



To: Members of Planning Committee

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

Our Ref TB/TM

Your Ref

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

Extension 01823 356573

Date 21 June 2017

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Dear Councillor

I hereby give you notice to attend the following meeting:

**PLANNING COMMITTEE**

**Date: Thursday 29 June 2017**

**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.

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Yours sincerely

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

**BRUCE LANG**  
Proper Officer

## PLANNING COMMITTEE

THURSDAY 29 June 2017 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

#### 1. Apologies for Absence

#### 2. Minutes

Minutes of the Meeting of the 18 May 2017 - **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: one**

**Date: 21 June 2017**

<u>Ref No.</u>	<u>Application/Report</u>
3/21/17/025	Extension and conversion of 3 No. bed bungalow into a 6 No. bed bungalow as an assisted living unit annexe to Dene Lodge Nursing Home. 19 Dunster Close, Alcombe, Minehead, TA24 6BY
3/21/17/011	Demolition of dwelling and outbuilding and erection of 3 No. dwellings with formation of access (part retention of works already undertaken). The Homestead, Bircham Road, Alcombe, Minehead, TA24 6TW
3/21/17/012	Demolition of outbuildings and erection of 4 No. dwellings with formation of access (part retention of works already undertaken) as amended. The Homestead, Bircham Road, Alcombe, Minehead, TA24 6TW
3/24/17/001	Additional use of part of orchard as a camping and glamping site

	(during the period March – October) together with the erection of a shower block and formation of an access track (REVISED DESCRIPTION). Torre Cider Farm, Washford, Old Cleeve, Watchet, TA23 0LA
3/28/16/008	Demolition of garden structures and erection of 1 No. dwelling and detached garage with formation of vehicular and pedestrian accesses. Land to the rear of Brownwich House, 47 Tower Hill, Williton, TA4 4JR
3/26/17/015	Erection of porch to front elevation (amended scheme to 3/26/17/009). The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JF

6. **Exmoor National Park Matters** - **Councillor to report**

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

8. **Appeals Lodged**

Appeal against the refusal of the erection of a first floor extension over the garage and carport to be used as an annex at The Outback, 9A Reed Close, Watchet, TA23 0EE (planning application 3/37/17/001).

Appeal against the refusal of the erection of a first floor extension over the garage and carport to be used as an annex (resubmission of 3/37/17/001) at The Outback, 9A Reed Close, Watchet, TA23 0EE (planning application 3/37/17/012).

9. **Appeals Decided**

None

10. **Reserve date for site visits** – Monday 24<sup>th</sup> July

11. **Next Committee date** - 27th July

## RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

<b>Likelihood (Probability)</b>	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
			<b>Impact (Consequences)</b>				

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 18 May 2017 at 4.30 pm

#### Present:

Councillor S J Pugsley .....Chairman  
Councillor B Maitland-Walker .....Vice Chairman

Councillor I Aldridge  
Councillor S Dowding  
Councillor S Goss  
Councillor A Hadley  
Councillor B Heywood

Councillor A Kingston-James  
Councillor P Murphy  
Councillor J Parbrook  
Councillor K Turner  
Councillor T Venner  
Councillor R Woods

#### Officers in Attendance:

Area Planning Manager – Bryn Kitching  
Planning Officer – Sue Keal  
Planning Officer (Conservation) – Elizabeth Peeks  
Legal Advisor Brian Convery – Shape Partnership Services  
Democratic Services Officer – Tracey Meadows

The Chairman welcomed Councillor Kingston-James to his first meeting of the Planning Committee.

#### **P1 Apologies for Absence**

There were apologies from Councillors Jones, Mills and Morgan. Councillor Hadley substituted for Councillor Mills.

#### **P2 Minutes**

**Resolved** that the Minutes of the Planning Committee Meeting held on the 30 March 2017 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor Heywood, seconded by Councillor Maitland-Walker

**The motion was carried.**

#### **P3 Declarations of Interest or Lobbying**

Councillor Murphy declared that he had been lobbied in favour of application No. 3/37/17/012. He declared that the application had been discussed at the previous planning meeting which he had not been present at. He declared that he would keep an open mind. Councillor Venner declared that he had been lobbied on application No. 3/21/17/025 by local residents and he also knew the area very well and had friends that lived on the estate. He declared that he would keep an open mind on the application. Councillor Dowding declared that the applicant for application No's. 3/11/16/003 and 3/11/16/005 was the Parish meeting Chairman. He also declared a personal interest as he was a member of both friends of Quantock and the Quantock Hills joint advisory committee, he stated that neither group had spoken to him about the application.

**P4 Public Participation**

<b>Min No.</b>	<b>Reference No.</b>	<b>Application</b>	<b>Name</b>	<b>Position</b>	<b>Stance</b>
P5	3/11/16/003	Conversion of redundant agricultural buildings to form 7 no. Dwellings with associated works and alterations to access from a bridleway to the A39, Townsend Farm, Williton to Bridgwater Road, East Quantoxhead	Lord Darling	On behalf of East Quantoxhead Estate	Infavour
P5	3/11/16/005	Conversion of redundant agricultural buildings to form 7 no. Dwellings with associated works and alterations to access from a bridleway to the A39, Townsend Farm, Williton to Bridgwater Road, East Quantoxhead	Lord Darling	On behalf of East Quantoxhead Estate	Infavour
P5	3/26/17/004	Variation of Condition No. 2 (to allow additional car boot sales on Wednesday's until the end of September each year) of application 3/26/12/012, Home Farm, Blue Anchor, Minehead			
P5	3/26/17/008	Variation of Condition No.02 (approved plans of application 3/26/14/012. The White Horse Inn, Torre Rocks, Washford, Old Cleeve, Watchet	Jane Hood Dr Teresa Bridgman Geoff Williams Cllr Dewdney	Neighbour On behalf of Old Cleeve Parish Council On behalf of Old Cleeve Parish Council Ward Member	Objecting Objecting Objecting Objecting
P5	3/37/17/012	Erection of a first floor extension over the garage and	Mr Andrew Beasley	Neighbour	Objecting

		carport to be used as an annex (resubmission of 3/37/17/001), The Outback, 9A Reed Close, Watchet	Mr David King Mr Walsh	Neighbour Applicant	Objecting Infavour
P5	3/39/17/009	Variation of Condition No.2 (approved plans) of application 3/39/16/007. Land at Larviscombe Road, Williton			
P5	3/21/17/025	Replacement of bungalow with the erection of a single storey 6 No. bedroomed building for assisted living, annexed to Dene Lodge Nursing Home, 19 Dunster Close, Alcombe, Minehead	Mr Padfield Mrs Green Mr Michael Kingston-Lee Miss Julia Worth Chris Pickerill Mr Julian Sykes- Brown	Neighbour Neighbour Neighbour Neighbour Neighbour Neighbour Applicant	Objecting Objecting Objecting Objecting Objecting Objecting Infavour

## **P5 Town and Country Planning Act 1990 and Other Matters**

Report One of the Planning Team dated 10 May 2017 (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**

**3/11/16/003 – Conversion of redundant agricultural buildings to form 7 No. dwellings with associated works and alterations to access from a bridleway to the A39. Townsend Farm, Williton to Bridgwater Road, East Quantoxhead, Bridgwater, TA5 1EH**

### **Comments by member of the public;**

- Natural England had granted Heritage status to the estate, thus allowing the whole estate to be kept together and likely to retain its heritage interest should planning permission be granted;
- The proposed dwellings were proposed to be permanent homes, not holiday lets or second homes;

- Conversion to housing would be the best option for these redundant agricultural buildings, conversion would be done by ourselves and added to the estate housing stock to let, they would not be sold;

**The Member's debate centred on the following issues;**

- The Status Quo of present buildings were unacceptable;
- Pleased to see that there were a minimum amount of lights on the roofs, thus preventing light pollution;
- Happy to see that links were being maintained with the farming community;
- The AONB comments stating that old agricultural buildings should be maintained unchanged despite the end of their serviceable lives was desirable but not practical;
- Unhappy with the Bridle Way crossing the A39, this was hugely dangerous;
- A worthy application for the preservation of old redundant farm buildings;
- Important that the swallows were not disturbed during the nesting period;
- Would like to see that Oil tanks and waste bins were dealt with sympathetically as this would look unsightly in a court yard setting;
- Concerns that there was no public transport for this development;
- A lot of thought had gone into how these buildings can be sympathetically designed to fit in with the surrounding area;
- No information in the report on how the leat to the old water mill would be preserved for the future;
- Concerns that there were no comments from the Parish meeting, local residents views were pertinent;
- Had the estate considered permitting live and work lettings to encourage rural enterprise into the area as that would have more affinity with farming than domestic use;
- Disappointed that affordable housing element had been negated;

**Reference    Location, Proposal, Debate and Decision**

**3/11/16/005 – Conversion of redundant agricultural buildings to form 7 No. dwellings with associated works and alterations to access from a bridleway to the A39. Townsend Farm, Williton to Bridgwater Road, East Quantoxhead, Bridgwater, TA5 1EH**

Councillor Dowding proposed and Councillor Heywood seconded a motion that both applications be **APPROVED**

The **motion** was carried

**Reference    Location, Proposal, Debate and Decision**

**3/26/17/004 – Variation of Condition No. 2 (to allow additional car boot sales on Wednesdays until end of September each year) of application 3/26/12/012. Home Farm, Blue Anchor, Minehead, TA24 6JS**

**The Member's debate centred on the following issues;**



- Concerned that the car boot sales were already being held outside of the original agreement;
- There was sympathy for the nearest neighbour, however this event was popular and brought economic value to the community;
- The car boot season was going on longer than it used to and was a good way to recycle unwanted items and should be welcomed;
- Concerns regarding the lack of access for emergency vehicles;
- Concerns that one of the emergency escape routes was secured by barbed wire by the adjoining property;

Councillor Turner proposed and Councillor Heywood seconded a motion that the application be **Approved** with the added condition that no car boot sales shall take place on any Wednesday during September until such time as details to show the emergency access and evacuation routes have been submitted to, and approved to the Local Planning Authority.

The **motion** was carried

### **Reference Location, Proposal, Debate and Decision**

**3/26/17/008 - Variation of Condition No. 02 (approved plans of application 3/26/14/012). The White Horse Inn, Torre Rocks, Washford, Old Cleeve, Watchet, TA23 0JZ**

### **Comments by members of the public;**

- Concerned that the Landlords were already occupying the building and not going to use it as a bed and breakfast facility;
- A three bedroom house had been built in the open countryside against the Local Plan;
- The Landlord has built a timber framed kit building with no intention of compliance with the planning scheme;
- Lack of communication between Planning and Building Control departments;

### **The Member's debate centred on the following issues;**

- The applicant had flouted the planning permission that was originally granted with regards to the internal layout;
- The building should be taken down and erected as per original planning application;
- The way that this building has now been erected was a new dwelling in the open countryside against Planning Policy;

Councillor Murphy proposed and Councillor Turner seconded a motion that the application be **REFUSED**

### **Reason**

The site is located in the open countryside and outside of existing settlements where development is not generally appropriate. The development as built is tantamount to a new residential dwelling that would fail to bring forward sufficient economic benefits to the existing rural business, particularly when judged against

the permitted B&B use. Therefore the proposal is unsustainable development and fails to meet the requirements of policy OC/1 of the West Somerset Local Plan to 2032.

The **Motion** was carried

### **Reference Location, Proposal, Debate and Decision**

**3/37/17/012 - Erection of a first floor extension over the garage and carport to be used as an annex (resubmission of 3/37/17/001). The Outback, 9A Reed Close, Watchet, TA23 0EE**

#### **Comments by members of the public;**

- Overbearing and overlooking;
- A hedge boundary would not obscure this extension;
- This extension should not be built at the expense of residential amenity;
- The Ground floor of the garage could be converted into an annex;
- The extension was not in keeping with the area due to its design and size;

#### **The Member's debate centred on the following issues;**

- Application still had a degree of overbearing and overlooking to the neighbouring property;
- A ground floor extension would be more suitable;
- Applicant listened to the objections of the previous application and had made serious modifications to the building;
- There was room on the site to accommodate this application;
- The size of the property was not a reason to refuse this application;

Councillor Aldridge proposed and Councillor Turner seconded a motion that the application be **APPROVED** as per Officer Recommendation for approval, the Motion **FAILED**

Councillor Woods proposed and Councillor Hadley seconded a motion that the application be **REFUSED**

The motion to **REFUSE** the application was carried

#### **Reason**

Due to the height of the proposed extension and its proximity to the bungalows at 21, 22 and 23 Admirals Close, it is considered that the development would be overbearing to those properties. This would represent an unacceptable loss of residential amenity to those properties and be contrary to the provisions of Policy SC1 of the West Somerset Local Plan to 2032 and Retained Saved Policy BD/3 of the West Somerset Local Plan (2006)

The **Motion** was carried

### **Reference Location, Proposal, Debate and Decision**

**3/39/17/009 - Variation of Condition No. 2 (approved plans) of application 3/39/16/007. Land at Larviscombe Road, Williton, TA4 4SA**

**The Member's debate centred on the following issues;**

- We could not put a condition on for these garages to not be used for storage;
- There would not be any significant adverse impact upon visual or residential amenity;

Councillor Hadley proposed and Councillor Parbrook seconded a motion that the application be **APPROVED**

The **Motion** was carried

**Reference Location, Proposal, Debate and Decision**

**3/21/17/025 – Replacement of bungalow with the erection of a single storey 6 No. single bedroomed building for assisted living, annexed to Dene Lodge Nursing Home, 19 Dunster Close, Alcombe**

**Comments by members of the public;**

- This was purely a residential area with all three roads leading to Cul-De-Sacs meaning that all traffic would need to come via Dene Gardens;
- Over development of the bungalow;
- Change of use from a 3 bedroomed family bungalow to a residential fee paying unit;
- Concerns with the party wall and adjacent garage;
- Development would impact on the whole estate causing great distress to the elderly residents who live there;
- The development would set a precedent for commercial use on the estate;
- The development would change the look of the whole estate and properties would depreciate in value;
- A covenant was signed by the residents to keep the estate residential with no trade or profession in any outbuildings;
- Problems with staff from Dene Lodge parking in Dene Gardens;
- Many other properties were available in Minehead for residential care;
- Concerns with construction traffic;
- This was a large plot screaming out for something to be done with it;
- This development would be for assisted living for 6 elderly residents with a warden and 1-2 staff on hand to assist if needed;
- This development would take away some of the burden away from Social Services;
- This could be the start of something very good for Somerset;

**The Member's debate centred on the following issues;**

- This was a complicated site to see the size and scale of the development that was proposed;
- Parking arrangements were a big issue;

- Concerns with access arrangements;

Councillor Parbrook proposed and Councillor Maitland-Walker seconded a motion the application be **deferred** to allow a site visit to take place on the 26 June 2017 to see how the impact of the building would be set out on the surrounding area.

The **Motion** was carried

## **P6 Exmoor National Park Matters**

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting on 4 April and the 2 May 2017 of the Exmoor National Park Planning Committee. This included:

### **6/40/16/114**

Proposed succession farm dwelling (Full), Hoe Farm, Wheddon Cross, Minehead – Application Approved

### **6/24/17/101**

Proposed change of use and conversion of old redundant agricultural barn to a camping barn (Full) – Windwhistle Barn, Windwhistle Lane, Sticklepath, Watchet – Application Approved

There were no appeals lodged and one appeal decision, The Studio, Bessom Bridge, Wimbleball Lake, Brompton Regis – Appeal dismissed.

### **62/11/16/007**

Change of use of agricultural building to three extended family dwellings (Retrospective) (Amended Description) – Hallslake Farm, Brendon – Refused

### **6/9/16/131**

Reserve matters application in respect of a proposed agricultural dwelling (outline application 6/9/106/109) – Springfield Farm, Draydon Lane, Dulverton, Somerset - Approved

### **6/27/17/105**

Proposed vehicle hard standing for one vehicle. Re-submission of refused application 6/27/16/113 (Householder) – Peace Cottage, Porlock Weir Road, Porlock, Somerset - Approved

### **6/15/17/101**

Proposed farmhouse, detached garage including secure store and associated works (replacement of existing temporary dwelling) (Full) – Higher Weekfield Farm, Armour Lane, Exton, Dulverton, Somerset – Delegated to Officers

### **WTCA 17/07**

Works to Tree in Conservation Area: Removal of branch from birch tree in the garden of Exmoor House (WTCA) – Exmoor House, Dulverton, Somerset - Approved

### **6/27/17/104**

Application for stoned wheel runs, level platform area and turning bay (Retrospective) (Full) – Land north of A39, Porlock Hill, Porlock, Somerset – Application deferred.

No appeals decided or lodged

**P7 Delegated Decision List** (replies from Officers are in italic)

3/21/16/11 – Tikoh and Rosslea, Bircham Road, Minehead – stated that this application maybe relevant to the next site visit.

**P8 Appeals Lodged**

No appeals lodged

**P9 Appeals Decided**

3/21/16/056 – Erection of single storey extension at 9B King Edward Road, Minehead, TA24 5EA – Appeal Allowed

3/21/16/055 – Erection of detached dwelling with associated vehicle parking and garden at 62 king George Road, Minehead, TA21 Appeal Dismissed.

The meeting closed at 8.07pm

<b>Application No:</b>	<a href="#">3/21/17/025</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	Easting: 297921    Northing: 145008
<b>Applicant</b>	Mr Sykes Brown
<b>Proposal</b>	Extension and conversion of 3 No. bed bungalow into a 6 No. bed bungalow as an assisted living unit annexe to Dene Lodge Nursing Home
<b>Location</b>	19 Dunster Close, Alcombe, Minehead, TA24 6BY
<b>Reason for referral to Committee</b>	<b>The recommendation of the planning officer is contrary to the views of the Town Council</b>

## Recommendation

Recommended decision: Grant

### Recommended Conditions (if applicable)

- 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:

(A4) DrNo 2017-10 Site Plan  
(A4) DrNo 2017-1 Block Plan  
(A3) DrNo 2017-4 Site Plan Proposed  
(A3) DrNo 2017-5 Ground Floor Plan Proposed  
(A3) DrNo 2017-6 Roof Plan  
(A3) DrNo 2017-8 Elevations Proposed  
(A3) DrNo 2017-9 Typical Bedroom Proposed

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

- 3 No site works, demolition or clearance shall be undertaken on site in respect of the new access from Dene Lodge, unless details of protective measures and methods of working in relation to existing protected trees and boundary hedges along Bircham Road have first been submitted to and approved in writing by the

Local planning Authority. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works. The protective measures shall be retained until the development, hereby approved, has been completed.

Reason: To safeguard the existing protected trees and hedge planting to be retained within the site.

- 4 Before the dwelling is used as hereby authorised, the new driveway shown to service it shall be constructed and properly consolidated, in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form at all times thereafter.

Reason: To ensure there is a proper access serving the property in accordance with the requirements of the Highway Authority.

- 5 The area allocated for parking on the submitted plan (drawing number 2017-4), shall be marked out prior to occupation of the unit and be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure an appropriate amount of parking and manoeuvring space is provided and kept available for use by occupants and/or visitors in accordance with the requirements of the Highway Authority.

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

Reason: To ensure future occupants have access to such facilities in accordance with the requirements of the Highway Authority.

- 7 The existing access to the site from Dunster Close shall be stopped up as shown on the submitted Block Plan, dwg. no. 2017-1 and retained in this manner at all times hereafter, unless otherwise agreed in writing by the LPA.

Reason: To Safeguard residential amenity in the area.

- 8 This permission shall be implemented strictly in accordance with the recommendations made in the ecological report submitted by First Ecology and dated February 2017. The works shall be implemented in accordance with the

approved details and timing of the works as recommended.

Reason: To protect wildlife and encourage biodiversity.

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

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

- 2 Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It should also be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
- 3 Wales & West Utilities have pipes in the area. Their apparatus may be affected and at risk during construction works. Should the planning application be approved then they will require the promoter of the works to contact them directly to discuss requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.
- 4 There are trees within the site that are protected under a Tree Preservation Order and no works must be undertaken to these tree without the submission of a separate TPO application to be determined by the Local Planning Authority.
- 5 The applicant will need to be aware that no surface water from the development site will be allowed to discharge out onto the existing publicly maintained highway and that if lighting units are to be installed along the access road then they shall be energized by a private power source and not one being used by Somerset County Council.
- 6 The applicant is reminded that 6 occupants sharing the enlarged bungalow would be classed as an HMO according to Building Regulations and the required Fire Regulations would be applicable as per part B, of the Building Regulations Legislation.



## **Proposal**

Extension and conversion of an existing 3 bed bungalow into a total of 6 single bed bungalow as an assisted living unit, annexed to Dene Lodge Nursing Home. The bedrooms are shown arranged around a central kitchen, wc, office lounge dining area. The term Assisted Living (also termed Sheltered Housing) relates to persons living independently under the same roof and who share the main facilities in the unit. They have the use of a piperline system to call for care if and when required and/or can purchase additional care from the adjoining home. However, because the proposal is for a maximum of six people sharing all essential facilities, no change of use will have occurred and the property can still be considered to have a residential (C3) use.

The proposal includes a 3m single storey extension to the rear removal of an existing side entrance porch and glazed outbuilding, plus the removal of the single garage towards the rear of the site. All of this is permitted development for a C3 use. The extension of the existing bungalow at the front (north-east elevation) to form a new lounge/dinning room area and the other side extension does require planning permission.

Existing landscaping will be retained, including the existing protected trees. New screen planting is to be added to the side of the new access road (for privacy) in the south western corner. A new 1.8m high close boarded fence is to be erected along the boundary of no. 17 Dunster Close along the back of the pavement line. Following the committee meeting in May, the agent has confirmed that a laurel hedge will be erected rather than the wooden fence, and the current access to 19 Dunster Close is to be removed completely from the scheme. Amended details are awaited.

A new access (NW of site) is proposed to the bungalow via the existing Dene Lodge Parking Area and large garden to the rear. The current access from Dunster Close no longer will be available.

This application was deferred by Members from their last meeting in order to allow for a site visit.

## **Site Description**

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

The dwellings are a mixture of two and three bedrooms constructed in mix of brick

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

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

On the opposite side of Bircham road to the north of the site is the main technical college for the area and further residential development.

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

## **Relevant Planning History**

NONE

## **Consultation Responses**

### *Minehead Town Council -*

The Planning Committee (on 04/04/17) recommend refusal for the following reasons:

- (a) within 3 metres of main sewer
- (b) the building is being extended and is not a replacement
- (c) there are concerns about the party wall and adjacent garage
- (d) overdevelopment of site
- (e) parking inadequate for the number of staff and visitors

### *Highways Development Control -*

It is in the opinion of the Highway Authority that up to 12 vehicle movements per day would be generated from the proposal.

The proposed access to the site is situated in Alcombe, Minehead off the classified Bircham Road which forms part of the A39. The area is subject to a 30mph speed limit, where observed speeds appeared to be at or around the posted limit. Therefore appropriate visibility splays of 2.4m x 43m on Bircham Road with no obstruction greater than 300mm above the adjoining road level would be required using Manual For Streets (MFS).

The proposed access would be via the neighbouring Dene Lodge. Given the existing proposals access onto the A39, it is felt by the Highway Authority that required visibility splays in both directions are adequate.

The applicant indicates that the proposal will accommodate up to 3 parking spaces onsite, mostly for visitors to the proposed living unit. It is in the opinion of the Highway Authority that the site provides sufficient parking and turning space to accommodate this number. However the Highway Authority would like to see a designated parking, sheltered and electric charging area for mobility scooters whilst providing a safe walk way to and from the public footway.

On balance of the above the Highway Authority feels that the proposal would not have a detrimental impact on the local highway.

In the event of permission being granted, I would recommend that the following conditions are imposed:-

1. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.
2. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.
3. The applicant will need to be aware that no surface water from the development site will be allowed to discharge out onto the existing publicly maintained highway and that if lighting units are to be installed along the access road then they shall be energized by a private power source and not one being used by Somerset County Council
4. The area allocated for parking on the submitted plan, drawing number 2017-4 shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
5. Prior to first occupation of the development hereby permitted, covered charging spaces for no less than 3 mobility scooters in relation to the proposal shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

*Wessex Water Authority -*

Water Supply and Waste Connections.

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website;

[www.wessexwater.co.uk](http://www.wessexwater.co.uk)

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Protection of Existing Assets

Public sewers are shown on recorded plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewers Protection Team for further advice on this matter.

Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer.

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact our Sewer Protection Team to discuss further on 01225 526333.

Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

*Biodiversity and Landscaping Officer -*

First Ecology carried out a Preliminary Ecological appraisal of the site dated February 2017.

The red brick bungalow on site was in good condition. In addition there was a red brick garage on site, a workshop and two timber sheds.

A Tree preservation order applies to a group of trees in the NE corner of the site. As part of the development the removal of two trees close to the western elevation of the main building may be required.

Birds.

Species observed on site include herring gull and robin. An inactive bird's nest was observed in the SW corner of the workshop whilst two inactive bird boxes were observed in the mature trees close to the western boundary. The trees and hedges and shrubs on site provide potential nest site locations. Removal of any vegetation should take place outside of the bird nesting season.

Reptiles.

The site provides potential for reptiles on the open bare ground and under the spoil heaps. If spoil removal is required to facilitate the development then this should be undertaken by hand.

Condition for protected species:

The applicant shall undertake all the recommendations made in First ecology's report dated February 2017.

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

Reason: to protect wildlife.

Informative Note:

1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)

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

## **Representations Received**

1 Letter of support has been received making the following comment:-

'With all the elderly people that come to Minehead from away to retire, I can see this type of development is in demand and will create jobs in the local area'.

A petition with 53 signatures objecting to the development. Some signatories have also written in separately. 10 letters of Objection have also been received. The objectors raise the following;

- An existing covenant on the bungalows states these properties must be private dwelling occupied by one family only with no trade or profession in any outbuildings.
- The area has approximately 50 bungalows mainly occupied by elderly residents
- The area is a cul de sac.
- It would be over development of the site, all of old Alcombe has been over developed, Ellicombe Meadow Gardens, College Close, Demolition of The Homestead and new housing the other side of Dene Home.
- It would set a precedent for commercial use on the estate
- Parking space allocated if completed most traffic will come down Dunster Close to park causing problems, who is going to police that.
- There are problems with traffic parking on pavements from Britania Pub Road, Edgemoor Road and Combeland Road, never mind emergency vehicles.
- More independant living + 4 staff 24/7 with 3 shift changes per day plus visiting relatives?
- Dene Lodge Care Home is a profit making business already having two entrances/exits this development should be part of Dene Lodge and not the current residential address.
- The Combeland Road, Brook Street and Church Street route is narrow and not suitable for construction traffic.
- Should the application be approved the commercial entrance/exit into Dunster Close should be blocked off by a wall with the new buildings becoming part of

Dene Lodge.

- How is it planned to demolish the garage when it is semi-detached with a joint roof and single block dividing wall?
- The development will devalue properties, with two buyers having pulled out of buying one of the bungalows in the close.
- Disruption and inconvenience during construction.
- The application is ambiguous as in neighbour letters it is described as a replacement building with 6 assisted bedrooms for assisted living annexed to Dene Lodge, whilst the planning application form says it is the extension of the bungalow into 6 bedrooms.
- Staff at Dene Lodge currently park in Dene Gardens when on shift indicating that there is not enough parking at Dene Lodge.
- The application has already caused upset to residents regarding the future of the neighbourhood.
- 6 units 6 cars parked where?
- The development in this area is too large.

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

SD1	Presumption in favour of sustainable development
MD1	Minehead Development
EC1	Widening and strengthening the local economy

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

E/6	Expansion of Existing Business
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## **Determining issues and considerations**

The main issues and considerations in this case are:

- Principle of Development
- Impacts on the Character and Appearance of the Area

- Ecology
- Widening and strengthening the local economy
- Impacts on residential amenity
- Highway Safety
- Flooding and Drainage

### **Principle of Development**

The site is within the defined settlement limits of Alcombe and Minehead and has good links to existing facilities and public transport services. It is therefore considered that the proposed extension and use as an assisted living dwelling is acceptable in principle in terms of sustainable development both in terms of National policy within the NPPF (National Planning Policy Framework and Local Plan policies SD1 and SC1 of the West Somerset Local plan to 2032. As the proposal is for a maximum of six people sharing all essential facilities, no change of use will have occurred and the property can still be considered to have a residential (C3) use. Therefore no change of use is being considered by this proposal.

A pre application enquiry in respect of this development (ref Pre/21/16/017) was previously submitted and is a material consideration in this case.

### **Impacts on the Character and Appearance of the Area**

The site is not located within a defined Conservation area and there are no listed buildings in the immediate vicinity. The site is located at the end of an existing cul-de-sac on the left when entering Dunster Close, it is also immediately adjoining Dene Lodge.

It is accepted that the design and layout of the bungalow is typical of the period it which the estate was constructed and this includes the open front gardens and it is also noted that no 14. opposite has a 1 no. metre Beech hedge around the front boundary in this corner of the area. The character and appearance of the site from Bircham road will be unaffected by the development which is not visible from the main Bircham Road.

With regards to the proposed extension of the bungalow, the rear 3m extension is permitted development in householder terms. The other extensions will replace a partially covered porch and glazed outbuilding and extend into the generous garden area facing Bircham Road. All of the extensions are to match the materials and basic style of the surrounding bungalows and be single storey and will be constructed to link with the existing roof structure. It is considered that the extensions respect the style and design of the current bungalow albeit that it would be extended to a six bed bungalow rather than a three bed. The site is a generous corner plot which able to accommodate the proposed extensions and not considered to be over development.

The existing boundary planting in place is to be retained at the site and additional new hard and soft landscaping is to be added and particularly at the new entry point

inside the Dene House main entrance to the bungalow, where a new hedge will be planted to screen parked cars for privacy of the staff and residents. A condition is appended to the decision requesting full detail of the hard and soft landscaping and also protection measures to be used to protect the group of protected trees in the corner of the site.

It is important to consider the impact of the development on the streetscene and in particular the enclosure of the plot with laurel hedging in Dunster Close, which will mean the site will be incorporated into the Dene Lodge Site. The enclosure of this corner plot on part of the residential estate would not have a significant impact of the character and appearance of this corner and the immediate area and would not warrant refusal of the scheme, particularly given that the neighbour at no. 14 (opposite) has an approximately 1m high Beech hedge surrounding the front boundary and any householder (with P.D. rights) could erect a fence adjoining the highway to a height of 1m or a hedge without requiring planning permission in any event. It is therefore considered that enclosing this corner part of the estate by planting a laurel hedge at a height of 1.8m (as confirmed by a recent email from the planning agent dated 15/6/17) in order to incorporate the building into the grounds of the nursing home, would not significantly impact on the character and appearance of this part of the estate and is acceptable in terms of planning policy NH1 of the West Somerset Local Plan to 2032.

## **Ecology**

A Preliminary Ecological Appraisal (dated February 2017), prepared by First Ecology has been submitted. This has been appraised by the Council's Landscape and Biodiversity Officer, who recommends a condition and informative be attached to the decision. It is considered therefore that the proposal accords with local planning policy NH6 and NH5 of the West Somerset Local Plan to 2032

## **Widening and strengthening the local economy**

This proposal seeks to provide a 6 single bed bungalow as an assisted living unit as an annex to the adjacent Dene Lodge Nursing Home. Both of these properties are owned by the applicant. These two uses provide for housing for current and future demographic needs for older and disabled members of the local community. As such this new use on the site will accord with local planning policy EC1 (widening and strengthening the local economy) by redeveloping the current site and which will generate some employment for the proposed care providers.

Another retained/saved policy E/6 (Expansion of Existing Business), is also applicable. This guides that permission to expand existing businesses on or adjacent to existing sites within development limits will be permitted where it is compatible with the role and size of the development subject to not adversely affecting amenity of nearby properties, accommodation of increased traffic, adequate parking, satisfactory design, provision of landscaping to minimise visual impact, no loss of land allocated or protected for other uses and no adverse affect on landscape or wildlife.



It is considered that the proposed accords with the local policies E/3 and E/6 of the 2006 Adopted West Somerset Local Plan (WSDLP) and policy EC1 of the West Somerset Local Plan to 2032.

### **Impacts on residential amenity**

Several representations have been received from the local community, some including joint signatories and some have been duplicated on the submitted petition of 53 signatories. The local concerns (listed previously in the report) include the reference to an existing covenant on the bungalows stating that these properties must be private dwelling occupied by one family only with no trade or profession in any outbuildings. This is a Civil matter and cannot be considered under the Planning Remit. Similarly comments about the party wall of the semi detached garage are considered under the Party Wall Act 1996 and cannot be considered under the planning remit. The valuation of existing properties in the area is not a material planning consideration.

Turning to the other issues raised by local residents, the proposal is not considered to be over development of the site as has been previously discussed. Car parking and emergency access are addressed below in the next section.

The proposal is for the conversion and extension of the existing single storey bungalow to form a 6 single storey bungalow, not a replacement dwelling as originally registered. The use of the unit will be residential (for assisted living, definition in the proposal section) with up to 6 persons living under the same roof and sharing the main facilities which will be annexed to the main nursing home. There will be no change of use involved as the unit is residential and thus there will be no planning impact on residential amenity.

There will be no overlooking impact from the southern side of no.19 and the north of adjoining neighbours at no. 17 as no bedroom windows are proposed on this elevation (shown as Bedrooms 2 and 3 on dwg. no. 2017-5). The submitted roof plan (dwg. no. 2017-60) shows a series of four velux windows and several sunlight tubes.

Therefore given the considerations of the local representations submitted it is considered that this development will not have significant impacts on residential amenity in Dunster Close and is in accordance with local planning policies NH1 and NH13 of the West Somerset Local Plan to 2032.

### **Highway Safety**

Comments received from the Highway Authority advise that the proposed access to the site via the existing Dene Lodge is from the A39 with a classified speed limit of 30mph and that the required visibility splays in both directions are adequate. They also consider that the site provides sufficient parking and turning space and that the proposal will not have a detrimental impact on the local highway network. They have

suggested conditions which have been appended to this report and which includes the provision for covered and charging spaces for mobility scooters.

Amendments to the scheme are imminently expected which will remove the current access to the site in the corner of Dunster Close. Therefore the existing access to the rear of Dene Lodge will be the only access to the nursing home and to this annexed assisted unit. Parking within the site is shown on the submitted drawings as providing three parking spaces along with the secured mobility parking area. It is confirmed therefore, that Dene Lodge has 8 no. car parking spaces and an additional 3 no. spaces are to be provided adjacent to the bungalow.

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

### **Flooding and Drainage**

The site is not located within an area of Flood Risk and there is no requirement for a Flood Risk Assessment in this case.

The application states that Foul sewage is to be dispersed of via the mains sewer via connection to the existing drainage system and that surface water will be disposed of via soakaways.

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

Comments from Wessex Water (as given above) have been taken into account.

The development therefore accords with local policy CC6 of the West Somerset Local Plan to 2032.

### **Conclusion**

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

- Widening and strengthening of the local economy;
- the expansion of an existing business with a need for the future demographic needs for older and disabled members of the local community;
- the fact that the property would remain as a C3 use, making much of the proposal permitted development;
- highway safety implications;
- careful considerations of the impacts on current residential amenity; and
- The character and appearance of the area.

This decision is balanced with the local representations received and with the comments from the Local Town Council (comments above) and other consultees.

Overall it is considered that the proposal can be recommended for approval and this is supported by comments from the Highway Authority, Wessex Water and the Biodiversity Officer. Conditional approval is therefore recommended in this case subject to a Member site visit.

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





<b>Application No:</b>	<a href="#">3/21/17/011</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	Easting: 297998    Northing: 145035
<b>Applicant</b>	Mr Thomas
<b>Proposal</b>	Demolition of dwelling and outbuilding and erection of 3 No. dwellings with formation of access (part retention of works already undertaken).
<b>Location</b>	The Homestead, Bircham Road, Alcombe, Minehead, TA24 6TW
<b>Reason for referral to Committee</b>	<b>The Chairman considers that the application is considered to be of a significant, controversial or sensitive nature and should be reported to the Planning Committee.</b>

## Recommendation

Recommended decision: Grant

### Recommended Conditions (if applicable)

- 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:

(A2) DRNO 16.3200/01H REV C    LOCATION AND BLOCK PLAN  
(A2) DRNO 16.3200/02H REV D    SITE PLAN AS PROPOSED  
(A2) DRNO 16.3200/03H REV B    PLOT 1 AS PROPOSED  
(A2) DRNO 16.3200/04H REV B    PLOT 2 AS PROPOSED  
(A2) DRNO 16.3200/05H REV B    PLOT 3 AS PROPOSED  
(A2) DRNO 16.3200/06H REV A    GARAGES AS PROPOSED  
(A2) DRNO 16.3200/07H REV C    STREETScape AS PROPOSED

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

- 3 No works shall be undertaken on site, other than those required by this condition, unless the access to the site has been provided in accordance with the approved plans. The access shall thereafter be retained in the approved form.

Reason: To ensure suitable access to the site is provided and retained, in the interests of highway safety.

- 4 At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan drawing number 16.3200/02H.

Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times. However, for the avoidance of confusion and to aid maximum visibility splay, I would suggest that a different colour material/block should be implemented to represent the centre line of the private driveway to allow safe two way vehicle flow.

REASON: In the interests of Highway Safety.

- 5 Prior to occupation of the dwelling on the site, other than those required by this condition, the first 5 metres of the access, as measured from the back edge of the adjoining carriageway, must be properly consolidated in accordance with the details shown in the approved plans. The access shall thereafter be retained in the approved form.

Reason: To prevent loose material being carried on to the highway, in the interests of highway safety.

- 6 The provision of surface water drainage at the access to the site shall be provided in accordance with the approved details prior to the occupation of the dwellings hereby approved. The drainage shall thereafter be retained in the approved form.

Reason: To ensure that water is not discharged onto the public highway, in the interests of highway safety.

- 7 The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plan for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of the vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

- 8 The parking spaces in the garages hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision.

- 9 The sewage disposal, and surface water drainage works shall be carried out in accordance with the approved details via connection to the mains sewers prior to any other works being carried out on site. The works shall be retained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

- 10 Details of any proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation on site.

REASON: In order to minimise light pollution from the site and disturbance to Bats in the area.

- 11 Prior to the demolition of the existing house known as The Homestead, details of a strategy to protect wildlife must be submitted to and approved in writing by the Local Planning Authority.

The strategy shall be based on the advice Harcombe Environmental Services Ltd.'s submitted report, (para 4.3) dated December 2016 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;

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

3. Measures for the retention and replacement and enhancement of places of rest for the species Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

- 12 No dwellings shall be occupied on site unless a soft landscaping scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels plus a planting specification to include positions, species



and size of all new trees and the location of grassed areas and areas for shrub planting and a programme of implementation. Details of the site boundary treatments and new internal boundaries should also be included.

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

- 13 The landscaping works to be agreed shall be carried out prior to the occupation of any part of the development or 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 that the landscape scheme is implemented and maintained.

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

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

### **2 Note to applicant**

There is always a possibility that any building or structure may be used by bats and nesting birds. We would therefore like to draw your attention to the following.

1. The applicant and contractors should be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and under European legislation. Should a bat or bats be encountered whilst work is being carried out on the property, work should cease immediately and advice should be sought from the Government's advisers on wildlife, Natural England (tel. Batline 0345 1300 228).

When working on the property special care should be taken when roof tiles or slates are removed (advise removing by hand and checking underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Eaves and external cladding may also provide roost opportunities for bats and

should be disturbed with care. As a further precaution, undertaking roof work during the months of March - May or September - November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

Bats should preferably not be handled (and not unless with gloves) but should be left in place, gently covered, until advice is obtained.

2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

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

### 3 Wales & West Utilities

Wales & West Utilities have pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

4 The applicant and/or successors in title are reminded of the required legal agreement with regards to the payment of monies for Recreational/Community Infrastructure payments due on occupation of the first of the new houses on the site.

## Proposal

Demolition of dwelling and outbuildings and erection of 3 No. dwellings (1 replacement dwelling + 2 new) plus formation of access (part retention of works already undertaken). At the last visit, the 2 new dwellings had been constructed up to wall plate level in advance of planning permission having been obtained. The existing dwelling on site had not been demolished (at that time). The 3 no. dwellings chalet bungalows proposed are all to be 3 bedroomed and have attached and 1 integral garage.

## Site Description

The Homestead site measures approximately 1300sqm, and is located on the outskirts of Alcombe/Minehead on the northern side of Bircham Road. The site comprises of a large detached two storey dwelling with a range of outbuildings located to the rear of the house in the large generous garden.

Boundaries of the site are the West Somerset Community College to the north and

east and also The Shires housing estate. The existing dwelling is set back from the adjoining Bircham Road, and is well screened by existing tall planting around the perimeter. There is a natural stone wall fronting Bircham Road ranging in height from 1-1.3m behind which there is a tall hedgerow. The same can be said of the first part of the western boundary from Bircham Road, beyond which is a densely planted 2m high hedge. Along the eastern side boundary fronting The Shires and the rear northern boundary with The Shires is existing 2m high close boarded timber fencing.

The existing house is constructed in painted render, clad with red/brown tiles and has a central mock Tudor dual-pitched entrance porch with habitable space on the first floor, and currently still remains on site.

Since the previously submitted Outline application was granted covering the whole of this site, two applications have now been received. This proposal relates to the front part of the overall Homestead. An associated proposal for the back northern part of the site (ref. no. 3/21/17/012) involves 4 dwellings being sited directly behind the existing detached house (The Homestead ) where previously a range of outbuilding stood (now removed). These dwellings would be accessed via another small private access road from the existing Shires estate access road.

## **Relevant Planning History**

3/21/00/239, 13 no. Proposed bungalows and garages, residential use as amended by plans rec. 07/02/01, 00.26.08/07/06/05/03A/02A Grant 22/03/01.

3/21/15/078, Outline planning application for four dwellings with access from Bircham Road and The Shires, 01/03/16.

3/21/17/012, Application at back of site for four dwellings. Concurrent application also on this agenda.

## **Consultation Responses**

*Minehead Town Council* - Cmts rec 7/02/17. The Council can see no material planning reason to refuse this application but do have concerns re the access road adjacent to the college pathway.

*Highways Development Control* - I refer to the above planning application received on 7<sup>th</sup> February 2017 and after a site visit on 27<sup>th</sup> February have the following observations on the highway and transportation aspects of this proposal:-

It is noted that previous application 3/21/15/078 was approved by the LPA, where there was no objection with conditions from the Highway Authority.

The applicant wishes to demolish an existing dwelling and outbuilding and erect 3 new dwellings with formation of access. Given the Highway Authority gave a conditioned response for previous application 3/21/15/078 (for two new dwellings

alongside the existing dwelling) and the new application is on a like for like basis there is no objection to this proposal from the Highway Authority where our previous comments apply.

I would recommend that the following conditions are imposed:-

1. Prior to the development hereby permitted being first brought into use, the proposed access points over at least the first 5 metres of their length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the accesses shall thereafter be maintained in that condition at all times.
2. The gradient of the proposed access points shall not be steeper than 1 in 10. Once constructed the accesses shall thereafter be maintained in that condition at all times.
3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to commencement of development and thereafter maintained at all times.
4. The areas allocated for parking and turning on the submitted plan, drawing number 16.3200/02H, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
5. At the proposed access there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the submitted plan drawing number 16.3200/02H. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Amended comments rec. 13/04/17

In reference the application above and after considering Mr Bellamys recent email with attachments dated 5/4/17 regarding pedestrian visibility splay the Highway Authority are satisfied with the proposals. Please find our following condition:

- At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan drawing number 16.3200/02H. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

However, for the avoidance of confusion and to aid maximum visibility splay, I would suggest that a different colour material/block should be implemented to represent the centre line of the private driveway to allow safe two way vehicle flow.

For confirmation I am referring to submitted plan drawing number 16.3200/02H Rev D, given the applicant states they have rights to alter the wall/hedge height.

*Wessex Water Authority –*

Water Supply and Waste Connections - New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk). Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

S105a Public Sewers - On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

Separate Sewer Systems - Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

*Biodiversity and Landscaping Officer -*

**3/21/17/011 and 012**

The application is for the demolition of outbuildings and the erection of several dwellings at the Homestead, Bircham Road, Alcombe, Minehead

Harcombe Environmental Services Ltd carried out a Protected Species Survey report in December 2016.

The site, at the time of survey, was disturbed by domestic and construction activities. The site contains three buildings, which are to be demolished.

Findings were as follows;

### **Birds**

The surveyor found no evidence of birds nesting within the house or office building. One area of bird perching was noted in the house loft but this was considered to be occasional perching not breeding.

A small number of nesting sites was noted in the barn.

I support the suggestion to offer new bird nesting sites within the new development.

### **Bats**

There was no evidence of bat roosting, perching or feeding in the house, office or barn. However demolition should take place in a precautionary manner.

### **Suggested Condition for protected species:**

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall be based on the advice Harcombe Environmental Services Ltd.'s submitted report, dated December 2016 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning

Authority and thereafter the resting places and agreed accesses for birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

### **Note to applicant**

There is always a possibility that any building or structure may be used by bats and nesting birds. We would therefore like to draw your attention to the following.

1. The applicant and contractors should be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and under European legislation. Should a bat or bats be encountered whilst work is being carried out on the property, work should cease immediately and advice should be sought from the Government's advisers on wildlife, Natural England (tel. Batline 0345 1300 228).

When working on the property special care should be taken when roof tiles or slates are removed (advise removing by hand and checking underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Eaves and external cladding may also provide roost opportunities for bats and should be

disturbed with care. As a further precaution, undertaking roof work during the months of March - May or September - November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

Bats should preferably not be handled (and not unless with gloves) but should be left in place, gently covered, until advice is obtained.

2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

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

*Tree Officer* - No comments received

*Senior Historic Environment Officer* -

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.

*Somerset Waste Partnership* - The access gateway and roads are narrow and therefore collections will have to be made on Bircham Road with collections from the kerbside.

These matters have been addressed in the amended access details.

## **Representations Received**

16 letters of objection have been received (including three letters from one household and eight from another household), raising the following concerns;

- Main reason for opposing is local distinctiveness policy BD1 and design policy BD2.
- The entrance at Bircham Road across the footpath proposes 8 vehicles and is next to the college and would be dangerous to students and public.
- Object to the 2 storey houses proposed they are not bungalows which are single storey & do not fit into the area of single storey buildings and classrooms.
- Demolition of The Homestead is a step too far as it is prominently placed at the entrance to visitors.
- We were previously informed that The Homestead (built 1930's) would not be harmed and the total number of houses were 3 (Outline), this is false as 7 buildings are planned across the whole site.
- The development will further exacerbate traffic along this stretch of road.
- We understand that a wall is envisaged around the properties which will destroy the streetscene.

- Why was no wildlife survey undertaken prior to the land being cleared.
- We appreciate developers have only one interest in mind and that is not the conservation of 1930's architecture.
- If you do not marry the past with the present, a settlement loses its identity, history and heritage and a valid reason for the retention of The Homestead.
- Front gardens add enormously to the streetscene. The current trend to have the back of houses facing the road is a disaster as houses are bounded by high walls or fences. The new local plan notes the importance of planting & retaining hedges and stone walls.
- Loss of tourism is an important consideration in a seaside resort.
- To preserve the streetscene and heritage is to insist developer honour their original commitments. If they intended something different that's what they should have applied for at the start. It is no wonder the general public has so little respect for developers and the planning system.
- The curved wall enclosing the hedge is not within the red line and having taken measurements, the wall is not below 1m high & is 1.3m at its highest.
- On the previous application (ref 3/21/15/078), the walls either side of the access were to be angled inwards and taken back from the footway and that there be no obstruction higher than 600mm to pedestrian visibility.
- Waste storage and collection details do not appear on the submitted drawings.
- Concerns regarding proposed lighting at the site.

## Planning Policy Context

The NPPF (National Planning Policy Framework), Presumption in favour of Sustainable development, Promoting sustainable transport and delivering a wide choice of high quality homes.

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

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

Relevant policies of the development plan are listed below.

### West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
MD1	Minehead Development
TR2	Reducing reliance on the private car
CF2	Planning for healthy communities
CC6	Water Management
NH1	Historic Environment
NH6	Nature conservation & biodiversity protection & enhancement



## **Retained policies of the West Somerset Local Plan (2006)**

T/8 Residential Car Parking

### **Determining issues and considerations**

The main issues and considerations in this case are;

- **Principle of development**
- **Impacts on the character and appearance of the area**
- **Impacts on residential amenity**
- **Highway safety**
- **Drainage & Flood Risk**
- **Ecology**
- **Planning obligations**

#### **Principle of development**

The site is within the built up area of Minehead where there is a presumption in favour of sustainable development provided that it meets the criteria set out in Policy SC1 of the West Somerset Local Plan to 2032. The former outline application ref 3/21/15/058 is a material consideration in this case and where the principle of developing this part of the site has already been established. The relevant policies in the West Somerset Local Plan to 2032 include SD1, SC1 and MD1 and the development is in accordance with these. The proposal is considered to meet the requirements of these policies.

#### **Impacts on the character and appearance of the area**

This part of Alcombe is a mix of residential, commercial, recreational (Rugby Club site) and educational (adjacent technical college).

The relatively level site is not within a Conservation Area and there are no listed buildings in the vicinity.

The site has tall screening around a large part of the perimeter and some of this will need to be altered/removed along the southern Bircham Road boundary in order to achieve the required visibility of the access and to the rear of the site for the rear access.

The site has an existing access from Bircham Road and also from the rear of the site. It is also surrounded by a mix of housing types and construction materials, from detached and semi-detached houses, and bungalows, on housing estates (The Shires) to the North east. Dwellings opposite the site also range from a series of detached houses and bungalows.

The proposed materials of the new dwellings (Plots 1-3) are stated as being;

Existing stone boundary wall and hedge behind at the front of the site, with brick paving,

Walls to be clay facing brick and painted or through colour render,

Windows and doors white double glazed upvc,

Roofs tiled with concrete clay double Roman tiles.

The proposed boundary treatment between this and the rear part of the site is and also around each plot is to be confirmed by condition. Details of landscaping around the dwellings are to be supplemented as shown with extra planting to be agreed by condition.

Plots 1 and 2 are set on the same building line as those developed in The Shires and along Bircham Road, albeit that Plot 2 is set at a juxtaposition turning the corner within the site of Bircham road and The Shires. Both have gardens facing the front boundary wall, one rear and one front respectively. Plots 2 and 3 are shown on the submitted drawings as having a double garage each with Plot 1 having a single garage.

It is considered that the development of this site for three chalet style detached bungalows will have some but not significant impact on the character and appearance of the area due to the current built development in the area being a mix of single storey bungalows in The Shires and immediately adjoining these are a mix of both bungalows and two storey houses in College Gardens. This proposal will provide three additional dwellings and the removal of the large boarded up house still remaining on the site. The new small housing development is not significant in terms of impact on the character or appearance of the area and is considered to accord with local planning policies SD1, SC2, MD1, NH1, NH6, and NH13 of the West Somerset Local Plan to 2032.

### **Impacts on residential amenity**

The proposed development will not have significant impact on residential amenity in terms of overbearing impact in terms of the current mix of both two storey and single storey dwellings in the immediate area. In terms of overlooking, Plot 2, this is to be sited approximately 12m from the eastern side wall of Plot 2 and no. 14 The Shires. On this dwelling two small side windows and a single entrance door are proposed at ground floor on the eastern elevation along with three flush fitting rooflights are to be inserted into the roofspace. It is not considered that there no significant impact in terms of overlooking, and in accordance with NH13 of the West Somerset District Local Plan to 2032.

### **Highway safety**

Comments received from SCC Highways have been received. They raise no objections from the previous scheme (ref 3/21/15/078) subject to conditions regarding visibility and the surfacing where the access meets the highway in

accordance with dwg no, 16.3200/02H, rev D. Given the applicant states they have rights to alter the wall/hedge height, in order to achieve the required pedestrian and vehicle visibility splays as confirmed by the applicants consultant M Bellamy's submitted email (dated 05/04/17) the highway details are acceptable.

Drawing no. 16.3200/02H, rev D, also shows the parking and turning area and include the two double garages for plots 2 and 3 and the single garage for plot 1. The agent has also confirmed via email that cycle storage will be available within the proposed garages and or the rear gardens of the dwellings. Also on the drawing is a proposed new pedestrian footpath from Bircham Road into the site between Plots 1 and 2.

There are two bus stops available on the same side of the site on Bircham Road (outside the adjoining college and alongside a footpath to the Seaward Way estate), plus one on the opposite side of Bircham Road adjacent to Dene Lodge which provide public transport to local facilities and access to Taunton, Wellington and Bridgwater. The site is therefore well served by public transport and this makes the site a sustainable location.

The site is on level ground in Alcombe and within cycling distance to the seafront and Minehead. Sport facilities are also available in the adjoining college for public use.

With regards to the representation comments received from the Waste Partnership Group, the developers Highway consultant confirms that the new access from Bircham Road is to be 5m in width as per adoptable estate roads and this would be wide enough to accommodate a refuse vehicle.

The proposal is therefore in accordance with local planning policies ID1 and CF2 of the West Somerset Local Plan to 2032 and retained policy T8 of the West Somerset District Local Plan 2006.

### **Drainage & Flood Risk**

The site is not within a designated flood risk area on the Environment Agency's Flood Maps and therefore a Flood Risk Assessment is not required.

Surface water at the site is to be disposed of via connection to the main sewer and by a proposed ACO channel at the site entrance.

Foul waste will also be via the existing arrangements at the site and related comments have been received from Wessex Water (shown above) regarding the additional connections and protection of public sewers in the area.

The proposal is acceptable on drainage and flood risk issues and accords with local planning policy CC6 (Water Management) of the West Somerset Council Local Plan to 2032.

## **Ecology**

An Ecology (Protected Species) Survey Report has been submitted in support of the proposal, prepared by Harcombe Environmental Service Ltd and dated 16/12/16. This has been appraised by the Council's landscape and biodiversity officer whose comments can be seen above. The report recommends a condition and informative note be attached to the decision.

It is noted that in the applicants Design and Access Statement that 'there are no protected species on the development or surrounding area' this could well be due to the outbuilding already having been removed from the rear of the site, however, the vacant house remains currently on site.

It is therefore considered that the proposal is acceptable in ecological terms subject to the suggested recommendations and the development accords with local planning policy NH6 of the West Somerset Local Plan to 2032.

## **Planning obligations**

A S106 document has been prepared by the Council's legal services in collaboration with the developer seeking contributions for the two additional dwellings on this part of the site. It has not been sought for all three dwellings as contributions are not reasonable for replacement dwellings. The contributions will be for recreational and community facilities in the Parish of Minehead and Alcombe in accordance with the Council's adopted policy and the previously adopted planning obligations document. This document is also referred to within the justification and purpose section of policy ID1 of the West Somerset Local Plan to 2032 (adopted in December 2016). The legal document is considered to meet the requirements of The Council's policy in this regard.

## **Other Issues**

It is noted that Minehead Town Council has returned their comments and can see no material planning consideration to refuse this application but did have concerns regarding the access. The access issues and visibility have been agreed with the Highway Authority and the applicant is aware that some remodelling of the front boundary walls at the access will be required. These walls are within the applicant's ownership and the submitted plans show the amendments to be made at the access.

With regards to the developer not stating what was going on the site at Outline stage, that application sought to consider whether developing the site was acceptable in principle and was granted by the planning committee. However, the applicant then sold the site and this full application was submitted by another applicant.

This application site for three dwellings, instead of one large house set in a generous garden setting, will have some impact on neighbouring amenity due to the

intensification of the number of properties on the site. However, this new housing will be self contained within the plot within the existing Homestead boundary using the same access which has been in place since the large house was constructed (thought to be 1930's). The proposal therefore accords with policies, NH1 and NH13 of the West Somerset Local Plan.

## **Conclusion**

Given the issues and considerations as discussed above along with the receipt of the Statutory consultee comments received, and the National and Local planning policies having a presumption in favour of sustainable development, sustainable transport and a wide choice of homes, this proposal is recommended for approval. Appropriate conditions are also appended to the decision in respect of Highway Safety, Landscaping, Wildlife, drainage and lighting.

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





<b>Application No:</b>	<a href="#">3/21/17/012</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	Easting: 297998    Northing: 145035
<b>Applicant</b>	Mr Thomas
<b>Proposal</b>	Demolition of outbuildings and erection of 4 No. dwellings with formation of access (part retention of works already undertaken) as amended
<b>Location</b>	The Homestead, Bircham Road, Alcombe, Minehead, TA24 6TW
<b>Reason for referral to Committee</b>	<b>The Chairman considers that the application is considered to be of a significant, controversial or sensitive nature and should be reported to the Planning Committee.</b>

## Recommendation

Recommended decision: Grant

### Recommended Conditions (if applicable)

- 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:

(A2) DRNO 16.3200/02S REVG SITE PLAN AS PROPOSED  
(A2) DRNO 16.3200/01S REVC LOCATION AND BLOCK PLAN  
(A2) DRNO 16.3200/05S REVB PLOT 15 AS PROPOSED  
(A2) DRNO 16.3200/04S REVB PLOT 16 AS PROPOSED  
(A2) DRNO 16.3200/03S REVB PLOTS 17 & 18 AS PROPOSED  
(A2) DRNO 16.3200/07S REVC THE SHIRES STREETSCAPE  
(A2) DRNO 16.3200/06S GARAGES AS PROPOSED  
(A3) DRNO SPA\_01 REV P1 SWEPT PATH ANALYSIS OF A LARGE 4-AXLE REFUSE VEHICLE

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



- 3 The site shall be developed strictly in accordance with the recommendations within the Protected Species Report prepared by Harcombe Environmental Services Ltd and dated 16/12/16, particularly in respect of pars 4.1 and 4.2 of the report.

Reason: In the interest of biodiversity at the site and to ensure that any protected species are not harmed during this development.

- 4 No external lighting shall be placed or used at the site unless it has first been agreed in writing with the Local Planning Authority.

Reason: To avoid disturbance to any bats or other light sensitive protected species within the area.

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application [certain elements of the proposal were deemed to be unacceptable / issues/concerns were raised by a statutory consultee / neighbour in respect of xxx]. 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, in its revised form, was considered acceptable and planning permission was granted.

- 2 The Local Planning Authority draws the applicant's attention to the following;

1. The applicant and contractors should be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and under European legislation.

Should a bat or bats be encountered whilst work is being carried out on the property, work should cease immediately and advice should be sought from the Government's advisers on wildlife, Natural England (tel. Batline 0345 1300 228). Any bats found should preferably not be handled (and not unless with gloves) but should be left in place, gently covered, until advice is obtained.

2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

3. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should

ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

### 3 Wales & West Utilities

Wales & West Utilities have pipes in the area. Our apparatus may be affected and at risk during construction works. should the planning application be approved then we require the promoter of these works to contact us directly to discuss out requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

## Proposal

Demolition of outbuildings and erection of 4 dwellings with formation of access (part retention of works already undertaken) as amended. The dwellings are shown as 3 bedroom properties. The site includes garaging for 5 vehicles (3 x single and 1 x double garage), each with surface parking in front.

## Site Description

The site is located on the outskirts of Alcombe/Minehead on the northern side of Bircham Road. It is part of a larger site for which the front portion is the subject of a concurrent planning application for 3 dwellings. The site at the rear (this application) measures approximately 1500sqm. and served as garden space to the main dwelling (The Homestead). It is currently cleared with a range of several associated outbuildings having now been removed.

Boundaries of the site are the West Somerset Community College to the north and east and also the Shires housing estate. The existing dwelling is set back from the adjoining Bircham Road, and is well screened by existing tall planting around the perimeter. There is a natural stone wall fronting Bircham Road ranging in height from 1-1.3m behind which there is a tall hedgerow. The same can be said of the first part of the western boundary from Bircham Road, beyond which is a densely planted 2m high hedge. Along the eastern side boundary fronting The Shires and the rear northern boundary with The Shires is existing 2m high close boarded timber fencing.

The Homestead is constructed in painted render, clad with red/brown tiles and has a central mock Tudor dual pitched entrance porch with habitable space on the first floor.

The proposed dwellings would be accessed via another small private access road and turning head from the existing Shires estate access road.

## Relevant Planning History

3/21/00/239, 13 no. Proposed bungalows and garages, residential use as amended by plans rec. 07/02/01, 00.26.08/07/06/05/03A/02A Grant 22/03/01.

3/21/15/078, Outline planning application for four dwellings with access from Bircham Road and The Shires, 01/03/16.

3/21 /17/011, application for 3 dwellings at front of site. Concurrent application to be considered by Members at the June meeting of the Planning Committee.

## Consultation Responses

*Minehead Town Council -*

Recommend refusal for the following reasons;

- Over development of the site
- Second access inappropriate
- Chalet style houses not in keeping with surrounding bungalows
- Potential overlooking of other properties through rooms in the roofspace
- Access for utility vehicles not sufficient
- Additional traffic via the Shires onto Bircham Road

*Further comments dated 14<sup>th</sup> June on Amended scheme.*

The Committee can see no material planning reason to refuse this application.

1. MTC Planning Committee recommend approval with the reservation that the application meets the requirements of the South West Partnership.
2. There is a lack of clear visibility due to the high fence behind no.2. The Shires.
3. MTC Planning Committee recommends that this application is taken to the West Somerset Council Planning Committee.

*Highways Development Control –*

The proposal site is situated in the town of Minehead off the unclassified no through road, The Shires, the applicant also has frontage to the classified Bircham Road, which forms part of the A39.

The Highway Authority acknowledge the principal of a residential development has been approved by the LPA as part of application 3/21/15/078 for two dwellings (in the northern sector of the Homestead site) to which the Highway Authority raised no objection with conditions. The developer has now proposed to double the number of dwellings on the northern section of the site. The applicant is proposing to demolish the external outbuildings situated to the northern area of the site and erect four dwellings whilst creating a new private access point onto The Shires alongside a similar private drive but that only serves two properties and is therefore in line with the SCC policy on the use of private drives to serve new development.

As quoted in section 2.1.12. in Estate Roads in Somerset, '*private drives will not be adopted and will rarely serve more than two dwellings*'. In this instance given that the proposal is for four dwellings, the street is not adoptable and an APC would apply. The Highway Authority has fundamental concerns with this proposal as follows.

1. The inability of the developer to provide an exit approach due to poor radius onto the proposed 3.5m private access due to the rear garden under the ownership of No 2 The Shires and therefore the inability for required splays to be achieved within the private access road.
2. Increase in the conflict of traffic movement on the proposed 3.5m brick paving area whilst considering the adjacent private road is outside this development & the owners could install a boundary treatment.
3. There is limited ability for larger delivery vehicles to be able to negotiate the proposed access road (e.g. delivery vehicles, removal lorries, a fire engine: given that this would be its only point of access to the four proposed dwellings when also considering point 2 above). With reference to section 6.2 in the Access Statement, it is questionable whether vehicle access for a pump appliance within 45m of the furthest proposed dwelling away from the proposed private access road is even achievable given the design layout.
4. The safety for pedestrians and cyclists when accessing to and from the site.
5. There is no allocation for a refuse collection area which seems to indicate that the developer believes that a refuse vehicle would be able to negotiate the proposed private access road.

When looking at the above I am concerned that the new proposal would create a material increase in vehicular movement on a substandard access. Therefore the Highway Authority would recommend refusal for the following:

1. The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane District Core Strategy (adopted 2011-2028) since the proposed development is likely to result in a conflict between residential and commercial traffic, which would be prejudicial to the safety, amenity and convenience of highway users.
2. On the information currently available, the Local Planning Authority is not convinced that a safe access to and from the site onto the local highway can be achieved. The proposal therefore does not meet the requirements of Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane District Core Strategy (adopted 2011-2028).
3. The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) since the site has insufficient frontage to the 3.5m brick paving area to enable an estate and Policy DM1 of the Taunton Deane District Local Plan/Core Strategy (adopted 2011-2028) road junction to be

satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety.

4. The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane District Core Strategy (adopted 2011-2028) since the formation of an access together with the introduction of conflicting traffic movements onto and from The Shires such as would be generated by the proposed development, would be prejudicial to highway safety.
5. The proposed development does not make adequate provision for the loading and unloading of goods vehicles within the site and would, therefore, encourage such vehicles to park on the highway, with consequent additional hazard to all users of the highway. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane District Local Core Strategy (adopted 2011-2028).

*Further comments on amended scheme awaited.*

*Wessex Water Authority –*

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever, is accepted by Wales & West Utilities, its agents or servant for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

There must be no building over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

*Biodiversity and Landscaping Officer -*

Harcombe Environmental Services Ltd carried out a Protected Species Survey report in December 2016.

The site, at the time of survey, was disturbed by domestic and construction activities. The site contains three buildings, which are to be demolished. Findings were as follows;

#### Birds

The surveyor found no evidence of birds nesting within the house or office building. One area of bird perching was noted in the house loft but this was considered to be occasional perching not breeding.

A small number of nesting sites was noted in the barn. I support the suggestion to offer new bird nesting sites within the new development.

#### Bats

There was no evidence of bat roosting, perching or feeding in the house, office or barn. However demolition should take place in a precautionary manner.

#### Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall be based on the advice Harcombe Environmental Services Ltd.'s submitted report, dated December 2016 and include:

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

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

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

#### Note to applicant

There is always a possibility that any building or structure may be used by bats and nesting birds. We would therefore like to draw your attention to the following;

1. The applicant and contractors should be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and under European legislation.

Should a bat or bats be encountered whilst work is being carried out on the property, work should cease immediately and advice should be sought from the Government's advisers on wildlife, Natural England (tel. Batline 0345 1300 228).

When working on the property special care should be taken when roof tiles or slates are removed (advise removing by hand and checking underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Eaves and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March - May or September - November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

Bats should preferably not be handled (and not unless with gloves) but should be left in place, gently covered, until advice is obtained.

2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

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

*Senior Historic Environment Officer (SCC) –*

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.

*Tree Officer –*

There doesn't seem to be any trees left on this site now, so no objection. Hopefully the remaining hedges will be left largely intact, coupled with a good scheme of new trees if the permission is granted.

*Somerset Wildlife Trust –*

We have noted the above mentioned application as well as the Protected Species Survey. We fully support all the recommendations listed in Section 4.3 of the report and request they are incorporated into the planning conditions if planning permission is granted.

*Somerset Waste Partnership -*

The access gateway and roads are narrow and therefore collections will have to be made on Bircham Road with collections from the kerbside.

## Representations Received

7, Letters of objection and 21 letters of comment have been received, 12 from 1 (the same household), 5 from another household and 2 from another household.

- If the road is to be adopted there is no provision for pedestrians or safe access for wheelchairs.
- As these houses are for families, we assume children will be playing, there is no safe vision at the corner of the site where it meets the garden of no. 2 The Shires.
- If the Highways formula requires 2.5 car per house this means 10 cars plus existing 14 cars and there is not enough width to accommodate 2 passing cars.
- Additional headlights will shine directly into our property as they turn into the new access drive.
- A letter and cross section shows the levels from the submitted drawings and from a gabled window on this principle elevation of a proposed dwelling into no. 2 The Shires.
- I do not oppose 4 properties on this site, but oppose that they are all single storey properties, and the design should not be approved.
- The 2 to the north of the site overlook West Somerset College.
- The entrance is over a private drive owned by residents to the rear of the site and will be used by at least 9 vehicles.
- A major concern is road safety.
- Having a wheelchair users in the household means that the proposal does not meet the criteria for such a user or other pedestrians.
- The Outline planning permission (ref 3/21/17/011) was granted in respect of 4 dwellings with relevant access and for the retention of The Homestead, which sought the principle of development, with appearance, landscaping, layout and scale to be reserved matters.
- The new schemes have completely changed plus new accesses and layout of roadways.
- Questioned technical details of access road and concerns re waste storage and collection.
- LED column street lighting and LED bollard lighting is proposed but no details have been provided.
- A cross section drawing has been received from a neighbour illustrating the distances between plot 15 and no 2 The Shires, in particular the overlooking into the garden area of no 2.
- Object to two storey dwellings in the grounds of The Homestead, they are not bungalows and the design is not in keeping with BD1 and BD2 and will have impacts on privacy.
- I bought on the estate of retirement bungalows, the 7 new dwellings are certainly not as the rest of the estate.
- The new drive is very tight for 9-12 vehicles and could be dangerous.
- To cram 4 dormers into a small space would make it unsafe.
- Where are the proposed main sewers to be laid and where is the new connection to be made.
- These two applications should be considered as one for 7 dwellings.
- Visibility is poor when entering and existing the site.
- Overlooking - plots 17 and 18 overlook the rear gardens of 2 and 3 The Shires.



- Exiting the shires can be a long painful wait due to the overload of traffic particularly at school times.
- The Proposed demolition of The Homestead is a step too far, this property should be preserved.
- The proposed wall around the dwellings will completely destroy the streetscene.

## Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

### West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
MD1	Minehead Development
NH1	Historic Environment
ID1	Infrastructure delivery

## Determining issues and considerations

The main considerations in this case are;

- Principle of development
- Impacts on the character of the area
- Impacts on residential amenity
- Highway safety
- Ecology
- Drainage and Flood Risk
- Planning Obligations

### Principle of development

The site is within the built up area of Minehead where there is a presumption in favour of sustainable development provided that it meets the criteria set out in Policy .SC1 of the West Somerset Local Plan to 2032 The former outline application ref 3/21/15/058 is a material consideration in this case and where the principle of developing this part of the site has already been established. The relevant policies in the West Somerset Local Plan to 2032 include SD1, SC1 and MD1 and the

development in is accordance with these. The proposal is considered to meet the requirements of these policies.

### **Impacts on the character of the area**

This part of Alcombe is a mix of residential, commercial, recreational (Rugby Club site) and educational (adjacent technical college). The site is surrounded by a mix of housing types, from detached and semi-detached houses, and bungalows, on housing estates (The Shires) to the North east. Dwellings opposite the site also range from a series of detached houses and bungalows. Additional residential properties will not be out of place in this environment.

The site is not within a Conservation Area and there are no listed buildings in the vicinity. There are limited or no archaeological implications to this proposal and no objections on archaeological grounds to the proposal. The proposal will not therefore have any impact on heritage characteristics within the area.

The site has tall screening around a large part of the perimeter and some of this will need to be altered/removed along the southern Bircham Road boundary in order to achieve the required visibility of the access and to the rear of the site for the rear access. Nevertheless, there is currently good screening to the site and so the proposed development would have limited visual impact upon the area.

The site has an existing access from Bircham Road and also from the rear of the site. It is the rear access which is proposed to serve the new development.

The proposed materials of the new dwellings (Plots 15-18) are stated as being:-

- Existing stone boundary wall and hedge behind at the front of the site, with brick paving for the vehicle access,
- Boundary treatments to the side of plot 15 will be close boarded fence as will the divisions between the other plots.
- Walls to be clay facing brick and painted or through colour render,
- Windows and doors white double glazed upvc,
- Roofs tiled with concrete clay double Roman tiles.

None of this is so out of keeping with the area as to suggest that the proposal should be refused. .

It is considered that the development of this site for four chalet style detached bungalows with first floor dormer windows will have some, but not significant, impacts on the character and appearance of the area. This is due primarily to the current built development in the area being a mix of single storey bungalows in The Shires and immediately adjoining these are a mix of both bungalows and two storey houses in College Gardens. This proposal will provide four additional dwellings on the former rear garden area of The Homestead where a range of former outbuildings once stood (now removed). The new small housing development is not significant in terms of impact on the character or appearance of the area and existing housing styles in the vicinity. It is therefore considered to accord with local planning policies SD1, SC2, MD1, NH1, NH6, and NH13 of the West Somerset Local Plan to 2032.

## **Impacts on residential amenity**

Several representations have been received from third parties (as above). The main focus of concerns relate to the design of the new dwellings, vehicular traffic/access, overlooking and loss of privacy.

One representation has had sectional drawings prepared to illustrate the distances involved between the new development (plot 15 and no 2 The Shires (east). This information indicates that the distance from Plot 15 at first floor level to number 2's conservatory is a distance of approximately 19m and to the original wall of the bungalow is some 22.8m. However, these distances are considered acceptable, not likely to result in significant overlooking or loss of light to the existing bungalow. The side of Plot 15 will be sited 10m from the front principle elevation of no.3 The Shires across the amended access road and turning head.

The rear gardens of plots 15 and 16 and the side/rear of plot 17 share an adjacent boundary with the Community College and therefore there will be no overbearing impact on residential amenity.

The proposed rear boundaries (south) of the plot will share the boundary with Plot 3 and part of Plot 2 on the concurrent application ending 011.

The mix of housing types and proposed density is considered acceptable in such an urban location. It is considered that the proposed development will not have significant impact on residential amenity in terms of overbearing impact or in terms of the design when considering the current mix of both two storey and single storey dwellings in the immediate area. .

Loss of light is not considered a significant issue as the proposal site is located to the north and west of most of the current Shires development. The proposed development would be to the south of numbers 3 to 7, but across the road and hammerhead, which is a typical arrangement in residential developments.

Given all of the above discussion it is concluded that there will not be any undue impact in terms of overlooking. It is therefore considered that the proposal is in accordance with policy NH13 of the West Somerset District Local Plan to 2032.

## **Highway safety**

Two bus stops are available close to the site and allow easy access to nearby facilities in Alcombe and Minehead. From these stops buses run between Minehead to Taunton and Bridgwater. The site is on a fairly level site and allows for easy cycling to the seafront in Minehead. This is therefore a sustainable location for such a development.

The original submission showed the access to serve the four new dwelling was to be via an existing private access road serving nos. 3 and 4 The Shires. The Highways Authority commented that the new proposal would create a material increase in

vehicular movement and that the proposed access was substandard. They further quoted (from section 2.1.12. in Estate Roads in Somerset) that '*private drives will not be adopted and will rarely serve more than two dwellings*'. In this instance given that the proposal was for four dwellings, the street would not have been adoptable and an APC would apply. There was therefore an objection raised by the Highway Authority.

Having advised the applicant of the Highways comments, revised details have been submitted showing a new adoptable shared surface as access from The Shires into the site and passing Plot no 15. This new drive then extends into a private shared surface to be surfaced in brick paving between plots 16, 17 and 18 (as per dwg. no. 16.3200/02S rev G dated 14/12/16). A Swept Path Analysis of a large 4-axle Refuse vehicle (dwg, no. BTC15021 SPA\_01 Rev P1) also confirms that such vehicles can drive and reverse to leave in a forward gear.

The new road layout is of a similar layout to one existing off Deer View at the top of the Ellicombe development on the opposite side of Bircham Road and which was previously accepted by the Highway Authority. It is further noted that the shared surface proposed is promoted in the guidance in the Estate Roads in Somerset booklet dated 1991.

Cycle parking would be available within the proposed new garages with each plot.

Comments regarding the margin to the side of no.2. The Shires to 0.5m thus impacting on traffic entering the site and closer to the neighbours boundary fence is though acceptable as the plan originally submitted for two dwellings at the end of The Shires had no margin.

If parking were to occur on the shared surface and cause a problem as suggested, then it is within the Highway Authorities remit to introduce a Traffic Regulations Order to control this. However, Plot 17 is to have a double garage and plots 15, 16, and 18 are shown as having single garages with parking in front of them. This is considered to be an acceptable solution.

Amended comments from the Highway Authority have not been received at the time of writing this report and are still awaited. However, given the revised access and internal road layout together with additional information supplied by the applicant's Highway Consultant, it is considered that the application is acceptable in terms of Highway Safety, access and parking and such arrangements will not impact on other residents. Subject to the views of the Highway Authority, the proposal is considered to accords with local planning policy T/8 (residential parking) of the West Somerset District Local Plan 2006 and policy TR2 of the West Somerset Local Plan to 2032.

## **Ecology**

An Ecology (Protected Species) Survey Report has been submitted in support of the proposal, prepared by Harcombe Environmental Service Ltd and dated 16/12/16. This has been appraised by the Council's landscape and biodiversity officer who broadly agrees with its findings. The report recommends a condition and informative

note be attached to the decision.

Somerset Wildlife Trust also agree with the recommendations of the submitted Ecology report and requested that a suitable condition is attached in order to ensure compliance with its recommendations.

It is noted that in the applicants Design and Access Statement that 'there are no protected species on the development or surrounding area' this could well be due to the outbuilding already having been removed from the rear of the site.

It is therefore considered that the proposal is acceptable in ecological terms subject to the recommendations suggested in the ecological survey report. The development therefore accords with local planning policy NH6 of the West Somerset Local Plan to 2032.

### **Drainage and Flood Risk**

The site is not within a designated flood risk area on the Environment Agency's Flood Maps and therefore a Flood Risk Assessment is not required.

Surface water at the site is to be disposed of via connection to the main sewer and by a proposed ACO channel at the site entrance.

Foul waste will be via the existing arrangements at the site and related comments have been received from Wessex Water (shown above) regarding the additional connections and protection of public sewers in the area.

The proposal is acceptable on drainage and flood risk issues and accords with local planning policy CC6 (Water Management) of the West Somerset Council Local Plan to 2032.

### **Planning Obligations**

A S106 document is being prepared by the Council's legal services in collaboration with the applicant. It will seek contributions for the additional dwellings on this part of the site. It is practice to discount any existing dwelling units on a site from the total obligation sought. The contributions will be for recreational and community facilities in the Parish of Minehead and Alcombe in accordance with the Council's adopted policy and the previously adopted planning obligations document. This document is also referred to within the justification and purpose section of policy ID1 of the West Somerset Local Plan to 2032 (adopted in December 2016). The legal document is considered to meet the requirements of The Council's policy in this regard.

## **Other Issues**

Minehead Town Council has had a special meeting to consider the amended details, especially in regards to the new road layout and have now recommended approval and can see no material planning reason to refuse the application.

At the time of writing this report no further comments have been received from the Somerset Waste Partnership following revisions to the access supporting the development. However, the highway consultant acting for the applicant has now confirmed that the revised details and Swept Path Analysis shows that it is possible to turn a large 4-axle waste collection vehicle within the site and this is acceptable. This is confirmed in the Highway Consultants email dated 14 June 16 and submitted dwg. no. BTC15021 SPA\_01 Rev P1.

The access issues and visibility have been agreed with the Highway Authority and the applicant is aware that some remodelling of the front boundary walls at the access will be required. These walls are within the applicants ownership and the submitted plans show the amendments to be made at the access.

## **Conclusions.**

On all of the primary considerations, the proposal is considered to be acceptable, both in principle and in terms of its impact. Final confirmation of the Highway Authority's position is awaited, but this is expected to confirm that the proposal as amended is now acceptable on highways grounds. The proposal now meets all of the tests of both national and local policy considerations and therefore, subject to the further views of the Highway Authority, the recommendation is one of approval. As the proposal is for less than 5 dwelling units, the proposal will not be liable for any Affordable Housing contributions, but is liable to recreational/community facilities contributions under S106 of the Town and Country Planning Act which has been agreed with the developer.

The submission is recommended for approval as it accords with local planning policies SD1, SC1, SC2, MD1, NH1, NH6, NH13 and ID1 of the West Somerset Local Plan to 2032 and also retained policy T/8 of the West Somerset District Local Plan 2006. The development also accords with the NPPF (National Planning Policy Framework).

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







<b>Application No:</b>	<a href="#">3/24/17/001</a>
<b>Parish</b>	Nettlecombe
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Anna Penn
<b>Grid Ref</b>	Easting: 304677    Northing: 139981
<b>Applicant</b>	Ms Combe
<b>Proposal</b>	Additional use of part of orchard as a camping and glamping site (during the period March – October) together with the erection of a shower block and formation of an access track (REVISED DESCRIPTION)
<b>Location</b>	Torre Cider Farm, Washford, Old Cleeve, Watchet, TA23 0LA
<b>Reason for referral to Committee</b>	<b>The recommendation of the planning officer is contrary to the views of the neighbouring Parish Council</b>

## Recommendation

Recommended decision: Grant

### Recommended Conditions (if applicable)

- 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:

(A3) DRNO 2616 PROPOSED GLAMPING AND CAMPING SITE  
(A3) DRNO 2616/1 ELEVATIONS, FLOOR PLAN, MATERIALS AND SECTION PLAN  
(A4) LOCATION PLAN

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

- 3 The development hereby approved shall be used for holiday purposes only and shall not be used or occupied between the 1st November in any one year and the 1st March in the succeeding year.

Reason: The Local Planning Authority considered that permanent holiday or residential use of the site would be inappropriate development in the open countryside having regard to the provisions of adopted policies of the West Somerset District Local Plan.

## **Informative notes to applicant**

### **Proposal**

Planning permission is sought for the use of part of the orchard associated with Torre Cider Farm for camping and glamping. The primary use of the land will remain as an orchard associated with the cider farm. The proposal involves the provision of 6 glamping pitches comprising bell tents that are 5 metres in diameter and 2.7 metres in height. A further 4 pitches will be made available for guests arriving with their own tents. These pitches will be in situ during March - October. The glamping tents will sleep 4 people and have beds, an electricity supply and a wood stove. Four of these glamping units will have their own toilet made out of a recycled cider production cylinder. The remaining pitches will be served by a permanent detached shower/toilet block measuring 5.9 x 3.9 metres with a height of 4 metres. This will be clad in stained shiplap boarding.

This is a revised proposal following the withdrawal of a similar scheme last year. The main difference is that the number of pitches has been reduced. The site area has also been significantly reduced to only incorporate part of the orchards.

A new hardcore track will be laid across the orchard to serve the pitches. New mains drainage is to be installed beneath the new track. Illumination along the new track will be provided with 1 metre high LED bollard lights, with downward directional lighting.

The application has been revised since it was originally submitted. The description of development has been amended in response to local concerns that the whole of the site was being changed from a cider farm and orchard to a campsite. The revised wording now clarifies that the orchard will be retained and that the camping will only be for a 6 month period each year. The red edge of the application site initially incorporated the whole of the farm. It has now been reduced in size to include the access and a small part of the orchard which will be used for camping. The rest of the site within the blue edge, including the shop/tearoom, the car parking, the remainder of the orchards and the cider production buildings remain under the control of the owner/applicant.

### **Site Description**

Torre Cider Farm site covers an area of 3.25 hectares. It is an established cider farm which has evolved into a mixed use. It comprises orchards and the production of apple juices and cider on site, together with a tearoom and shop, some animals and a small children's play area that serve as a tourist attraction.

Entrance to the site is via the main road, known as Torre Rocks, which passes through the hamlet of Torre. The site lies in an enclosed hollow and is largely screened from immediate views when the trees/hedges are in leaf. The existing orchards lie to the east of the main buildings on site. There is a short ridge running west –east across the orchards, with the orchards sloping down to both the north and south of the ridge. The nearest dwellings are located to the west of the site at a distance of some 130 metres. A further dwelling is located to the north some 150 metres away.

## **Relevant Planning History**

This cider farm has a long established history which includes permission for a cider making and visitor attraction, conversion of agricultural buildings to residential including three holiday lets.

3/24/16/001 - Change of use of land from orchard to camping/glamping and installation of a septic tank was withdrawn by the applicant in 2016.

3/24/16/002 – Erection of agricultural building and alterations to existing building. Granted permission on 15 September 2016.

3/26/91/040 - Erection of manager's house including store and office granted planning permission in November 1991.

3/24/91/003 – Erection of building for the making of cider, cider museum and shop/teashop refused permission on 27 July 1992. This was subsequently allowed on appeal.

3/24/93/005 - Cider making and visitor attraction granted permission on 14 February 1994.

3/24/99/001 - Cider making and visitor attraction. Renewal of planning permission granted on 22 April 1999.

3/24/86/006 – Change of use of agricultural building to one residential unit and three holiday units granted on 23 October 1986.

3/24/87/002 – Conversion of agricultural buildings to one residential and three holiday units granted on 19 March 1987.

3/24/87/007 – Conversion of farm buildings into one residential and three holiday units granted on 21 August 1987.

3/24/88/001 – Alterations to convert farm buildings into utility and playroom (for use in conjunction with holiday units and dwelling) granted on 18 February 1988.

3/24/89/007 – Change of use from 10 month holiday consent on two flats to full residential use granted on 29 September 1989.

## Consultation Responses

### *Nettlecombe Parish Council –*

Have no specific objections to this latest application. However the following points were raised:

- Concern re enlargement of car park - the need to remove the Bramley apple trees from the main entrance car park area on the grounds that making the car park wider (as opposed to longer) will not increase the number of spaces unless a third row of parking is added to the centre. This would not be practical unless bays were marked which would be difficult on hardcore.
- Residents concern over change of use has been noted. With a limited number of pitches, when the primary use remains as an orchard/cider farm, it is not considered critical so long as West Somerset/Taunton Deane do specify that the main use remains as an orchard/cider centre.
- Whilst the plans lack some detail – positioning of low level lights, drainage joining point to mains, soakaways, type of toilets (ie compostable or mains), heating of water, most of this was discussed satisfactorily with applicants on site.
- Must make sure there is adequate provision for fire appliance in case of emergency.
- So far as the control of the proposed use is concerned this is a matter for the exact conditions imposed on any consent granted. Subsequent breaches could be subject to planning enforcement procedures in the normal way. Provided the opening times – both for the camping season and the other site facilities are specified in the consent and the consent sets out the number of camping/glamping pitches there is no objection to the proposal.

### *Old Cleeve Parish Council – comment*

Whilst acknowledging that this application is within Nettlecombe Parish, Old Cleeve Parish Council were consulted to comment on the previous application and this submission. Our observations are:

- Q.5 Application form – The applicant has indicated that no public footpaths adjoin the site. Your attention is drawn to public footpaths WL18/25 and WL18/1 bounding the premise site.
- Q.10 Application form – The applicant has indicated zero to existing car parking and seven proposed. However, the planning statement refers to the existing vehicle access and car parking. No existing capacity is stated? Submitted drawing no.2616 indicates 'enlarged parking area' but does not qualify capacity. It is noted that the previously approved and commenced Cider Museum is still valid. This development may be re-commenced at any time and as such capacity issues should be considered in parallel with this

proposed development. Whilst the Highways Authority have made little comment other than 'standing advice' the potential traffic issues, access and parking should be checked for compliance in light of current traffic issues since the appeals in 1991 and 1999.

- Reference is made to 10 glamping/camping units, six fixed units are indicated on drawing no. 2616, it is assumed the transient/casual camping capacity is four units. Is this correct?
- If the fixed units are not occupied does the casual camping capacity remain at four and of what size? (ie one or two person tents or family tents)
- Local residents have written to Old Cleeve Parish Council raising concerns, our understanding of these include potential noise issues, extended hours of operation, temporary events, overlooking and legality of the various structures on site (planning consents/compliance). Old Cleeve Parish Council has advised the individuals that these issues are conveyed directly to the Local Planning Authority under the standard consultation process.
- POLICY EC9 TOURISM OUTSIDE OF SETTLEMENTS: POLICY TR2 REDUCING RELIANCE OF THE PRIVATE CAR – Old Cleeve Parish Council considers the above policies are relevant to this application and questions whether the Local Planning Authority consider the criteria to be met or adequate justification provided.
- Reference is made by the applicant to a camping site at Brompton Ralph. In the opinion of Old Cleeve Parish Council, this is not relevant as each application has to be treated on its own merits, either good or bad.
- Have any trees been removed yet? Some wording in the application was ambiguous about this. Given the diameter and height of the glamping units, questions arise as to whether the units will fit between and under the canopies of even those trees retained. The access track should accommodate any underground services, and not have services run alongside. The digging of service trenches could further disrupt/damage trees and their roots. A track 'weaving its way' amongst the trees will not lend itself to efficient apple harvesting. The shower block is not really sited to retain trees. How accurate is the plan regarding the location of the trees and their crown spreads? There is no indication of crown heights. From the glamp sites I believe there could be a loss of 16 trees; loss of 3 trees from the car park enlargement; a possible removal of 8 trees to accommodate the access track. This gives a total loss of 27 trees, not including any extras through inaccuracies in the plan.
- Waste and recycling facilities are sited close enough for customers to use easily, but how is the waste to be transported and where stored for collection?
- Do the toilet tanks have any natural lighting? There are three toilets, one disabled toilet/shower and one shower adequate for all camping units, is this adequate and does it follow guidelines?
- There is no indication of the number of tents expected in the camping area.
- There is no indication given as to how extra cars will use the enlarged car park, how many extra cars in what layout?
- There is no public transport nearby for visitors on foot, and the road is a difficult one for car drivers unused to narrow and twisting lanes.
- There should be a plan for the replacement of lost apple trees on the site to maintain the working cider orchard. Orchards, in particular cider orchards,

are in decline all over the country including in our traditional cider making area. The orchard should be protected.

- Whilst tourism is important for the area, it must be properly planned and not set up at the expense of the environment or sustainability.
- We feel that a full species survey should be carried out to include bats, badgers and other flora and fauna.
- A professional tree survey should be carried out on the orchard.

*Highways Development Control* – Refer to standing advice.

*Rights of Way Protection Officer* –

I can confirm that there are two public rights of way (PROW) recorded on the Definitive Map that abut the site at the present time (footpath WL 18/25 and bridleway WL 16/1). I have attached a plan for your information.

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

Any proposed works must not encroach on to the current available width of the public paths.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the paths, but only to a standard suitable for the legal users of the paths. SCC will not be responsible for putting right any damage occurring to the surface of the paths resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public path unless the driver has lawful authority (private rights) to do so.

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

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

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

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

then a temporary closure order will be necessary and a suitable alternative route must be provided

## **Representations Received**

Nine letters of OBJECTION to the original application have been received, which are summarised as follows:

- Clarity is sought on the description of development and the extent of the red edge which seems to imply that the whole site will be changed from a cider farm/orchard to a glamping/camping.
- Existing activities on the site are limited by a condition attached to the visitor centre permission, which limits opening hours until 1830 hours. This condition can reasonably be applied to the whole of the site. Increasing activities on the site beyond this time limit will cause noise disturbance to residents.
- Concerns about increased noise from campers, including rowdiness/drunkenness late at night. A genuine cider farm will be changed into an “alcohol-themed” campsite.
- The use of the shop and tearoom in the evenings would cause noise disturbance, as this part of the site is nearer to neighbouring residents.
- Many local residents live close to the site and are already affected by noise from the site, especially from the children’s playground and the use of the external bbq in the evenings.
- Fears that the site will be used as a venue for parties, weddings and music festivals. Two music festivals held last year caused disturbance to residents.
- Concern that the site could be used all year round for camping.
- The site is accessed off a busy narrow road which is unsuitable for pedestrians, particularly campers walking back from the local pub in the evenings.
- The site is only accessible by car and is therefore not a sustainable location for such a development, contrary to local plan policy.
- Towing caravans will obstruct the road.
- The site is in open countryside and the development conflicts with Policy OC1.
- The proposal will result in light pollution affecting the Exmoor National Park “Dark Sky” initiative.
- The proposal will impact on protected species such as bats, badgers and slow worms.
- It will have little impact on the local economy weighed up against the nuisance to local residents.
- Lack of detail regarding drainage.
- Potential impact on the apple trees including tree roots.
- The site is visible from the footpath to the south.
- Planning permission for a tourist caravan site elsewhere within the hamlet was refused in 1990 and 1992.
- No comparison can be made between this site and the glamping site at Brompton Ralph. This site is on the edge of a hamlet whereas the other site is in open countryside with less disturbance to local residents.

Five further letters of OBJECTION were received in relation to the revised description of development and the revised red edge:

- The revisions do nothing to overcome previous objections to the proposal.
- Limiting the shop opening times and limiting the range of goods for sale will encourage campers into their cars to get to the shops. This is not sustainable.

- The car park and shop should be included within the red edge.
- Root compaction from the tents and tree canopies may need pruning back.

## Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

### West Somerset Local Plan to 2032

OC1	Open Countryside development
NH5	Landscape character protection
EC1	Widening and strengthening the local economy
EC9	Tourism outside settlements
EC11	Agriculture
SD1	Presumption in favour of sustainable development

## Determining issues and considerations

The main considerations in this case are -

1. Principal of development
2. Impact on residential amenity
3. Sustainability and highways
4. Character and appearance of the area
5. Drainage, and
6. Biodiversity

### Principle of the development.

The application site is located outside of any defined settlements, within open countryside, as defined by Policy SC1 of the adopted West Somerset Local Plan. Policy SD1 states that there is a presumption in favour of sustainable development and that *“where there are no policies relevant to the application....then the decision maker will grant planning permission unless material planning considerations indicate otherwise”*

Policy OC1 states that new development in the open countryside is not generally



considered appropriate. It states that in exceptional circumstances, development may be permitted if it is beneficial to the community and local economy. This proposal relates to the use of the land for camping/glamping, for a maximum of 6 months a year. Other than the proposed toilet block, no permanent building operations are proposed. On this basis, Policy OC1 does not strictly apply as the camping/glamping pitches will not be permanent fixtures and no building operations will be carried out. In any event, there is some benefit to the economy in terms of bringing tourists into the area.

The site is in a mixed use with part of the site used for the growing of cider apples, an agricultural activity. The proposal can therefore be assessed against policy EC11 which encourages the diversification of farms. In this case, the main use of the site will remain as a cider farm. The proposed camping/glamping will provide an additional stream of income for the owner and will also benefit the wider economy by encouraging tourism. This also meets the aims of Policy EC1 which encourages development that would widen and strengthen the local economy.

Accordingly, the principle of the development is considered acceptable.

#### Impact on residential amenity.

Local residents have raised strong concerns about the potential noise impact from the camping pitches. Whilst these concerns are noted, it is not considered that the scale of the operation will be so significant as to constitute a noise nuisance. Campers tend to be away off-site during the day and will only be there in the evenings and mornings. It is not uncommon for people to sit outside during summer evenings enjoying an al fresco meal and this will be no different. Concerns about large groups of campers partying into the night can be controlled through a management plan that might prohibit noise after certain hours.

Residents have also referred to a planning condition attached to the visitor centre planning permission. It is alleged that this condition restricts the hours of opening across the site as a whole. This is not the case. When the appeal was allowed in 1992, the Inspector imposed a condition that stated:

*“The museum and shop/tearoom shall not open other than between the hours of 0900 and 1830 except with the written agreement of the Local Planning Authority.”*

The museum and visitor centre has not been constructed although it has previously been accepted that development had commenced on site. The planning permission remains extant and could, in theory, be re-commenced at any time without the need for planning permission. The wording of the condition refers specifically to the museum and shop/tearoom, which have not been built. It clearly relates to the building only and not to the whole of the site. If this was the case, then the wording of the condition would make it explicit. Accordingly, officers are of the view that there are no conditions restricting the hours of operation of the site as a whole. Furthermore, the existing shop and tearoom, sited to the west of the extant visitor centre/museum, has no restrictions on its operating hours.

### Sustainability and highways.

It is acknowledged that the site is located in a rural location and that future visitors and campers will be heavily reliant on the use of private cars. This is due to the lack of public transport and the distance from service centres and other visitor/tourist attractions. This small scale proposal will enable the existing cider farm business to grow and diversify to the wider economic benefit of the West Somerset area, in accordance with Policy EC1. This is considered to outweigh any small increase in vehicle movements to the site arising from a seasonal camping use. The pitches will not be used by caravans. The proposal is very different in scale to those sites refused planning permission within the hamlet in the early 1990's. Whilst the proposed new development would result in additional vehicle movements, this minor increase is not considered to significantly conflict with the policy requirements of Policy EC11. This is supported by the fact that County Highways have not objected to the application.

The applicant originally proposed to allow the shop on the site to open later to serve the needs of the campers. However, this has now been deleted from the proposal in the light of neighbour concerns about the noise impact of the shop opening later than the current closing time of 1700 hours. Residents are now objecting that this will result in more frequent car journeys to local shops. If it does, the improved economic activity at these rural, possibly marginally viable, shops should be welcomed.

Policy EC9 which refers to tourist developments outside settlements states that such proposals will only be supported where:

- The proposed location is essential to the business and that it could not be located elsewhere, and:
- It does not adversely affect the vitality and viability of the neighbouring settlements, and:
- It complements existing tourism service and facility provision in neighbouring settlements and surrounding area without generating new unsustainable transport patterns.

In this case, the proposal is not strictly a new tourist development, rather a diversification of an existing cider farm business. The proposed camping/glamping would be ancillary to the main cider apple farming and production on the site. The proposal is not of such a scale that it would affect similar camping enterprises within neighbouring settlements. Finally, as described above, it will not generate high levels of traffic into the area. Accordingly, the proposal complies with Policy EC9.

### Character and appearance of the area.

The site is located within the West Somerset Vale Landscape Character Protection Area. Regard has to be paid to Policy NH5 which seeks to minimise the impact of new developments on landscape quality. The proposed camping pitches will be located in the south eastern part of the site and will be screened from short distance

views by existing hedgerows and trees. The site is visible from longer distance views on public footpaths during the winter months. However, the proposed pitches will only be in place during 6 months of the year where any visual impact will be softened by trees. The proposed bollard lighting is low key and will not cause excessive light pollution. As a result, the development will not be visually intrusive from the wider area.

The proposed camping pitches will be located in amongst the cider orchard, where there are existing gaps between the trees. It will be necessary to remove 10 apple trees in order to provide the new access track. The proposed track will be of a permeable hardcore surface.

### Drainage.

Mains foul drainage will be provided to the proposed shower/toilet block. A new drain will be installed beneath the proposed new access track. There are no issues arising from this proposal with flooding.

### Protected species/biodiversity

A local resident has stated that there are protected species within the orchard. However, no verifiable evidence has been submitted to support this claim. It is unlikely that the proposed camping pitches will have an adverse effect on bats, slow worms or badgers, at least not any more than the existing activity of the cider farm. In any event, these species are protected under separate legislation. In these circumstances, it is not considered reasonable to withhold consent on this basis, nor put the applicant to the time and expense of insisting upon a phase 1 habitat survey.

### Conclusion.

Whilst the development would be situated in the open countryside, where development is strictly controlled, the glamping units are not permanent structures. The proposal will allow the continued diversification of the existing cider farm business and provide additional economic benefits to the wider area. The development is not considered to result in any significant visual or landscape impact that would adversely impact upon the character and appearance of the surrounding area. The principle of development is considered to accord with the development plan. The application is therefore recommended for approval, with suitable conditions suggested.

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





<b>Application No:</b>	<a href="#">3/28/16/008</a>
<b>Parish</b>	Sampford Brett
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sue Keal
<b>Grid Ref</b>	
<b>Applicant</b>	Mr D Gliddon
<b>Proposal</b>	Demolition of garden structures and erection of 1 No. dwelling and detached garage with formation of vehicular and pedestrian accesses
<b>Location</b>	Land to the rear of Brownwich House, 47 Tower Hill, Williton, TA4 4JR
<b>Reason for referral to Committee</b>	<b>The recommendation of the planning officer is contrary to the views of the Parish Council</b>

## Recommendation

Recommended decision: Grant

### Recommended Conditions (if applicable)

- 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:

(A4) Site location plan.  
(A3) Dwg No 1921-8A, Block Plan.  
(A3) Dwg No 1921-9A Ground + first floor plans.  
(A3) Dwg No 1921-10A Elevations.  
(A3) Dwg No. 1921-11, Proposed garage.

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

- 3 The dwelling hereby permitted shall not be occupied until the track, which provides access to it, and the associated areas allocated for parking and turning have been constructed in accordance with full details that have been submitted to and approved by the local planning authority. Those details shall include the surfacing of the track and parking areas, any remedial measures needing to be undertaken to deal with any undermining, and provision for pedestrian refuges

along the track. The areas allocated for parking and turning shall not thereafter be used for any purpose other than the parking and turning of vehicles, and the two pedestrian refuges shown on drawing number 1921 - 8A shall be maintained in a useable condition, particularly by keeping the hedges cut back, the surface in a fit and safe condition and preventing the falling of material onto the refuge areas.

Reason: In order to safeguard public safety along the public footpath and in the interests of highway safety, in accordance with Policy T/9 of the West Somerset District Council Local Plan and TR1 of the West Somerset plan to 2032.

- 4 Before the dwelling hereby approved is constructed on site, details of the sewage disposal and surface water drainage works shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling retained in that form at all times thereafter.

Reason: To ensure the adequate provision of drainage infrastructure.

- 5 No materials that comprise an external surface shall be brought on site or used until details of all of the materials and finishes 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 dwelling and the area in general.

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

Reason: To safeguard the existing trees and planting to be retained within the site in the interests of the character and appearance of the area.

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 The applicants are hereby reminded that if any damage is caused by construction traffic to the access track which is also a Public Right of way, this must be repaired at the applicants own expense.

## **Proposal**

Erection of a detached dwellinghouse and detached garage plus the formation of a vehicular and pedestrian accesses. It is designed as a 3 bed chalet style bungalow. The new dwelling and garage are to be sited in the rear garden of the No. 47 Brownwich House. The proposed detached garage is to be sited to the west of the new dwelling. The proposal will see the removal of current garden structures comprising of a wooden pergola and shed. It is also noted that the red line (application site) relates to the bungalow site and the access only and does not include no. 47 Brownwich House.

## **Site Description**

The site measures 0.16 of a hectare in size. It is currently part of Brownwich House, a large brick built 4 bedroom detached house and garage with large front and rear gardens and is a corner plot and the last in a row of detached properties on the southern side of Tower Hill. The proposal site is identified as part of the rear garden and the associated adjoining access wrapping around the outside of the site.

Immediately adjacent to the boundary is the public right of way from the A358 at Raglands Cross, which links the fields beyond the site and also the access track to the former Union Quarry.

The current boundary treatments comprises of natural hedging between the public footpath and the site. Other boundary treatments include 0.5m stone boundary wall either side of double wooden access gates on the front (southern) roadside boundary. There is a mixture of 1.5m hedging and some wooden fencing along the side (western) neighbouring boundary. To the rear (northern) boundary adjacent to the access track is a mixture of 1.5m hedging, some wire fencing and a single metal garden gate hung by two stone square pillars.



The land is higher than the adjoining highway and is a relatively level site thereafter.

## Relevant Planning History

3/28/09/002 - Single storey dwelling in Union Quarry to the rear of Tower Hill, refused on the basis of the access being inadequate by decision notice dated 17 December 2009. However, this proposal was allowed on appeal by decision notice dated 6 September 2010.

3/28/15/005 - Single storey 4 bedroom bungalow in the former quarry to the rear of houses on Tower Hill, approved 30 September 2015.

3/28/16/002 - dwelling at Union Quarry, approved 29 September 2016.

## Consultation Responses

*Sampford Brett Parish Council* - Sampford Brett Parish Council objects to the above application for the reasons set out below.

Our primary concern relates to public safety. Paragraph 3.8 of the design and access statement incorrectly states that access is via a single track road from the A358. In fact is via a public footpath and the unmade track to Union Quarry. The public footpath connects Sampford Brett and Williton and is very well used throughout the year. Sampford Brett Parish Council has previously expressed concern about pedestrian safety along this footpath in connection with vehicles accessing the proposed property at Union Quarry (planning permission 3/28/16/002).

Safety will be an even greater concern if there is a second property using the footpath for vehicular access. It will be impossible for two cars (let alone lorries) to pass except by reversing to either the junction with the A358 or the drive of the proposed new property. This could include reversing round the right angle bend where the footpath meets the quarry track. We consider this to be unacceptable in terms of pedestrian safety on the public footpath.

Paragraph 14 of the appeal decision notice for the Union Quarry application (APP/H3320/A/10/2122491, dated 6/9/2010) makes it clear that approval was based on vehicles from a single property using the track "In all these aspects, I give significant weight to the fact that I have only a single dwelling before me.....In this respect , I recognise that the matter before me differs significantly from my colleague's decision to dismiss in 1995 the appeal for two dwellings on the site." While the application site differs from the one referred to in this decision, the access track is the same.

In addition to the safety concerns, the proposed site is behind the existing building line and will detract from the character of the area and the amenity of the neighbouring property. Furthermore, it is within Sampford Brett Parish, and NOT

Williton. Sampford Brett is designated as open countryside in the Local Plan therefore any development should fulfil the requirement of policy OC1. This application clearly does not do so.

If a site visit is organised for the planning committee, we would welcome the opportunity to participate.

*Tree Officer –*

I think it would be useful to have a drawing that clearly overlays the Root Protection Areas of the oak and neighbouring trees with the proposed buildings. The oak is a nice, youngish specimen worth protecting.

There are some good beech trees in the neighbouring garden also. There is also another oak outside the rear of the site, on the north side of the track to the quarry. The birch, closest to the proposed garage, is not such a good specimen, though maybe valued by the neighbours.

It looks as though the house is far enough away from the oak not to damage it excessively. The garage is quite close to the beech tree roots, and possibly to the oak to the north. Could it be moved further south?

*Rights of Way Protection Officer –*

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which runs over the proposed development at the present time (footpath WL 20/7). I have attached a plan showing this footpath for your information.

We have no objections to the proposal, but the following should be noted: We would request improved surfacing of the existing rights of way where the footpath crosses the development. Associated infrastructure (eg. fencing) may be required. Authorisation for such works must be obtained from SCC Rights of Way Group. I have attached a form that should be completed and returned to Glenn Martin (Rights of Way Officer - email: [gvmartin@somerset.gov.uk](mailto:gvmartin@somerset.gov.uk)).

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

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

- A PROW being made less convenient for continued public use.

- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483086.

*Further comments received:*

My colleague Mike Hardwill submitted a standard response on 30th January 2017 and I would now like to add the following.

The proposed access to the property is narrow and over an existing public footpath. This would be the 2nd property in addition to any agricultural access requirements that would be served by this path. Therefore, our preference would be for vehicular access for the new property to be provided through the existing grounds of no 47. If for any reason this is not achievable, access over the footpath could be deemed acceptable, provided appropriate conditions are put in place.

Conditions that would minimise the impact of the access for the 2nd property would be as follows:

. To maintain both pedestrian refuges with respect to keeping hedges cut back and the surface in a fit and safe condition and preventing the falling of material onto the refuge areas as conditioned under 3/28/16/002

. Construction access for the new dwelling to be via no 47 access to ensure that there is no construction impact on the public footpath.

With regard to the first condition this would presumably be tied to no 47 as opposed to the new dwelling as I assume the hedge to belong to no 47. Feel free to amend the wording of the conditions so they are more in-line with standard wording but I would appreciate sight of the draft proposed conditions prior to any permission being granted.

I have noted that on site work has begun on providing the pedestrian refuges. It appears that this is a work in progress and I would appreciate the Council consulting SCC Rights of Way prior to discharging any condition in relation to the satisfactory provision of these refuges.

We will also anticipate at some point a change of surface authorisation form to be submitted by the applicant in relation to 3/28/16/002 and this application, should permission be granted, for our consideration.

*Highways Development Control –*

Standing Advice, access is via a public footpath WL 20/7.

*Wessex Water Authority –*

No comments received.

*Biodiversity and Landscaping Officer –*

The development will have an impact on the character of this rural track and PROW. Could the hedge on the corner of the track be translocated to minimise this impact.

## **Representations Received**

Two letters of objection raising the following concerns;

- The planning app granted for 43A Tower Hill (Orchard House) stipulated that dwellings had to adhere to the building line in Tower Hill, this proposal does not.
- The red line includes the prow and includes the track with the locked gate to the quarry site, land registry confirm no registered ownership over the track.
- Section 6, of the application form re access - are there any new public roads to be provided within the site has been answered 'no' this is not the case.
- Foul sewage, applicant state connection to mains sewer? House on this side of Tower Hill are not connected to mains sewers and use cess pits or septic tanks.
- Should this application be granted there is no argument for further infill on other properties on Tower Hill.
- Details on the plans are minimal and need further clarification.
- The proposed double garage is sited close to a boundary fence and question the need for a double garage?
- Entrance to the prow is used by many vehicles as a lay by, especially by dog walkers, therefore the highway will need altering and clear signage added.
- With the previous quarry application for a dwelling being granted, this would be the second using the track therefore being regularly used a complete change of use.
- The pedestrian refuges to be provided under consent 3/28/16/002 are insufficient for family groups + dogs.
- The application compromises the health & safety of pedestrians on PROW, SCC state it is an offence to drive along the footpath unless the driver has lawful private rights to do so.
- Paragraph 14 of the Union Quarry Appeal (APP/H3320/A110/2122491, dated 6/9/10) states that approval was based on vehicles from a single proposal using the track and prow. With 2 properties at Raglan's Cross this will affectively become a designated cross road.

## Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

### West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC2	Housing Provision
NH1	Historic Environment
NH3	Areas of high archaeological potential
NH5	Landscape character protection
CC6	Water Management

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

T/8	Residential Car Parking
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## determining issues and considerations

The main issues and consideration in this case are;

- **Principle of development**
- **Impacts on the character and appearance of the area**
- **Impacts on residential amenity**
- **Public right of way**
- **Highways**
- **Flooding and drainage**

### Principle of development

The site is located within the built up area of Williton and therefore there is a presumption in favour of the development that meets the criteria set out in Policy SC1 of the West Somerset Local plan to. The site is in the built up area of Williton although it is located within the parish of Sampford Brett.

It should also be noted that a previous application for a dwelling further along the footpath was refused on the basis of the impact the additional traffic would have

upon the footpath. This decision was overturned on appeal. So, unless it can be demonstrated that there is now a materially different situation with the highways, traffic and access to this proposed dwelling, the principle of the use of this footpath by vehicular traffic accessing residential properties has to be taken as being demonstrated to be acceptable.

### **Impacts on the character and appearance of the area**

It is proposed to develop the new chalet bungalow in the large rear garden behind Brownwich House with vehicular access being shown off the existing public right of way from the main road and then the access track to Union Quarry.

It is noted on dwg. no. 1921-8A (Block Plan) that the plot is to be divided via a proposed new hedge, and an existing hedge adjacent to the public right of way is to be retained. The alterations to the rear boundary of the site relate to rear northern boundary (as per dwg. no. 1921-12, proposed northern boundary), include translocation of an existing pedestrian access further to the east plus a new vehicular access and erection of a wooden 5 bar gate and posts. On the western side of the new gate a new section of hedge is proposed to match the existing hedgerow, this will replace a current section of wire fencing.

It is considered that this new dwelling will be well screened with minor revisions to the existing boundary treatments on the northern boundary of the bungalow site.

The proposed construction materials of the new development are to be confirmed and a condition is appended accordingly.

The Council's Tree Officer concludes that the Oak tree at the bungalow site is worth protecting and that root protection measures should be put in place prior to development (this is to be conditioned). The officer also recognises that there are other important specimens located on the northern side of quarry track and beech trees in a neighbouring garden. He concludes that the proposed dwelling is far enough away from the Oak on site so as not to cause excessive damage. The proposed garage is quite close to a birch tree adjacent, but does not consider this specimen worthy of protection. It is situated in the neighbour's garden.

Third party representations have raised the fact that the proposed dwelling would not be on the building line in the area. No. 47 is further forward on the plot when compared to the adjoining neighbours and so any notion of building line has already been infringed. The proposed new dwelling would not be seen from the public highway and so any mis-alignment with other properties is not considered to be a problem to amenity, views or the street scene.

Given the considerations above it is considered that the proposed development will not have significant impacts on the character and appearance of the area and is therefore in accordance with local planning policy NH5 of the West Somerset Local Plan to 2032.

## **Impacts on residential amenity**

Representations have been received from the community and are listed above. One of the concerns is the proximity of the proposed garage to the adjoining residential boundary. The garage is shown as being approximately 2.5m from the boundary. However such a structure in this position in a residential garden would currently be permitted development and not need planning permission. Given that the garage is shown to the east of the very rear of the neighbouring garden, it is not considered that the garage would result in any loss of light or privacy.

The owner of the site also confirms that the owners of 45 and 45a Tower Hill have pedestrian rights of access along the track but there is no vehicular right of way.

The nearest part of the proposed dwelling is shown at a distance of 20 metres from the party boundary with the adjacent neighbour and then it is only looking towards the end of the rear garden. Given that the only windows indicated on this elevation are at ground floor level and there is an existing hedge on the party boundary, all this is deemed sufficient to protect the amenities of the neighbouring property.

It is concluded that there will be no significant impacts to residential amenity in terms of overlooking, overbearing impact or noise issues. There may be some impacts on the use of the existing access track, but this is not considered such as to justify a reason for refusal, particularly in view of the last appeal decision in this regard.

The proposal is considered to meet the general requirements of local planning policies NH1 and NH3 of the West Somerset District Local Plan to 2032.

## **Public right of way (PROW)**

The Councils Landscape Officer considers that "The development will have an impact on the character of this rural track and PROW". However, the track has previously been linked to an approval of planning permission for a single dwelling at the quarry site. It is not clear who the confirmed owner of the track or the public right of way is. The applicant has completed Certificate 'D' of the application form, advising that he has advertised in the local press for any possible owner to be established and no response has been received to date. The applicant has therefore fulfilled the obligations contained within the Town and Country Planning (Development Management Procedure) Order. SCC Public Rights of Way Group have confirmed that they have maintenance responsibilities in relation to the health and safety of the public using the footpath but raise no objections to the proposal. They do request that improved surfacing of the existing rights of way is provided where the footpath crosses the development and a condition is appended accordingly.

Comments from neighbours regarding public safety of pedestrians are noted, but are the responsibility of the SCC PROW group.

It is therefore considered that the development is acceptable in terms of the access and the use of this prowl (footpath WL 20/7).

## **Highways**

The site is located to the rear off properties fronting the main road from Williton to Taunton. There is a designated bus stop to the west of the site.

Parking provision within the site is proposed as comprising of two parking spaces within the new garage and two further surface parking spaces. Therefore parking provision proposed with the new development is acceptable in terms of the Highway Authority's Parking Strategy.

The Parish Council have referred to paragraph 14 of the former appeal decision notice for the Union Quarry application (ref APP/H/3320/A/10/2122491, dated 6/9/2010). The Inspector in that case guided that his decision was based on the application before him for the development of one dwelling using the adjoining track. However, the Inspector also acknowledged that an earlier appeal in 1995 was in respect of two dwellings on the Quarry site. It is recognised that each proposal is judged on its own merits and that in this case, the comments regarding the aforementioned appeals relate to the quarry site, not this current application site. The common factor linking those appeals and the current proposal is the use of the Public Right of Way and the initial part of the track to the quarry. The Highway Authority have commented that the matter should be considered under their standing advice, knowing that access would be via a public footpath as covered above. In terms of the standing advice, the proposed access way is considered acceptable.

The development is therefore acceptable in terms of local policies T/8 of the West Somerset District Local Plan 2006 and policy TR2 of the West Somerset Local Plan to 2032.

## **Flooding and drainage**

The site is not located within a designated flood risk and is located on level land which then proceeds to fall (outside of the application site) significantly from the north and to the east towards Sampford Brett. A Flood Risk Assessment has not been submitted and one is not required.

It is stated that water connection would be via the exiting mains and that surface water would be disposed of via the mains sewer.

It is noted that the applicant has stated that foul sewage would be disposed of via mains sewer. It has become evident that none of the dwellings at Tower Hill are connected to the main sewers and have their own separate arrangements of either sewage treatment plants or cess pits. Therefore details of drainage will need to be submitted and agreed with the LPA prior to development and a condition is appended to the decision.



## **Conclusion**

Given all of the above consideration and the comments received from consultees it is considered that this proposal is acceptable in terms of development within the settlement limits of Willtion and that it complies with the relevant local planning policies SD1, SC1, NH1, NH5, NH13 and CC6 of the West Somerset District Local Plan to 2032 and retained policy T/8 of the West Somerset District Local Plan 2006. Conditional approval is recommended.

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





<b>Application No:</b>	<a href="#">3/26/17/015</a>
<b>Parish</b>	Old Cleeve
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sarah Wilsher
<b>Grid Ref</b>	Easting: 303681      Northing: 142762
<b>Applicant</b>	Dr P Rawson
<b>Proposal</b>	Erection of porch to front elevation (amended scheme to 3/26/17/009)
<b>Location</b>	The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JF
<b>Reason for referral to Committee</b>	<b>The recommendation of the planning officer is contrary to the views of the Parish Council</b>

## Recommendation

Recommended decision: Grant

### Recommended Conditions (if applicable)

- 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:

(A4) Location Plan

(A2) DrNo. 13 Site Plan

(A1) DrNo. 12 Proposed Floor Plan and Existing and Proposed Elevations

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

- 3 All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the visual appearance of the development and its impact on the character and appearance of the area, having regard to the provisions of Saved Policy BD/3 of the West Somerset District Local Plan (2006).

- 4 The hereby approved new window on the south elevation of the existing dwelling and the hereby approved window on the south elevation of the porch shall be glazed with obscure glass to a standard of Pilkington level 5. The windows shall also be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be permanently retained in accordance with the requirements of this condition.

Reason: To safeguard the amenities of the occupiers of nearby properties.

## **Informative notes to applicant**

### **1 STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

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

## **Proposal**

It is proposed to erect a porch to the front (east) elevation. This will project from the front elevation by 2.75 metres and be 2.8 metres wide, making a floorspace of 7.7 square metres. It will have a flat roof to a height of 2.6 metres. It will be constructed in materials to match the existing. This is an amended scheme for a porch following the refusal of planning application 3/26/17/009.

In addition, a new window for a bathroom is to be installed on the south elevation.

## **Site Description**

No. 55 is located within the development known as Cleeve Park where there exists a series of 45 small chalets, formerly holiday chalets and now in the main full time residences. Part of the charm and specific character of the area are the small properties with low occupancy rates, in a woodland setting that is not dominated by access roads or car parking.

The dwellings range from one to two bedroomed units and are constructed in horizontal timber cladding to the front and rear elevations with gable walls finished in masonry with a coursed artificial stone cladding. The roofs are shallow pitched and clad with felt membrane with the existing fascia and soffits painted timber. Windows and doors are a mix of both traditional timber and upvc.

## Relevant Planning History

Application 3/26/15/010 submitted in August 2015 sought permission for an extension extending the existing 52.2sqm chalet by 55.75sqm. This application was refused and dismissed at appeal, reference APP/H3320/D/15/3133905. The main issue was the effect of the proposal on the character and appearance of the area. The conclusion was reached that the proposal would have a significant adverse impact on the character of the existing building because it would be out of proportion with it. As an essential part of the character of the park is small scale and fairly low occupancy. The decision goes on to state that the extension would reduce the gap between nos. 55 and 56 to the detriment of the landscape quality of the area.

A further application. 3/26/15/011 submitted in October 2015 sought permission for an extension extending the existing floorspace by 70%. This application was refused and dismissed at appeal, reference APP/H3320/D/15/3137925. Again the Inspector found that the main issue was the effect of the proposal on the character and appearance of the area. It was found that the proposal would have a significant impact on the character of the existing building because it would be out of proportion with it. The side projection would reduce the gap between Nos. 55 and 56 to the detriment of the landscape quality of the area.

Application 3/26/16/009 submitted in March 2016 sought permission for a rear and side extension, extending the 52.2sqm chalet by 69.5%. This was refused as it was considered that the proposal would unacceptably increase the scale and impact of the chalet on the woodland setting, eroding the character and amenity of the area. This was dismissed on appeal, reference: APP/H3320/D/16/3157561.

Another application, 3/26/16/015 submitted in May 2016, sought permission for an extension which would result in an increase in floorspace by a further 31.5sqm. This application was refused as it was considered a significant increase in floor area from the original chalet, which measures 52.5sqm. This was a 60.3% increase in floor space and would result in a property much larger in scale than the surrounding chalet/dwellings and would alter the character of the building, contrary to policy BD/3 of the West Somerset Local Plan. Whilst it was noted that this was a reduction in floor space to the previously refused applications and those dismissed at appeal it was still considered to be out of character with the surrounding properties. This was allowed on appeal (reference: APP/H3320/D/16/3159772).

In July 2016 application 3/26/16/019 was submitted for a rear extension which would result in an increase in floorspace by a further 27sqm. This was a 52.6% increase in floor space and would result in a property much larger in scale than the surrounding chalet/dwellings and would alter the character of the building, contrary to policy BD/3 of the West Somerset Local Plan. Whilst it was noted that this was a reduction in

floor space to the previously refused applications and those dismissed at appeal it was still considered to be out of character with the surrounding properties.

A further application, 3/26/16/023 submitted in October 2016, sought permission for a rear extension and a side extension which would result in an increase in floor space by a further 22.436sqm. This application was refused as, although the floor space was not considered to be a significant increase in floor area from the original chalet at 42.7%, it was considered that the side extension would alter the character of the building and the Park, contrary to policies BD/1 and BD/3 of the West Somerset Local Plan, and that it would adversely affect the neighbouring property, no. 56.

At the same time, application, 3/26/16/024, was submitted seeking permission for a rear extension which would result in an increase in floorspace by a further 24.75sqm. At 47%, this was less than 50% of the floor area in the original chalet, which measures 52.5sqm and so would not result in a property that was much larger than the surrounding chalet/dwellings. However, it was still considered that the scale and size of the rear extension was not in keeping with the size of the chalets within Cleeve Park and would look incongruous in its setting.

Application 3/26/17/009 was submitted for a porch forward and to the side of the front (east) elevation in March 2017. This was to be 9.88 square metres with a flat roof to a height of 2.6 metres. By reason of its size and position it was determined that the proposal would be out of keeping with the design and character of the chalets within Cleeve Park and would harm the distinctive integration of the chalets within their landscape setting thereby eroding the established character and amenity of the area.

## **Consultation Responses**

*Old Cleeve Parish Council* - Old Cleeve Parish Council has the following comments to make on the above application:

“We object to this application as it is against Article 4, relating to Cleeve Park. As Chapel Cleeve is not a village status, it is also classed as open countryside.”

## **Representations Received**

One letter of support has been received, as follows:

- The design with the pillar will make it merge in with the existing look of the chalet in an attractive way and no. 55 sits well in front of no. 56 and so does not impact on my or any other chalet on this side.

Seven letters of objection have been received, as follows:

- This would result in the Article 4 Direction being overridden.
- The property does not have a residential licence of lawfulness and there is a restrictive covenant curtailing the running of a business.
- The dwellings need to remain modest in scale for visual reasons - in fitting unobtrusively into the wooded park - and to respect the limited infrastructure.
- The latest porch extension is modest in itself but in combination with the previous application which was allowed on appeal goes against the intent of the Article 4 Direction.
- The property is already overdeveloped with no consideration given to neighbours or the wildlife.
- Together with the extension allowed on appeal this porch will cause overdevelopment of the site and set a precedent for future applications.
- The extension is similar to the side extension proposed in planning application 3/26/16/009, which was dismissed on appeal.
- It is noted that the Western Power pole and stay will not be an obstruction to the access for the proposed porch as long as 'a walk way' is part of the access to accommodate them. Other owners have given Western Power notice to remove poles successfully and re-siting in nearby gardens has taken place.
- Three access points and two doors in the design of the porch seems excessive.
- A new window in the bathroom is proposed which seems unnecessary.
- The proposed new window on the south elevation should be frosted glass if approved.
- The proposed upvc windows may not be in keeping with the existing timber windows.
- Concern that the building will be used for a business purpose.
- It will affect the uniqueness of Cleeve Park, the character and appearance of the area.

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

OC1      Open Countryside development

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



## **Determining issues and considerations**

### **Design and setting**

The proposed porch is on the corner of the existing dwelling and will project forward of the chalet. Unlike the previous application which was refused it will not be extending to the side and thus it will be similar to the design of other porches within Cleeve Park which all sit forward of the front elevation. The design of the proposed porch will therefore be in keeping with the uniformity in building design of porches within the Park and will not adversely affect the unique character of the chalet or the street scene.

It is proposed that the side and corner of the porch be continued in masonry to match the existing south elevation of the dwelling. The front will be timber boarding to match the east (front) elevation of the chalet and it will be open on the north side of the proposed frontage to allow easy access to the manhole cover and prevent the obstruction of the Western Power pole and stay. Generally, the porches within Cleeve Park do not have masonry elevations, however, it is considered that the extension of the masonry on the south elevation will be in keeping with the dwelling and enable the porch to blend in more easily with the rest of the chalet.

### **Amenities of neighbours**

As the proposed development will not extend to the side, it will not directly adversely affect the amenities of no. 56, which is positioned to the side and set back from no. 55. The proposed window on the south elevation of the porch and the new proposed window on the south elevation of the dwelling will be conditioned to be obscure glazed in order to protect the privacy of no. 56.

### **Overdevelopment of the site**

The site is constrained by an Article 4 direction which removes permitted development rights in order to protect the local amenity and wellbeing of the area. Although described as a porch in the application, the size of the proposal (7.7 square metres) is larger than a porch allowed under permitted development rights (as per the Town and Country Planning (General Permitted Development) Order April 2015 as amended).

On its own this size would be unlikely to be considered as over-development. However, as the rear extension allowed on appeal under 3/26/16/015 is drawn on the proposed plans for the porch this development also needs to be taken into account. The rear extension equates to a 60.3% increase in size on the original chalet size of 52.2 square metres and when the size of the porch is added the floorspace of the chalet would be increased by 74.6%. This is a reduction on the previous porch proposal by approximately 5%, but would result in a chalet which is

larger than the general size and scale of the chalets in Cleeve Park. However, as the rear extension cannot be seen from the street scene and there is no impact on residential amenity it is considered that the increase in size of the chalet would not be sufficiently significant to warrant a refusal.

### **Policy consideration**

The West Somerset District Local Plan (adopted April 2006) included a specific policy to cover development at Cleeve Park, however this policy was not saved by the Secretary of State in April 2009. The policy read:

*Development in the form of further chalet provision or extension to the living area of existing chalets at Cleeve Park will not be permitted.*

The reasons for not saving the policy were due to an Article 4 Direction being in place, it was not considered necessary to duplicate the restrictions on extending the small chalets. Notwithstanding the deletion of the policy, there remains a restriction on extensions and the Article 4 Direction as a material planning consideration in determining planning applications at Cleeve Park. It should not be assumed that the existence of the Article 4 Direction automatically results in the refusal of all planning applications, but the general presumption in favour of extending residential properties needs to be balanced against the desire to protect local amenity and the wellbeing of Cleeve Park by way of the Article 4 Direction.

Retained saved policy BD/3 of the West Somerset District Local Plan (2006) is relevant to the proposed development.

### **Conclusion**

The proposed porch is therefore considered to be acceptable and in accordance with retained saved policy BD/3 of the West Somerset Local Plan (2006) and although this village is technically in open countryside as it is not a primary or secondary village, and therefore policy OC1 of the West Somerset Local Plan to 2032 will apply, this proposal is not deemed to be in conflict with this policy because it only proposes a small enhancement to an existing dwelling. It is therefore recommended for conditional approval.

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



Application No 3/26/17/015  
 Erection of porch to front  
 elevation (amended scheme to  
 3/26/17/009)  
 The Sanctuary, 55 Cleeve Park,  
 Chapel Cleeve, Old Cleeve,  
 Minehead, TA24 6JF  
 Planning Manager  
 West Somerset Council  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council  
 Licence Number: 100023932



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### Delegated Decision List

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/07/17/007	Combe Orchard Farm, Little Quantock Lane, Crowcombe, TA4 4AP	Erection of extension and alteration to porch on the south elevation	15 May 2017	Grant	<a href="#">SW</a>
3/16/17/002	4 Green Close, Holford, Bridgwater, TA5 1SB	Removal of garage and erection of two-storey side extension	24 May 2017	Grant	<a href="#">SW</a>
3/21/17/017	Minehead Football Academy, Irnham Road, Minehead, TA24 5DL	Demolition of clubhouse and outbuilding and erection of clubhouse, changing facilities, stand and garage store with replacement floodlighting and formation of accesses	12 May 2017	Grant	<a href="#">KW</a>
3/21/17/026	Maples, Ellicombe Lane, Alcombe, Minehead, TA24 6TR	Outline application with all matters reserved, except for means of access, for the erection of 3 No. dwellings within the garden	26 May 2017	Refuse	<a href="#">SK</a>
3/21/17/032	30 Lower Park, Minehead, TA24 8AY	Erection of a single storey side extension to the south east elevation	10 May 2017	Grant	<a href="#">SW</a>
3/26/17/013	47 Chestnut Avenue, Chapel Cleeve, Old Cleeve, TA24 6HY	Erection of single storey side extension	07 June 2017	Grant	<a href="#">SW</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/28/17/004	Quantock House, 60 Tower Hill, Williton, Taunton, TA4 4JR	Replacement garage	15 May 2017	Grant	<a href="#">SW</a>
3/36/17/001	Oxenleaze Farm, Bittescombe Lane, Upton, TA4 2QH	Erection of single storey extension to the north elevation	13 June 2017	Grant	<a href="#">SW</a>
3/37/17/011	15 Liddymore Road, Watchet, TA23 0DR	Erection of single storey extension to north elevation	22 May 2017	Grant	<a href="#">SW</a>
3/39/17/005	Gliddons, 2 Bank Street, Williton, Taunton, TA4 4NH	Installation of shop front	30 May 2017	Grant	<a href="#">SK</a>
3/39/17/006	Gliddons, 2 Bank Street, Williton, Taunton, TA4 4NH	Display of 1 No. internally illuminated fascia sign	30 May 2017	Grant	<a href="#">SK</a>
HPN/28/17/001	50 Tower Hill, Williton, Taunton, TA4 4JR	To erect a replacement conservatory projecting 5m from the rear wall with a height of 3.321m as specified by the following submitted details: Application form, Location Plan, Site Plan and details of conservatory	20 June 2017	Prior approval not required	<a href="#">SW</a>
NMA/28/17/001	Mount Rock, 27 Tower Hill, Williton, TA4 4JR	Non-material amendment to planning permission 3/28/15/006 in order to use Double Roman	12 June 2017	Grant	<a href="#">SW</a>

concrete roof tiles  
rather than red Marley  
Bold Roll.

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
NMA/37/17/0 01	Land adjacent to 30/32 Kingsland, Watchet, TA23 0UE	Non-material amendment to application 3/37/16/001 for insertion of 2 No. additional windows and change of upstairs window to full length with safety railings	02 June 2017	Grant	<a href="#">SK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
PRE/01/17/00 1	Land at and adjacent to 19 Church Lane, Bicknoller, TA4 4EL	Demolish the existing dwelling at 19 Church Lane and develop this land and adjacent field to provide approx 14 new dwellings	17 May 2017	Advice Given	<a href="#">SK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
PRE/04/17/00 1	Land to the north of 2 Orchard Cottages, Brushford, Dulverton, TA22 9AR	Erection of two 2/3 bed dwellings amended by drawings showing 1no. x 3 bed bungalow and 1 no. x 3 or 4 bed house.	22 May 2017	Advice Given	<a href="#">SK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
PRE/05/17/00 1	Land at Garlands, Withycombe Lane, Carhampton, Minehead, TA24 6RF	Erection of up to five dwellings	17 May 2017	Advice Given	<a href="#">SK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
PRE/21/17/00 3	2 Moorlands, Moor Road, Minehead, TA24 5RT	Erection of 2 storey 3-bed house in front garden directly aligned with the approved (outline) 4-bed house at 1 Moorlands	31 May 2017	Advice Given	<a href="#">SK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
PRE/37/17/00 1	18 St Decumans Road, Watchet, TA23 0AT	Erection of two-storey dwelling with roof terrace, associated garden and car parking in part of the garden area	17 May 2017	Advice Given	<a href="#">SK</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
PRE/38/16/00 1	Land to the south of Staple Lane, West Quantoxhead	Potential for development of housing on 0.4 hectares of land	17 May 2017	Advice Given	<a href="#">SK</a>