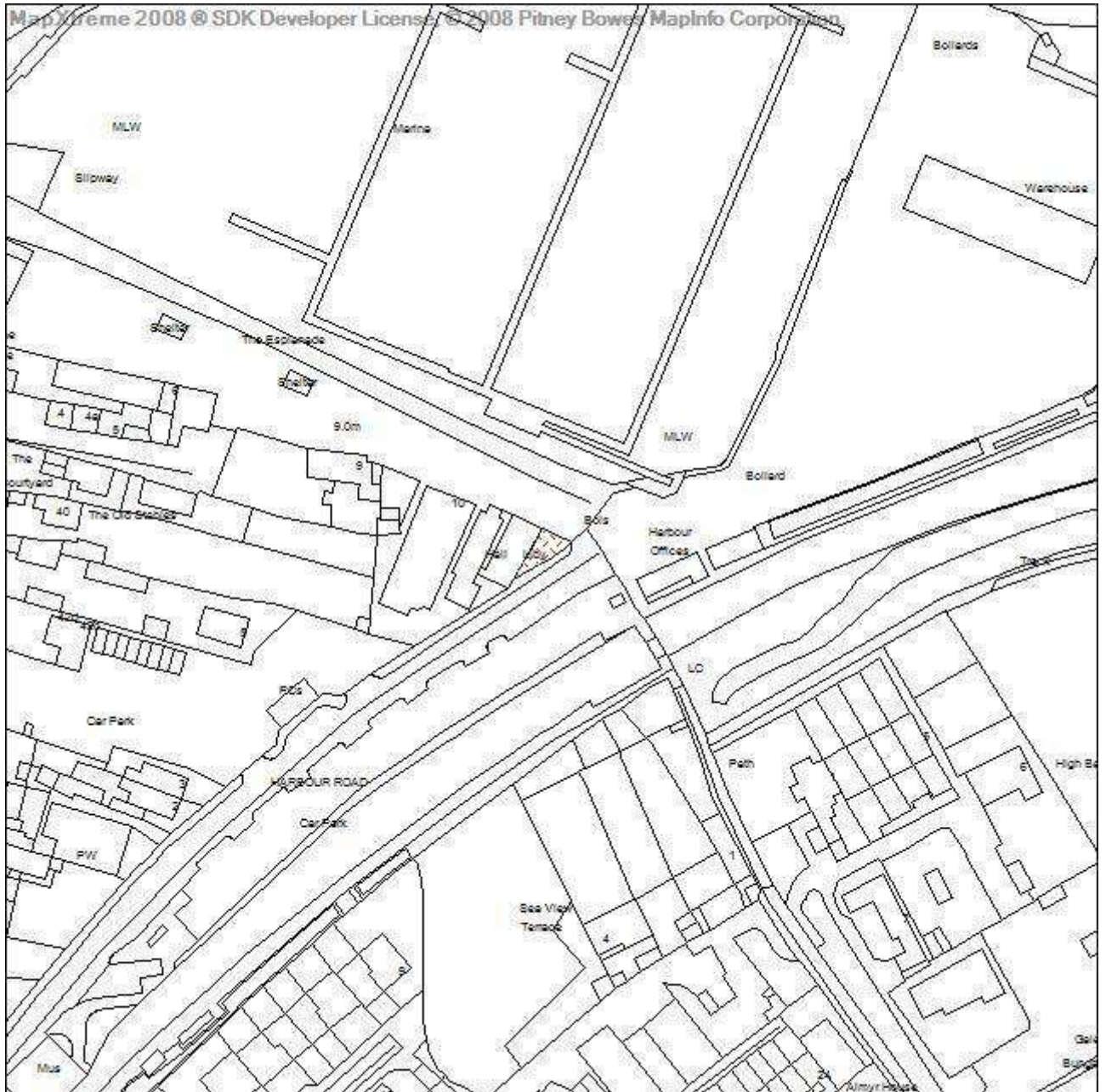
Saved Policies CA/1, BD/1 and BD/3 of the West Somerset District Local Plan (adopted December 2006).

Planning Permission is subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 5375/P/01C, 02C and 03A, 5375/E/01A, 02A, 03A and 04, Drawing 1 and Drawing 2
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Notwithstanding the details submitted of the planters only planters 5 and 6 as shown on the approved drawing 5375/P/01C shall be installed.
Reason: To safeguard the character and appearance of this area by controlling the amount of development on the site and having regard to the provisions of Saved Policy BD/1, BD/3 and CA/1 of the West Somerset District Local Plan (2006).

Notes**1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. 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 by a statutory consultee. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this concern and a condition controlling the number of planters is recommended. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.



Application No 3/37/13/032
Erection of War Memorial
Land at Somerset County
Council Library, 11 The
Esplanade, Watchet, TA23 0AJ
14 October 2013

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

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1:1250



Application No:	3/37/13/033
Parish	Watchet
Application Type	Advertisement Consent
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 307251 Northing: 143341
Applicant	Mr McDonald, Watchet Remembrance Project
Proposal	Advertisement Consent for the erection of display board
Location	Land at Somerset County Council Library, 11 The Esplanade, Watchet, TA23 0AJ
Reason for referral to Committee	The proposal would be located on Council owned land

Risk Assessment

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

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

Site Location:

Land at Somerset County Council Library, 11 The Esplanade, Watchet, TA23 0AJ

Description of development:

Advertisement consent for the erection of a display board

Consultations and Representations:

The Local Planning Authority has received the following representations:

Watchet Town Council

Any comments to be reported verbally

Highways Development Control

No observations

Public Consultation

No comments received, any additional observations to be reported verbally

Planning Policy Context

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

The following Policies are considered relevant to this application:

CA/4 Advertisements in Conservation Areas

BD/7 Advertisements

Planning History

The following planning history is relevant to this application:

3/37/13/033	Erection of War Memorial, notice board and planters	Not yet determined
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Proposal

Advertisement consent is sought to erect a free standing notice board on the triangular piece of land to the east of the library. The notice board will be located at the entrance into this piece of land and will be adjacent to the side wall of the library. The metal notice board will be black on steel twisted legs and will be 95cm wide and 2.25m high. The notice board section will have a glass front and will not be illuminated. The site is within Watchet Conservation Area.

Analysis

The impact of the advertisement on amenity

Policy CA/4 relates to amenity issues for signs in Conservation Areas and states that the advertisement must not detract from the character and appearance of the area by reason of design siting, materials, colour, proportions or illumination or as a result of visual clutter. The policy also suggests that the advertisement must also not project above the eaves or parapet of buildings or obscure architectural details on buildings or associated structures. It is considered that the proposed advert would be in keeping with the amenity of the surrounding area by reason of the design, scale, colour and proposed use of materials. It should be noted however that the stone quoin detail around the window next to the notice board will be slightly obscured but, on balance, as the obstruction is minimal it is not considered that this could constitute a reason for refusal.

The impact of the advertisement on public safety

It is considered that the proposed notice board would not have an undue impact on highway or public safety by reason of the design, siting, and as no illumination proposed.

Conclusion and Recommendation

It is considered that the proposal is acceptable and it is recommended that delegated authority is granted to the Planning Manager to approve the application unless substantive representations to refuse the application are received before the close of the consultation period.

Reason for Approval:

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

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

Advertisement Consent is subject to the following conditions:

- 1 This consent shall expire at the end of a period of five years from the date of this approval.
Reason: These conditions are specified in the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 and Saved Policy BD/7 of the West Somerset District Local Plan (2006).
- 2 (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

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

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

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

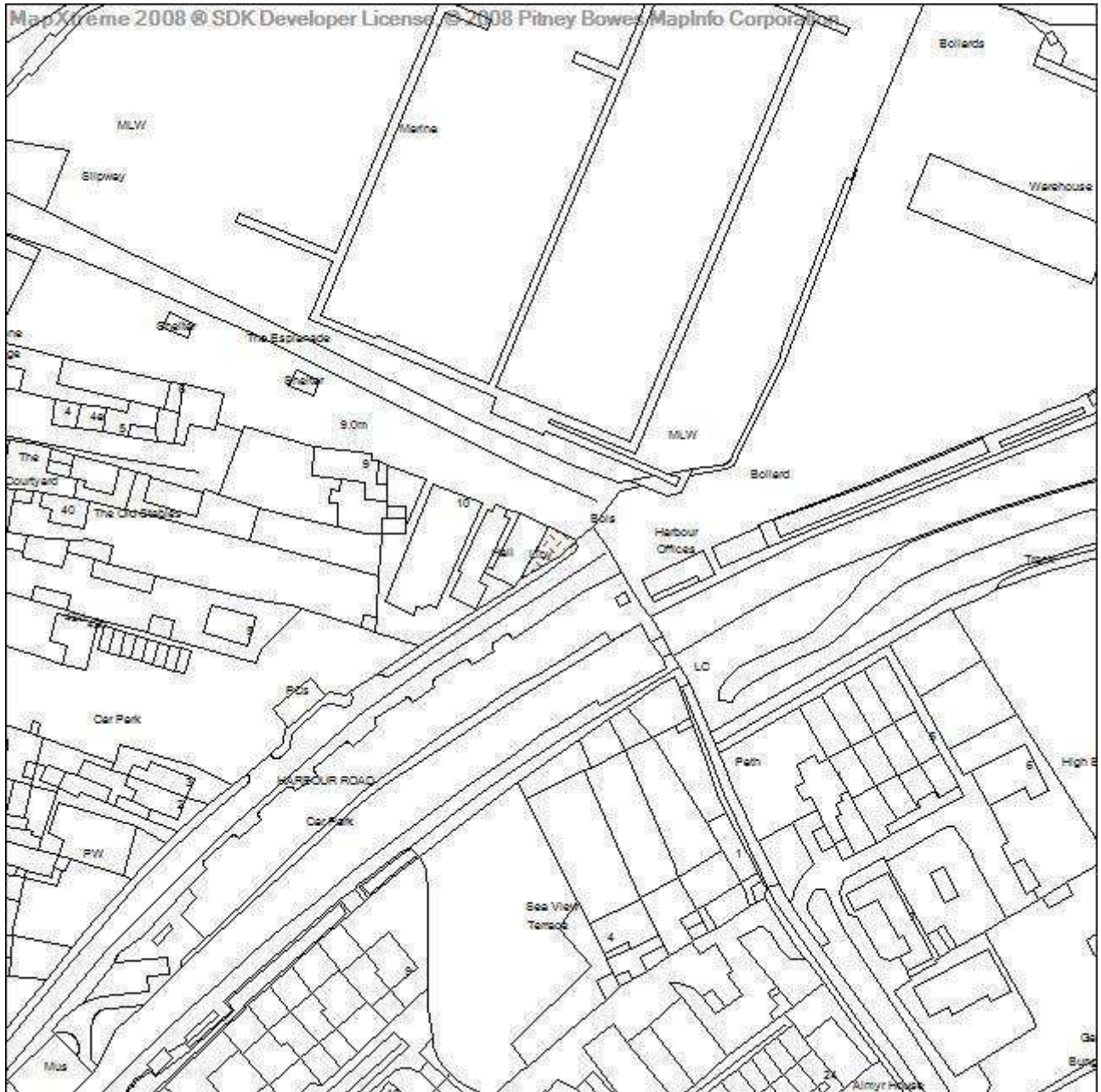
(iv) Any structure of hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

Reason: These conditions are specified in the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 and Saved Policy BD/7 of the West Somerset District Local Plan (2006).

3 The sign hereby approved shall not be illuminated by either an internal or external light source.

Reason: In the interests of visual amenity of the locality and highway safety having regard to the provisions of Saved Policy BD/7 of the West Somerset District Local Plan (2006).



Application No 3/37/13/033
Erection of display board
Land at Somerset County
Council Library, 11 The
Esplanade, Watchet, TA23 0AJ
7 November 2013

Planning Manager
West Somerset Council
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
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Easting: 307248 Northing: 143340
1:1250



Scale:

Delegated Decision List

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/02/13/007	Glebe Farm, Tolland, Lydeard St Lawrence, TA4 3PR Extensions to existing naturally ventilated free range chicken sheds	25 October 2013	Grant
3/04/13/007	TheTorr, Station Road, Brushford, TA22 9AD Loft conversion and alterations (resubmission of 3/04/13/004)	18 October 2013	Grant
3/06/13/003	Higher Beverton Farm, Brendon Hill, Watchet, TA23 0LP Lawful Development Certificate for the existing use of Higher Beverton Farm as a dwelling (constructed contrary to approved planning permission 3/06/89/001)	23 October 2013	Refuse
3/06/13/004	The Village Hall, Clatworthy, Taunton, Somerset, TA4 2EQ Replacement of timber framed windows in north and south elevations with UPVC double glazed units with UPVC frames; replacement of west window with hardwood timber frame with double glazed units and main door to be replaced with double glazed UPVC door (windows are retrospective)	18 November 2013	Grant
3/07/13/012	Combe Orchard Farm, Crowcombe, Taunton, TA4 4AP Extensions to farmhouse to form garden room and breakfast room, erection of garage and new storage barn, installation of 500mm wide dual concrete surface to track and removal of existing 'high barn' together with ground profile reinstatement.	13 November 2013	Grant
3/07/13/013	The Stables, Poundisford Farm, Crowcombe, TA4 4BQ Side extension to the east elevation	14 November 2013	Grant
3/09/13/007	Hazelcombe, 12 Battleton, Dulverton, TA22 9HT Ground floor extension under and beyond existing first floor extension, replacement side extension and internal restoration.	13 November 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/09/13/008	Hazelcombe, 12 Battleton, Dulverton, TA22 9HT Ground floor extension under and beyond existing first floor extension, replacement side extension and internal restoration.	13 November 2013	Grant
3/16/13/011	Brookside Cottage, Holford Combe, Holford, Bridgwater, TA5 1RY Installation of a Grant Vortex pro combi boiler in the lean-to outhouse with a flue terminal projecting from the rear wall into the garden	18 November 2013	Grant
3/18/13/003	Larkstone, Hilltop Lane, Kilve, Bridgwater, TA5 1SR Single storey side extension	18 November 2013	Grant
3/21/13/079	Pennyhill Farm, Combeland Road, Alcombe, Minehead, TA24 6BT Removal of condition 5 on planning application 3/21/77/117 in respect of an agricultural tie	21 October 2013	Grant
3/21/13/081	117 Cher, Minehead, TA24 5EL Proposed rear extensions	15 October 2013	Grant
3/21/13/085	10 Wellington Square, Minehead, TA24 5NH Display of new fascia sign	15 October 2013	Grant
3/21/13/086	Blagdon, Hopcott Road, Minehead, TA24 5SU Increase height of retaining wall and entrance pillars and reposition the boundary fence between Blagdon and Little Stoke.	29 October 2013	Grant
3/21/13/087	Butlins, Warren Road, Minehead, TA24 5SH Variation of condition 16 in relation to planning permission 3/21/13/039 to change the wording to: "No work, <i>except demolition</i> , shall commence on the development hereby permitted until details of the construction access shown on drawing 2012/1589/005 have been submitted to and approved in writing by the LPA. The construction	14 October 2013	Grant

access shall then be fully constructed in accordance with the approved plan to an agreed specification before the works commence".

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/21/13/088	West Somerset Garden Centre, Mart Road, Minehead, TA24 5BJ Erection of a horticultural polythene tunnel extension to existing tunnel in the non retail area to the garden centre. The tunnel is to be used as a plant holding and growing area.	06 November 2013	Grant
3/21/13/090	Northfield Hotel, Northfield Road, Minehead, TA24 5PU Creation of an 'open area' in part of existing functions room (in the north-west corner of the hotel)	29 October 2013	Grant
3/21/13/091	Block K, Plantation Quay, Butlins Minehead Resort, Warren Road, Minehead, TA24 5SH Erection of two extensions and two staircases renewing access arrangements to Block K	17 October 2013	Grant
3/21/13/092	17A Friday Street, Minehead, TA24 5UB Rear infill extension at first floor level and removal of pitched roof over kitchen to create roof terrace and other alterations	29 October 2013	Grant
3/24/12/005	2 Torre House, Washford, Approval of details reserved by condition 6 (relating to supporting the floor off the plastered ceiling) in relation to listed building consent ref: 3/24/10/005	23 October 2013	Grant
3/26/13/012	Dragon House Hotel, Bilbrook, Minehead, TA24 6HQ Reduction in height of boundary wall from 1200mm to 500mm for a length of 2000mm during construction of a new drainage system in the highway. Wall to be rebuilt on completion of the works.	08 November 2013	Grant
3/37/13/020	21 Helwell Green, Watchet, TA23 0EL Formation of hardstanding to front of dwelling	14 October 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/37/13/027	21 Ramon Avenue, Watchet, TA23 0EJ Provision of new pitched roof canopy to front elevation	14 October 2013	Refuse
3/37/13/028	5 Whitehall, Watchet, Taunton, TA23 0BD Two storey rear extension to provide improved living room and additional bedroom (resubmission of 3/37/13/003)	17 October 2013	Grant
3/37/13/029	54 Swain Street, Watchet, TA23 0AG Conversion of outbuilding to ancillary accommodation to 54 Bank House and replacement roof, two storey side extension, rear dormer entrance, boundary treatment to create rear garden, external stairs to connect passageway to parking area.	11 November 2013	Grant
3/37/13/030	54 Swain Street, Watchet, TA23 0AG Conversion of outbuilding to ancillary accommodation to Bank House, 54 Swain Street and replacement roof, two storey side extension, rear dormer entrance, boundary treatment to create rear garden, external stairs to connect passageway to parking area.	18 November 2013	Grant
3/38/13/006	Landshire House, West Quantoxhead, Taunton, Somerset, TA4 4DX Erection of single storey rear extension and extension to dormer	17 October 2013	Grant
3/39/13/024	15 Shutgate Meadow, Williton, TA4 4TJ Single storey extension	11 October 2013	Grant
3/39/13/025	Orchard Wyndham House, Williton, Taunton, TA4 4HH Adaptations to existing security system and installation of closed circuit television monitoring	13 November 2013	Refuse
3/39/13/026	Police Station, 4-6 Priest Street, Williton, Taunton, TA4 4NJ Installation of surface mounted fibre-optic cabling on west side elevation and low level retaining boundary wall	05 November 2013	Grant

<u>Ref No.</u>	<u>Application</u>	<u>Date</u>	<u>Decision</u>
3/39/13/030	Bardon House, Washford, Watchet, TA23 0PY Erection of replacement single storey dwelling (part retrospective)	13 November 2013	Grant
CA/21/13/009	Mayfair Residential Home, 25 The Avenue, Minehead, TA24 5AY To remove Almond tree	15 October 2013	Raise No Objection
CA/21/13/011	17/19 Bancks Street, Minehead, TA24 5DJ Fell Sorbus tree	18 October 2013	Raise No Objection
NMA/37/13/002	Land adjoining 5 Harbour Road, Watchet, TA23 0AQ Non-material amendment to planning permission 3/37/13/016 in order to move the footprint 450mm from the stone boundary wall.	31 October 2013	Grant
T/18/13/002	Great Beats, Kilve, Bridgwater, TA5 1SS To fell one Monterey Cypress	17 October 2013	Grant
T/21/13/004	Benares Court, Northfield Road, Minehead, TA24 5PH Reduce Evergreen Oak by 2 metres and raise crown.	18 November 2013	Refuse

Appeal Decision

Site visit made on 3 July 2013

by **H Butcher BSc (Hons) MSc MRTPI**

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

Decision date: 13 November 2013

Appeal Ref: APP/H3320/A/13/2193879

Land between Beverley Drive and Goviers Lane, Watchet, Somerset TA23 0DF

- 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 R H Vincent against the decision of West Somerset Council.
 - The application Ref 3/37/12/036, dated 13 August 2012, was refused by notice dated 28 September 2012.
 - The development proposed is the erection of one two storey, three bedroom house, on land between Beverley Drive and Goviers Lane.
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Application for Costs

1. An application for costs was made by Mr R H Vincent against West Somerset Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Procedural Matters

3. The description of the development utilised in the planning application has changed. This is due to amendments which were made prior to determination of the application to reduce the number of bedrooms from three to two, and is reflected in the plans before me. No party would be prejudiced by my determining the appeal on the basis of the amended application.
4. Two spellings of Almyr terrace appear on submitted evidence. For the purposes of this decision I have chosen to use the spelling which is largely used by local residents.

Main Issue

5. The main issue is effect on the living conditions of occupants of 15 - 17 Almyr Terrace with particular regard to having a potential overbearing impact.

Reasons

6. I have approached the appeal on the basis of any harm which could be caused by an overbearing development in terms of having a dominating or enclosing effect on the outlook of neighbouring occupiers.
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7. The appeal site is a rectangular patch of open land. It forms part of a row of mixed garden/garage/parking sites located between Sea View Terrace and Almyr Terrace. Almyr Terrace consists of a row of two storey terraced dwellings, each of which has a modest sized front garden defined by a low level boundary. The front gardens form the primary amenity space for these properties. A narrow lane across the frontage of Almyr Terrace also provides pedestrian access. I noted on my site visit, undertaken in the morning, that, given its westerly aspect, Almyr Terrace was almost completely in the shade. The presence of the open land opposite, however, provides relief to the frontage of these properties from the dominance of the surrounding built form.
8. The proposed house would be sited to the front of Nos. 15 - 17. The unusual layout of Almyr Terrace with garden spaces and accesses all located to the front concentrates the majority of domestic activity associated with these dwellings to this area. Consequently the siting of a dwelling in this location would enclose the frontages of Nos. 15-17 such that the proposal would have an enclosing and dominating impact resulting in harm to the living conditions of occupants of these properties.
9. In coming to this conclusion I note that there is no dispute between the parties that the separation between the front windows of the Almyr Terrace homes and the rear elevation of the proposed house would be some 18m. I also acknowledge that Almyr Terrace is set at a broadly similar level to the appeal site. Whilst the proposed dwelling has been designed in a chalet style with low eaves, the overall height would not be markedly different to that of properties in Almyr terrace. These matters do not lead me to conclude differently in relation to the harm identified above.
10. I noted on my site visit a pair of single storey semi-detached bungalows sited in close proximity Almyr Terrace. Their different relationship with Almyr Terrace in that they are sited end on rather than front to rear, in conjunction with their lower ridge heights mean they are not directly comparable to the scheme before me. There are also a number of garage/outbuildings located on the land to the front of Almyr Terrace but these are sited closer to Beverley Drive than the proposed dwelling and are single storey, low level buildings. Consequently I afford these matters limited weight.
11. Taking the above points together the proposal therefore conflicts with saved policy BD/2 of the West Somerset Local Plan (1998) which requires the siting of new development to have regard to its relationship with adjoining buildings and open spaces. Local Plan policy BD/2 accords with the core planning principle of securing a good standard of amenity for all existing and future occupiers of land set out in the National Planning Policy Framework (Framework).

Other Matters

12. In coming to my conclusion I have taken into account the concerns raised by third parties with respect to issues including: impact on character of the surrounding area and highway safety. I have not been provided with details of the previous outline permission on the appeal site for a dwelling. However, I note that reserved matters were not formally submitted. The granting of planning permission for the development opposite the appeal site at Sea View Terrace, and of other developments in the local area as highlighted by the

appellant, do not display similar characteristics to the appeal site before me in terms of the very specific relationship with Almyr Terrace. Consequently I afford these matters limited weight.

13.I note the proposed dwelling is to be located in a sustainable location within the settlement limits of Watchet. Notwithstanding the encouragement such a location draws from the Framework the degree of harm identified above is such that those benefits would be outweighed.

14.I have considered the effect of the proposed development on the setting of 1-4 Sea View Terrace, which are Grade II Listed Buildings. However, the Council has not objected on this basis, and, given that the dwelling would neither adjoin nor be directly opposite Sea View Terrace, it would have little impact on its setting.

Hayley Butcher

INSPECTOR

Costs Decision

Site visit made on 3 July 2013

by **H Butcher BSc (Hons) MSc MRTPI**

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

Decision date: 13 November 2013

Costs application in relation to Appeal Ref: APP/H3320/A/13/2193879 Land between Beverley Drive and Goviers Lane, Watchet, Somerset TA23 ODF

- 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 R H Vincent for a full award of costs against West Somerset Council.
 - The appeal was made against the refusal of planning permission for the erection of one two storey, three bedroom house, on land between Beverley Drive and Goviers Lane.
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Decision

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

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. Paragraph B15 of the Circular sets out that planning authorities are at risk of an award of costs against them if they prevent or delay development which should clearly be permitted having regard to the development plan. However, as set out in my appeal decision I have found that the proposal conflicts with policy BD/2 of the West Somerset Local Plan with respect to its effect on the living conditions of occupiers of neighbouring properties. The term "overbearing" is, however, a largely subjective term used to describe the effect of a development on living conditions and as set out in paragraph B18 it involves a matter of judgement. Consequently it requires a reasoned explanation.
 4. Whilst the recommendation in the committee report was that planning permission should be granted the advice in paragraph B20 is that planning authorities are not bound to accept the recommendations of their officers. The Council's reason for refusal set out the perceived consequences of the proposed development founded on valid planning reasons and was not ambiguous. Furthermore relevant evidence was produced on appeal to support this decision in line with paragraph B16. Furthermore there is nothing before me to corroborate the view that local opposition was the only reason that development was resisted or that an award of costs would be justified in line with paragraph B21. Therefore the Council did not behave unreasonably in this respect.
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5. Finally it is suggested that proper account has not been taken of the National Planning Policy Framework (Framework). The Council's appeal statement refers to the Framework as being a material consideration. As set out in my appeal decision, I found that the proposal conflicts with the Framework which seeks to secure a good standard of amenity for all existing occupants of land, and this is consistent with the Council's reason for refusal and evidence put forward in their appeal statement. Therefore I do not find evidence of unreasonable behaviour in this regard.
6. The appellant's evidence submitted for appeal was a necessary part of the appeal process in responding to the Council's position therefore this does not represent unnecessary expense.
7. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated.

Hayley Butcher

INSPECTOR