



To: Members of Planning Committee

Councillors A F Knight (Chair), I R Melhuish (Vice Chair),
A Chick, S Dowding, A Hadley, B Heywood, E May, K Mills,
C Morgan, S J Pugsley, D Ross, L Smith,
M Smith, A H Trollope-Bellew, K H Turner

Our Ref TB/TM

Your Ref

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

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Date 22 January 2015

**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 29 January 2015

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 Committee Services on 01984 635274.

Yours sincerely

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

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 29 January 2015 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 4 December 2014 - **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: 22 January 2015

<u>Ref No.</u>	<u>Application/Report</u>
3/21/14/86 Full Planning	Land at Ellicombe Meadow, Minehead. Proposed residential development of eight semi-detached dwellings (plots 23, 23A, 24, 24A, 25, 25A, 26 & 26A) in place of four approved detached dwellings and a block of nine flats rather than an approved block of eight flats (plots 5 to 12A) together with vehicular parking, access and associated infrastructure (amended scheme to planning permission 3/21/13/084)
3/28/14/013 Full Planning	Crossways, Sampford Rocks, Sampford Brett. Erection of 4 bedroom detached house with detached garage.

3/21/14/104 Listed Building Consent	Harbour Wall, Quay Street, Minehead. To reconfigure the installation of the seven Harbour plaques in order to mount a commemoration plaque and specific interpretation panels adjacent to each plaque and to display one fishing information board.
3/21/14/115 Advertisement Consent	The display of 4 free-standing information boards for heritage trails, 1 archway marked "Minehead" and "Morrisons" and 1 fishing information board.

6. Exmoor National Park Matters - Councillor to report

7. Delegated Decision List - Please see attached

8. Appeals Lodged

Appellant	Proposal and Site	Appeal Type
Ms S Lansdell	Abbey Barn, A39, Washford. For the erection Of external masonry staircase and two balconies At first floor level (planning and listed building Consent applications).	Written Reps
Mr L Morgan	Shells Cottage, Washford, Watchet. For the Erection of three detached holiday units with Associated vehicle parking.	Written Reps

9. Appeals Decided

Proposal and Site	Outcome
Land at Higher Vexford Farm, Lydeard St Lawrence	Dismissed 7 Jan 2015
1 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead Erection of a sunroom extension to the south west elevation	Dismissed 18 Dec 2014
30 The Parks, Minehead. Erection of a detached dwelling within the garden Area.	Dismissed 26 Nov 2014
Allshire, East Anstey, Tiverton. Erection of temporary agricultural Dwelling.	Dismissed 20 Jan 2015
Sandpit Meadows, Brompton Ralph. Change of use from one of 'Caravan incidental to agriculture use of land' to temporary Agricultural Workers dwelling.	Allowed 9 Dec 2014

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 4 December 2014 at 4.00 pm

Present:

Councillor A F Knight Chairman
 Councillor I R Melhuish Vice Chairman

Councillor G S Dowding	Councillor E May
Councillor B Heywood	Councillor A H Trollope-Bellew
Councillor K H Turner	Councillor L W Smith
Councillor K Mills	Councillor K H Turner
Councillor C Morgan	Councillor S J Pugsley
Councillor D Ross	Councillor M A Smith

Officers in Attendance:

Area Planning Manager – Bryn Kitching
 Planning Officer – Liz Peaks
 Planning Officer – Chris Mitchell
 Committee Administrator – Tracey Meadows
 Legal Advisor – Martin Evans - Mendip DC

P181 Apologies for Absence

Apologies for absence were received from Councillor B Heywood.

P182 Minutes

RESOLVED that the Minutes of the Planning Committee Meeting held on 30 October 2014 circulated with the Agenda be confirmed as a correct record. All present voted in favour.

P183 Declarations of Lobbying

Name	Min No	Ref No.	Application	Persons Lobbying
All Councillors	P185	3/21/14/088	Pemswell Lodge	Objectors

P184 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P184	3/21/14/088	Pemswell Lodge	Mr Borgeaud	Local Resident	Objecting
P184	3/21/14/088	Pemswell Lodge	Mr Rufus	Applicant's Agent	Supporting
P184	3/26/14/024	Cleeve Abbey	Mr Ashbee	Curator, English Heritage	Supporting
P184	3/39/14/030	Williton Recreation Ground	Cllr Vaughan	Chairman, Williton P C	Supporting
P184	3/39/14/030	Williton Recreation Ground	Mrs R James	Local Resident	Supporting
P184	3/39/14/030	Williton Recreation Ground	Mr Aldridge	Local Resident	Objecting
P184	3/39/14/030	Williton Recreation Ground	Mr Perrett	Local Resident	Objecting
P184	3/39/14/030	Williton Recreation Ground	Mr Holden	Local Resident	Objecting

P185 Town and Country Planning Act 1990 and Other Matters

Report Seven of the Planning Team dated 25 November 2014 (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:

Reference Location, Proposal, Debate and Decision

3/12/14/088 Pemswell Lodge, Pemswell Road, Minehead
New Dwelling in garden of Pemswell Lodge

The Members debate centred on the following issues:

- Flooding issues at the bottom of the lane
- Issues with safety with pedestrians and cars using the lane
- Highway issues

Councillor K Turner proposed and Cllr D Ross seconded a motion that planning permission be **Refused** for the reason below.

Reason:- Pemswell Lane is a narrow lane that does not cater for motor vehicles and is characterised by its narrow width and use as a pedestrian thoroughfare. The proposal would result in the significant widening of part of the lane to gain access to the development site and, where the lane would remain unaltered, there is a likelihood of vehicle/pedestrian conflict with the inability to easily pass. This would have an adverse and harmful impact on the appearance and character of the Conservation Area and would be contrary to saved policies BD/1 and CA/1 of the West Somerset District Local Plan.

The motion was carried.

Reference Location, Proposal, Debate and Decision

3/26/14/024 Cleeve Abbey, Abbey Road, Washford
Removal of temporary marquee structure and its replacement with a purpose built single storey timber framed pavilion

The Members debate centred on the following issues:

- This was the best solution to preserve the pavement
- Initial reaction was that the marquee structure was out of keeping with the setting.

Councillor D Ross proposed and Cllr K Mills seconded a motion that planning permission be **GRANTED** in accordance with the Officer's recommendation. The motion was carried.

Reference Location, Proposal, Debate and Decision

3/39/14/030 Williton War Memorial Recreation Ground, Williton
The erection of a pavilion, demolition of part and re-ordering of the remaining existing changing facilities, MUGA, disable and service vehicle/pedestrian access from Robert Street and associated parking facilities

The Members debated centred on the following issues:

- The new siting worked better
- With a high level of deprivation in the area, this building was needed to bring up the levels of aspirations

All members agreed that planning permission be **GRANTED** in accordance with the Officers recommendation.
The motion was carried

Reference Location, Proposal, Debate and Decision

3/39/14/031 The former Croft House, North Croft, Williton
Variation of Section 106

Councillor E May proposed and Councillor AF Knight (Chair) seconded a motion that (1) A Deed of variation to the Section 106 Agreement be made to allow for all 12 dwellings to be affordable at an affordable rent; (2) A Deed of Variation to the Section 106 Agreement to delete the need for a Management Company not be accepted.
The motion was carried.

P186 Exmoor National Park Matters

Councillor S Pugsley reported on matters relating to West Somerset considered at the last meeting of the Exmoor National Park Planning Committee. This included:

- Reserved Matters application in respect of the erection of an agricultural dwelling (outline application 6/42/14/102 (Reserve Matters) – Broad Lane Head, Zeal Farm, Hawkridge, Dulverton
- Use of land for full season tented campsite from 1st March to 30th October in addition to permitted 28 days together with the change of use of agricultural buildings to provide toilet, shower, washroom and site patron shop (Retrospective) (Full) – Caffyns Farm, Lynton, Devon
- Proposed variation of condition 4 of approved application 62/41/12/001 (proposed change of use of barn and formation of horse riding establishment) (Retrospective) to adjust the position and dimensions of the two passing bays (Retrospective) (Alteration/Lift Condition) – Caffyns Farm, Lynton, Devon

P187 Delegated Decision List

Councillor M Smith asked why application No.3/21/14/085, Erection of ornamental entrance gates was refused. The Area Planning Manager stated that the gates were too ornate and out of keeping with the area.

Councillor M Smith asked why application No. 3/31/14/012 needed to apply for planning permission. The Area Planning Manager stated that the building was listed therefore needed planning permission.

P188 Appeals Lodged

Appellant	Proposal and Site	Appeal Type
Ms S Lansdell	Abbey Barn, A39, Washford. For the erection Of external masonry staircase and two balconies At first floor level (planning and listed building Consent application).	Written Reps
Mr L Morgan	Shells Cottage, Washford, Watched. For the	Written Reps

Erection of three detached holiday units with
Associated vehicle parking.

P189 Appeals Decided

Proposal and Site	Outcome
Land at Higher Vexford Farm, Lydeard St Lawrence	Dismissed 7 Jan 2015
1 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead Erection of a sunroom extension to the south west elevation	Dismissed 18 Dec 2014
30 The Parks, Minehead. Erection of a detached dwelling within the garden Area.	Dismissed 26 Nov 2014
Allshire, East Anstey, Tiverton. Erection of temporary agricultural Dwelling.	Dismissed 20 Jan 2015
Sandpit Meadows, Brompton Ralph. Change of use from one of 'Caravan incidental to agriculture use of land' to temporary Agricultural Workers dwelling.	Allowed 9 Dec 2014

The meeting closed at 6.27 pm

Application No:	3/21/14/086
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Bryn Kitching
Grid Ref	
Applicant	Mr Hollyman Strongvox Homes
Proposal	Proposed residential development of eight semi-detached dwellings (plots 23, 23A, 24, 24A, 25, 25A, 26 & 26A) in place of four approved detached dwellings and a block of nine flats rather than an approved block of eight flats (plots 5 to 12A) together with vehicular parking, access and associated infrastructure (amended scheme to planning permission 3/21/13/084)
Location	Land at Ellicombe Meadow, Minehead
Reason for referral to Committee	The application is considered to be controversial and of significant public concern

Risk Assessment

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

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

Site Location:

Land at Ellicombe Meadow, Minehead

Description of development:

Proposed residential development of eight semi-detached dwellings (plots 23, 23A, 24, 24A, 25, 25A, 26 & 26A) in place of four approved detached dwellings and a block of nine flats rather than an approved block of eight flats (plots 5 to 12A) together with vehicular parking, access and associated infrastructure (amended scheme to planning permission 3/21/13/084)

Consultations and Representations:

The Local Planning Authority has received the following representations:

Somerset Drainage Board Consortium

The Board is the Land Drainage Authority for the area in which this site is located and has a duty to supervise all matters relating to the drainage of land. The Board has jurisdiction and powers relating to all Ordinary Watercourses in its area and is required to ensure flood risk

and surface water drainage are managed effectively.

Initially the Board *objected* to this application because it provided insufficient surface water details. The Board notes that the applicant has yet to supply drainage and flood risk information to discharge planning condition 30, 31 and 32. The Board remains concerned that the development will be discharging into an already constrained system and have yet to see any information that considers the potential flood risk from the proposals onsite and effects on the offsite receiving watercourses and drainage network.

Furthermore, Byelaw 3 of the Parrett Internal Drainage Board Byelaws, (Made under Paragraph 66 of the Land Drainage Act 1991), prohibits the introduction of any water or increase in rate into the Boards area without the consent of the Board.

As a minimum the Board would expect to see that there are no adverse impacts from the development on the downstream from both increase in flow and volume. The Board would also expect to see a contribution made to any existing inadequacies in the downstream system.

It is also important that the onsite drainage infrastructure is the subject to an agreed and approved operations and maintenance manual.

The Board asks that the local planning authority agree the surface water drainage details with the Board. The statutory undertaker should be (Wessex Water) contacted to ensure the organisation approves the details of the surface water strategy.

SCC - Ecologist

I wrote to Bryn Kitching in October regarding this application stating that: "I would have no objection to the new proposals provided that the site boundary hedges are retained and managed as agreed in relation to the existing permission along with the land in the southern half of the site that was to be kept (along with an existing pond within it) and managed for amenity/nature conservation".

At the time that I wrote this I was experiencing technical difficulties accessing WSC documents. I have now been able to compare the site plan (1133/01C dated April 2013) submitted with the previous application (3/21/13/084) to the plan attached with the current application (475-P10 A dated June 2014). From the ecological standpoint there seems little difference between the plans and it does appear that boundary hedges are retained and land in the south of the site is kept.

If you are minded to approve the current application it is important that conditions are imposed that seek to protect features of ecological interest as these were identified in connection with the previous application. I would wish to see conditions imposed that were updated equivalents to the conditions imposed in relation to ecology on the existing permission, notably: 3 (landscaping scheme); 4 (planting specification for hedgerow 'gapping up'); 21 (hedgerow protection); 22 (protection of pond and wooded area); 23 (management plan for pond and wooded area); 24 (amphibian mitigation); 25 (reptile mitigation); 26 (breeding birds) and 27 (badgers).

Provided that such conditions are imposed, I see no reason to alter my stance of no objection to the application.

Highways Development Control

I refer to the above mentioned planning application received on 29th September 2014 and following a site visit on 15th October 2014 I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the submission of revised plans for eight semi-detached dwellings and a block of eight flats.

In terms of the principle of development and access this has already been established under the previous planning permission for residential development at Ellicombe Meadow.

The proposed development would result in 4 additional dwellings and one additional flat. This would equate to 40 additional vehicle movements per day based on the TRICS datasets of the average dwelling generating 6-8 movements per day. It is the opinion of the Highway Authority that although this proposal would result in an increase in vehicle movements it is unlikely to be significant enough to warrant an objection on traffic impact grounds.

In terms of parking the applicant has made provision of two spaces for each of the new units. Please note the Highway Authority requires that the internal dimensions of a garage measures 6.0m x 3.0m. The applicant should make sure that they adhere to these guidelines.

The proposal will not see any amendments to the approved layout.

Therefore to conclude there will be no amendments to the approved layout or to the point where it will join Ellicombe Meadow. However it will result in an increase in vehicle movements although it is the Highway Authority's opinion that it's not considered to be severe as per chapter 4 of the National Planning Policy Framework (NPPF). As a consequence the Highway Authority raises no objection to this proposal and if planning permission were to be granted the following conditions would need to be attached.

- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development and thereafter maintained until the use of the site discontinues.
- A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
- 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.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels gradients, materials and method of construction shall be submitted to the Local Planning Authority.
 - The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
 - The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
 - The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
 - No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways, and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
 - There shall be an area of hard standing at least 6 metres in length (as measured from the nearside edge of the highway of the highway to the face of the garage doors), where the doors are of an up-and-over type.

NOTE:

Where works are to be undertaken on or adjoining the public maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Traffic & Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY or by telephone on 01823 355645. Applications should be made at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway.

Planning at Exmoor National Park

On the basis of the details submitted, the National Park Authority, as a consultee to West Somerset Council, wishes to raise concerns and objects on the basis of the potential impact of the development on the setting of Exmoor National Park.

The application site slopes typically northwards down from Combeland Road and the steeper ground from within the National Park boundary, which is to the south of the application site.

There appear to be no cross sectional details to demonstrate the height of the proposed semi-detached dwellings in relation to Combeland Road. Further details to show the existing and proposed levels across the site are required. A cross section drawing similar to drawing number SK007 rev A submitted in support of the earlier application, reference 3/21/13/084, would be helpful in demonstrating the relative height of the proposed development. Further details of the boundary treatment and measures to protect the existing hedgerow along Combeland Road would also be encouraged.

Comments on additional information and revised plans:

Thank you for consulting Exmoor National Park Authority on 18 December 2014 with regard to the additional details received in connection with this application.

Having considered the further details and discussed the proposal with Landscape colleagues, the National Park Authority, as a consultee to West Somerset Council wishes to raise concerns and maintain its objection to the development on the basis of its impact on views into and the setting of Exmoor National Park.

Housing Enabling Officer

I can confirm that from a Housing Enabling perspective, I am happy that the proposed amendments will result in an additional affordable home and meets the identified housing need in the Alcombe area.

I am able to confirm that negotiations between Strongvox and an Affordable Housing provider are at an advanced stage and include the additional affordable dwelling and so I am confident there will not be any delivery issues.

Minehead Town Council

Recommend - in view of the major changes in this application the committee refuse the application in its entirety. Layout visual impact design and appearance are all concerns of the committee with this proposed development

Dunster Parish Council

Dunster parish council support the application.

Comments on additional information and revised plans:

Dunster parish council has no objections to this application

Public Consultation

The Local Planning Authority has received 28 letters of objection/support making the following comments (summarised):

- 3-storey town houses are no in keeping with the location.
- Only bungalows should be allowed next to Combeland Road.
- The applicant never intended to build 37 dwellings and this application proves that.
- They should have said that they wanted this many dwellings at the start.
- The original application would never have been passed if it were for 42 dwellings rather than 37.
- Increase in traffic (both construction and on completion of the development).
- Increase in density.
- Construction traffic is already causing problems in the estate.
- This could lead to more applications.
- Semi-detached dwellings are out of character with the area.
- It is a long way to walk to the site from public transport.
- Too many flats.
- An ugly urban landscape will not help tourism
- Residents are being ignored.
- The changes are not in character with the rest of the new development.
- It would result in a 14% increase in development and therefore a 14% increase in traffic volume and noise pollution.
- Loss of residential amenity from increase in disruption.
- 3-storey housing would not meet the needs of the older generation.
- 3 storey houses would result in overlooking.
- There is no need for more housing in the area.
- Where will people work or go to school?
- The increase in the height of the dwellings is significant.
- Overlooking from the additional windows in the block of flats.

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). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

- SP/1 Settlement Hierarchy
- SP/2 Development in Minehead and Rural Centres
- SP/5 Development Outside Defined Settlements
- BD/1 Local Distinctiveness
- BD/2 Design of New Development
- BD/9 Energy and Waste Conservation
- H/4 Affordable Housing
- LC/1 Exmoor National Park Periphery
- LC/3 Landscape Character
- PO/1 Planning Obligations
- R/5 Public Open Space and Large Developments

- T/3 Transport Requirements of New Development
- T/8 Residential Car Parking
- UN/2 Undergrounding of Service Lines and New Development
- W/1 Waste Water, Sewage Management and, Infrastructure
- W/2 Surface Water Protection
- W/3 Groundwater Source Protection
- W/5 Surface Water Run-Off
- NC/3 Sites of Local Nature Conservation and Geological Interest
- NC/4 Species Protection
- TW/1 Trees and Woodland Protection
- TW/2 Hedgerows

National Policy

[National Planning Policy Framework \(the NPPF\) _](#)

Local Policy

[West Somerset Local Plan \(2006\) _](#)

[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#)

[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)

[Somerset County Council Parking Strategy \(2013\)](#)

Planning History

The following planning history is relevant to this application:

3/21/13/084	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.	Granted	22/11/2013
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Proposal

The application is for an amendment to the original planning permission for 29 dwellings and 9 apartments at Ellicombe Meadow, Minehead. It is proposed to erect 8 semi-detached dwellings and a block of 9 apartments in lieu of the already approved 4 detached dwellings and block of 8 apartments. In effect, this application is for an additional 5 residential dwellings (4 houses and 1 apartment).

The semi-detached dwellings will be three storey with integral garages rather than the approved two storey dwellings with attached garages. Due to the slope of the land, the three storey dwellings will be cut into the slope so that they are only two storey at the rear. The main living accommodation would be on the first and second floor with level access to the rear gardens from the first floor.

The apartment block has been amended so that an additional apartment can be located in the roof space. The results in the addition of a small central gable in the front elevation and the insertion of second floor windows in both side elevations.

The access and road layout of the development would remain the same as previously approved.

Site Description

The application site is located in the south western portion of Minehead. The site is located adjacent to the development known as Ellicombe Meadow and the rugby club.

The larger development site consists of a former agricultural field of around 1.8 hectares. It is roughly L shaped and surrounded by hedging and some tree planting to all of its boundaries, although there are gaps within this planting in a number of areas.

The site slopes upwards from north to south increasing in steepness in the southern portion of the site where it backs onto Combeland Road and the National Park beyond. This is the location of the proposed 8 semi-detached dwellings in lieu of the previously approved 4 detached dwellings. The previously approved block of flats is in the north eastern corner of the site and this is where the additional single flat would be located.

Planning Analysis

1. Principle of Development

The site is outside of the development limits set out in the Local Plan. However this is a site where the council considered that residential development was acceptable when judged against the NPPF sustainable development principles. Both at the time of the original application and at present, the Council could not demonstrate a 5 year housing land supply. It was accepted that the site was suitably located in transport sustainability terms and that the adverse impacts of granting permission did not significantly and demonstrably outweigh the benefits of providing a mix of open market and affordable housing.

It is considered that any small increase in housing numbers without expanding the size of the site, is acceptable in principle, provided that any additional adverse impacts do not outweigh the benefits of providing additional housing.

2. Character and Appearance of the Area

This is the key consideration with regard to the proposal as it would result in an increase in building height on the highest part of the site and at the edge of the development. The existing planning consent permits 2-storey detached dwellings on the southern part of the site. It is proposed to replace these with 3-storey semi-detached dwellings that are cut into the slope. Both the eaves and ridge height would be increased by 2 metres. Additional information and plans have been sought from the applicant so as to allow for the changes to be assessed in terms of their visual impact in relation to the sloping land. Sections have been submitted which show that the rear of the dwellings would be in effect 2-storey with the rear garden at a lower level than Combeland Road.

The land to the south of the site rises steeply to a wooded hill top and when viewed from the north, the dwellings would have this as a backdrop. The dwellings would not break the skyline and the tree lined hedge that borders Combeland Road does provide a significant landscape barrier. While the comments of the National Park are noted, given the slope of the land and the landscaped boundaries, it is not agreed that there would be a significant harm in terms of views into the National Park or adverse impact on its setting.

3. Residential Amenity

In terms of design, the increase in numbers of dwellings and the increase in height is not going to have any significant adverse impact on the residential amenity of existing properties through overlooking or loss of light. It is also necessary to consider the residential amenity of future occupants of the development and although the rear gardens of the proposed semi-detached dwellings are smaller than originally proposed, they are more practical, with less terracing. In terms of this impact the proposal is acceptable.

It is also necessary to consider the impact on existing residential dwellings in terms of the additional vehicle movements that 5 dwellings would generate. Access to the housing site is via Ellicombe Meadow and there would be an increase in car movements as a result of this development. In terms of impact on those dwellings, it is not unusual for estate roads to carry a significant amount of traffic and those at the estate entrance have more vehicles passing their properties than those at the end of the cul-de-sacs. The existing properties are set back from the estate road so that they do not suffer from significant noise and impact from vehicles as they pass and although it is accepted that there would be more movements as a result of the development, it would not result in a situation where that impact would cause significant harm.

In terms of residential amenity, the proposed development is considered acceptable.

4. Highway Safety

The comments from County Council confirm that the proposed development would result in 4 additional dwellings and one additional flat. This would equate to 40 additional vehicle movements per day based on the TRICS datasets of the average dwelling generating 6-8 movements per day. It is the opinion of the Highway Authority that although this proposal would result in an increase in vehicle movements it is unlikely to be significant enough to warrant an objection on traffic impact grounds.

5. Flood Risk

As a result of the new proposal, there would be a slight increase in the impermeable area created from larger roofs and driveways. Provided that the surface water that falls on to these is attenuated on the site and released at a controlled rate that is no different than the existing permission, there is unlikely to be any increase in offsite flows.

6. Other Implications

Ecology – The County Ecologist has stated that there seems little difference between the existing and proposed developments from an ecological standpoint and suggests that conditions are imposed.

Impact from construction of existing development – It is noted that there have been concerns and complaints raised with the previous application and subsequent implication of that permission regarding to construction traffic accessing the site. Notwithstanding whether the new application is approved or not, construction traffic will still need to access the site in accordance with the agreed management plan. The development has the potential to require additional deliveries of materials and construction traffic, however, this is not such a significant increase that would justify withholding permission.

Planning Obligations – As the existing site is already subject to a Section 106 Agreement that secures affordable housing and a community infrastructure contribution, it is recommended that these are increased to take into account the increase in the number of dwellings. The affordable housing would be increased from 8 to 9 units and the community infrastructure contribution should be increase on a pro-rata basis.

Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 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 subject to a section 106 legal agreement to secure affordable housing and community infrastructure contribution.

Planning Permission is subject to the following conditions:

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of the unimplemented planning permission.

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers:

475 - P10 rev A - site plan
475 - P20 rev A - site section
475 - P150 rev A - House type K - elevations and plans
475 - P151 - House type K1 - elevations and plans
475 - P152 - site sections - elevations and plans
475 - P160 - Flat - elevations
475 - P161 - Flat - ground, first floor plan
475 - P162 - Flat - second floor plan
890/PA/04 - Landscape proposals sections

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

- 3 No works shall be undertaken on site unless a hard and soft landscape scheme has been first submitted to and approved in writing by the local planning authority. Such a scheme shall include details of all trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatments and finished ground levels; a planting specification to include positions, species and size of all new trees and the location of grassed areas and areas for shrub planting; details of the hard surface treatment of the open parts of the site; and a programme of implementation. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme agreed in

writing with the local planning authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

- 4 No works shall be undertaken on site unless a planting specification for the infilling of the existing gaps within the hedgerows (located on the eastern boundary and the north east corner of the site) has been first submitted to and approved in writing by the local planning authority. Such a scheme shall include details of the species, mix, density, method and timing of the planting and a programme of implementation. The planting shall be carried out in accordance with the approved details and programme of implementation. Any plants/shrubs indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority.

Reason: To ensure the provision of and implementation of an appropriate landscape setting to the development and to provide biodiversity enhancements having regard to the provisions of Saved Policies BD/1, BD/2 and NC/4 of the West Somerset District Local Plan (2006) and Policies within the National Planning Policy Framework.

- 5 No works shall be undertaken on site unless a schedule of materials and finishes and samples of the materials (to include sample panels of the walling materials) to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out only in accordance with the details so approved.

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

- 6 No works shall be undertaken on site unless details for the proposed boundary treatments on the application site have been first submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown on a scaled plan, the existing and proposed site and floor levels and details of the height, type, materials, finish and colour of the proposed boundary treatments. The works shall be carried out in accordance with the approved details, prior to the occupation of the dwelling to which the boundary treatments are related.

Reason: To safeguard the amenities of the occupiers of nearby properties and future occupiers of the new dwellings having regard to Saved Policy BD/2 of the West Somerset District Local Plan (2006).

- 7 Notwithstanding the submitted details, vehicular access to the site, including access during construction, shall only be provided from Ellicombe Meadow. No vehicular access shall be provided from Ellicombe Lane.

Reason: In the interests of highway safety, having regard to the nature of Ellicombe Lane it is not suitable to be utilised for construction traffic.

- 8 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 the 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.

Reason: To prevent pollution to the land and water environment, protect the amenities of local residents and occupiers and to safeguard the natural environment within the site and its surroundings having regard to the provisions of Saved Policies PC/1, PC/2, PC/4 of the West Somerset District Local Plan (2006) and in the interests of highway safety.

- 9 No works shall be undertaken on site unless a scheme, to ensure that all vehicles associated with the construction of the development hereby approved are in a condition so that upon leaving the site the vehicles will not emit dust or deposit mud or other debris on the highway, has been submitted to and approved in writing by the local planning authority. Such details shall include sufficient means for cleaning the wheels of all vehicles leaving the site. The scheme shall be carried out in accordance with the approved details until the construction of the development has been completed.

Reason: In the interests of highway and pedestrian safety having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 10 The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10.

Reason: In the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 11 The proposed roads, including footpaths and turning spaces, where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway (including the relevant section of the service road) to at least base course level between the dwelling and existing highway.

Reason: To ensure that the highway works are provided to an appropriate standard in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 12 No dwelling or flat shall be occupied unless the driveways or parking court associated with that dwelling or flat has been provided. The parking court and driveways shall thereafter be available for the parking of vehicles associated with that dwelling or flat.

Reason: To ensure adequate parking is provided for the dwellings and flats having regard to the provisions of Policy T/8 of the West Somerset District Local Plan (2006).

- 13 No flat within plots 5 – 12 shall be occupied unless the bin/recycling store and bicycle parking has been provided and is available for use. Once provided the bin/recycling store and the cycle store shall be retained and available for use for the storage of bins, recycling and bicycles.

Reason: To ensure the adequate provision bin/recycling and bicycle storage in the interests of the appearance of the development and to encourage the use of sustainable modes of transport having regard to Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006) and policies within the National Planning Policy Framework.

- 14 No works shall be undertaken on site unless details for the provision of cycle storage for the dwellings has been submitted to and approved in writing by the local planning authority. The cycle storage shall be provided in accordance with the approved details and each dwelling shall not be occupied unless the cycle storage has been provided for that dwelling.

Reason: To encourage the use of sustainable modes of transport having regard to policies within the National Planning Policy Framework.

- 15 The parking spaces in the garages shall at all times be kept available for the parking of vehicles and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision having regard to the provisions of Policies T/3 and T/8 of the West Somerset District Local Plan (2006).

- 16 Where any driveways, located to the front of a garage, are less than 6m in length (as measured from the nearside edge of the highway to the face of the garage doors) only roller shutter garage doors rather than side hung or up-and-over type doors shall be provided.

Reason: In the interests of highway safety to ensure that the drive way is of sufficient length to accommodate parked vehicles and allow access to the garages to prevent vehicles being parked over the highway edge.

- 17 No works shall be undertaken on site unless a travel plan has been submitted to and approved in writing by the local planning authority. Such travel plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. The travel plan shall also include details for the provision of electric vehicle charging points for the dwellings and flats and a programme of implementation for the provision of the electric vehicle charging points. There shall be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable transport options are taken up minimising the impact of the development, having regard to policy requirements of the National Planning Policy Framework.

- 18 No works shall be undertaken on site unless a scheme for the protection of hedgerows, within and adjoining the site, during construction has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the type and location of protective fences. The protective fences shall be erected prior to any other works commencing on site, or in accordance with a programme agreed as part of the scheme. The protective fences shall remain in place until works are completed within the vicinity of that section of fence. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the existing hedges to be retained within the site having regard to the provisions of Saved Policies BD/1, BD/2, TW/2, NC/4, LC/1 and LC/3 of the West Somerset District Local Plan (2006).

- 19 No works shall be undertaken on site unless a scheme for the protection of the pond and wooded area in the south eastern portion of the site, during construction, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the method of protection and a programme of implementation. The protective measures shall be put in place and retained in accordance with the approved scheme and programme. The protected area shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved ecological or landscape works.

Reason: To safeguard the existing habitat to be retained within the site having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006) and policy within the National Planning Policy Framework.

- 20 No works shall be undertaken on site unless a scheme for the long-term management of the pond and wooded area in the south eastern portion of the site has been submitted to and approved in writing by the local planning authority. The pond and wooded area shall thereafter be managed in accordance with the approved scheme.

Reason: To safeguard the existing habitat to be retained within the site having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006) and policy within the National Planning Policy Framework.

- 21 No works shall be undertaken on site unless a scheme for the mitigation of impacts on amphibians and a programme of implementation, having regard to the recommendation within section 7 of the Great Crested Newt Report June 2013 submitted with the application, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and programme of implementation.

Reason: To mitigate impacts on amphibians having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006) and policy within the National Planning Policy Framework.

- 22 No works shall be undertaken on site unless a scheme for the implementation of appropriate working practices, should reptiles be encountered during construction, has been submitted to and approved in writing by the local planning authority. The scheme

shall include details of the location for the release of reptiles. The development shall be carried out in accordance with the approved scheme.

Reason: To mitigate impacts on reptiles having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006) and policy within the National Planning Policy Framework.

- 23 Hedgerow removal works shall not take place between 01 February and 31 August unless a scheme for the surveying of vegetation for the presence of active nests prior to shrub clearance and details of working practices, to ensure active nests are not disturbed during vegetation clearance, has been submitted to and approved in writing by the local planning authority. Any vegetation clearance works that take place between 01 February and 31 August shall be carried out in accordance with the approved scheme.

Reason: To ensure there are no adverse impacts on species protected by law, and to ensure biodiversity is maintained/enhance having regard to the provisions of Policy NC/4 of the West Somerset District Local Plan 2006 and policy within the National Planning Policy Framework.

- 24 No dwelling shall not be occupied unless the boundary treatment adjacent to the site boundary hedge for that dwelling has been erected in accordance with the details to be submitted and approved in writing by the local planning authority.

Reason: To separate the curtilage of the dwellings from the boundary hedges to ensure the habitat is retained in an appropriate form having regard to the provision Saved Policies TW/2 and NC/4 of the West Somerset District Local Plan (2006).

- 25 No works shall be undertaken on site unless a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, and a programme of implementation has been submitted to and approved in writing by the local planning authority. The scheme shall include details of gullies, connections, soakaways, and means of attenuation. The scheme shall be implemented in accordance with the approved details and programme.

Reason: To ensure the adequate provision of drainage infrastructure and prevent increased risk of flooding having regard to the provisions of Saved Policies W/1 and W/5 of the West Somerset District Local Plan (2006).

- 26 No works shall be undertaken on site unless a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the local planning authority. The drainage system shall be maintained in accordance with the approved scheme.

Reason: To ensure the adequate provision of drainage infrastructure and prevent increased risk of flooding having regard to the provisions of Saved Policies W/1 and W/5 of the West Somerset District Local Plan (2006).

- 27 No work shall be undertaken on site unless an appropriate right of discharge for surface water has been obtained and details of which shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the adequate provision of drainage infrastructure and prevent increased risk of flooding having regard to the provisions of Saved Policies W/1 and

W/5 of the West Somerset District Local Plan (2006).

Notes

Licence Number: 100023932

Application No:	3/28/14/013
Parish	Sampford Brett
Application Type	Full Planning Permission
Case Officer:	Chris Mitchell
Grid Ref	Easting: 308514 Northing: 140486
Applicant	Mr Doveston BHI Pedmore Ltd
Proposal	Erection of 4 bedroom detached house with detached garage.
Location	Crossways, Sampford Rocks, Sampford Brett, TA4 4JT
Reason for referral to Committee	The application is a departure from adopted planning policy in terms of location and visibility splays

Risk Assessment

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

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

Site Location:

Crossways, Sampford Rocks, Sampford Brett, TA4 4JT

Description of development:

Erection of 4 bedroom detached house with detached garage.

Consultations and Representations:

The Local Planning Authority has received the following representations:

Sampford Brett Parish Council

Sampford Brett Parish Council has considered the above application and has no objection to it. We would however like to see a condition that requires retention of the paddock adjacent to the A316 and precludes future development at this location. This will help retain the character of the area by providing some separation between properties on Tower Hill and those on Sampford Rocks.

Highways Development Control

I visited the site on Thu 4 Dec 14 and had a good look at the road conditions past the site and the geometry of the existing and proposed access.

There are some things that we can agree on. Speeds past the site are likely to be low because of the proximity of the junction and the nature of Sampford Rocks. Visibility splays suitable for speeds of 20 mph are reasonable.

Sadly the use of the road cannot be limited to residents of Sampford Brett who approach access points with care and having the necessary visibility is essential. I notice that the section of hedge on the front of Crossways is not typical and that the neighbouring plot has removed their hedge for visibility purposes. I feel that the visibility is important and that the removal of part or all of the hedge is necessary to achieve the necessary standard.

The geometry of the access will remain largely the same for the existing dwelling but the proposed dwelling will benefit from a good path out of the drive heading in both directions. There will be provision for turning within the site so that vehicles can enter and leave the site in forward gear.

The existing driveway slopes towards the highway and it is not acceptable to have surface water flowing on to the highway. As part of the modification of the access, a system should be incorporated to intercept and dispose of any surface water from both driveways within the site.

It is not clear how many bedrooms are intended for the proposed dwelling but the provision of 4 parking spaces is likely to be in keeping with the typical houses on Sampford Rocks. The garage is too small, however, since each bay should be 6 x 3 metres. This ensures that vehicles can be driven in and drivers have room to open their door and get out. Not being able to do this discourages the use of the garage and results in it becoming a store room. A substandard garage cannot be counted as a parking space.

The planning application consultation will be passed to the Highway Authority in due course but this response gives an impression of what the response is likely to be. Without the necessary visibility, the Highway Authority is likely to recommend refusal on highway grounds.

I trust the above is helpful but would confirm that the advice given is offered on an informal basis having regard to the information that is at hand at the present time and is wholly without prejudice to the formal consideration given on any planning application submitted for planning permission on the site. I would also point out that any advice given by the Highway Authority can either be accepted or rejected by the Local Planning Authority in the determination of the planning application.

Public Consultation

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

One stating No Objection. Looks to be a fine scheme and design.

A second raising following objection:

- Land owner has failed to declare that they are well known to the Local Planning Authority as they are chairperson for Watchet Conservation Society and therefore has a conflict of interest;
- This in-infill/creeping developments would erode the distinctive character of this semi-rural setting and sited in an unsustainable location and set a precedent for future development;
- The site access is within 60mph zone and set on a blind-bend and the proposal will

exacerbate an already dangerous and substandard entrance and it is questioned the safety of this access;

- The proposed waiting bay should be safeguard via condition to be kept clear at all times;
- The application should be independently assessed by an independent Planning Authority neighbouring due to prejudicial influences.

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). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

SP/1	Settlement Hierarchy
SP/5	Development Outside Defined Settlements
BD/1	Local Distinctiveness
BD/2	Design of New Development
LC/3	Landscape Character
T/3	Transport Requirements of New Development
T/8	Residential Car Parking
W/1	Waste Water, Sewage Management and, Infrastructure
NC/4	Species Protection

National Policy

The National Planning Policy Framework (March 2012) is a material planning consideration.
[National Planning Policy Framework \(the NPPF\)](#) _
[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

Local Policy

[West Somerset Local Plan \(2006\)](#) _
[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#)
[West Somerset Planning Obligations Supplementary Planning Document \(2009\)](#)
[West Somerset Supplementary Planning Guidance: Design Guidance for House Extensions \(2003\)](#)
[Somerset County Council Parking Strategy \(2013\)](#)
[Somerset County Council Highways Development Control Standing Advice \(2013\)](#)

Planning History

The following planning history is relevant to this application:

Case Ref	Address	Proposal	Decision	Decision Date
PRE/21/14/001	Crossways, Sampford Brett,	Erection of a detached house	Support in principle	07 March 2014
Case Ref	Address	Proposal	Decision	Decision Date
3/28/86/009	Part of paddock at Crossways, Sampford Brett	Erection of one detached house & garage	Refuse	24 July 1986
Case Ref	Address	Proposal	Decision	Decision Date
3/28/93/003	Crossways, Sampford Brett,	Erection of dwellinghouse and garage	Refuse	26 August 1993
Case Ref	Address	Proposal	Decision	Decision Date
3/28/03/006	Land adjoining, Crossways, Sampford Brett,	Erection of dwelling house and garage	Refuse	27 October 2003

Proposal

The application is for the erection of a 4 bedroom detached dwelling house and associated garage. The building is designed to replicate a 1930's architectural style, similar to that of the existing dwelling house and would use brick and render for the walls, UPVC casement windows and doors and pan tiles for the roof.

Site Description

The site consists of agricultural paddock measuring approximately 800 square metres, located to the North of Crossways, a detached dwelling. The site is located approximately 5 metres to the East of the development limits for Williton.

Site levels rise marginally from the North to the South of the site. There is a traditional hedge and bank to the East boundary fronting the highway. There is a hedge to the northern boundary of the site and a further agricultural paddock beyond.

Planning Analysis

1. Principle of Development

The relevant settlement policy, SP/1 within the Local Plan seeks to focus the majority of development within Minehead and within rural centres (Watchet and Williton).

However, when dealing with sites outside of the development limits Policy SP/5 of the Local Plan is the relevant settlement policy. SP/5 requires that development on sites outside of the development limits is strictly controlled and limited to development that benefits social or economic activity, maintains or enhances the environment and does not significantly increase the need to travel. However Paragraph 49 of the NPPF identifies that Development Plan policies that specifically deal with supply of housing should not be considered up to date where a local planning authority cannot demonstrate a 5 year land supply. In this

scenario the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Emerging Local Plan Policies

The latest draft of the New Local Plan has recently been subject to public consultation. This should only be afforded limited weight due to the early stage of the consultation/ adoption process. However of relevance to housing land supply are:

- Policy SC1 which envisages that new development will be concentrated in Minehead, Watchet and Williton, with limited development in some villages.
- Policy WA/1 and WI/1 relate to Watchet and Williton and would seek to (inter alia) strengthen the settlements role as a service employment and tourist centres.
- Policy SC2 envisages the provision of 2,900 dwellings over the plan period at a minimum rate of 215 a year. Of those 1,450 would be provided on key strategic allocated sites of over 250 dwellings at Minehead, Watchet and Williton.
- Policy OC1 strictly controls development in the open countryside which is defined as land not adjacent to or in close proximity to the major settlements and villages.

Five Year Land Supply Implications

In view of the current progress in relation to the emerging Local Plan 2012-2032, it is acknowledged that the local planning authority is currently not in a position to demonstrate a five-year housing land supply in accordance with the paragraph 47 of the NPPF. This situation is unlikely to change until the new Local Plan, with strategic site allocations, has progressed sufficiently so that it can be afforded significant weight. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a strong material consideration that indicates that, in view of the current position in respect of the five-year housing land supply, proposals should not be judged against criteria within Policy SP/5 but rather the main issue in this case will be whether the proposal constitutes sustainable development as defined by the NPPF. The NPPF clearly sets out that, even when the Development Plan is absent, silent or the relevant policies are out of date planning permission should not be granted where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so when assessed against the policies in the NPPF (paragraph 14). As such notwithstanding the fact that the site is located outside of the development limits consideration must be given to whether the proposed development is suitable having regard to the principles of sustainable development and other material considerations.

Principles of Sustainable Development

Paragraph 7 of the NPPF states that there are three dimensions of sustainable development, economic, social and environmental. Each dimension of sustainable development should not be considered in isolation and they are mutually dependant. Paragraph 6 of the NPPF states that paragraphs 18 to 219 of The NPPF should be taken as a whole and constitute the Government's view of what sustainable development means in practice for the planning system. In reaching a view as to whether the site is suitable for the development proposed a range of considerations are relevant. The remainder of the report will consider the various aspects of the proposal taking into account the economic, social and environmental facets of sustainable development.

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

Planning policy seeks to ensure that maximum use of public transport, cycling and walking can take place (paragraphs 17, 34 and 35 of the NPPF). The site is located approximately 950 metres from Williton village centre. Williton contains a range of services and community facilities such as a convenience supermarket, GP surgery, post office, bank, pharmacy, primary and middle schools. The distance to Williton village centre exceeds the distance identified within the manual for Streets (2007) for a 'walkable neighbourhood'. It is further noted that 800 metres is identified as the 'preferred maximum' for acceptable walking distances to a town centre within the Institution of Highways and Transportation publication 'Guidelines for Providing for Journeys on Foot' (2000). In terms of convenience, whilst the walk would not be level, there are sufficient footways for safe and convenient access into the village centre by foot.

In terms of public transport accessibility, there are regular bus services to Minehead and Taunton, the nearest bus stop for these services being approximately 300 metres of the site.

Overall, considering the proximity to the settlement boundary, existing residential dwellings, the presence of a footway near the site and acceptable access to public transport, the site is considered to comply with the relevant sections of the NPPF in relation to accessibility and transport sustainability. There are no aspects of the development in terms of the principle of the proposal that would not significantly or demonstrably conflict with the relevant sections of the NPPF relating to sustainable development.

The objector's comments regarding the failure of the land owner to declare they are the Chairman of Watchet Conservation Society is noted though there has been no correspondence with land owner and Case Officer and the application has been assessed on its own merits.

A further objection is raised in respect that this is creeping development though as detailed above the site is considered to be in a sustainable location with good transport connections and therefore considered in principle to be acceptable and the application is judged on its own merits.

The comments by the Parish Council regarding the placement of a condition restricting any future development upon adjoining land adjacent to the A358 is noted. However, such a condition would not meet the six tests of planning as set out in the NPPF and if any development were to be proposed on the land it would be judged on its own merits.

2. Character and Appearance of the Area

The proposed design and appearance of the proposed building is acceptable, being of similar architectural 1930's style of existing dwelling house and neighbouring dwellings. The proposed use of materials will match that of existing dwelling house being render, brick work, white UPVC windows and tiled roof. Therefore the proposed dwelling house is considered to be acceptable and does not result in any visual detriment upon the character and appearance of the local area.

One letter of representation has been received from neighbouring property no. 47 Tower Hill raising no objection to the proposed new dwelling and its design.

Landscaping

Given the semi-rural location of the site, it is proposed to construct a new hedgebank with planting on top to north west of the site adjacent to Sampford Rocks that will provide

sufficient screening of the proposed building from the lane.

On the north eastern boundary it is proposed that a new hedge grown to height of 2m and four trees will be planted on the north eastern boundary of the site that will provide screening of the proposed dwelling house. This is considered to be acceptable and will provide sufficient screening to the site.

3. Residential Amenity

The placement of windows with this design is considered to be acceptable and does not result in any detrimental overlooking to occupiers of the adjoining dwelling, Crossways. It is noted that on the South, flank elevation a small window serving a bathroom is proposed and it recommended that this window be obscure glazed/fixed closed window with top hung fanlight to ensure the privacy of Crossways.

The first floor windows on the front (west) elevation serve bedrooms and are of sufficient distance from neighbouring property No. 74 Tower Hill that has one bedroom windows overlooking Sampford Rocks. Furthermore both these windows serve rooms that have second degree of intensification and therefore no objection is raised.

4. Highway Safety

General

Paragraph 32 of the NPPF (National Planning Policy Framework) makes it clear that decisions should take into account whether a safe and suitable access to the site can be achieved.

The Highway Authority has stated standing advice and this has been applied to this application.

It is proposed to widen and realign the existing access to Crossways which would become a shared point of access to both dwellings. In order to satisfy the County Highways Authority, the new access should have the following:

- a visibility splay of 24m either side;
- a minimum width of 3m;
- gradient shall not exceed 1 in 10, for at least the first 6m from the edge of the adopted highway;
- must be consolidated or surfaced for at least the first 5m from the edge of the adopted highway;
- drainage shall be provided to prevent the discharge of water from private land to the adopted highway; and
- any entrance gates must be hung to open inwards and shall be set back a minimum distance of 5m from the adopted highway.

The proposed new access provides sufficient visibility splay the north of the site (24m due to agreed low vehicle speeds of 20mph). However, a visibility splay cannot be achieved to the south of the entrance without the removal of boundary hedge of Crossways. Only a 7m visibility to the edge of the carriage way can be achieved, although this can be slightly increased if measured to the middle of the carriageway, where vehicles are located when travelling in a northerly direction.

The Highway Authority has recommended that the application be refused on the grounds that the proposed entrance to the site cannot achieve the sufficient visibility. Whilst this comment is noted, part of the character and appearance of Sampford Rocks is that the majority of properties have high hedges adjacent to the narrow lane that results in low speeds along the road due to limited visibility.

The request for the removal of the hedge on the Crossways boundary to improve visibility would open up the visual appearance of the area and result in harm upon the character and appearance of the locality. Furthermore, although the removal of this hedge would result in better visibility to the proposed new access it would result in increased vehicle speeds along this section of Sampford Rocks. Officers therefore consider that this should not be made a condition of a planning permission and that the application is accepted with reduced visibility to the south.

The objectors comments have been noted though the LPA considers the removal of boundary hedges would be of sufficient detriment upon the character and appearance of the local area. The requirement of a condition to ensure that the waiting bay to be kept free of vehicles is noted. However, this is main entrance to the property and therefore vehicles would not be parked within this area and would also fail the 6 tests as set out in the NPPF.

Parking

Policies T/7 and T/8 of the Local Plan set out the parking standards. However the County Council adopted a Parking Strategy in 2012, this document set out an up to date parking strategy and parking standards for development. The County has been separated into various zones.

In this case the site is located within Zone C. Therefore, the required parking provision for a four bedroom dwelling would be four spaces and this is provided with two spaces within the garage and two in front with turning area. The proposal is for a dwelling proposes four cycle spaces continued in a cycle shed. This is compliant with the parking policies and considered to be acceptable.

The Highway Authority have requested that the garage be increased to 6m in width, a revised drawing has been submitted and considered to be acceptable.

6. Other Implications

Biodiversity

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

Given the situation of the site adjoining open countryside, the size of the garden and the presence of hedgerow along the front of the site, it is reasonably likely that protected species would be present. A Preliminary Ecological Appraisal of the site has been carried out and there are no protected species on the site and the loss of 0.2 ha of grassland would have minor ecological impact. Mitigation measures are suggested and any permission granted would have a condition that applicant complies with the recommendations of the

Ecological Appraisal.

Planning Obligations

West Somerset Council adopted a "Planning Obligations", Supplementary Planning Document in December 2009. Having regard to the nature of the proposal it appears that a planning obligation would not be required for the proposal.

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

The proposed dwelling house, its design, orientation and impact upon neighbours is considered to be acceptable subject to recommended conditions.

Conclusion and Recommendation

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

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: 14.51.01B, 14.51.02A, 14.51.03A, 14.51.04A, Vegetation Survey, Hedge Reinstatement and Planting, Site Location, Location Plan and Preliminary Ecological Appraisal by Richard Green Ecology dated October 2014 and Design and Access Statement.

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

- 3 The new access off Sampford Rocks shall be fully completed and hard surfaced prior to the completion and/or occupation of the proposed dwelling house and shall thereafter be retained and maintained.

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

- 4 Any gates erected at the access to the site shall be erected so that they only open into the site and shall be set back a minimum of 6 metres from the edge of the adjacent

carriageway.

Reason: To ensure vehicles entering the site can fully clear the highway to ensure that the free flow of traffic is retained, in the interests of highway safety, having regard to the provisions of Policy T/3 of the West Somerset District Local Plan (2006).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, roof light, door or other opening, other than those expressly authorised by this permission, shall be constructed at first floor level on the east and west elevations without obtaining planning permission from the Local Planning Authority.

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

- 6 The proposed window at first floor level on south elevation shall be non-opening other than a top fanlight opening and glazed with obscure glass and permanently retained as such.

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

- 7 Unless an alternative schedule of implementation is first agreed in writing by the Local Planning Authority the dwelling(s)/building(s) shall not be occupied/use shall not commence unless the hard and/or soft landscaping scheme has been carried out in accordance with the approved plans. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

- 8 The development hereby approved shall not be occupied or the use commenced until space has been laid for the provision of parking of bicycles, and that area shall not thereafter be used for any purpose other than the parking of bicycles associated with the development.

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

- 9 The mitigation measures in relation to the Preliminary Ecological Appraisal by Richard Green Ecology dated October 2014 shall be incorporated into the development in accordance with the schedule of implementation identified in the Preliminary Ecological Appraisal and subsequently retained.

Reason: To ensure that suitable mitigation measures are incorporated into the development to minimise the impact on species protected by law having regard to the provisions of Saved Policy NC/4 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 the size of the garage was required to be increased and a revised drawing was submitted and considered acceptable. 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.

Application No:	3/21/14/104
Parish	Minehead
Application Type	Listed Building Consent
Case Officer:	Elizabeth Peeks
Grid Ref	
Applicant	Mr Hooper Minehead Development Trust
Proposal	To reconfigure the installation of the seven harbour plaques in order to mount a commemoration plaque and specific interpretation panels adjacent to each plaque and to display one fishing information board
Location	Harbour wall, Quay Street, Minehead, TA24 5UL
Reason for referral to Committee	District 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 measures have been actioned and after they have.

Site Location:

Harbour wall, Quay Street, Minehead, TA24 5UL

Description of development:

To reconfigure the installation of the seven harbour plaques in order to mount a commemoration plaque and specific interpretation panels adjacent to each plaque and to display one fishing information board

Consultations and Representations:

The Local Planning Authority has received the following representations:

Minehead Town Council

Recommend approval. - providing correct bolts are used and any repairs made good.

SCC - Archaeology

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

Public Consultation

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

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

LB/1 Listed Buildings Alterations and Extensions

National Policy

[National Planning Policy Framework \(the NPPF\)](#) _
[Technical Guidance to the National Planning Policy Framework \(the NPPG\)](#)

Local Policy

[West Somerset Local Plan \(2006\)](#) _
[West Somerset Local Plan to 2032 Revised Draft Preferred Strategy \(June 2013\)](#)

Planning History

The following planning history is relevant to this application:

3/21/83/020	Reinforced concrete for seaward and harbour sides of pier	Grant	22.3.83
3/21/13/121	To permanently mount seven interpretative heritage plaques	Grant	3.2.14

Analysis

The Quay is a Grade II Listed Building built in 1610 with later additions.

The main consideration of this application is the impact that the proposal will have on the character and appearance of the listed building and any features of architectural and historic interest.

Seven cast resin plaques have been erected (with listed building consent) along the section of the harbour wall that is next to the wooden sailing club building. Each plaque measures 700mm x 880mm and is between 25mm and 50mm deep. The plaques are bronze in colour and each plaque depicts a different type of vessel ranging from a first century curragh to a

galleon to depict the 16/17 Century and a ketch (18/19 Century) ending with a boat from World War 1 and 2. There is one plaque on each concrete panel starting with the fifth panel from the Harbour Master's office end of the pier. These panels were erected as part of a project resulting in the installation of the plaques as part of the Minehead Harbour Festival held in July 2014. The proposal is to remount the plaques so that there is a slate panel (300mm x 300mm and 20mm thick) between each plaque. One of these panels will explain the unveiling, the creators and funders of the project and the following seven will provide information on each of the plaques. The first of these slate panels will be located to the left of the first plaque. The first plaque will remain in situ and the remaining six will be resited to allow for the slate panels to be sited between each plaque.

Due to the position, size, colour and material to be used for the slate panels it is considered that the panels will not adversely affect the character or appearance of the listed building and the integrity of the pier will not be affected as no historic fabric will be lost. As the wording is not known nor the colour this detailing will be required and a condition to this effect is recommended.

The second part of the proposal is the erection of one sign to the left of the lifebuoy at the eastern end of the harbour wall. The sign will measure approximately 590mm x 840mm and will be constructed from external grade plastic coated printed boards. The background will be teal in colour. The information will relate to fish; what can be caught, when, where, how and what species to conserve. A condition is recommended in relation to the colour (as teal comes in various shades), font and size of letters together with the information to be included as this can affect the character and appearance of the listed building.

Conclusion and Recommendation

It is considered that the proposal, is acceptable and it is recommended that listed building consent be granted.

Listed Building Consent is subject to the following conditions:

- 1 The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 18 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (as amended 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: location plan and amended location plan (excluding the heritage trail plinth), plan and photograph showing repositioning of panels and plaques, plan of fish information board, photograph of location of fish information board, emails dated 13 and 19 January 2015 from Stephen Hooper and website details of IFCA.

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

- 3 The depth of each slate panel shall not exceed 20mm.

Reason: To safeguard the character and appearance of the harbour having regard to

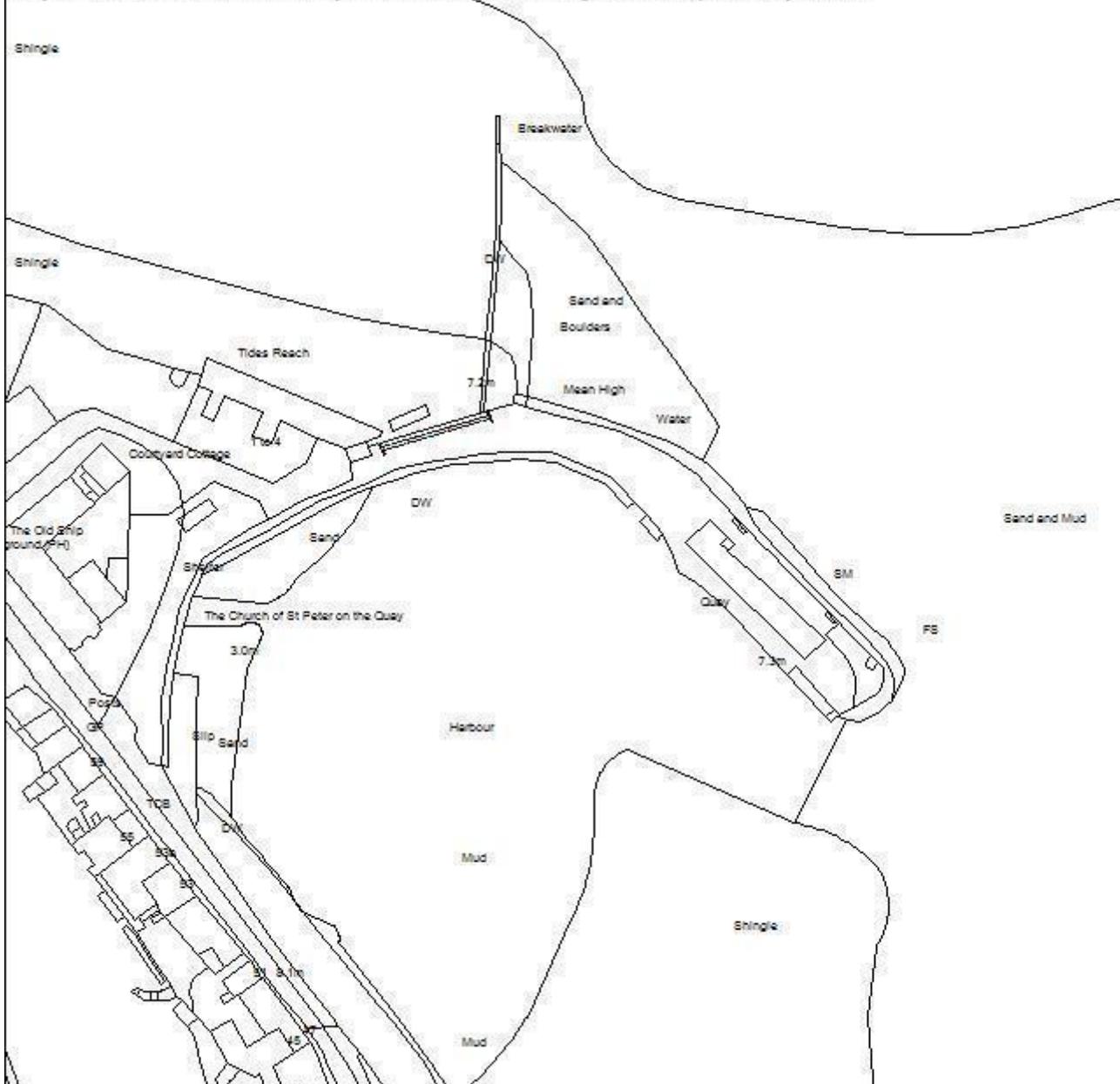
the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 4 Only the hereby approved wording shall be used on the slate panels and prior to the installation of the slate panels any repairs required from relocating the existing plaques shall be submitted to and approved in writing by the Local Planning Authority . Only the approved details shall be used.

Reason: To safeguard the character and appearance of the harbour having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 5 Prior to the installation of the fish information board the design details (including colour, font, letter size/s and information to be displayed) shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

Reason: To safeguard the character and appearance of the harbour having regard to the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).



Application No 3/21/14/104

To reconfigure the installation of the seven harbour plaques in order to mount a commemoration plaque and specific interpretation panels adjacent to each plaque and to display two fishing information boards

Harbour wall, Quay Street,
Minehead, TA24 5UL

5 December 2014

Planning Manager

West Somerset Council

West Somerset House

Killick Way

Williton TA4 4QA



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West Somerset Council
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Scale: 1:2500

Application No:	3/21/14/115
Parish	Minehead
Application Type	Advertisement Consent
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 297417 Northing: 146361
Applicant	Mr Hooper Minehead Development Trust
Proposal	The display of 4 free-standing information boards for heritage trails, 1 archway marked "Minehead" and "Morrisons" and 1 fishing information board.
Location	Land outside the Beach Hotel, Land at Morrisons and the Harbour, Minehead
Reason for referral to Committee	Some of the signs are 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 measures have been actioned and after they have.

Site Location:

Land outside the Beach Hotel, Land at Morrisons and the Harbour, Minehead

Description of development:

The display of 4 free-standing information boards for heritage trails, 1 archway marked "Minehead" and "Morrisons" and 1 fishing information board.

Consultations and Representations:

The Local Planning Authority has received the following representations:

Minehead Town Council

Recommend approval. All bolts to be original specification eg brass.

Highways Development Control

Standing advice

Public Consultation

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

Planning Policy Context

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that all development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for West Somerset consists of the Somerset Minerals Local Plan (adopted April 2004), Somerset Waste Core Strategy (adopted February 2013) and the West Somerset District Local Plan (adopted April 2006). West Somerset is in the process of developing the emerging Local Plan to 2032, which will replace the strategy and some of the policies within the adopted Local Plan. The emerging Local Plan is at an early stage of production process. It will go to the Publication stage in early 2015 when the contents will acquire some additional weight as a material consideration. Until that stage is reached, policies within the emerging Local Plan can therefore only be afforded limited weight as a material consideration.

The following Policies are considered relevant to this application:

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

Planning History

There is no relevant history for this site.

Analysis

It is proposed to display:

- a) four free standing information boards for the Minehead heritage trail:
 - Adjacent to McDonalds near the level crossing. The sign will be located next to (north of) the McDonalds sign.
 - Adjacent to West Somerset Railway, next to the cycle path and entrance to Morrisons from the cycle path
 - Near the rear entrance to the Beach Hotel on the bottom step
 - Minehead Harbour on the seaward side of the railings opposite The Old Ship Aground and directly to the north of the capstan nearest the entrance to the slipway
- b) One archway at the cycle path entrance to Morrisons
- c) One fishing information board on the landward side of the harbour wall at the eastern end of the harbour

The information boards (except the one proposed at Minehead Harbour) will be two 1.7m high galvanised decorative posts painted semi matt black supporting a 0.7m wide round topped board. The board (coloured black) will be an aluminium sheet with vine writing laminated on to it. The details of the information on the boards is not known. The information board at the harbour will be similar to those found in Watchet for the Mineral Line project. The sign (0.6m x 0.5m) will be at an angle being no higher than 1m above the ground and no higher than the railings. It will be supported by two galvanised painted black supports.

The proposed archway will be 3.7m wide supported by 0.9m wide decorative supports and

will be painted semi matt black. The archway will say Morrisons on one side and Minehead on the other side. The letters will be lazer cut letters (275mm high) fixed on to a back sheet, the colour of which is to be agreed.

The fishing information board (840mm x 590mm approx) will be constructed from external grade plastic coated printed boards. The background will be teal. The information will relate to fish; what can be caught, when, where, how and which species to conserve.

In determining an application for advertisement consent there are only two considerations that can be taken into account and these are amenity and public safety. In relation to amenity, it is considered that the four free standing information boards, archway and fishing information board do not adversely affect amenity. In relation to the proposed sign at Minehead Harbour, the sign has been amended to a different design to the other signs so that it is lower and relocated on the seaward side of the railings. This design takes into account that it is located in a Conservation Area and the effect the sign has on the setting of adjoining listed buildings, in particular The Old Ship Aground and the harbour. The revised design ensures that the setting of the listed buildings are not harmed and the character and appearance of the Conservation Area is preserved.

With regard to public safety the signs have all be sited so that passers by on foot or in vehicles are not distracted by the signs as this could affect public safety. The Highway Authority consider that standing advice should be applied. As the standing advice is complied with it is concluded that public safety is not harmed by the proposed signs.

Conclusion and Recommendation

It is considered that the proposal, after the expiry of the consultation period (6 February 2015) and provided no new substantive issues are raised, is acceptable and it is recommended that advertisement consent be granted.

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 development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: location plan for signs 3, 4 and amended location plans for sign 1, 2, archway and fishing information board, photograph of location for fishing information board, elevations of archway and signs 1, 2, 3 and 4, photograph of typical sign for sign 4 and emails dated 12 and 14 January 2015 from Stephen Hooper.

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

- 4 Prior to the display of the freestanding signs details including wording and colours and the colour for the back plate on the archway sign shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

Reason: To safeguard amenity and public safety and the provisions of policies BD/7 and CA/4 of the adopted West Somerset Local Plan (2006).



Application No 3/21/14/115
 The display of 4 free-standing information boards for heritage trails, 1 archway marked "Minehead" and "Morrison's" and 2 fishing information boards.

Land outside the Beach Hotel, Land at Morrison's and the Harbour, Minehead

15 December 2014

Planning Manager
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 West Somerset House
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 West Somerset Council
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Delegated Decision List

Ref No.	Application	Proposal	Date	Decision	Officer
3/01/14/010	Great Hill Croft, 6 Hill Lane, Bicknoller, Somerset, TA4 4EF	Erection of stables within walled garden (retrospective)	08 January 2015	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/04/14/012	3 The Clocktower, Brushford, Dulverton, TA22 9AF	To insert a gate into the wall adjacent to the road, at the south-west end of 3 The Clocktower.	10 December 2014	Grant	CM

Ref No.	Application	Proposal	Date	Decision	Officer
3/04/14/014	Upcott Farm, Brushford, Dulverton, TA22 9RS	Extend the existing self catering accommodation from 2 to 4 beds, create a new second 2 bed self catering unit within the existing tack room and open store, create a four bay open car port from existing open stables and the erection of a 1.5 storey wood store and workshop in place of an existing open store.	18 December 2014	Grant	CM

Ref No.	Application	Proposal	Date	Decision	Officer
3/06/14/003	Beech Tree Farm Bungalow, Clatworthy, Taunton, TA4 2SJ	Erection of extension to an existing sheep shed for the storage of fodder and equipment	15 December 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
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3/07/14/008	Rexton Gorse Cottage, The Avenue, Crowcombe, Taunton, TA4 4BS	Proposed demolition of existing house and erection of new detached replacement house, together with repositioning of vehicular/ pedestrian access.	23 December 2014	Grant	SK
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Ref No.	Application	Proposal	Date	Decision	Officer
3/09/14/004	Merlin Cottage, Hawkwell Cross, Dulverton, TA22 9RZ	Installation of 16 photovoltaic solar panels to an A Frame 150m behind house next to shed to generate electricity for the house	06 January 2015	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/11/14/002	Land at West Hill, East Quantoxhead, Bridgwater, TA4 4DZ	Proposed upgrade of telecommunications installation through the addition of three 600mm dishes to the lattice tower	23 December 2014	Prior approval not required	CM

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/14/091	Units 2A 2B, Cats Lane, Minehead, TA24 5DX	Temporary siting for two shipping containers for storage purposes for up to 3 years	22 December 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/14/092	55 Quay Street, Minehead, TA24 5UL	Renovation of concrete forecourt in front of property used as a parking and seating area. Concrete	04 December 2014	Grant	SK

to be replaced
with paving and
cobble

Ref No. 3/21/14/093	Application Craigieburn, Porlock Road, Minehead, TA24 8RY	Proposal Proposed car port	Date 04 December 2014	Decision Grant	Officer SK
Ref No. 3/21/14/094	Application Land to the east of 43 Lime Close, Minehead, TA24 8ER	Proposal Erection of one detached two bedroom dwelling with associated parking.	Date 12 December 2014	Decision Grant	Officer SK
Ref No. 3/21/14/095	Application Bridgeway, Burgundy Road, Minehead, TA24 5QJ	Proposal Erection of a detached dwelling on the land to the east of Bridgeways, Burgundy Road.	Date 10 December 2014	Decision Grant	Officer SK
Ref No. 3/21/14/096	Application 17 The Cross, St Michaels Road, Minehead, TA24 5JW	Proposal Retention of flue and cowling for log burner (retrospective)	Date 08 January 2015	Decision Grant	Officer EP
Ref No. 3/21/14/097	Application Westfield, Glebelands, Minehead, TA24 8DH	Proposal Retrospective consent to erect a porch extension to the front of the property.	Date 04 December 2014	Decision Grant	Officer CM
Ref No. 3/21/14/101	Application Green Hazel, Periton Road, Minehead, TA24 8DR	Proposal Erection of a two storey extension to the east elevation and a single storey extension across the north elevation plus demolition of existing garage.	Date 23 December 2014	Decision Grant	Officer SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/14/102	Green Hazel, Periton Road, Minehead, TA24 8DR	Formation a hardstanding to the south east corner of the site and relocation of the existing vehicle access and associated works.	23 December 2014	Grant	SK
3/21/14/103	Eagle Plant, Mart Road, Minehead, TA24 5BJ	Using additional yard space to position up to 20no. steel stores for self storage purposes	19 December 2014	Grant	SK
3/21/14/105	Butlins, Warren Road, Minehead, TA24 5SH	Re-ordering of external hard and soft landscaping to support new seaside village, including play areas and amphitheatre	07 January 2015	Grant	SK
3/21/14/107	Chanin & Thomas, 8 The Parade, Minehead, TA24 5UF	Erection of an historical information plaque on the front of the building including the re-positioning of the existing wooden frame (resubmission of 3/21/14/057).	18 December 2014	Grant	SW
3/21/14/110	Rear of 21 The Avenue, Minehead, TA24 5AY	Alterations to side and rear to provide fully glazed sliding folding timber doors to rear of	09 January 2015	Grant	SK

restaurant area
and alterations to
WC facilities

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/14/112	Butlins, Warren Road, Minehead, TA24 5SH	Erection of new reception (check-in) building for Seaside Gardens Village	07 January 2015	Grant	SK
3/21/14/113	Street Works Site, Brunel Way, Minehead, TA24 5BY	Remove existing 15m monopole with three shrouded antennas and one cabinet and replace with a 17.5m monopole with six shrouded antennas, one 0.3m dish and three cabinets plus ancillary equipment.	24 December 2014	Prior approval not required	SK
3/24/14/003	Berrymans Yard, Beggearnhuish, Watchet, TA23 0LZ	Erection of barn to provide shelter and feed for livestock	25 November 2014	Grant	SK
3/26/14/022	Wood processing yard near Merry Oaks, Washford, Watchet, TA23 0LB	Erection of 3 bedroom house with home office (resubmission of 3/26/14/010)	04 December 2014	Refuse	EP
3/28/14/007	45 Tower Hill, Williton, Taunton, TA4 4JR	Partial demolition of outbuildings and erect a new detached dwelling "Orchard House" minor	03 December 2014	Grant	CM

hard and soft
landscaping
alterations

Ref No.	Application	Proposal	Date	Decision	Officer
3/28/14/009	The Old Rectory, Main Road, Sampford Brett, Taunton, TA4 4LA	Internal alterations to kitchen and dinning room and replacement verandah and front door	08 January 2015	Grant	EP
3/28/14/010	Higher Thornes Farm, Lower Weacombe Taunton, TA4 4ED	Erection of single storey extensions to south west elevation (front) and north east elevation (rear)	22 December 2014	Refuse	SK
3/28/14/011	The Old Rectory, Main Road, Sampford Brett, Taunton, TA4 4LA	Removal of existing timber framed verandah and replacement with metal framed verandah with patent glazing and metal roof	08 January 2015	Grant	EP
3/28/14/012	Orchard Waye, Sampford Brett, Taunton, TA4 4LB	Demolition of existing garage and erection of new garage and storage area	08 January 2015	Grant	BM
3/31/14/014	The Cottage, Preston Lane, Lydeard St Lawrence, TA4 3QQ	Extensions and alterations to house	18 December 2014	Grant	SK
3/31/14/015	Willow Cottage, 7 Lower Vellow,	Retrospective application for	22 December	Grant	EP

Williton, Taunton, TA4 4LS the retention of 2014
the link doorway
in existing
structural
opening

Ref No.	Application	Proposal	Date	Decision	Officer
3/32/14/014	Land at Cockwood, Stogursey, Bridgwater, TA5 1TS	Erection of 10-12 temporary caravan/mobile accommodation units for workers at Hinkley Point power station for a period of up to 10 years. using existing concrete areas for bases, and converting the existing redundant dairy buildings to provide WC, laundry and recreational facilities for the workers. Car parking spaces will be provided on site.	05 January 2015	Refuse	AG

Ref No.	Application	Proposal	Date	Decision	Officer
3/32/14/017	The Burgage Road Play Area, Burgage Road, Stogursey, Bridgwater, TA5 1RB	Installation of play tower constructed out of steel and rope, 6m in height to top of flag finial. Maximum height of play/climbing, 3.5m.	06 January 2015	Grant	CM

Ref No.	Application	Proposal	Date	Decision	Officer
3/37/14/020	The Sidings, Whitehall, Watchet, TA23 0BD	Conversion & Extension of detached garage to residential annexe & erection of Utility Room.	02 December 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
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3/37/14/022	1 The Courtyard, Esplanade Lane, Watchet, TA23 0AH	Remove the existing north facing Velux rooflights and replace with an open roof terrace with glass balustrade.	05 January 2015	Grant	EP
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Ref No.	Application	Proposal	Date	Decision	Officer
3/39/14/023	Doniford Bay Caravan Holiday Park, Watchet, TA23 0TJ	Removal of 6 caravan hardstanding bases and installation of 31 new caravan hardstanding bases for the siting of 31 caravans and associated car parking spaces, the demolition of the shop building, the relocation and upgrading of the adventure golf course with erection of new kiosk, the removal of existing multi-sports court and provision of an all-weather multi-sports court, relocation and upgrading of play area, extension of the existing decked seating area, new internal access road and associated landscaping and infrastructure works	02 December 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/39/14/026	7 Robert Street, Williton, Taunton, TA4 4PG	Single storey rear extensions and associated	02 December 2014	Grant	SK

works.

Ref No.	Application	Proposal	Date	Decision	Officer
3/39/14/033	1 Long Street, Williton, Taunton, TA4 4QN	Installation of changing room, slat walls, lighting and new signage.	27 November 2014	Grant	EP
3/39/14/034	Tropiquaria, The Old Radio Station, Washford Cross, Watchet, Somerset, TA23 0QB	Removal of existing cage and play equipment and replacement with 3 new cages	17 December 2014	Grant	TW
ABD/01/14/00 1	Manor Farm, Woolston, Williton, Somerset, TA4 4LN	Prior approval of proposed change of use of two agricultural buildings to dwellinghouses	10 December 2014	Refuse	EP
ABD/04/14/00 1	Claw Farm, Ellersdown Lane, Brushford, Dulverton, TA22 9AR	Prior approval of proposed change of use of agricultural building to dwellinghouse	23 December 2014	Refuse	CM
ABD/36/14/00 2	Building at Lowtrow Cross, Upton, TA4 2HY	Prior approval for proposed change of use of agricultural building to a dwellinghouse	23 December 2014	Prior approval is required and refused	CM
C/02/14/001	Brendon Cottage, Brompton Ralph, Taunton, TA4 2RU	Approval of details reserved by condition 2 (relating to new flooring materials) condition 3 (relating to joinery details and propsoed external treatment of	16 December 2014	Grant	EP

shutters, stairs
and new door) in
relation to listed
building consent
3/02/10/002

Ref No.	Application	Proposal	Date	Decision	Officer
C/02/14/003	Pilgrim Cottage, Pitsford Hill, Wiveliscombe, TA4 2RP	Approval of details reserved by condition 3 (relating to roof materials for store/car port) in relation to planning permission 3/02/12/003	27 November 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
C/17/14/003	Stolford Farm, Brendon Hill, Watchet, TA23 0LP	Approval of details reserved by condition 4 (relating to Surface Water Drainage) and condition 6 (relating to soft landscape scheme) in relation to planning permission 3/17/14/008	27 November 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
C/21/14/018	Butlins, Warren Road, Minehead, TA24 5SH	Approval of details reserved by condition 4 (relating to colour of samples) in relation to planning permission 3/21/14/077	28 November 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
C/26/14/005	10 Quarry Road, Washford, Old Cleeve, Watchet, TA23 0NR	Approval of details reserved by condition 4 (relating to materials) condition 5	06 January 2015	Grant	SK

(relating to parking) and condition 6 (relating to drainage details) in relation to planning permission 3/26/13/013

Ref No.	Application	Proposal	Date	Decision	Officer
C/31/14/004	Hill Farm, Brook Street, Stogumber, Taunton, TA4 3SZ	Approval of details reserved by condition 8 (relating to joinery details) in relation to planning permission 3/31/11/005	06 January 2015	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
C/39/14/005	Doniford Bay Holiday Park, Watchet, TA23 0TJ	Confirmation of compliance with condition 1 (relating to Development to begin within 3 years of permission) and condition 3 (relating to Otter fencing hedging) in relation to 3/39/13/031.	17 December 2014	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
CA/21/14/006	Flat 2, Blenheim Park, 41 BLENHEIM ROAD, MINEHEAD, TA24 5QA	Remove Beech Tree	15 December 2014	Raise No Objection	SK

Ref No.	Application	Proposal	Date	Decision	Officer
CA/21/14/007	THE NORTHFIELD HOTEL, NORTHFIELD ROAD, MINEHEAD, TA24 5PU	3xSycamore, 20% reduction (T1,T2,T3). 2xHolm Oak, Coppice (T4,T5). 1xStrawberry	15 December 2014	Raise No Objection	SK

**Tree, Crown
lift 3m (T6).
1xYew,
Removal of
epicormic
growth (T7).**

Ref No.	Application	Proposal	Date	Decision	Officer
CA/21/14/008	Stables Cottage, Martlet Road, Minehead, TA24 5QE	To fell one Leylandii and one Fir tree	15 December 2014	Raise No Objection	SK
CA/31/14/002	Major Linneys, 7 High Street, Stogumber, TA4 3TA	To fell five Lombardy Poplar trees	15 December 2014	Raise No Objection	SK
H/11/14/001	Land near Perry Cottage, Perry Lane, East Quantoxhead, TA4 4DZ	Temporary removal of six hedgerows required for the laying of a water supply pipeline in connection with Hinkley Point C	16 December 2014	Grant	EP
H/16/14/001	Moorhouse Distribution Site, Kilve, TA5 1SS	Temporary removal of two sections of boundary hedgerow to enable construction of a new storage cell in order to meet extra demand on the water supply.	22 December 2014	Grant	EP
H/21/14/001	Land at Woodcombe, Minehead	The temporary removal of two hedgerows is required to enable the existing water main to be	22 December 2014	Grant	EP

re-routed

Ref No.	Application	Proposal	Date	Decision	Officer
H/32/14/001	Land west of Farringdon, Stogursey	Temporary removal of 3 hedgerows required for the installation of a water supply pipeline in connection with Hinkley Point C.	16 December 2014	Grant	EP
H/33/14/001	Land in Stringston	Six sections of hedgerow to be temporarily removed to allow the laying of a new water main in connection with Hinkley Point C	16 December 2014	Grant	EP
H/38/14/001	Land in West Quantoxhead	Three hedgerows to be temporarily removed to allow for the laying of a water supply pipeline in connection with Hinkley Point C	16 December 2014	Grant	EP
H/38/14/002	Land near The Rest, The Avenue, West Quantoxhead, TA4 4DJ	Hedgerow to be temporarily removed to allow for the laying of a water supply pipeline in connection with Hinkley Point C	16 December 2014	Grant	EP
T/26/14/010	10 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JA	Holm Oak (T3) - Pollard to 6m above ground level	25 November 2014	Grant	SK

Appeal Decision

Site visit made on 9 December 2014

by Veronica Bond LLB (Hons), Solicitor

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

Decision date: 18 December 2014

Appeal Ref: APP/H3320/D/14/2227324

1 Cleeve Park, Chapel Cleeve, Minehead TA24 6JA

- 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 & Mrs M.C Nicholls against the decision of West Somerset Council.
 - The application Ref 3/26/14/019, dated 14 July 2014, was refused by notice dated 8 September 2014.
 - The development proposed is described as 'this application seeks consent to erect a sunroom extension to the south west elevation. For further information please see design and access statement'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and area.

Reasons

3. The appeal property is a single storey dwelling and of a similar chalet style design to a number of others in close proximity. The distinctive design and relatively small size of the dwellings in the immediate area, together with the presence of numerous mature trees creates a strong and distinctive woodland holiday village character. I understand that the host property is covered by an Article 4 direction and within a Special Landscape Area.
4. The proposal would entail the construction of a single storey extension to form a sun room, taking up much of the apparently well used patio area to the front of the dwelling, which currently has a wall affording a privacy screen. The extension would stretch across a significant portion of the front of the dwelling, and would project significantly forward of the existing south west elevation. I note the dimensions given including in terms of the existing and resultant floor area and as regards the utility extension. However, although not overly large scaled of itself, given the modest proportions of the host property, I do not consider that the extension would be a sympathetic addition and it would therefore be out of character with the prevailing vernacular.
5. In view of its position to the front of the dwelling, the proposed sun room extension would be a prominent addition which would detract from the understated appearance of the principal elevation of the existing property.

Whilst I accept that the front elevation is screened in some views by the existing garage block and mature hedging, the proposed sun room would nonetheless be visible from a number of the surrounding properties and given its scale, would not be comparable to the front porch extensions referred to by the Council.

6. I note that materials, details, proportions and finishes are intended to be consistent with the host dwelling and local vernacular, that modern construction methods would be used and that the roof form of the extension proposed would be appropriate to, and set down from, that of the host dwelling but these aspects do not overcome my concerns above.
7. I accept that the proposal would not affect local land form, field patterns, tree or hedgerow cover but for the reasons above, I conclude that it would harm the character and appearance of the host property and area. Thus it would conflict with Policies BD/1 and BD/3 of the West Somerset District Local Plan (Adopted April 2006) which seek, amongst other things, development that is sympathetic to the scale of existing buildings within a distinct neighbourhood and extensions of proportions appropriate to the building to which they relate.

Other Matters

8. Whilst I note the appellant's comments in relation to permission granted for a conservatory extension at 28 Cleeve Park, I do not have full details of the planning circumstances leading to that development so as to form a comparison with the present proposal. I have in any event considered the appeal proposal on its own merits. Although there would be no adverse impact on the living conditions of neighbouring occupants, this is only a neutral effect.
9. Neither party has expressed a view regarding the effect of the proposal on the on the setting of the Grade II listed building at Chapel Cleeve Manor. I have though undertaken my duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In view of the fact that the appeal site is separated from the listed building by the dwellings opposite, the setting of the listed building would be preserved by the proposal. This does not though compensate for my concerns as to the harm that would result to the character of the host property and area.

Conclusion

10. For the reasons above, and taking into account all other matters raised, I conclude that the appeal should fail.

Veronica Bond
INSPECTOR

Appeal Decision

Site visit made on 4 November 2014

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 26 November 2014

Appeal Ref: APP/H3320/A/14/2224272
30 The Parks, Minehead, Somerset TA24 8BT

- 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 Ron Wright against the decision of West Somerset Council.
 - The application Ref 3/21/14/012, dated 3 February 2014, was refused by notice dated 27 March 2014.
 - The development proposed is the erection of a detached dwelling within the garden area to the west of 30 The Parks.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Conservation Area and preserve the setting of the adjacent Listed Building at No 30, on the living conditions of neighbours at No 30, and on highway safety.

Reasons

Character and Appearance

3. Nos 20—24 and 26-30 The Parks (even) comprise two Grade II Listed terraces of early nineteenth century three-storey houses situated at the western end of the Wellington Square Conservation Area. Although surrounded by mainly more modern residential development the character of these listed terraces is to a large extent determined by the generous space between them and between No 30 and the twentieth century bungalow to the west at No 32.
4. There is a twentieth century two-storey house (No 18 known as Holly Trees), not unlike the design of the appeal proposal, situated next to the end of the eastern terrace at No 20. However, I note that property is excluded from the Conservation Area although the others on the north side of the road are included.
5. The proposed plot of the new dwelling would be narrower than No 18's plot. Whereas that house is sited in approximately the centre of a wider plot the proposed house would occupy most of the width of its plot and be very close to the boundary with No 32.

6. In any case it would erode the spacious setting of No 30 and the terrace of three houses within which it is located. The proposal would reduce the large existing gap between No 30 and No 32, which is similar to the gap between the two terraces, and thus destroy the symmetry of the terrace within its setting which is an essential part of the area's character and appearance.
7. The fact that the proposal would create a nearly matching development at the western end of these two terraces to that at their eastern end would not be sufficient to justify the proposal because the design of No 18 does not preserve the setting of the nearest listed terrace. Nor does it enhance the character or appearance of the Conservation Area, which it abuts. Equally, the proposed new dwelling, being of a similar though narrower design, would fail to preserve the setting of No 30 or its listed terrace and would also fail to preserve or enhance the character or appearance of the Conservation Area.
8. The simple functional design of the proposal, whilst it may well be inoffensive if it was to be sited further west and north outside of this setting, would not be sufficiently well designed to justify the loss of the open setting to one side of this listed terrace of attractive dwellings. In particular, its scale, massing and front elevation features including its fenestration bear no meaningful relationship to the design of the adjacent listed terraced houses and would visually clash with them, as well as detracting from the street scene on this prominent bend in the road.
9. I note the newly completed McCarthy and Stone retirement apartments on the opposite side of the road but this development reads in the street scene as part of the more modern suburban development on the south side of the road and is also outside the Conservation Area. It therefore does not justify this proposal.
10. I conclude that the proposal would significantly harm the character and appearance of the area. It would fail to preserve or enhance the character or appearance of the Conservation Area and fail to preserve the setting of the adjacent Listed Building at No 30.
11. 'Saved' Policies BD/1, BD/2, CA/1 and LB/1 of the West Somerset Local Plan 2006 (LP) together require new development to be in keeping with the scale, architectural quality, layout and features of an area and apply the statutory tests to preserve or enhance the character or appearance of Conservation Areas and preserve the settings of listed buildings. The proposal would fail to meet these requirements and would therefore be contrary to these policies in the development plan. It would also fail to meet policy guidance in the National Planning Policy Framework (NPPF) concerning quality design and the need to preserve designated heritage assets.

Living Conditions

12. Whether or not the accommodation located in the lower ground floor of No 30's side extension achieves lawful use, it is clear that its windows provide light to habitable rooms. I note that a new timber window has been installed facing the road frontage at this level, which is bound to improve the amount of daylight entering the accommodation at this level.
13. However, the Council points out that there is a bedroom window towards the back of the side elevation facing the site of the new house and I was able to see this from my site visit. The daylight to and outlook from this bedroom

window is already constrained by its aspect onto the adjacent retaining wall. But I have no doubt that the side wall of the proposed two-storey house would adversely impact on the amount of daylight entering this room because it would be only about 4m away at this point. I also consider the outlook from this window, already relatively poor, would be made considerably worse by the proximity of the new house's side wall.

14. Additionally, the front door of the new dwelling would be opposite this window and I am concerned that this relationship is likely to produce unacceptable overlooking of this bedroom window from people entering and exiting the new house.
15. Consequently, I conclude that the living conditions of occupiers of this lower ground floor accommodation would be seriously harmed by the proposal. Although LP Policy BD/2 appears to be concerned with the design of new development rather than its effects on neighbours' living conditions, one of the core planning principles set out in paragraph 17 of the NPPF is that such development should secure a good standard of amenity for all existing and future occupiers of land and buildings. For the above reasons, the proposal would fail to do so.

Highway Safety

16. Four parking spaces already exist on the tarmac area in front of the present garage on the site. However, visibility to the west is severely constrained, not just by the high boundary wall between Nos 30 and 32, but by No 32's front fence and the shrubbery to its front garden and because the site lies on the inner side of a sharp bend in the road at this point.
17. Whilst the appellant's proposal to lower the boundary wall would improve the poor westwards visibility for vehicles exiting the site, it would not therefore do so sufficiently because of No 32's fence and shrubbery and because of the bend in the road.
18. I appreciate that these parking spaces have been used for many years without apparently any accidents. But the proposal would introduce an additional dwelling and therefore increase the amount of vehicular traffic to the site. Due to the limited area of this frontage parking space it would not be possible, when two or more of the parking spaces were in use, for vehicles to turn on site.
19. This would mean that vehicles would be required either to back into the parking spaces or back out into the eastwards flowing carriageway of the road. I noticed that this is a relatively busy road, which is subject to a 30mph speed limit. Even at this speed a vehicle approaching from the west would have to break hard if a vehicle was backing into or out of the site, due to the profile of the road at this point. Such a manoeuvre, on such a tight bend with inadequate visibility, would be dangerous to highway safety and the number of such manoeuvres would be very likely to increase as a result of the additional traffic to the site generated by the proposal.
20. I note that the access to the 26 new retirement flats is directly opposite. However, that site is on the outside of the bend in the road and visibility for drivers exiting it is therefore much better than for the appeal site. That new

access therefore provides no justification for intensifying the use of No 30's access on the inside of the bend.

21. I conclude that the proposal, because it would increase the amount of vehicular traffic using the site, would be prejudicial to highway safety for the above reasons. It would therefore be contrary to NPPF paragraph 32, which requires developments to provide safe and suitable access.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR

Appeal Decision

Hearing held on 9 December 2014

Site visit made on 9 December 2014

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 20 January 2015

Appeal Ref: APP/H3320/A/14/2224266
Allshire, East Anstey, Tiverton EX16 9JG

- 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 G Brown against the decision of West Somerset Council.
 - The application Ref 3/04/13/010, dated 17 October 2013, was refused by notice dated 15 July 2014.
 - The development proposed is a temporary agricultural dwelling.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. At the hearing an application for costs was made by Mr G Brown against West Somerset Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are firstly, whether there is an essential need for a temporary agricultural dwelling to accommodate a rural worker in light of national and local policies for residential development in the countryside; and secondly, the effect of the proposal on the character and appearance of the area, with particular regard to the loss of trees.

Reasons

Residential Development in the Countryside

4. The appeal site lies on a hillside within the countryside. The proposed mobile home would provide temporary accommodation for three years for a rural worker at Allshire. This farm comprises two poultry sheds, a recently constructed dung store and a stock building, and a small storage shed. Set away from the farm close to the cluster of residential properties along the track is another stock shed.
5. Near to the road, and linked to the farm buildings by a track, is a group of three buildings that accommodate the appellant's agricultural machinery business. In addition to this business and the farm at Allshire, the appellant owns and rents further land elsewhere. All the land the appellant owns and rents is laid to grass, and although in three separate locations, is farmed as one unit.

6. The appellant has been farming since 2008, gradually building up a herd of suckler cows. In 2011 the appellant purchased the poultry houses. These have remained empty until September 2014, when they were occupied by 32,000 chicks for a six week cycle, separated by two weeks when the buildings are cleaned and prepared for the next batch of birds. At the time of my site visit, the poultry houses were empty and being prepared for the next intake of chicks, with the suckler herd in the larger stock building, and a group of young animals in the shed near to the dwellings further up the lane.
7. Policy H/2 of the West Somerset District Local Plan (2006) (LP) requires, amongst other things, that outside the limits of settlements, dwellings for agricultural workers will only be permitted where there is a proven need for the dwelling on the holding. The supporting text notes that where an agricultural holding's viability is not yet proven, only a temporary permission for a mobile home may be granted in the first instance, and where a new enterprise is proposed, evidence is required to demonstrate that the new business has been planned on a financially sound basis before permission for a mobile home is entertained.
8. Both parties were in agreement that LP Policy H/2 was consistent with the requirement of the National Planning Policy Framework (the Framework) in that it seeks to avoid isolated new homes in the countryside, unless justified by special circumstances. An example of such special circumstances is cited in the Framework as being "the essential need for a rural worker to live permanently at or near their place of work in the countryside" (paragraph 55).
9. In order to determine whether a need is essential and permanent, it has to be established that there is a physical requirement for someone to be on the site at most times, and also that the business has reasonable long term prospects. Both the Council's agricultural advisor and that of the appellant have undertaken an assessment of the business based on the criteria identified in Annex A of withdrawn Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7). Where the parties disagree is as regards the application of the financial evidence required under Annex A. Reference is made by the appellant to the judgement in a high court case in *R (Embleton PC) v. Northumberland CC [2013] EWHC 3631 (Admin)* for a temporary permission for a mobile home that found that the Framework does not require a proposal to be economically viable. Whilst the tests previously identified in PPS7 are not now government policy, the provision of such information is a useful tool in seeking to establish whether or not there is an essential and permanent need for residency.
10. However, whilst the Framework is a weighty material consideration, it does not change the statutory status of the development plan as the starting point for decision making, particularly where the planning policy is consistent with the requirements of that document. The parties have agreed this is the case. The difference of opinion focuses on the demonstration of the essential and proven need as required by the Framework and LP Policy H/2 respectively. Whilst the court case may not require financial evidence to demonstrate essential need, the methodology provided under Annex A of the withdrawn PPS7 is a tool to ascertaining compliance with the Framework and current development plan policy. Neither party has suggested an alternative means of assessment to demonstrate a convincing case.

11. The Council accepted at the hearing that given the number of calving cows on the site and the requirement for care during these times, there would appear, at the current time, to be a need for a high level of supervision during these periods. However, stock levels have fluctuated on the holding. The appellant provided evidence at the hearing that the majority of the work with the herd was undertaken by himself supported by his wife, and that this was in addition to running the agricultural machinery business. Whilst the appellant's agricultural advisor considers that a full-time worker for the herd is required, at the current time the holding is being served by a mix of part time workers. Consequently, due to the fluctuating stock numbers and current employment pattern, I do not consider there is a permanent, essential and proven need to require a residential presence on the holding.
12. The poultry houses have remained unused until recent months. It had been proposed by the appellant that there would be requirement for at least one further full-time worker for the chicks, but it was clarified at the hearing that two part-time workers could service them on the basis of the current contract. Furthermore, the contract is only for two periods in advance, and whilst it may be repeated, there is no guarantee. Due to the contract having only recently been implemented on site, and combined with its short term nature with no guarantee of repeated renewals, I have little evidence before me that the chicks would in themselves generate the need for a permanent residential presence on site.
13. Nor is it clear from the evidence provided as to whether the appeal holding is running as a stand-alone unit. Whilst the construction of a new stock and dung shed demonstrates a commitment on the part of the appellant to invest in the site, apart from the new buildings, the poultry sheds and a small storage shed, there were no other buildings present. In particular, there were no feed or bedding stores, buildings which particularly in the winter would be necessary for servicing the housed herd. In addition, the Council have questioned where the calving was occurring before the construction of the stock building. Although the appellant refers to his land holdings being operated as one unit, I have no evidence before me as to demonstrate this relationship.
14. Turning now to the viability of the operation, accounts were submitted for the years 2010, 2011, and 2012, with a profit having been made in the last of these years. The appellant referred at the hearing to the operation having been in profit for the subsequent two years. Be that as it may, this has not been substantiated by any clear evidence. Whilst I appreciate the appellant's consideration that an essential need for a dwelling does not have to include financial justification, it is a useful tool in providing an assessment of whether a business has clear prospects of being sustained.
15. Of those accounts that have been provided, I share the concerns of the Council that no labour costs have been included, and note that significant losses were made for the first two years. Nor is it clear whether these accounts are just for Allshire or for all the appellant's holdings. Furthermore, one of the new buildings on the site was not funded from the enterprise itself, but through a combination of grants and the appellant's other business. Nor do I have a business plan for the Allshire business. I appreciate the appellant does not undertake business planning. Nevertheless it would have demonstrated how the enterprises on the site could remain profitable, particularly in light of the issues identified above.

16. The Council are also concerned that the appellant has not satisfactorily demonstrated there are no other dwellings nearby that could accommodate a rural worker. It was clarified at the appeal that a nearby bungalow with an agricultural tie was currently occupied and therefore unavailable for the appellant's requirements. However, amongst the small cluster of dwellings along the lane is a bungalow owned by the appellant's business. This property has no agricultural tie, and is rented at a market rate. I accept it is within the control of the appellant as to how and to whom he rents this property, and that he wishes to maximise receipts. Nevertheless, it is within a few minutes walk of the farm, and it is within his control as to who he rents the property. This would not exclude its temporary use by a residential agricultural worker.
17. The Framework seeks to support a prosperous rural economy, promoting the development and diversification of agriculture, and I accept the appellant is contributing towards that objective. However, it is also a requirement that isolated new homes in the countryside should be avoided unless, amongst other things, there is an essential need for a rural worker to live permanently at or near their place of work. This objective is consistent with the requirements of LP Policy H/2 that seeks a proven need for a dwelling on a holding. It is therefore for an individual holding to justify a requirement for a temporary dwelling. In this instance it has not been satisfactorily demonstrated that there is an essential, proven and permanent need for the proposed development and as such it would be contrary to the requirements of the Framework and LP Policy H/2.

Character and Appearance

18. The landscape around the appeal site comprises mostly fields of grassland that are bounded by a mix of trees and hedgerows. Copses set amongst the fields add to the verdant appearance of the area. The hills are separated by deep valleys, with isolated farmsteads and clusters of houses positioned on them. The combination of the topography and the landscape, including the trees and hedgerows, gives an attractive character and appearance to the area.
19. The proposed mobile home would be set back from the lane, to the southern side of the access track to the farm buildings. The existing copse of mixed species semi-mature trees between the poultry houses and lane would be felled, with replacement planting provided further down the hill. It was clarified at the hearing that the cleared land would be laid to grass.
20. Whilst I accept several of the trees are damaged and have suffered through being closely spaced in rows, as a group they partly screen the poultry houses from the lane and across the valley. They contribute towards the character and appearance of the area, and provide a landscaped setting for the poultry houses.
21. The planting of trees to the south of the poultry houses would provide some screening to the site when viewed from this direction, and I have noted the works to existing hedgerows that the appellant has undertaken. However, the removal of the copse in its entirety without any replacement planting in this area would open up the site, and due to the topography of the landscape, would allow both the proposed mobile and the poultry houses to be clearly seen, including from distant views. The provision of the proposed mobile, its garden and parking areas, set away from the existing farm buildings, would

spread development along the hillside, thereby harmfully exaggerating the visual impact of the proposed development and the farm buildings.

22. I therefore find the removal of the existing trees would unacceptably harm the character and appearance of the area. This would be contrary to the requirements of LP Policies SP/5, LC/3, BD/1 and BD/2, which amongst other things, seek to enhance environmental quality and the character of the local landscape. It would also conflict with an objective of the Framework that requires development that respects the local character and distinctiveness of an area.

Other Matters

23. A nearby resident has raised a concern about the level of damage that is occurring to the private residential lane that provides access to a number of properties. However, the use of the lane, its maintenance and condition, would be a matter for the relevant parties to resolve, and has not had a bearing on my assessment of the planning issues in this appeal.

Conclusion

24. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Geoffrey Brown	Appellant
Sheamus Machin	Agricultural consultant
Janine Anning	Agent
Samantha Vigus FCA	Mitchells Accountants

FOR THE LOCAL PLANNING AUTHORITY:

Elizabeth Peeks	West Somerset Council
R Lloyd-Hughes MRICS BSc Est Man	Agricultural Consultant

DOCUMENTS

- Appeal notification letter from West Somerset Council dated 13 October 2014

- Site location plan
- Appellant statement of common ground, signed on behalf of the appellant and the Council, and dated 9 December 2014
- A bundle of appendices (ie 9, 10, 27, 29, 40, 41, 42, 43, 44 and 45) to the appellant's grounds of appeal

Appeal Decision

Hearing held on 18 November 2014

Site visit made on 18 November 2014

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 9 December 2014

Appeal Ref: APP/H3320/A/14/2223818

Sandpit Meadows, Brompton Ralph, Taunton, Somerset TA4 2RT

- 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 Andrew Vanstone against the decision of West Somerset Council.
 - The application Ref 3/02/13/008, dated 16 October 2013, was refused by notice dated 14 February 2014.
 - The development proposed is a change of use from one of "caravan ancillary to agricultural use of land" to "temporary agricultural worker's dwelling".
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from one of "caravan ancillary to agricultural use of land" to "temporary agricultural worker's dwelling" on land at Sandpit Meadows, Brompton Ralph, Taunton, Somerset TA4 2RT in accordance with the terms of the application, Ref 3/02/13/008, dated 16 October 2013, subject to the conditions attached to the Annex of this decision.

Procedural matters

2. At the Hearing an application for an award of costs was made by the appellant. This is the subject of a separate decision.
3. It was confirmed at the Hearing that the submitted site plan does not show the access to the site as being wholly within the application site, but it is within land shown as being within the control of the appellant.

Main Issues

4. The main issues are:
 - i) whether there is an essential need for an agricultural worker to live permanently on the site, and
 - ii) the effect of the proposal on highway safety.

Reasons

5. The site lies in the open countryside where there are strict controls on new house building. An exception to this general approach of restraint is where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

6. The appellant has been running an egg-hatching and poultry business on the site since 2008, during which time he has built up a flock of some 400-600 laying birds. He sells eggs mainly on the internet, and specialises in rare and heritage birds, having about 70-80 different breeds kept on the site. For which there is a niche market offering higher returns compared to standard breeds.
7. The Council is concerned that there is insufficient evidence to show that the enterprise has been planned on a sound financial basis. Since the cancellation of Annex A to Planning Policy Statement 7, the only policy advice in respect of agricultural workers' dwellings is that in paragraph 55 of the National Planning Policy Framework (NPPF), which refers to an essential need for a rural worker to live permanently at or near their place of work in the countryside. Thus, there is no policy requirement for a financial test.
8. Even so, in order for an essential need to be shown, evidence of an ability to sustain the enterprise is relevant, although this is less important where a temporary permission is sought, as in this case. Saved Policy H/2 of the West Somerset Local Plan (LP) deals with agricultural and rural workers' dwellings. The policy itself does not require a financial test to be satisfied, and I consider that it is consistent with the NPPF. The explanatory text says that where a new enterprise is proposed, the Local Planning Authority will require evidence that the new business has been planned on a financially sound basis before permission for a mobile home is entertained.
9. In this case, the justification for the mobile home is not related to a new enterprise; it is an established business, which has been developed over 6 years. In these circumstances, I consider that the policy requirement for evidence of financial soundness is not applicable here. Of more relevance is that part of the supporting text which says that where an agricultural holding's viability is not yet proven, only a temporary permission for a mobile home may be granted in the first instance.
10. At the Hearing I was told that of the four areas for growing the business identified in the business plan submitted with the application, three had been realised; stock rates were higher and turnover is now at about £65,000 per annum, up on the £30,000 per annum being achieved in 2012. The Council accepted at the Hearing that the evidence produced at application stage, as updated at the Hearing, was sufficient to demonstrate that the enterprise was planned on a sound financial basis, and I agree.
11. In terms of a functional need, the Council's agricultural adviser had accepted that, in principle, an enterprise of this kind could require a permanent on-site presence to cover various husbandry risks, including very late/ very early stock inspection and housing / release, guarding against foxes, ensuring feed and water are available when weather and travelling conditions are adverse, managing / monitoring the incubation and brooding processes and also protecting the birds and equipment from theft or vandalism.
12. However, at that time the adviser felt that details of the enterprise were too sketchy to comprise clear evidence of a functional need, and despite further information being provided, the Council persisted with this view. At the Hearing, the appellant provided updated information on stocking levels, but the Council officers attending indicated that they had insufficient agricultural qualifications to take a view on whether the functional need was met.

13. I accept that the information provided by the appellant could have been more robust. A clearer picture would have been obtained if more detailed explanations had been provided of how the business operates, and how inputs and outputs would vary throughout the year, and how specific growth was forecast in the coming years. From what I saw on site, there has been considerable investment in the business. Unlike many egg farming enterprises, which achieve economies of scale by using very large buildings, the appellant's business relies on different breeds being segregated from each other, to a lesser or greater extent, involving a large number of moveable bird houses and runs.
14. Eggs are currently incubated off-site, in a garage some 5 miles away, which is wasteful in terms of the time and cost of travelling between the farm and the garage, but it also adds risk to the health of eggs and chicks by unnecessary transportation. The ability to monitor the incubating eggs is limited, and I was told that losses have occurred as result of power failures. Mains electricity is due to be provided on the site imminently, and I was shown where preparations had been made for the provision of an incubator unit.
15. The nature and scale of the business involves many thousands of fragile eggs and vulnerable chicks being produced over the course of a year, the health of which are highly dependent on careful monitoring of environmental conditions, the resilience of the bird houses and the control of predators. Many of the tasks identified by the Council as having the potential to require a full-time on-site presence are, in my view, likely to be required for the efficient carrying on of the farming enterprise. I am therefore satisfied that there is an essential need for an agricultural worker to live permanently on the site, and that the requirements of saved Policy H/2 are met.

Highway safety

16. It is proposed to use the existing access to the site onto a Class C classified road, which is characterised by a narrow width, with high banks and hedgerows on either side. The visibility obtainable from the access in both directions is well below the splay of 2.4m by 33m sought by the Council. There is agreement between the parties that traffic speeds along the road are likely to be low, and from what I saw this is likely to be so.
17. There is also agreement that the proposal would be unlikely to result in a materially greater use of the access; the additional movements associated with a residential use of the site would be largely offset by the reduction in the need for the appellant to travel to and from the site.
18. Saved LP Policy T/3 requires that new development is of a design which both minimises the environmental impact and also the risk of accidents. I consider that this is broadly consistent with the advice in paragraph 32 of the NPPF which says that, amongst other things, decisions should take account of whether safe and suitable access to the site can be achieved for all people.
19. In my view, the obtainable limited visibility poses risks to highway safety. Whilst the overall number of movements in and out of the site as a result of a residential use may not be materially greater than those that occur in connection with the purely agricultural use of the farm, it would expose different people to highway safety risks, such as postmen and those making domestic deliveries. In my view, the use of an access which poses a potential

for highway danger does not minimise highway safety risks or take adequate account of the need to provide safe and suitable access.

20. However, it was agreed at the Hearing that adequate visibility could be achieved through altering or repositioning of the access, and I consider that the imposition of a condition would be a suitable means of addressing this matter.
21. I therefore conclude on the second main issue that, subject to the imposition of a condition, the proposal would not result in material harm to highway safety or conflict with LP Policy T/3.

Other matters

22. The application was also refused on the grounds that it represented unsustainable development. The Council confirmed at the Hearing that should the appeal succeed in respect of the agricultural justification, this reason for refusal would fall away. Having regard to the three dimensions of sustainability set out in the NPPF, I consider that the economic benefits of the proposal would outweigh the harm that would result from the poor locational sustainability of the development.
23. Local residents referred to problems of noise, smell, flies and vermin, but these are more related to the agricultural use of the land, rather than a temporary dwelling, and are therefore not matters to which I can give any significant weight. I have also had regard to the suggestion that any grant of permission would condone an alleged breach of planning control. I attach no weight to this, as I need to deal with the proposal solely on its planning merits.

Conditions

24. Conditions were suggested at the Hearing which I have assessed in the light of national guidance. Conditions to restrict occupancy of the mobile home and to limit the duration of the permission are necessary to give effect to the intention that the permission is for a temporary agricultural worker's dwelling. The discontinuance of the use at the expiry of the permission is required for the same reason. The Council suggested that the mobile home be removed after that period, but I see the force of the appellant's argument that the mobile home might continue to be used for purposes incidental to the agricultural use of the land, and therefore its removal might be excessive. The Council would have control over any non-agricultural use of the mobile home, and therefore I shall not require its removal.
25. Conditions to secure adequate visibility at the access and to provide appropriate planting along the road frontage are needed in the interests of highway safety and character and appearance respectively. A condition to require the development to be carried out in accordance with the submitted plans is needed in the interests of good planning and for the avoidance of doubt.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

ANNEX

- 1) This permission shall expire 3 years from the date of this decision and the residential use of the mobile home shall be discontinued on or before the expiry date.
- 2) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
- 3) The mobile home shall not be occupied until a scheme for an access with visibility splays of not less than 33m by 2.4m has been provided on site, and thereafter the access shall be retained in this form.
- 4) The mobile home shall not be occupied until a landscaping scheme showing the planting of indigenous hedge species planted along the back of the visibility splay has been submitted and approved in writing by the local planning authority. The approved planting shall be carried out in the first planting season following occupation of the mobile home and thereafter if within a period of two years from the date of the planting of any hedge plant that plant, or any plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
- 5) The development hereby permitted shall be carried out in accordance with the approved plans marked "Site Plan" and "Block Plan".

APPEARANCES

FOR THE APPELLANT:

David Stephens	Battens Solicitors Ltd
John Gower	Quiet Waters Consultancy
Andrew Vanstone	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Bryn Kitching	West Somerset Council
Chris Mitchell	West Somerset Council

DOCUMENTS

1. Letter of notification
2. Statement of Common Ground
3. Costs application on behalf of Mr Vanstone

Appeal Decision

Site visit made on 9 December 2014

by **A D Poulter B Arch RIBA**

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

Decision date: 7 January 2015

Appeal Ref: APP/H3320/A/14/2226241

Building 1, Land at Higher Vexford Farm, Lydeard St. Lawrence, Taunton TA4 3QG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant an application for prior approval.
 - The appeal is made by Mr M Greenaway against the decision of West Somerset Council.
 - The application Ref ABD/31/14/001, dated 21 May 2014, was refused by notice dated 16 July 2014.
 - The development for which prior approval is sought is the change of use of an agricultural building to a dwellinghouse (Use Class C3), and associated operational development.
-

Decision

1. The appeal is dismissed.

Main Issue

2. This is whether the development proposed complies with the limitations or restrictions specified in Schedule 2, Part 3, paragraph MB.1(c) of the *Town and Country Planning (General Permitted Development) Order 1995* (as amended¹)(GPDO).

Reasons

3. The application sought approval of the matters under MB(a) only. These are set out at set out in paragraphs MB.2(1)(a) to (e) of the GPDO. However, in accordance with paragraph N(2A)(a) of the Order, the local planning authority (LPA) may refuse an application where in its opinion the proposed development does not comply with any conditions, limitations or restrictions specified in Part 3 as being applicable to the development in question.
4. Under Schedule 2, Part 3, Class MB of the GPDO, development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class 3 (dwellinghouses), and building operations reasonably necessary to convert the building are permitted, though this is subject to limitations, restrictions and conditions. Paragraph MB.1(c) of the Order provides that development is not permitted by Class MB where the cumulative number of separate dwellinghouses developed within an established agricultural unit exceeds three.

¹ Added by the Town and Country Planning (General permitted Development)(Amendment and Consequential Provisions)(England) Order 2014/564 art.5(7)(April 6, 2014)

5. The Council as LPA considers that the development proposed at the above site does not comply with this limitation or restriction, and refused the application on that basis. Its position is that the wording of MB.1(c) does not specify whether, to count towards the total of three, dwellings on the unit have to have been developed pursuant to Class MB. If any dwellings have been developed on the unit in the past the Council therefore considers they should therefore count towards the total number of dwellings for the purposes of paragraph MB.1(c). On the other hand, the appellant's opinion is that when all relevant documentation produced during the consultation and implementation of the legislation is taken into account, the 'three dwelling' criterion applies to new dwellings created under Class MB, rather than all existing dwellings.
6. The reference in MB.1(c) to the cumulative number of separate dwellinghouses developed within an established agricultural unit contains no words of qualification that would indicate that the phrase 'dwellinghouses developed' should have anything other than its normal meaning.
7. Furthermore, in relation to Class M, when restricting the cumulative floor space of buildings that may change from agricultural to a flexible use paragraph M.1(b) refers specifically to buildings which have changed use under Class M. In relation to Class MA, paragraph MA.1(b) similarly refers to the cumulative area of buildings changing use under Class MA. In relation to Class MB, paragraph MB.1(b) again refers buildings changing use under the same Class when setting out the cumulative amount of floor space that may change use. Therefore, elsewhere in recent amendments to the GPDO, where it is intended that restrictions or limitations should apply only to the cumulative amount of development arising from other development in the same Class, specific mention of this is made in the appropriate paragraph. The different use of language in MB.1(c) indicates to me that the omission of any reference to other development in Class MB is deliberate, and that the limitation should be on the cumulative number of separate dwellinghouses, however developed.
8. Paragraph 36 of *Greater flexibilities for change of use – Consultation* (Department for Communities and Local Government (DCLG), August 2013) proposes that new rights would allow up to 3 additional dwellinghouses to be converted on an agricultural unit (my emphasis). However, as this is a consultation document little weight can be placed on this as a statement of ultimate intent.
9. Paragraph 4 of the subsequent *Report on responses to the consultation* (DCLG, March 2014) states that the regulation will allow up to three dwellinghouses to be created. There is no reference in this document to these being 'additional'. This indicates to me a deliberate change in the proposal as a result of responses to the consultation.
10. Paragraph 7.4 of the *Explanatory Memorandum* to the 2014 Order states that under new Class MB agricultural buildings will be able to change to up to three dwellinghouses (C3), but again does not state that this is in addition to other existing dwellings.
11. The application form, taken from the Planning Portal, asks the applicant to specify the number of proposed dwellinghouses that will be developed, including the number already developed under Class MB. However, this does not in my view indicate any intent by government that the limitation or

restriction under paragraph MB.1(c) should apply only to dwellinghouses developed under Class MB.

12. For these reasons I do not consider that other relevant documentation indicates that MB.1(c) should be interpreted as meaning that up to three additional dwelling houses may be developed on an agricultural unit. Rather, on the face of the Order, the restriction should be on the cumulative number of all dwellinghouses on the agricultural unit, regardless of how they were developed.
13. In this instance the Council's evidence to the effect that three dwellings have already been developed on the relevant unit is not contended. I conclude that the proposed development would not comply with the limitations or restrictions imposed by paragraph MB.1(c) of the Order. In accordance with paragraph N(2A)(a), the LAP was therefore entitled to refuse the application.
14. I conclude for these reasons that the appeal should be dismissed. It is therefore not necessary that I go on to consider the matters set out in paragraphs MB.2(1)(a) to (e).

A D Poulter

INSPECTOR