



To: Members of Planning Committee

Councillors S J Pugsley (Chair), B Maitland-Walker (Vice Chair), I Aldridge, D Archer, G S Dowding, S Y Goss, A P Hadley, B Heywood, I Jones, 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 20 September 2016

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

Dear Councillor

I hereby give you notice to attend the following meeting:

**PLANNING COMMITTEE**

**Date: Thursday 29 September 2016**

**Time: 4.30 pm**

**Venue: Council Chamber, Council Offices, Williton**

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

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Democratic Services on 01823 356573.

Yours sincerely

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

**BRUCE LANG**  
Proper Officer

## PLANNING COMMITTEE

THURSDAY 29 September 2016 at 4.30pm  
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

### AGENDA

#### 1. Apologies for Absence

#### 2. Minutes

Minutes of the Meeting of the 28 July 2016 - **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: Four**

**Date: 20 September 2016**

<u>Ref No.</u>	<u>Application/Report</u>
3/21/15/113	The Old Hospital, The Avenue, Minehead, TA24 5LY. Change of use from community hospital (Class C2) to community hub (Class D1), Assembly Room (Class D2), café (Class A3) four apartments (Class C3), associated parking and public open space.
3/21/15/114	The Old Hospital, The Avenue, Minehead, TA24 5LY. Internal and external alterations in order to convert the existing hospital to a community hub with four residential apartments.
3/32/16/008	Bona Vista, Knighton Lane, Stogursey, Bridgwater, TA5 1QD. First floor extension to existing garage to provide annexe/ancillary accommodation to the main dwelling.
3/21/16/054	Cranmers, 12 Park Street, Minehead, TA24 5NQ. Conversion of

	second floor flat and third floor loft rooms into 3 No. self-contained apartments.
3/21/16/066	Friday Cottage, Friday Street, Minehead, TA24 5UA. Replace the existing single glazed painted timber windows on the street elevation with white double glazed UPVC
3/21/16/081	Fox Cottage, 21 The Hopcott, Hopcott Road, Minehead, TA24 5SZ. Erection of balcony on the west elevation.

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

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

**8. Appeals Lodged**

Appeal against the refusal of the demolition of existing dwelling and erection of a replacement 3 bedroom dwelling to the rear of Woodhey at Grooms Cottage, Old Cleeve, TA24 6HQ (planning application 3/26/16/012).

Appeal against the erection of a detached two bedroom bungalow with associated parking within the garden area of North Hill View, Warren Road, Minehead, TA24 5SL (planning application 3/21/15/071).

Appeal against the refusal of the proposed residential development of 13 properties including associated landscaping, parking and a new vehicular and pedestrian access from Ellersdown Lane on land to the north of Ellersdown Lane, Brushford (planning application 3/04/15/004)

**9. Appeals Decided**

3/26/15/013 – Erection of three bed house on land at Merry Oaks, Old Cleeve, Watchet – Appeal Dismissed.

3/26/16/007 – Erection of fence (retention of works already undertaken) at 9 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead – Appeal Allowed.

3/04/15/007 – Retention of mobile home for a temporary period as a rural workers dwelling in connection with the breeding and fibre production of alpacas and the breaking and training of heavy horses at Little Allshire, East Anstey, Tiverton, EX16 9JG – Appeal does not succeed and the enforcement notice is upheld.

3/02/15/002 – Construction of timber loading bay, new forestry tracks and the upgrading of existing forestry tracks on land at Cordings Cleeve, Brompton Ralph – Appeal Allowed and a full award of costs.

**10. Reserve date for site visits – Monday 26 September**

**11. Next Committee date - Thursday 3 November**

**RISK SCORING MATRIX**

Report writers score risks in reports uses the scoring matrix below

5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
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	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 28 July 2016 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 I Jones

Councillor C Morgan  
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 – Susan Keal  
Legal Advisor Martin Evans - Mendip DC  
Democratic Services Officer – Tracey Meadows

#### **P23 Apologies for Absence**

No apologies were received for absence, Councillor I Aldridge arrived at 4.47pm.

#### **P24 Minutes**

**Resolved** that the Minutes of the Planning Committee Meeting held on the 30 June 2016 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor K Turner and seconded by Councillor C Morgan

**The motion was carried.**

#### **P24 Declarations of Interest or Lobbying**

Councillor Morgan declared a perceived prejudicial interests in application No. 3/32/16/010 as he had family links with the applicant. He also declared an interest on application No. 3/10/16/001 as he had close contact with many of the residents at March Lane, Dunster. He declared that he would like to speak, and leave the room when the applications were debated and voted on.

Councillor Goss declared a personal interest on application No. 3/32/16/010 as a resident of the parish of Stogursey. She also declared that she had not been lobbied and would keep an open mind on the application.

Councillor Woods declared a personal interest on application No. 3/28/16/002, she declared that she knew one of the people that had written in but had not seen them for some time. Councillor Venner declared that he sat on the Regulation Committee at Somerset County Council and also on the Right Of Way Panel. He declared that he felt that he was being compromised on application No. 3/28/16/002 as this application could come to the Right Of Way Panel at some stage. He did not take part in any of the debate and left the room for the vote.

## **P25 Public Participation**

<b>Min No.</b>	<b>Reference No.</b>	<b>Application</b>	<b>Name</b>	<b>Position</b>	<b>Stance</b>
P26	3/10/16/001	Demolition of existing buildings and erection of two live/work units and two dwelling at Land at marsh Lane, Dunster	Mr S Collier	Agent	In favour

## **P26 Town and Country Planning Act 1990 and Other Matters**

Report three of the Planning Team dated 28 July 2016 (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**

**3/10/16/001 – Demolition of existing buildings and erection of two live/works units and two dwellings at land at Marsh Lane, Dunster**

### **Comments raised by the speaker included:**

- The new application was for two live/work units as already consented on the site, the only difference is that this was provided by new buildings rather than the existing buildings;
- No policy protection on the existing buildings;
- No increase traffic movement;
- No objections from statutory consultees on any technical matters;

### **The member's debate centred on the following issues:**

- Happy to see the new access route does not emerge onto the main road;
- Shares the concerns of Dunster Parish Council and cannot see the point of destroying a building that has history;
- Concerns with the application coming secondary to the first application;
- Concerns that the pavement did not go all around the site of the application, could talks be had with the applicant to see if the pavement could be

increased to go all around the corner and joined up with the new pavement so that there was a pavement all along this busy road;

- Disappointed that the modern planning process pays no heed to features and character and also shared the concerns of Dunster Parish Council;
- Dunster was a medieval town and we should do everything that we can to enhance the Conservation area;
- Cannot see any merit in changing the planning permission that was applied for five years ago;

Councillor Hadley proposed and Councillor Morgan seconded a motion that the application be **APPROVED** subject to a S106 agreement.

**The motion was carried.**

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

**3/28/16/002 – Erection of dwelling house (Class C3) together with provision of garden and manoeuvring area at Union Quarry, Tower Hill, Williton**

**The member's debate centred on the following issues:**

- Concerns with lack of pedestrian refuges;
- Concerns that smoke emissions and fumes from boilers and wood burners would have an impact on the property and it and Tower Hill;
- Concerns with the emergency services getting to the property;
- Concerns with the cracked wall and steep track with a camber that leads up to it;
- Would like to see a Construction Management Plan in place to deal with any health and safety aspects of this application and to see how vehicles were to get on and off of the site;
- Refuges needed to be built prior to the construction with regards to the footpath;
- This was a missed opportunity on a unique site, the building could be pretty impressive but was boring and lacking imagination;
- Substantial house on a substantial plot and fits in with the local area;
- Despite fears, the track would not deteriorate with the added use of construction traffic;

Councillor Turner proposed and Councillor Heywood seconded a motion that the application be **APPROVED** with an amendment to the start of the sentence of condition 8 to read 'work shall not commence on the construction of the dwelling until the track and passing places have been completed'. An additional condition 11 requiring the submission and approval of a Construction Vehicle Traffic Management Plan prior to works commencing.

**The motion was carried.**

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

**3/32/16/010 – Erection of a new residential dwelling with associated garden and car parking (resubmission of 3/32/16/001) at land adjacent to 6 Vicarage Close, Stogursey, Bridgwater**

**The member's debate centred on the following issues:**

- This was a case of shoehorning a bungalow into a small area;
- Over development in this area;
- Issues with tandem parking and no sufficient turning space;
- Parking on the pavement would affect pedestrians;
- Issues with huge parking problems in Stogursey;
- There was no shortage of housing provision in Stogursey;
- Parking issues would make it difficult for emergency vehicles to attend;

Councillor S Goss and Councillor I Aldridge seconded a motion that the application be **REFUSED**.

**REASON**

1. The proposal constitutes an overdevelopment of a restricted site, and would lead to cramped conditions amounting to town cramming, particularly by its relationship with the surrounding existing residential properties and its restricted parking provision, and would therefore result in a poor level of residential amenity for both the future occupants of the dwelling and for the occupiers of the neighbouring dwellings. As such the proposal is contrary to saved policies BD/1 and BD/2 of the West Somerset District Local Plan 2006 and policy NH10 of the publication draft of the West Somerset Plan to 2032;

2. The proposed new dwelling and its parking provision would result in the loss of existing parking for other residential properties in the area which would result in parking on the public highway and verges with consequent risk of additional danger to all users of the road and interference with the free flow of traffic. The proposal is therefore contrary to the provisions of policies BD/1 and BD/2 of the West Somerset District Local Plan 2006;

**The motion was carried.**

**P27 Exmoor National Park Matters**

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

Following the planning meeting there was an AGM where it was announced that there was a new Planning Committee Chairman for Exmoor National Park.

- Proposed conversion of first floor storage area above stables into affordable home for local person (Full) – White Horse Stables, Exford, Minehead, Somerset; - Approved
- Conversion of Doctors Surgery and residential unit to two houses for sale on the open market (Full) – 3 and 5 Park Street, Dunster, Somerset; - Refused
- Proposed agricultural building (50m<sup>2</sup>) (Retrospective) – Ranscombe Lodge, Wootton Courtenay, Somerset; - Approved.

- Proposed installation of a ground mounted solar PV system (10kw consisting of 40 solar PV modules) (Full) – Hindon Farm, Hindon Lane, Minehead, Somerset; - Approved

No appeals lodged and no appeals heard.

**P28 Delegated Decision List** (replies from Officers are in italic)

Week Farm, Wiveliscombe, Are Parish Councils notified that prior approval was not required, as we have had complaints in the past where buildings go up and the Parish Councils have not being informed and are not sure if prior approval was required. *As a result of a meeting with some of the Parishes in the AONB we said that we would look at our procedures and would notify Parishes when we receive Prior Notifications as a matter of course. This will be by way of information only as they are time limited and would not have the usual 21 days to respond. This would apply to the whole of West Somerset.*

Brooklands, The Parks, Minehead, was there any S106 affordable housing gain on this application? This application seems to have gone through without any affordable housing gain. *Yes there was, the reason that it took so long to determine was because of the S106 agreement which was for affordable housing and off site contributions.*

Glen Cottage, Huish Lane, Washford, the Lawful Development was refused, what happens next, do they have to demolish or is an enforcement notice served. *As this was a proposed Lawful Development Certificate for a replacement garage, and this was not approved so there was nothing to demolish as it had not being built.*

Mill Farm, Sampford Brett, please can you expand on this, approval of details reserved by condition 2. *This was a previous planning condition and it obviously had conditions on and there was a condition 2 relating to contamination. When the details were submitted to us we register it as an application type and consulted with the environment health department. This does not come in front of members or committees. It was just to discharge the condition. We will be moving into a situation where they are not treated as applications so will not appear in the list in future.*

Co-op, 57 Liddymore Road, Watchet, are these signs on a time limit as this was a residential area? *Co-op are rebranding and going back to their old colour blue, there was a condition for the signs to be illuminated in opening hours only.*

Oldfield Shed, Middle Stone Farm, Brompton Ralph, what was the difference between Prior Approval on this one and the one on page 58 where prior approval was not required. When clarification was sought with this we were told that we could not turn it down because of government legislation they did not need planning permission for it, nor did the application on page 58, please can you clarify. *This was prior approval under a different part of the General Permitted Development Order which allows agricultural buildings to go to shops, there are two types of these, one where they do not have to notify us and the other is where they apply for prior approval for up to a certain size at which point we have limited reasons to consider and it terms of shops we have to consider the retail impact on other local areas and decided that there was not going to be an adverse impact on other areas. Stated that there were 20-30 types of Prior Approval, which do not happen that often.*

Starhanger, Beacon Road, Minehead, I note that one of the trees is an Oak, Pine trees are faster growing than Oaks, I am concerned that there was a TPO on an Oak and it had been agreed that the Oak can be felled. I am concerned because this was a long standing tree and was there anything within the TPO which stated that another tree must be planted to replace this on site or is it a tree that is lost forever? *As this has a TPO order on it you will need to apply for ground consent to do the work. They are required to replacement planting and the requirement was to plant one broad leaf deciduous tree with details of the location to be reported to us. In terms of the Oak tree although it was essentially healthy it was in close proximity to the house cracks were appearing causing damage to drainage and pavement areas so it was felt that it was one of those when its time had come to grant permission for it to be felled, but did require replacement of a broad leaf tree.*

**P29 Appeals Lodged**

Appeal against the refusal of the construction of a timber loading bay, new forestry tracks and the upgrading of existing forestry tracks on land at Cordings Cleeve, Brompton Ralph (planning application 3/02/15/002).

Appeal against the refusal of an outline application for the redevelopment of the site to provide a food store (A1), retail shops (A1), professional and financial services (A2), food and drink uses (A3), health services (D1), residential dwellings (C3), vehicle and pedestrian access, associated car parking and landscaping (resubmission of 3/39/11/002) in association with 3/39/14/024 on land at Bank Street/Fore Street, Williton

Appeal against an outline application (with all matters but access reserved) for the erection of up to 480 sq. m. gross of flexible Class A1/A2 floors pace linked to proposed redevelopment of land associated with application ref: 3/39/14/010 to include vehicle and pedestrian access and landscaping on land at J Gliddon & Sons Ltd, Bank Street, Williton.

**P30 Appeals Decided**

3/28/15/008 – Erection of one dwelling in the garden at the School House, Main Road, Sampford Brett – Appeal Dismissed.

3/37/15/024 – Outline application for the erection of a dwelling house on land off 6 Cherry Tree Way, Watchet – Appeal Dismissed.

**P31 Reserve date for site visit – Monday 22 August**

**P22 Date of next meeting – Thursday 25 August**

The meeting closed at 6.40pm

<b>Application No:</b>	<a href="#">3/21/15/113</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Elizabeth Peeks
<b>Grid Ref</b>	
<b>Applicant</b>	Mr Howard Minehead Old Town Hall Investments Ltd
<b>Proposal</b>	Change of use from community hospital (Class C2) to community hub (Class D1), Assembly Room (Class D2) café four apartments (Class C3), associated parking and public open space.
<b>Location</b>	The Old Hospital, The Avenue, Minehead, TA24 5LY
<b>Reason for referral to Committee</b>	<b>The application is considered to be of a sensitive nature</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:

MOH 04 Rev 02  
MOH\_ST01A  
MOH\_ST01B  
MOH\_ST01C  
MOH\_ST02  
MOH\_ST02A  
MOH\_ST02D  
MOH\_ST02E  
MOH\_ST03  
MOH\_ST04A  
MOH\_ST04B  
MOH\_ST04C  
MOH\_ST04D  
MOH\_ST05A  
MOH\_ST05B

MOH\_ST06  
MOH\_ST0 Z02  
MOH 07A  
MOH 08A  
MOH 09A  
MOH 10A  
MOH 13  
MOH 14  
MOH 19  
MOH 21  
MOH 22  
MOH 23  
MOH 24

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

- 3 Only the uses included within Use Class DI and a cafe shall be accommodated on the ground floor.

Reason: To ensure that the development takes the form envisaged and to ensure that there is a less vulnerable use on the ground floor to help mitigate the effects of flooding and to be in accordance with the provisions of saved policy W/6 of the West Somerset District Local Plan.

- 4 No works shall be undertaken on works to provide the Assembly Room unless a sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority which specifies the provision to be made for the control of noise and vibration emanating from the Assembly Room. The approved scheme shall be fully implemented before the use of the Assembly Room hereby approved commences and shall be permanently retained thereafter.

Reason: To reduce the impact of noise from internally generated noise from the Assembly Room beyond the site of the application having regard to the provisions of Saved Policy PC/2 of the West Somerset District Local Plan (2006).

- 5 Prior to the demolition of the buildings hereby approved the hereby approved widened access to the site from Blenheim Road shall be provided in accordance with the approved plan MOH 04 Rev 02. The access shall thereafter be retained in the approved form.

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

- 6 The dwellings and DI uses on the ground floor (the community hub) 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. The spaces shall be allocated to each dwelling and the community hub as outlined on the approved plan and shall thereafter retained as such.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety having regard to the provisions of Saved Policies T/7 and T/8 of the West Somerset District Local Plan (2006).

- 7 The hereby approved development shall not be occupied until details for the provision of bicycle parking/storage been first submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details prior to the occupation of the ground floor. The approved cycle parking shall thereafter be retained in accordance with the approved details.

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

- 8 No works shall be undertaken on the installation new windows, external doors, glazed areas and glass enclosed bridge unless full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include elevations at 1:20 scale and cross-sections, profiles, reveal, surrounds, at full or half scale and details of the materials, finish and colour in respect of new windows, doors, and (other glazed or timber panels). The works shall thereafter be carried out in accordance with the approved details.

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

- 9 Prior to the installation of the block paved areas details of the block paving shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

Reason: To safeguard the character and appearance of the Conservation area and the setting of the listed buildings having regard to saved policies CA/1 and LB/1 of the adopted West Somerset District Local Plan (2006).

- 10 The flood risk management measures and flood warning and evacuation procedures outlined in the Flood Risk Assessment by ambiental dated March 2016 shall be incorporated within the hereby approved development prior to the occupation of the hereby approved development (excluding new concrete

floors, demountable flood barriers and flood resistant doors unless details of these are agreed in writing by the Local Planning Authority prior to these features being incorporated).

Reason: To minimise the impact of flooding having regard to the provisions of Policy W/6 of the West Somerset District Local Plan (2006).

- 11 The community hub hereby approved shall not commence unless details of the extract/ventilation system and the heat pumps have been first 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 commencement of the community hub hereby approved. The extract/ventilation system shall thereafter be retained in the approved form.

Reason: To ensure that the extract/ventilation system is appropriate for the character of the building and/or to safeguard the amenities of local occupiers in accordance with the provisions of Saved Policies BD/1 and PC/2 of the West Somerset District Local Plan (2006).

- 12 No works shall be undertaken on the demolition of the buildings hereby approved unless details for the proposed boundary treatment on the boundary between the Old Hospital and the Methodist Church have been first submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. Notwithstanding the submitted details no opening shall be created in the southern part of the existing boundary wall. The works shall be carried out in accordance with the approved details, prior to the occupation of the Assembly Room hereby approved.

Reason: To safeguard the amenities of the occupiers of nearby properties, the character and appearance of the Conservation Area and the setting of the listed buildings and to comply with Saved Policies BD/2, LB/1 and CA/1 of the West Somerset District Local Plan (2006).

## **Informative notes to applicant**

### **STATEMENT OF POSITIVE WORKING**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## Proposal

It is proposed to convert the ground floor of the main building of the former hospital that closed in 2011 and is currently vacant, into a community hub. The former nurses accommodation and former police station, both buildings being located on the rear of the main building are proposed to be converted into four dwellings. Two will have 3 bedrooms, one will accommodate 2 bedrooms and one will accommodate 1 bedroom. The ground floor of these two buildings will also form part of the community hub. The proposed uses within the community hub include a cafe, a commercial kitchen, a reception/meet and greet area, toilets, showers and changing facilities on the ground floor and an assembly room (Class D2) on the first floor - which involves the removal of the second floor to revert this part of the building back to the former full height assembly room. No specific uses have been allocated to any other parts of the building but are to be D1 uses. D1 uses includes clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court, non-residential education and training centres. Six part time jobs are to be created.

The existing car park at the rear of the property will accommodate 11 parking spaces and will be accessed via a widened access (4.2m) off of Blenheim Road. 9 of these spaces are for the proposed dwellings and 2 are for use by the community hub. The area in front of the former hospital can also be used by the community hub for parking. 10 cycle spaces are proposed but no details of their location has been submitted but these will not be positioned on the forecourt.

Demolition of some of the modern additions are also proposed including the front section of the flat roof section on the east side of the building, the rear flat section adjoining the former police house and the fire escape. The areas where the buildings have been removed are to be left as open space and will be finished in block paving. The theatre on the roof at the rear of the main building is to be removed and the resulting flat roofed area would then be used for heat pump plant. The four dormers on the front of the building and two central chimneys would be removed from the main roof.

The proposed conversion of the buildings will take place in 6 phases. Phase 1 includes internal alterations to form the community hub in the newer sections of the building together with the demolition of the two sections of the building facing the Methodist Church. Phase 2 involves the installation of the toilets, changing facilities and showers and works to the ground and first floor of the Old Police House including the installation of a commercial kitchen. Phase 3 will be for works to the main roof and third floor including the removal of the theatre and reinstatement of the original roof structure removal of the central chimney stacks and four dormer windows. The work required to allow half of the main staircase to be reinstated, lift installed and the second floor removed to reinstate the Assembly Room. Phase 5 will see works in the main entrance vestibule and phase 6 is for the reinstatement of the half of the main staircase that is currently missing.

## Site Description

The former hospital is a Grade II listed building situated in a designated Conservation Area and fronts The Avenue, the main thoroughfare through Minehead. The main three storey building is constructed in stone with a slate roof and has access from The Avenue and Blenheim Road. The modern extensions are either rendered or of brick construction. The adjoining stone church is also a Grade II listed building. The former hospital is situated within the main shopping area of Minehead with the shops in the vicinity of the former hospital having a fore court in front of the shops to the east of the building but are on the back edge of the pavement to the west of the property. The majority of the buildings are stone with slate roofs. Blenheim Gardens are sited at the rear of the former hospital adjacent to the rear car park.

## Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/21/74/007	Recovery room for casualty department	Raise No Objection	25 June 1974
3/21/77/048	Extension to accident department waiting area	Grant	14 June 1977
3/21/78/041	Alterations to accident dept-waiting room and wc facilities	Grant	06 April 1978
3/21/81/102	Single storey extension	Raise No Objection	23 June 1981
3/21/83/121	Proposed x-ray department	Raise No Objection	21 June 1983
3/21/98/078	Extension to form new ladies toilet and disabled facility	Grant	24 February 1999
3/21/96/232	Provision of disabled access ramp and extensions to casualty at ground-floor level, together with other internal alterations	Withdrawn by Applicant	25 April 1997
3/21/92/204	New build & internal alteration for day hospital	Grant	17 December 1992
3/21/92/151	New building and internal alterations to accommodate a day hospital facility	Grant	24 September 1992
3/21/95/244	Internal alterations & extensions, disabled access works	Grant	15 February 1996
3/21/87/167	Proposed extension to out-patients department	Grant	20 August 1987
3/21/96/233	Extension to existing single-storey building (adjoining Blenheim road), disabled access	Withdrawn by Applicant	23 April 1997

	ramp (the avenue) alterations		
3/21/99/027	Proposed internal alterations and additional external ductwork	Grant	01 March 1999
3/21/95/245	Internal alterations, extension of existing single storey buildings	Grant	15 February 1996

These applications relate to alterations and extensions that have been granted for the former hospital.

## Consultation Responses

*Minehead Town Council* - Recommend Approval:

Concerned about all the possible changes to the inside of the listed building and a listed building expert should be involved at all stages

Additional plans - Recommend Approval

*Highways Development Control* - The average dwelling generates 6-8 vehicle movements per day and taking this into account, it is likely that there will be approximately 32 vehicle movements per day onto Blenheim Road generated by the four dwellings. It is the opinion of the Highway Authority that the access onto Blenheim Road is considered to be sub-standard for the proposed increase of traffic flow that the site is likely to generate by the new dwellings. The current access enters the highway at an oblique angle which compromises the level of visibility that can be achieved. It is the opinion of the Highway Authority that there is a potential highway safety concern with access in its current layout. However, should a new access be constructed that enters at a perpendicular angle to the highway, then the visibility can be greatly increased and using Manual for Streets (MfS) in the opinion of the Highway Authority, the required visibility of 2.4x43meters for a 30mph speed limit can be achieved. A new access onto Blenheim Road that is perpendicular to the highway would, in the opinion of the Highway Authority, allow the easier movement of vehicles in and out of the car park.

I would recommend that the applicant review the access arrangement to the suggested as in the absence of any alterations I would have no alternative but to recommend that the application is refused on highway safety grounds.

Amended plans: I have no objections to the amended site plan.

*Economic Regeneration* - I write in support of the application submitted for the change of use of the Old Hospital in Minehead to create a community hub, 4 apartments with open space and access to the Methodist Church and Blenheim Gardens. In economic development terms, a community hub, attracting significant foot fall in the centre of Minehead can only support town centre trading generally – as well as opening up other Minehead hidden gems (to visitors) such as Blenheim Gardens. The potential siting of public conveniences within the building will also

help mitigate the potential loss of other facilities within the town, including the closure of the Blenheim Gardens facilities. A sensitive and community focussed redevelopment of the former hospital building will significantly add to the vibrancy and vitality of Minehead's town centre.

*Environment Agency* - No comments received.

*Housing Enabling Officer* - Further to the above Planning Application, please find below my comments from an Enabling Perspective:-

- The Developer wishes to deliver 4 affordable dwellings
- Affordable Housing for rent in Minehead is in high demand
- However, the development is below the threshold for requiring affordable housing secured through a Section 106 Agreement so there are no restrictions we can place on them
- I have spoken to the Developer and discussed my thoughts on family accommodation above the ground floor where there is no garden
- I have offered the Developer any assistance in the future should it be required

*Minehead Conservation Society* - comments summarised as follows:

There are 4 main elements that are sacrosanct and must be preserved and restored:

- The facade of the building must be retained. The missing leaded lights should be replaced and the others refurbished.
- The missing half of the original grand staircase must be reinstated
- The former Assembly Room must retain its vaulted ceiling
- The facade of the Old Police House should not be altered

Comments that the four windows on the east elevation should be retained and asks if the vaults are watertight. In addition there needs to be toilets and baby changing facilities for everyone if the intention is to attract families. The Society objects to a walkway linking The Avenue to Blenheim Gardens but note that this is not shown on the drawings. A walkway would potentially attract large groups of people into a relatively small park (Blenheim Gardens) making controlling activities difficult. The flats will A gate would be required at night time for security.

*Environmental Control* - After reviewing the application for the proposed change of use etc of the former hospital building in The Avenue, I have the following comments;

There is no mention of proposed noise control measures in relation to the assembly rooms. As the development includes residential dwellings, the applicant must consider what type of functions will occur in these rooms and how they can be contained within the building – especially with no other means of ventilation other

than the windows. Therefore I would recommend the following condition should permission be granted:

No development shall take place until a scheme for the insulation of the building (proposed assembly rooms) in respect of noise and vibration so as to provide insulation against internally generated noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained throughout its occupation.

Reason - To protect the occupiers of nearby properties from excessive noise.

## **Representations Received**

11 letters and emails have been received supporting the proposal on the following grounds:

- The proposed space between the Methodist Hall and the Old Hospital would open up the entrance to Blenheim Gardens
- A very good use for the Old Hospital
- A vital project towards the regeneration of Minehead and is a wonderful opportunity to save an iconic building and integrate it into the community
- The community hub will be in an ideal position for easy access by all
- Plenty of car parking nearby
- The dwellings would help fund the community hub and would help bring residents to the centre of town so that it would present a vibrant street scene, attracting tourists
- Helps to bring people together in the centre of town
- Minehead Chamber of Commerce supports the application

## **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 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. Policies from emerging plans are also listed; these are a material consideration.

## **West Somerset Local Plan**

AD/1	Access for Disabled People
BD/1	Local Distinctiveness
BD/3	Conversions, Alterations and, Extensions
CA/1	New Development and Conservation Areas
CA/2	Demolition in Conservation Areas
LB/1	Listed Buildings Alterations and Extensions
LB/2	Listed Building Demolition
PC/3	Noise Sensitive Developments
PC/2	Noise Pollution
T/7	Non-Residential Development Car Parking
T/13	Bus Facilities and Infrastructure
SP/1	Settlement Hierarchy
SP/2	Development in Minehead and Rural Centres
W/6	Flood Plains
T/8	Residential Car Parking

## **Emerging West Somerset Local Plan**

EC1	Widening and strengthening the local economy
MD1	Minehead Development
NH1	Historic Environment
NH10	Securing high standards of design
SC1	Hierarchy of settlements
SD1	Presumption in favour of sustainable development
EC12	Minehead primary retail area and central areas for al wa wi
EC1	Widening and strengthening the local economy

## **Determining issues and considerations**

The main issues in the consideration of this application are:

1. Principle of development
2. The uses proposed for the building and their impact on neighbours
3. Impact on the setting, character and appearance of the Conservation Area and the setting of the Old Hospital as a listed building
4. Flooding
5. Highways

### **1. Principle of development**

The Old Hospital is situated within the settlement boundaries of Minehead but outside the primary shopping area. Saved Policy SP/2 of West Somerset District Local Plan is the relevant policy for this application and states that commercial or residential development will be permitted where it does not result in the loss of land specifically identified for other uses, there is safe and convenient access by bus, cycle or on foot and involves amongst other things the conversion, sub division or redevelopment of an existing building. As the proposed change of use from a hospital to a community hub, cafe and residential will not result in the loss of land

specifically identified for other uses in the adopted Local Plan the proposal is not contrary to this policy. The site also has safe and convenient access by bus, cycle and on foot and includes the conversion of an existing building. The proposal therefore complies with saved policy SP/2.

As the emerging Local Plan has been through Examination and the Inspector has issued his report to the Council, this Plan can now be given significant weight as a material consideration. Within this plan, policy EC12 is relevant as the forecourt but not the Old Hospital is within the primary commercial area. The building is within the secondary commercial area where there is no specific policy. Policy EC12 restricts business activities to retail and retail related activities in Use Class A (excluding A2, Financial and professional services) at ground floor level. This means that the following uses can be present:

- **A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.
- **A3 Restaurants and cafés** - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.
- **A4 Drinking establishments** - Public houses, wine bars or other drinking establishments (but not night clubs).
- **A5 Hot food takeaways** - For the sale of hot food for consumption off the premises.

As the uses proposed are within the building and the use of the fore court is not proposed to be changed under this application, as the fore court will be retained for loading, unloading and parking for the community hub the proposal is not contrary to this policy.

As the relevant policies concerning the principle of development have been complied with it is considered that the principle of the proposed development is acceptable.

## **2. The uses proposed for the building and their impact on neighbours**

The proposed uses on the ground floor are not known but the applicant is developing user relationships with the following:

- Minehead Town Council
- West Somerset Council
- Somerset County Council
- Library
- West Somerset Advice Centre
- Minehead Community Radio
- Minehead Information Centre
- Numerous choral, music, dance, keep fit groups
- Social skills and adult learning
- Foxes Catering Academy
- Numerous commercial catering groups

- Somerset Rural Youth Projects
- Somerset Local Producers
- Police
- Numerous public and private event promoters/organisers

As it is not known who the users are (except that a cafe will be provided), but it is known that D1 uses have been applied for (which a number of the above uses are not a D1 use) and that it is these uses that the application has been assessed on, it is considered that a condition is required to ensure that only D1 uses and the cafe are provided on the ground floor.

With regard to the second floor and the creation of the Assembly Room this will fall within the Use Class D2 which includes:

D2 Assembly and leisure - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).

All the uses mentioned above are considered to be acceptable except for the use as a swimming pool or skating rink which may compromise the building due to it being a Grade II listed building but, may not affect the amenities of neighbours. As these uses are considered to be unacceptable usually a condition would be recommended to limit the uses but as the reasons for the uses not being acceptable relate to the listed building aspects of the proposal these uses can not be removed by condition on the planning application.

As D2 uses could generate noise and as there are residential properties within the vicinity of the Old Hospital together with 4 residential units being proposed within the Old Hospital, the noise levels will need to be controlled to ensure that the amenities of the occupiers of these properties are not adversely affected. Environmental Health has recommended that a condition requiring a scheme of insulation against internally generated noise from the Assembly Room be submitted and approved. A condition has been recommended should planning permission be granted. The proposed four dwellings will not cause any adverse overlooking either to existing dwellings or between the proposed dwellings due to distance, and to the juxtaposition of the windows. Car parking is proposed for each unit but there will be no private garden area for each proposed property. It is considered however that Blenheim Gardens and the sea front are within a few minutes' walk of the proposed dwellings and as the properties are at first and second floor level, that, on balance no dedicated garden area is acceptable.

### **3. Impact on the setting, character and appearance of the Conservation Area and the setting of the Old Hospital as a listed building.**

The main building of the Old Hospital is a prominent and distinctive stone public building with the main elevation fronting The Avenue. The former nurses home and Old Police House that are joined to the main building partly by modern extensions

also fronts onto Blenheim Road. There are a number of modern extensions that are single storey, constructed mainly of brick. The extension on the eastern side of the Old Hospital which can be seen from The Avenue has a flat roof. Part of this building together with part of a building on the rear of the Old Hospital is to be removed and replaced with two paved areas. This helps to break up the street scene by providing space between the Old Hospital and the adjoining church. This together with the removal of a flat roof that currently detracts from the Conservation Area will enhance the Conservation Area and the setting of the adjoining church. The demolition of the fire escape on the rear of the property will also enhance the Conservation Area.

The demolition of part of the modern building at the rear will result in there being no physical boundary between the Old Hospital and the Methodist Church as the wall of the building to be demolished currently forms the boundary. There is a boundary wall along the rest of this boundary and it is proposed to demolish a section of this wall for access into the Methodist Church land. No details or reasoning for this have been put forward. It is therefore considered that this wall should be retained especially as it forms part of the character of the Conservation Area and the setting of the listed buildings. Details of the boundary treatment along this boundary and the retention of the boundary that is shown to be removed is therefore required to ensure that the setting of the listed buildings and the character and appearance of the Conservation Area are at least preserved.

The loss of the two central chimneys and four dormers on the front elevation will change the appearance of the building by taking it back to what it looked like prior to 1910. The chimneys can not be retained if the Assembly Room is to be returned to its former design. The dormers are proposed to be removed as they are not required within the Assembly Room and to return the internal and external building to its original appearance. Whilst it is considered that the loss of the chimneys is justified and acceptable the applicant was asked if the dormer windows could be retained but for the reasons given above the applicant is not willing to amend the scheme to retain the dormers. On balance, the loss of these features will not adversely affect the setting of the adjoining church and will preserve the setting and character of the Conservation Area.

#### **4. Flooding**

The majority of the buildings of the Old Hospital are located within Flood Zones 1, 2 and 3. The former police station and most of the adjoining car park however are located in Flood Zone 1 only. The flooding, according to the Environment Agency is caused by coastal (tidal) flooding but the three recorded historic flooding events in December 1981, February 1990 and October 1996 shows that the 1981 and 1996 events were caused by tidal flooding.

A Flood Risk Assessment has been submitted as part of the application which is required in order that the appropriateness of the proposed development can be assessed. Inappropriate development in areas of risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. As the proposal relates to change of use, a sequential test is not required as noted in the NPPF. It

should be noted that within the classification of flood risk vulnerability and flood zone compatibility, less vulnerable uses are acceptable in this location. The community hub element is a less vulnerable development so is a suitable use. Dwellings however are classified as more vulnerable. As the dwellings are located at first and second floor level this is above the levels where the properties would be flooded as the Environment Agency has shown the flood levels in a 1:100 event would be 0.44m. When this information was analysed by the applicant's flood advisor it was found that when taking into account the minimum topographic level the depth of the flood water could potentially be 1.31m. This would still mean that the properties would not be flooded.

As part of the Flood Risk Assessment flood mitigation measures have been looked at and a range of measures have been suggested as follows:

- All residential units should be located at first floor and above
- Ground floor usage should be confined to less vulnerable community centre use
- Air bricks should be located up to 1.5m above ground level
- Any replacement floors should be solid to limit the effect flood waters would have on the property
- Boilers control and water storage should where possible be installed at first floor level or above
- Kitchen units for the community hub and dwellings should be of solid, water resistant materials and raised on legs above the plinth
- Use of MDF carpentry (ie skirtings, built in storage etc) should be avoided on the ground floor
- Bring down electrical services from the ceiling on the ground floor
- Electrical sockets to be raised 600mm above the finished floor level on the ground floor.

Whilst not a requirement under the NPPF for less vulnerable uses, it is advised by the applicant's flood consultant that either demountable flood barriers be provided at the access points on the ground floor or flood resilient doors and windows. These measures have not been submitted as part of the application and the applicant is not intending to do these works due to the effect on the listed building.

Flood warning and evacuation plans have been submitted. In an extreme flood event it recommended that site users and occupiers evacuate onto The Avenue and follow a prescribed route up to via Whitegate Road to Hopcott Road. Once at Whitegate Road the area is not in Flood Zone 2 or 3. The route is to be made known to all users by the site owner Once the building is evacuated it should not be reoccupied until advised by the emergency services or once the flood warning has been lifted. In addition as the Old Hospital is within an area where the Environment Agency provides Flood Alerts the users should sign up to receive the flood alert messages.

Due to the fact that the vulnerability classification of the proposed developments are less than the classification for the former hospital, which was a more vulnerable and highly vulnerable use, the proposed uses are therefore of a less vulnerable nature than the previous use as a hospital and so more compatible to be in this location. In addition, as sections of buildings are to be demolished this will help increase the flood plain. This together with the fact that less vulnerable uses are proposed on the

ground floor with the dwellings proposed to be above the modelled flood levels up to a 1:100 year event, an evacuation route away from the main source of flooding can be provided together with the provision of flood mitigation including flood warning and evacuation plan, it is considered that the proposed uses are suitable and as such the proposal is acceptable in terms of flooding.

## **5. Highways**

The Highway Authority requested that due to approximately 32 vehicle movements being generated by the proposed four dwellings the access onto Blenheim Road was substandard and recommended refusal if the access was not improved by creating a new access direct onto Blenheim Road rather than on the access to Blenheim Gardens. This would have meant the loss of the existing boundary wall and creating visibility splays. This would have adversely affected the appearance of the Conservation Area and the setting of the listed building. Amended plans have been received that widen the existing access to 4.2m. This will preserve the Conservation Area and the setting of the Old Hospital while improving highway safety. The Highway Authority have no objections to the amended proposal.

## **Conclusion**

The proposed use of the Old Hospital as a community hub and for assembly and leisure uses (Assembly Room) together with four dwellings, the demolition of part of the modern extensions and the loss of the chimneys and dormers on the front elevation will help safeguard the future of this listed building which has now been vacant for 5 years. The new uses will add to the vibrancy and vitality of Minehead's town centre by bringing in footfall to the centre and supporting town centre trading generally. The proposed public toilets will help mitigate against the potential loss of the seasonal toilets in Blenheim Gardens which are likely to close in April 2016. The setting of the adjoining listed church and the character and appearance of the Conservation Area will be preserved in part but enhanced by the loss of part of the flat roof modern extension on the side of the property. The provision of flood mitigation measures and the location of the proposed uses within the Old Hospital will ensure that the proposed uses are acceptable in Flood Zones 2 and 3. It is therefore recommended that planning permission be granted.

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



Licence Number: 100023932

<b>Application No:</b>	<a href="#">3/21/15/114</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Listed Building Consent
<b>Case Officer:</b>	Elizabeth Peeks
<b>Grid Ref</b>	
<b>Applicant</b>	Mr Howard Minehead Old Town Hall Investments Ltd
<b>Proposal</b>	Internal and external alterations in order to convert the existing hospital to a community hub with four residential apartments
<b>Location</b>	The Old Hospital, The Avenue, Minehead, TA24 5LY
<b>Reason for referral to Committee</b>	<b>The application is considered to be of a sensitive nature</b>

## Recommendation

Recommended decision: Grant

### Recommended Conditions (if applicable)

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

Reason: As required by Section 18 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

MOH 04 Rev 02  
MOH\_ST01A  
MOH\_ST01B  
MOH\_ST01C  
MOH\_ST02  
MOH\_ST02A  
MOH\_ST02D  
MOH\_ST02E  
MOH\_ST03  
MOH\_ST04A  
MOH\_ST04B  
MOH\_ST04C  
MOH\_ST04D  
MOH\_ST05A  
MOH\_ST05B

MOH\_ST06  
MOH\_ST0 Z02  
MOH 07A  
MOH 08A  
MOH 09A  
MOH 10A  
MOH 13  
MOH 14  
MOH 19  
MOH 21  
MOH 22  
MOH 23  
MOH 24

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

- 3 No works shall be undertaken on works to provide the Assembly Room unless details of a sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority which specifies the provision to be made for the control of noise and vibration emanating from the Assembly Room. The approved scheme shall be fully implemented before the use of the Assembly Room hereby approved commences and shall be permanently retained thereafter.

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

- 4 No works shall be undertaken on the installation of new windows, doors, staircases, glazed areas and glass enclosed bridge unless full details of all new joinery and repairs to existing 1888 windows and a programme of implementation for the installation of the windows shall have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include elevations at 1:20 scale and cross-sections, profiles, reveal, surrounds, at full or half scale and details of the materials, finish and colour in respect of the windows, doors, and glazed or timber panels. The works shall thereafter be carried out in accordance with the approved details and programme of implementation.

Reason: To safeguard the character and appearance of the listed building in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 5 The hereby approved development shall not be occupied unless details of the extract/ventilation system(s) and the heat pumps have been first 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 hereby approved development. The extract/ventilation system shall thereafter be retained in the approved form.

Reason: To safeguard the character and appearance of the listed building in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 6 Prior to work commencing on the hereby approved works to reinstate the Assembly Rooms details of the structural alterations required to the roof and a programme of implementation shall be submitted to and approved in writing by the local planning authority. The approved works shall be carried out in accordance with the approved programme schedule.

Reason: To safeguard the appearance and character of the Assembly Room in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 7 Prior to the removal of the dormers, central chimneys and 1910 walls in the principal rooms on the ground floor to the west of the front door photographic records and detailed surveys of these elements shall be carried out and submitted to the local planning authority.

Reason :To ensure that there is a record of these elements in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 8 Prior to the demolition of the 1910 ground floor walls to the west of the front door details of any works to the existing ceilings and details of how the ceilings will be retained shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used..

Reason: To safeguard the historic fabric, character and appearance of this part of the listed building in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 9 The damaged wooden floor on the ground floor shall be repaired using floor boards to match the existing.

Reason: To safeguard the appearance and character of this part of the listed building in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 10 Prior to the creation of the new doorway into the Assembly Room details of the proposed arch and doors shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

Reason: To safeguard the appearance and character of this part of the listed building in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 11 Prior to the removal of the dormers and chimneys details of the works to be carried out on the reslating of the roof including samples of slate and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved programme and details.

Reason: To safeguard the appearance and character of this part of the listed building in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 12 Prior to the removal of the operating theatre details of the works to be carried out on the roof including samples of materials and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved programme and details.

Reason: To safeguard the appearance and character of this part of the listed building in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 13 Prior to the removal of any ceilings a schedule of the ceilings to be removed and details of any new ceilings including materials to be used or the repair to any uncovered existing ceilings shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

Reason: To safeguard the appearance and character of this part of the listed building in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 14 Within two months of the removal of the fireplace in the living room of the one bed apartment in the police house, details of the treatment of the area shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used and the approved details shall be completed within three months of the approval of the details.

Reason: To safeguard the appearance and character of this part of the listed building in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

- 15 Prior to the installtion of secondary glazing details including the material, colour

and method of fixing shall be submitted to and agreed in writing by the Local Planning Authority. Only the agreed details shall be used.

Reason: To safeguard the appearance and character of this part of the listed building in accordance with the provisions of Saved Policy LB/1 of the West Somerset District Local Plan (2006).

## **Informative notes to applicant**

### **STATEMENT OF POSITIVE WORKING**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## **Proposal**

It is proposed to convert the ground floor of the main building of the former hospital that closed in 2011 and is currently vacant, into a community hub. The former nurses accommodation built in 1923 and the former police station built in 1897, both buildings being located on the rear of the main building, are proposed to be converted into four dwellings. Two will have 3 bedrooms, one will accommodate 2 bedrooms and one will accommodate 1 bedroom. The ground floor of these two buildings will also form part of the community hub. Internal alterations are proposed including the removal of the second floor in the main building fronting onto The Avenue to recreate the former 1888 Assembly Room. This will also involve structural works on the roof structure. The existing lift is to be replaced in a different position and the main staircase is to be returned to the design of the original double staircase, a secondary staircase is to be removed and a new one installed in a different position, a new door opening at first floor opposite the top of the stairs to gain access in the Assembly Room is to be opened up and a covered window is to be uncovered. The bank vault on the ground floor is to be removed and walls within the modern extensions are to be removed. The wooden floor is to be reinstated on the ground floor in the main area at the front of the main building together with the removal of some 1910 walls to return the room to its original size. A number of suspended ceilings are also to be removed.

Demolition of some of the modern additions are also proposed, including the front section of the flat roof section on the east side of the building, the rear flat section adjoining the former police house and the fire escape. The areas where the buildings have been removed are to be left as open space and will be finished in block paving. The operating theatre on the roof at the rear of the main building is to be removed and the resulting flat roofed area would then be used for heat pump plant. The four dormers on the front of the building and two central chimneys that were inserted in about 1910 would be removed from the main roof.

The 1888 windows which are in the main building are to be refurbished and repaired

and those that have been replaced with Upvc windows are to be replaced with the design of the windows that would have been in situ in 1888.

The proposed conversion of the buildings will take place in 6 phases. Phase 1 includes internal alterations to form the community hub in the newer sections of the building together with the demolition of the two sections of the building facing the Methodist Church. Phase 2 involves the installation of the toilets, changing facilities and showers and works to the ground and first floor of the Old Police House including the installation of a commercial kitchen. Phase 3 will be for works to the main roof and third floor including the removal of the operating theatre and reinstatement of the original roof structure, removal of the central chimney stacks and four dormer windows. The work required to allow half of the main staircase to be reinstated, lift installed and the second floor removed to reinstate the Assembly Room. Phase 5 will see works in the main entrance vestibule and phase 6 is for the reinstatement of the half of the main staircase that is currently missing.

## Site Description

The former hospital is a Grade II listed building situated in a designated Conservation Area and fronts onto The Avenue, the main thoroughfare through Minehead. The main three storey building is constructed in stone with a slate roof and has access from The Avenue and Blenheim Road. The modern extensions are either rendered or of brick construction. There are low boundary walls along the Blenheim Road and The Avenue boundaries with the wall fronting The Avenue having railings on top of the walls. The adjoining stone church is also a Grade II listed building. The former hospital is situated within the main shopping area of Minehead with the shops in the vicinity of the former hospital having a forecourt in front of the shops to the east of the building but are on the back edge of the pavement to the west of the property. The majority of the buildings are stone with slate roofs. Blenheim Gardens are sited at the rear of the former hospital adjacent to the rear car park.

## Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/21/74/007	Recovery room for casualty department	Raise No Objection	25 June 1974
3/21/77/048	Extension to accident department waiting area	Grant	14 June 1977
3/21/78/041	Alterations to accident dept-waiting room and wc facilities	Grant	06 April 1978
3/21/81/102	Single storey extension	Raise No Objection	23 June 1981
3/21/83/121	Proposed x-ray department	Raise No Objection	21 June 1983
3/21/98/078	Extension to form new ladies toilet and disabled facility	Grant	24 February 1999

3/21/96/232	Provision of disabled access ramp and extensions to casualty at ground-floor level, together with other internal alterations	Withdrawn by Applicant	25 April 1997
3/21/92/204	New build and internal alteration for day hospital	Grant	17 December 1992
3/21/92/151	New building and internal alterations to accommodate a day hospital facility	Grant	24 September 1992
3/21/95/244	Internal alterations and extensions, disabled access works	Grant	15 February 1996
3/21/87/167	Proposed extension to out-patients department	Grant	20 August 1987
3/21/96/233	Extension to existing single-storey building (adjoining Blenheim road), disabled access ramp (the avenue) alterations	Withdrawn by Applicant	23 April 1997
3/21/99/027	Proposed internal alterations and additional external ductwork	Grant	01 March 1999
3/21/95/245	Internal alterations, extension of existing single storey buildings	Grant	15 February 1996

These applications relate to alterations and extensions that have been granted for the former hospital. A number of these were granted prior to the property being listed on 30 September 1994.

## Consultation Responses

*Minehead Town Council* - Recommend Approval:

Concerned about all the possible changes to the inside of the listed building and a listed building expert should be involved at all stages

*Historic England* –

### Summary

This application proposes partial demolition and alteration to accommodate community hub facilities and residential accommodation. Physical alterations include the demolition of some 20th century elements and the reconfiguration of the police building and nurse accommodation. Relative to the public hall the proposals detail the substantial removal of later alterations.

The application is substantially supported, subject to the provision prior to determination of a structural engineers report to confirm that the buildings structural integrity would be maintained. There are two areas where we feel that early

twentieth century alterations should be retained - the dormers on the front elevation and the principal banking rooms on the ground floor to the left hand side.

#### Historic England Advice

The statutory focus of this consultation response is the demolition that is proposed to the Grade II building and the wider impact on the conservation area, as it exceeds 1000sqm in area.

#### Significance of the buildings on site.

The listing description explains that the Old Hospital was originally constructed as a public hall used for concerts and dramatic performances. It is listed as a visually prominent building by a notable local architect and also for its group value with adjoining buildings. It was built between 1888-9 by Piers St Aubyn and is in the Gothic Revival style. The listing describes the architectural composition in detail. The front elevation is two storeys, with dormers added at a later stage by the Wilts and Dorset bank. The walls are faced in snecked rubble stone with ashlar dressings beneath a crested slate roof. The central pointed-arched doorway is flanked by fan-vaulted supports to a canted balcony with pointed-arched panelling. Beyond the core 1888 phase moving back from the front of the site there is a 1923 former nurses building of stone beneath a slate roof and at the rear of the site another structure, which was a police station at one point. Connecting these three primary buildings are later twentieth century low level buildings.

The accompanying Heritage Statements helpfully explain the principal building was adapted for use briefly as a bank, with residential accommodation, and then later as a hospital. When looking at the building the alterations and additions that have been carried out to accommodate new uses are relatively clear to see. Whilst the listing focuses in on the aesthetic, communal and historic significance of the first phase as a public hall the later uses do have communal and historic value also. In this context the alterations to these later waves of change need careful consideration.

#### Impact on significance

The physical impact of the proposals would be quite significant with the demolition of a twentieth century element that runs beside and to the rear of the nursing home; the floor structure introduced into the main building at second floor level together with the internal walls from this phase and the dormers on the front elevation. Following the removal of the bank phase the proposal is that the main assembly rooms on the ground and first floors would be reformed in conjunction with the double width staircase, landing areas and decorative main trusses.

#### Policy and Guidance

Key to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties.

Paragraph 132 of the National Planning Policy Framework states that in considering

the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. It goes on to say that clear and convincing justification is needed if there is loss or harm. In evaluation proposals for change Historic England Conservation Principles, Policies and Guidance should be referred to; of specific relevance in this context is the section that relates to restoration.

#### Review of the proposals.

The primary focus of this consultation response is the question of whether it is appropriate to reinstate the first architectural phase of the building by removing the alterations that were made when the Wilts and Dorset bank converted the building. The justification given for the changes are that the current arrangement does not provide the space that would be required by the new users; that the existing first floor has an inherent weakness that diminishes its loading capacity and finally that the significance of the first phase outweighs the significance of the later alterations. In evaluating the restoration of the first phase Historic England's advice note Conservation Principles, Policies and Guidance should be referred to. At paragraph 127 restoration is defined as an intervention made with the deliberate intention of revealing or recovering a known element of heritage value that has been eroded, obscured or previously removed. The guidance explains the methodology by which changes to the historic environment should be managed. Specifically it provides five criteria that need to be satisfied when considering restoration; three in particular are of relevance in this instance:

- 1) The heritage values of the elements that would be restored decisively outweigh the values of those that would be lost.

Paragraph 130 of the guidance explains that any restoration inevitably removes or obscures part of the record of past change to a significant place, and so reduces its evidential value, as well as potentially affecting its historical and aesthetic values. Whilst the significance of this site is the result of a century or so change it is felt that by far the most important phase is the first phase. The infilling of the 1888 plan form and division of key spaces has significantly compromised its aesthetic significance. Consequently the restoration of the main staircase, entrance foyer, landing and principal first floor rooms with their architectural trusses would have a very strong positive impact upon the aesthetic significance of the building. Whilst the bank phase has an historic interest we feel that it is outweighed by the potential gain. An area where some fabric of quality from the bank conversion has been retained however is on the ground floor to the left hand side, facing the front elevation. Consideration should be given to retention of the floor plan and associated cornice within these two rooms, particularly as the new uses are not set at present. Also at roof level the dormers added have an aesthetic quality and are a clear marker or the early division of the building - further thought should be given to their retention. That said the way in which their retention would affect the reinstatement of the trusses The removal of the first floor would be a major alteration and it is vital that prior to determination the structural implications are fully understood.

- 2) The work proposed is justified by compelling evidence of the evolution of the place, and is executed in accordance with that evidence;

In this case the buildings form largely speaks for itself however this is supported by a number of good quality architectural plans. If the scheme were to be supported by the council there are some notable areas where the reinstatement of the original form could be based on fabric -i.e. stone arch from the landing into the front main hall and the missing half of the main staircase. Where new fabric is introduced it should differentiate itself from the historic fabric in some way.

3) The work proposed respects previous forms of the place.

Whilst the substantial reconfiguration of the main front range is supported to provide a marker of the historically significant second phase we believe that there are two areas where the early twentieth century wave of change had architectural significance: the dormers on the front elevation and the principal room arrangement on the ground floor on the left hand side. Given that the bank phase does have significance mitigation of the loss of this phase through recording could be undertaken.

#### Recommendation

We support the broad aspiration of this application to reinstate a public hall use into the main building. There would be a significant heritage gain from recreating the architectural form of the 1888 core. Prior to determination a full structural engineering assessment should be undertaken to confirm that the removal of the floor structure from the top floor will not compromise the buildings structural integrity. Relative to the dormers and the principal rooms on the ground floor further consideration should be given to the retention of these features. Where new work is proposed which would replicate significant architectural features, such as the main staircase and the pointed arch off the first floor landing plans should be submitted, which can be conditioned, to illustrate how they will be differentiated from the historic fabric.

#### *Further comments received concerning structural works to the proposed reinstated Assembly Rooms -*

Thank you for the e-mail and for forwarding the structural engineers report, produced by David Bearman.

Within our last letter of consultation, drafted on the 28th April 2016, we raised no formal objection to the positive determination of this application but did make a number of recommendations. The primary point of concern was whether the removal of the second floor structure along with other associated internal walls would de-stabilise the structure. Ultimately whilst in theory simple reinstatement would seem logical we wanted confirmation that the structure hadn't been so heavily compromised that re-instatement was no longer feasible. The report produced explains that, subject to propping and the use of a sympathetic method statement, this will be feasible. Given the importance of these two checks we recommend that this work be conditioned to be dealt with prior to commencement of development.

As before we continue to recommend that the retention of the dormers be

considered.

*Ancient Monuments Society* - No comments received.

*Council for British Archaeology* - No comments received.

*The Georgian Group* - No comments received.

*Society for the Protection of Ancient Buildings* - No comments received.

*The Victorian Society* - No comments received

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*Twentieth Century Society* - No comments received.

*Minehead Conservation Society* - comments summarised as follows:

There are 4 main elements that are sacrosanct and must be preserved and restored:

- The facade of the building must be retained. The missing leaded lights should be replaced and the others refurbished.
- The missing half of the original grand staircase must be reinstated
- The former Assembly Room must retain its vaulted ceiling
- The facade of the Old Police House should not be altered

Comments that the four windows on the east elevation should be retained and asks if the vaults are watertight. In addition there needs to be toilets and baby changing facilities for everyone if the intention is to attract families. The Society objects to a walkway linking The Avenue to Blenheim Gardens but note that this is not shown on the drawings. A walkway would potentially attract large groups of people into a relatively small park (Blenheim Gardens) making controlling activities difficult. The flats will A gate would be required at night time for security.

## **Representations Received**

None received.

## **Planning Policy Context**

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

material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the 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. Policies from emerging plans are also listed; these are a material consideration.

### **West Somerset Local Plan**

LB/1 Listed Buildings Alterations and Extensions

### **Emerging West Somerset Local Plan**

NH1 Historic Environment

## **Determining issues and considerations**

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

As part of the application a comprehensive Statement of Historic Significance has been submitted. This provides information on the history of the property using archive material, maps and photographs. It goes on to explain when each section of the property was built together with details of the internal design and materials used.

From this information an assessment of the historical significance has been produced and is as follows:

#### High Significance

a) 1888 original assembly room building, elevation design, hammer beam roof structure and finishes, coped gables and gable chimney stacks, fan faulted balcony, remains of original fenestration, and leaded light glazing. Remains of original floor plan. Main staircase and ceiling over. Panelled beams on corbel brackets, lath and plaster ceilings with cornice detail. Moulded architraves and skirtings boards. The Parade stone wall and railings.

b) 1897 Police House and Station, elevations, surviving joinery, and plan form.

c) 1910 Bank ground floor alterations, including, front roof dormers and central chimneys stacks, ground floor office insertions, details and ceiling cornicing.

d) 1919 rear wing second floor alterations to assembly room building.

e) 1923 Nurse's accommodation building, elevations, roof and floor plan layouts,

fenestration, fireplace surrounds, internally joinery and staircase on upper floors where original.

Medium significance

- a) 1934 two storey façade east of main assembly building.
- b) 1910 insertion of second floor and partitioning.
- c) 1910 insertion of main Bank vault.

Low significance

- a) All post 1934 mid/late C20th single storey infill and building structures.
- b) All post 1934 internal alterations and joinery
- c) All upvc replacement windows and secondary glazing. Insertion of second floor window to west gable, insertion of metal fire escape external stairs and details
- d) External service pipes, ducting gangways.

This assessment is considered to be correct and as such the items of high and medium significance are important. This means that the proposed alterations within the 1888 part of the building, the former police house, nurses accommodation and the facade of the two storey section to the west of the main building needs to be carefully assessed as to whether they are acceptable or not.

As the alterations proposed in the nurses accommodation and the former police house relate largely to reordering rather than structural alterations the character and appearance of these buildings is minimal and are considered to be acceptable. No alterations are proposed to the facade of the two storey section to the west of the main part of the building.

With regard to the former Assembly Room, in order to reinstate this room the 1910 alterations need to be reversed including the removal of the second floor, first and second floor partitions, the removal of the centre pair of chimneys and supporting pillars between the first and second floors together with the replacement of part of the rear sections of most of the 1888 hammer beam main roof structure needs to be repaired and reinstated. A structural survey has been carried out and it concludes that the building can be made stable if the second floor is removed. Whilst there will be loss of historic fabric, it can be argued that the reinstatement of the Assembly Room which will provide Minehead with a building that will once again be capable of accommodating community uses and helps to safeguard the long term future of the building, outweighs the loss of the historic fabric. The reinstatement of the Assembly Room is therefore seen as a positive alteration to the building. The loss of the chimneys is understood as these will not be stable as their support will have been removed. It is also proposed to remove the four dormer windows on the front

of the property and there has been much discussion with the applicant and Historic England over their proposed removal. The argument given to remove them is that in order to reinstate the Assembly Room as to how it was when it was built these need to be removed as they were added in about 1910. The dormers are also in need of repair, are not required and will disrupt the internal roof form. Their removal will however result in the loss of historic fabric and are a part of the character of the building. On balance however it is considered that provided a detailed survey and photographic record of the dormers (and the central chimneys) is carried out prior to their removal this part of the proposal is acceptable.

The reinstatement of the entrance at first floor, the main staircase and reinstating the windows at first floor that are currently covered together with the removal of the fire escape, part of the modern buildings and Upvc windows are welcomed as they are also positive improvements and will enhance the character and appearance of the building.

The removal of some of the walls that were inserted in the 1910 phase on the ground floor have also been the subject of discussion as Historic England consider that the rooms to the west of the front door in the main building could be retained. It is considered and agreed with by Historic England that the first phase of the building is the most important phase and as such it is considered that provided the ceilings are retained and a photographic record and detailed survey of the rooms affected are carried out that these elements can be removed.

The NPPF states that where a development proposal would lead to less than substantial harm to the significance of the listed building (as in this case) this harm should be weighed against the public benefits of the proposal including ensuring the optimum viable use for the building. It is considered that the public benefit of the proposal is that the proposals to enable the building to be used for community and residential uses will help safeguard the future of the building.

In conclusion the proposed alterations to enable the property to be used for community and residential uses have been justified and will help safeguard the long term future of the buildings together with enhancing the setting of the building by removing negative modern structures. There will be some loss of historic fabric with the removal of some of the 1919 additions but this is considered to be in the interest of the building and the community in the long term. It is therefore recommended that listed building consent be granted.

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



Application No 3/21/15/114  
 Internal and external alterations  
 in order to convert the existing  
 hospital to a community hub with  
 four residential apartments  
 The Old Hospital, The Avenue,  
 Minehead, TA24 5LY  
 15 March 2016  
 Planning Manager  
 West Somerset Council,  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council  
 Licence Number: 100023932



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<b>Application No:</b>	<a href="#">3/32/16/008</a>
<b>Parish</b>	Stogursey
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Darren Addicott
<b>Grid Ref</b>	Easting: 319278    Northing: 144300
<b>Applicant</b>	Mr V. Shaw
<b>Proposal</b>	First floor extension to existing garage to provide annexe/ancillary accommodation to the main dwelling.
<b>Location</b>	Bona Vista, Knighton Lane, Stogursey, Bridgwater, TA5 1QD
<b>Reason for referral to Committee</b>	<b>There are views which conflict with the proposed determination of the application from the Ward Member</b>

## Recommendation

Recommended decision: Refuse

### Reasons for refusal:

- 1 The excessive size of the proposed extension to accommodate the annexe is of a design and external appearance that is out of scale and overbearing on Bona Vista and the neighbouring cottages, and impacts on the character and appearance of the existing building and surrounding area. Furthermore, the close proximity of the annexe in relation to the neighbouring properties causes a loss of privacy and amenity from overlooking from first floor windows proposed without the annexe. Contrary to policies BD/2 and BD/3 of the West Somerset District Local Plan.
- 2 The proposed annexe is considered to be excessive in size for the purpose of an annexe and is considered tantamount to a new dwelling. As Knighton Lane is sited outside of any defined settlement, the proposal would be located in open countryside in an unsustainable location where a new dwelling would not normally be permitted. The proposed annexe would therefore not accord with policies SP/5 of the West Somerset District Local Plan and SC5 and OC1 of the emerging West Somerset local Plan..

### Informative notes to applicant

#### STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has

complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority. The proposal as submitted was considered to be unacceptable because it was contrary to policy and the applicant was informed of these issues and advised that it was likely that the application would be refused unless it was amended. Despite this advice the applicant choose not to amend the application.

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

## **Proposal**

The proposal comprises the erection of a first floor extension above an extended three bay garage to create ancillary accommodation to the main dwelling.

The first floor extension includes roof lights, an external staircase and a rear balcony. Internally, the proposed annex will contain three bedrooms (1 with ensuite), a bathroom, and an open plan kitchen/living area.

## **Site Description**

The building to be extended sits within the garden of Bona Vista, a detached single storey dwelling, sited in Knighton Lane outside of any defined settlement. In front of the bungalow and garage there is a hardstanding area that could accommodate 6+ vehicles. There is a small garden area surrounding the bungalow and to the West the property adjoins agricultural land. To the south there are a row of two storey cottages that look onto the garden of Bona Vista.

## **Relevant Planning History**

None.

## **Consultation Responses**

*Stogursey Parish Council* - None received.

*Highways Development Control* - Awaited.

*Office of Nuclear Regulation* - Does not advise against development.

I have consulted with the emergency planners within Somerset County Council, which is responsible for the preparation of the Hinkley Point off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) 2001. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements.

The proposed development does not present a significant external hazard to the safety of the nuclear site.

*Rights of Way Protection Officer* - None received.

## **Representations Received**

Two Representations from Ward Cllr's: -

- Support application.
- Family providing a level of care.
- Understand immediate neighbours are supportive of application.

One letter of objection; -

- Due to the proposed size, height and nearness as shown on the plans, I am concerned about privacy issues and overlooking into both my bathroom and bedroom windows, especially due to the fact that both are clear glass.
- I am also concerned that the proposed new building may block some of the very little light already available to me in my kitchen on the ground floor.

## **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 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. Policies from emerging plans are also listed; these are a material consideration.

### **West Somerset Local Plan**

H/6	Conversion to Residential of Holiday Accommodation
SP/5	Development Outside Defined Settlements
BD/2	Design of New Development

## **Emerging West Somerset Local Plan**

OC1 Open Countryside development

SC1 Hierarchy of settlements

## **Determining issues and considerations**

### **Annexe**

The application has identified a need for an annexe; due to decreasing health of the owners of Bona Vista, relatives have relocated to the property to provide care. Due to limited space within the bungalow additional ancillary accommodation is required.

The size and level of accommodation is considered excessive for an annexe, providing a level of accommodation that is tantamount to a new dwelling. As such, a new dwelling, in this unsustainable location, outside of any defined settlement boundary, is unacceptable.

### **Design**

The proposed annexe has been designed with a pitched roof to reflect the design of the existing building, although, the proposed first floor extension is considered too large in terms of its size and height. This creates a large dominate building, overbearing on the main dwelling of Bona Vista and the adjoining cottages

A smaller extension, subservient to the main dwelling, so accommodation is only within the roofspace, could improve the design and appearance of the building, without being overbearing. Alternatively, the large garage building could be accommodated to provide a level of ancillary accommodation. Amendments to the scheme, taking into account these comments, were made to agent/applicant but no amended plans have been forthcoming.

### **Amenity**

The addition of a first floor will include first floor windows within close proximity of neighbouring properties that would cause undue overlooking and loss of privacy. The distance between the proposed extension and neighbouring properties is approximately between 10 -25m. At these distances, even if the adjoining properties are sited at an angle, any overlooking into the first floor rooms would be unacceptable.

### **Highways**

No car parking would be lost from the proposal and there is sufficient space to accommodate vehicles within the large hardstanding area.

The Public Right of Way is outside of the site and should not be affected by the proposals.

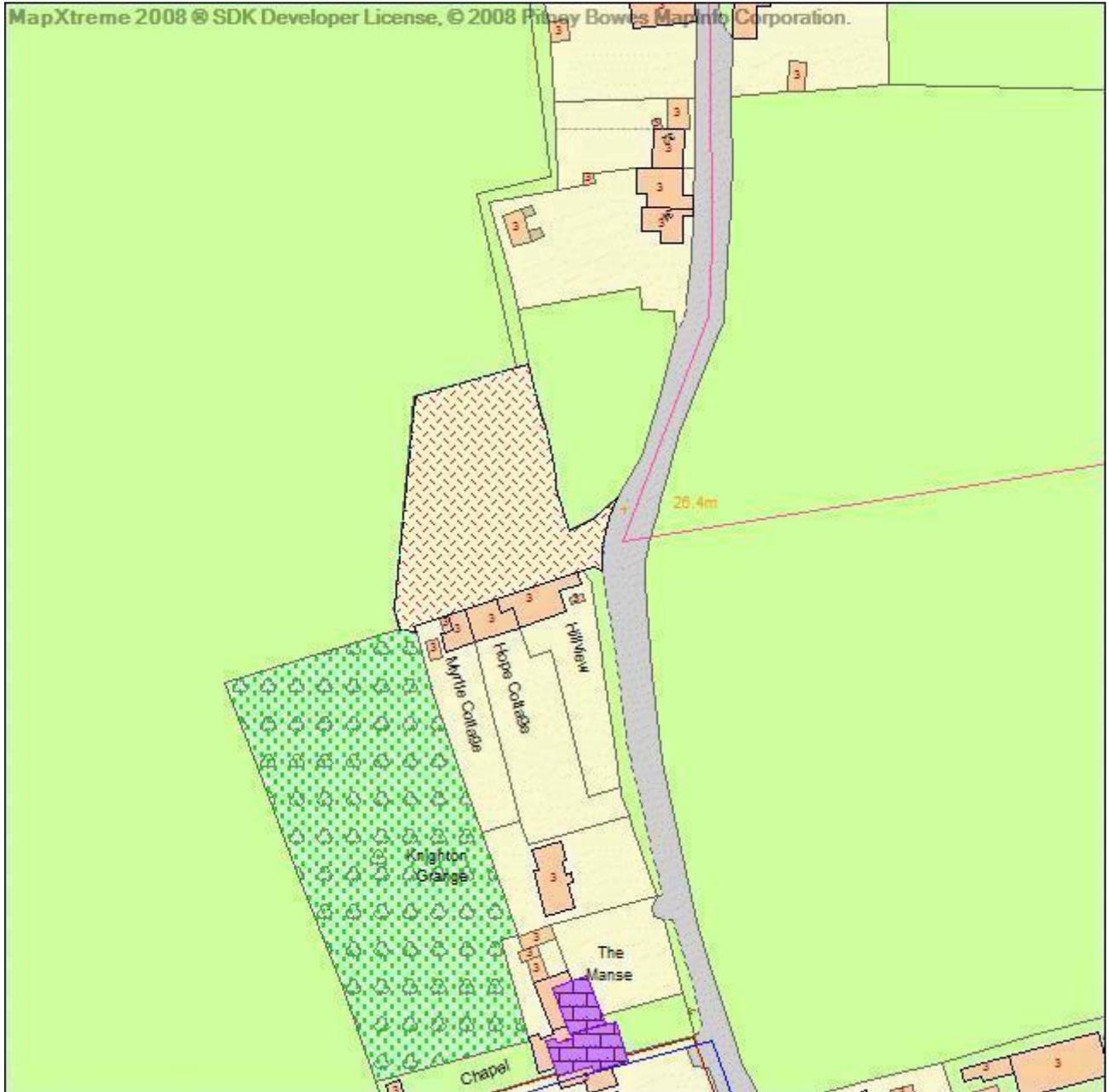
## **Conclusion**

The proposed extension is excessive in size, to the detriment of the neighbouring properties, harming residential amenity to an unacceptable degree, and its design harms the character of the area and has an overbearing nature.

Whilst it is accepted that a level of ancillary accommodation is required, the size of the proposal is tantamount to a new dwelling, outside of any defined settlement.

The proposal is therefore not considered to be acceptable and recommended for refusal.

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



Application No 3/32/16/008  
 First floor extension to existing  
 garage to provide  
 annexe/ancillary accommodation  
 to the main dwelling  
 Bona Vista, Knighton Lane,  
 Stogursey, Bridgwater, TA5 1QD  
 3 June 2016  
 Planning Manager  
 West Somerset Council  
 West Somerset House  
 Killick Way  
 Williton TA4 4QA  
 West Somerset Council  
 Licence Number: 100023932



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<b>Application No:</b>	<a href="#">3/21/16/054</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Darren Addicott
<b>Grid Ref</b>	Easting: 296696    Northing: 146198
<b>Applicant</b>	Ms Kate Webb
<b>Proposal</b>	Conversion of second floor flat and third floor loft rooms into 3 No. self-contained apartments
<b>Location</b>	Cranmers, 12 Park Street, Minehead, TA24 5NQ
<b>Reason for referral to Committee</b>	<b>There are views which conflict with the proposed determination of the application from 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:

A3 Drg no 1413/200 Proposed Site Plans  
A1 Drg no 1413/201A Proposed Floor Plans

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

- 3 The development hereby approved shall not be occupied until space has been laid out within the site in accordance with plans to be agreed for the parking of bicycles, and that area shall not thereafter be used for any purpose other than the parking of bicycles associated with the development.

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

- 4 The rooflights hereby approved shall be conservation/heritage flush fitting rooflights only. The rooflights shall thereafter be retained as such.

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

## **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.

## **Proposal**

The proposal comprises the conversion of an existing second floor 3-bedroom flat and third floor store room to three 1-bedroom flats. Other than two rooflights, no additional external alterations are proposed though some windows may need to be replaced/refurbished on a like for like basis

There is space to the rear of the property, near to the existing external staircase to accommodate bin and cycle storage.

## **Site Description**

The three storey building has a modern shopfront at ground floor and a brick facade above. The property is sited within the centre of Minehead within a commercial area. The building is also within a Conservation Area. The ground floor of the building is a commercial use whilst the second floor is already in residential use.

## **Relevant Planning History**

None.

## **Consultation Responses**

*Minehead Town Council -*

Concerned about access and adequacy/lack of on- site parking at rear of property and also very small size of second-floor, rear flat.

--

*Highways Development Control* - See Standing Advice.

*Wessex Water Authority* - None received.

## **Representations Received**

None received.

## **Planning Policy Context**

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

The development plan for the West Somerset planning area comprises the 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. Policies from emerging plans are also listed; these are a material consideration.

### **West Somerset Local Plan**

SP/2 Development in Minehead and Rural Centres  
CA/1 New Development and Conservation Areas  
BD/1 Local Distinctiveness  
BD/2 Design of New Development

### **Emerging West Somerset Local Plan**

CC2 Flood Risk Management  
NH1 Historic Environment  
NH10 Securing high standards of design

## **Determining issues and considerations**

The building is located within the centre of Minehead close to existing services and facilities, including the use of public transport. As such, the principle of development is considered to be acceptable.

Two small rooflights are proposed within the rear elevation, this rooflights can be conditioned to be flush fitting only. If windows are replaced, they would match the

existing; in this case the front elevation of the building has timber windows. As such, there is not considered to be any impact on the character and appearance of the Conservation Area and the proposal accords with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

Whilst accommodation is now proposed within the third floor, there is not considered to be any undue overlooking beyond the existing second floor flat and other flats within the vicinity.

The building is within Flood Zone 3, though as the flats are at second and third floor, there is no increased risk to occupiers of the flats. The proposal will not increase any surface water as the building is not being extended.

The existing 3-bedroom flat does not benefit from any car parking spaces and no car parking is proposed with this application. The Somerset Parking Strategy identifies Minehead as being within Zone 2, and as such the optimum parking standard is 1.5 parking spaces for a 1 bedroom property. The Strategy also states that:-

*The car parking standards set out here are optimum standards; the level of parking they specify should be provided unless specific local circumstances can justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision.*

Given the location of the proposed flats, within the centre of Minehead, a sustainable location and the existing use of the second floor as a 3-bedroom flat, it is considered that this a suitable location for a car free development of three 1-bedroom flats.

## **Conclusion**

The proposal is sited in a sustainable location, suitable for residential development and will not harm the amenity of character of the area. The proposal is therefore considered to be acceptable and recommended for approval.

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="#">3/21/16/066</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sarah Wilsher
<b>Grid Ref</b>	Easting: 296802    Northing: 146085
<b>Applicant</b>	Mrs Jean Gage
<b>Proposal</b>	Replace the existing single glazed painted timber windows on the street elevation with white double glazed upvc
<b>Location</b>	Friday Cottage, Friday Street, Minehead, TA24 5UA
<b>Reason for referral to Committee</b>	<b>There are views which conflict with the proposed determination of the application from the Town Council.</b>

## Recommendation

Recommended decision: Refuse

### Reasons for refusal:

- 1 In the opinion of the Local Planning Authority the replacement of traditional timber sash and casement windows in upvc will adversely affect the appearance of the building, the street scene, the historic character of the Conservation Area and the setting of the adjoining Listed Buildings. The proposal is therefore contrary to saved local plan policies BD/3 and CA/1 of the adopted West Somerset District Local Plan and policies SC1 and NH1 of the emerging West Somerset Local Plan.

### Informative notes to applicant

#### STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority. The proposal was considered to be unacceptable in principle because it was contrary to development plan policies and could not be amended in such a way to make it acceptable.

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

## **Proposal**

It is proposed to replace a white painted timber single glazed sash window with 8 panes top and bottom and a white painted timber single glazed 3 light casement window with white upvc double glazed windows in similar designs to the windows being replaced. Both windows are on the front elevation.

## **Site Description**

Friday Cottage is a two-bedroom terraced maisonette located on the western side of Friday Street. The property is located above the Bailey Mac coffee shop and partially above The Camping and Outdoor shop. It is finished in painted render to the front elevation and a natural slate roof with decorative clay ridge tiles and painted timber eaves. It is located within the Wellington Square Conservation Area.

## **Relevant Planning History**

3/21/93/140 - Certificate of Lawfulness of existing use of property as a flat - granted 8 September 1993.

## **Consultation Responses**

*Minehead Town Council* - Recommend Approval - as they saw no reason to refuse the application.

## **Representations Received**

There were no representations received.

## **Planning Policy Context**

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

The development plan for the West Somerset planning area comprises the 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. Policies from emerging plans are also listed; these are a material consideration.

## **West Somerset Local Plan**

CA/1 New Development and Conservation Areas  
SP/1 Settlement Hierarchy  
BD/3 Conversions, Alterations and, Extensions

## **Emerging West Somerset Local Plan**

NH1 Historic Environment  
SC1 Hierarchy of settlements

## **Determining issues and considerations**

As Friday Cottage is in the Wellington Square Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of importance and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area in determining the application. The proposed windows would not be in a traditional material and as such would not be in keeping with the architectural quality and features of a Conservation Area. The proposal would therefore not preserve or enhance the character and appearance of the Conservation Area.

As the four buildings to the north of Friday Cottage are grade II listed buildings, in determining this application Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the setting of a listed building should be considered. The building to the immediate north comprising Rayner's Gallery and Courtyard Framing, at first floor level has blue painted timber 8-paned sash windows, not dissimilar to the sash window in Friday Cottage. If the sash window and casement windows in Friday Cottage were to be replaced with plastic, albeit at a higher level, they would detract from the setting of these historically important buildings.

In addition, the 1st floor flat faces a busy shopping street so the windows are easily visible and part of an important local street scene. The change of windows to upvc would adversely affect both the aesthetic appearance of Friday Cottage and the street scene. It is noted that there are upvc windows in Friday Street, particularly at first floor level on the eastern side, however, these are unauthorised and should therefore not be taken into account in the determination of this application.

It is therefore considered that the proposal of upvc replacement windows will adversely affect the Conservation Area, the setting of the neighbouring listed buildings and the street scene, and is contrary to policies CA/1 and BD/3 of the Adopted Local Plan and policy NH1 of the Emerging Local Plan.

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



Application No 3/21/16/066  
Proposed replacement windows  
Friday Cottage, Friday Street,  
Minehead  
20/07/2016

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

West Somerset Council  
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<b>Application No:</b>	<a href="#">3/21/16/081</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Sarah Wilsher
<b>Grid Ref</b>	Easting: 296398    Northing: 145455
<b>Applicant</b>	Mr Paul Colley
<b>Proposal</b>	Erection of balcony on the west elevation
<b>Location</b>	Fox Cottage, 21 The Hopcott, Hopcott Road, Minehead, TA24 5SZ
<b>Reason for referral to Committee</b>	<b>There are views which conflict with the proposed determination of the application from the Town Council.</b>

## Recommendation

Recommended decision: Refuse

### Reasons for refusal:

- 1 In the opinion of the Local Planning Authority the erection of a balcony on the west elevation will lead to a greater loss of privacy to the neighbouring properties located to the north and north-west than at present. This is due to the nature of a balcony in that it extends the living accommodation of a dwelling into the outdoors and its use will result in a greater amount of overlooking that would be harmful to the residential amenity of the occupiers of these dwellings. The proposal is therefore contrary to saved local plan policy BD/2 of the adopted West Somerset District Local Plan.

### Informative notes to applicant

#### STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority. The proposal was considered to be unacceptable in principle because it was contrary to development plan policies and could not be amended in such a way to make it acceptable.

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning

permission was refused.

## **Proposal**

It is proposed to erect a balcony at first floor level on the west elevation. It will project out by 1.8 metres, be 2.4 metres wide and 3.4 metre high from ground level. It will be constructed of galvanised mild steel with a clear safety glass screen between the hand rail and a wooden base.

## **Site Description**

Fox Cottage is a former converted workshop/office situated within a cluster of dwellings and flats located just off the A39 at Hopcott Road. It is a split level dwelling with rendered walls, a dual pitched slate roof and wood grain upvc windows. The neighbouring properties have the same rendered walls, slate roofs and wood grain fenestration. The living area and kitchen are at first floor level with the bedrooms and bathroom below.

## **Relevant Planning History**

3/21/84/174 - partial demolition of workshops and conversion of remaining offices and workshops into flats - granted 12 October 1984.

## **Consultation Responses**

*Minehead Town Council* - Recommend Approval - as they saw no reason to refuse the application.

## **Representations Received**

None.

## **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 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. Policies from emerging plans are also listed; these are a material consideration.

### **West Somerset Local Plan**

BD/3 Conversions, Alterations and, Extensions  
SP/1 Settlement Hierarchy  
BD/2 Design of New Development

### **Emerging West Somerset Local Plan**

MD1 Minehead Development

## **Determining issues and considerations**

The balcony as such will not look out of the place on the property and will blend in with the modern feel of the dwellings. However, the main determining issue of a balcony is the effect its use will have on neighbouring properties in terms of overlooking. Fox Cottage, may be close to open countryside, being on the outer edge of the complex of dwellings to which it belongs, but it is located very close to the neighbouring properties and the common courtyard/access. Whilst the south elevation of the dwelling faces the communal car park and the west elevation directly faces the trees and rising countryside, the existing window in the west elevation looks towards the side elevation of The Barn and The Barn's two ground floor windows to the north west. Whilst overlooking from the existing window can be deemed acceptable it is considered that the change of the window to a French window and the use of the proposed balcony will cause a greater degree of overlooking than the existing window and reduce the amount of privacy afforded to this dwelling.

In addition, although the existing windows in the north elevation of Fox's Cottage look towards the window at first floor level in the property to the north, Garden Home, it is considered that the use of the balcony will mean that this window will be overlooked to a greater extent and that the degree of privacy afforded to the neighbour will be reduced.

It is considered that the degree of overlooking and loss of privacy caused by the use of the proposed balcony will be unacceptable. The development is thus contrary to policy BD/3 of the adopted Local Plan and it is recommended that the proposed development be refused.

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



Application No 3/21/16/081  
 Erection of balcony on the  
 west elevation  
 Fox Cottage, 21 The Hopcott,  
 Hopcott Road, Minehead, TA24  
 5SZ  
 16 August 2016  
 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>
3/18/16/005	Lower Hill Farm, Lower Hill, Kilve	Change of use from agricultural to equine with erection of stable block	12 Septem ber 2016	Grant	<a href="#">KW</a>
3/21/16/016	Natwest, 9 The Parade, Minehead, TA24 5NL	Alterations to the existing aperture and the installation of a replacement ATM.	02 August 2016	Grant	<a href="#">EP</a>
3/21/16/041	3 and 4 Warden Court, Warden Road, Minehead, TA24 5DS	Replacement of timber windows with upvc windows	18 July 2016	Grant	<a href="#">SW</a>
3/21/16/043	Minehead Tennis Club, Townsend Road, Minehead, TA24 5DP	The provision of outside floodlighting to tennis court no 2	27 July 2016	Grant	<a href="#">JC</a>
3/21/16/046	Brewers Fayre & Premier Inn, Lutterell Way, off Seaward Way, Minehead, TA24 5EB	Display of building mounted and free standing signs	21 July 2016	Grant	<a href="#">KW</a>
3/21/16/048	Green Hazel, Periton Road, Minehead, TA24 8DR	Erection of a detached single garage to the south of the dwelling.	21 July 2016	Grant	<a href="#">BM</a>
3/21/16/049	6 Grove Place, Manor Road, Alcombe, Minehead, TA24 6EN	Renovation of the dwelling including a replacement roof structure over the rear single storey extension and barn.	26 July 2016	Grant	<a href="#">EP</a>
3/21/16/050	6 Grove Place, Manor Road, Alcombe,	Renovation of the dwelling including a replacement roof	28 July 2016	Grant	<a href="#">EP</a>

	Minehead, TA24 6EN	structure over the rear single storey extension and barn.			
<b>Ref No.</b> 3/21/16/051	<b>Application</b> Owls Mead, Whitegate Road, Minehead, TA24 5SR	<b>Proposal</b> Removal of the existing north west chimney stack	<b>Date</b> 28 July 2016	<b>Decision</b> Grant	<b>Officer</b> <a href="#">SW</a>
<b>Ref No.</b> 3/21/16/052	<b>Application</b> WM Morrisons Supermarkets plc, Vulcan Road, Minehead, TA24 6DG	<b>Proposal</b> Display of illuminated and non illuminated replacement signage at store and petrol station	<b>Date</b> 15 Septe mber 2016	<b>Decision</b> Grant	<b>Officer</b> <a href="#">BM</a>
<b>Ref No.</b> 3/21/16/056	<b>Application</b> 9B King Edward Road, Minehead, TA24 5EA	<b>Proposal</b> Erection of single storey extension	<b>Date</b> 16 August 2016	<b>Decision</b> Refuse	<b>Officer</b>
<b>Ref No.</b> 3/21/16/057	<b>Application</b> 5A Mallard Road, Alcombe, Minehead, TA24 6UE	<b>Proposal</b> Erection of a single storey extension to the west elevation.	<b>Date</b> 19 August 2016	<b>Decision</b> Grant	<b>Officer</b> <a href="#">BM</a>
<b>Ref No.</b> 3/21/16/059	<b>Application</b> 39 Paganel Road, Minehead,, TA24 5EX	<b>Proposal</b> Erection of a single storey lean-to extension to the south of the dwelling along with alterations to the existing extension.	<b>Date</b> 17 August 2016	<b>Decision</b> Grant	<b>Officer</b> <a href="#">BM</a>
<b>Ref No.</b> 3/21/16/062	<b>Application</b> 7 Church Steps, Minehead, TA24 5JS	<b>Proposal</b> Installation of external gas pipe and installation of gas boiler flue.	<b>Date</b> 08 Septe mber 2016	<b>Decision</b> Grant	<b>Officer</b> <a href="#">EP</a>
<b>Ref No.</b> 3/21/16/063	<b>Application</b> 11 Middle Street, Minehead, TA24 5JH	<b>Proposal</b> Erection of replacement shed	<b>Date</b> 24 August 2016	<b>Decision</b> Grant	<b>Officer</b> <a href="#">SW</a>
<b>Ref No.</b> 3/21/16/064	<b>Application</b> Minehead Service Station, Townsend Road, Minehead,	<b>Proposal</b> Installation of an ATM machine and installation of 2 No	<b>Date</b> 14 Septe mber	<b>Decision</b> Grant	<b>Officer</b> <a href="#">BM</a>

TA24 5RE steel bollards to the front (retention of works already undertaken) 2016

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/21/16/065	Minehead Service Station, Townsend Road, Minehead, TA24 5RE	Display of 1 No internally illuminated fascia sign, 1 No internally illuminated surround sign to the front (retention of works already undertaken)	14 September 2016	Grant	<a href="#">BM</a>
3/21/16/067	43 Regents Way, Minehead, TA24 5HS	Removal of conservatory and store and erection of single storey rear extension and first floor side extension	14 September 2016	Grant	<a href="#">SW</a>
3/21/16/069	Butlins Somerwest World, Warren Road, Minehead, TA24 5SH	Erection of a single storey extension to the south elevation of the Firehouse restaurant	15 September 2016	Grant	<a href="#">BM</a>
3/21/16/070	Butlins Somerwest World, Warren Road, Minehead, TA24 5SH	Display of 1No. illuminated fascia sign on the south elevation of the Firehouse restaurant	15 September 2016	Grant	<a href="#">BM</a>
3/21/16/071	23 Bernard Crescent, Minehead, TA24 5HP	Replacement of four aluminium windows to UPVC	14 September 2016	Grant	<a href="#">SW</a>
3/21/16/072	12 Bernard Crescent, Minehead, TA24 5HP	Replacement of aluminium windows to UPVC	14 September 2016	Grant	<a href="#">SW</a>

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
3/24/16/002	Torre Cider Farm, Washford, Watchet TA23 0LA	Erection of agricultural building and alterations to existing building	15 September 2016	Grant	<a href="#">SK</a>
3/26/16/018	The Old Cider House, 16 Lower Bilbrook Lane to Monks Path, Old Cleeve, Minehead	Installation of external ground mounted meter box, flue and insertion of one roof light to side elevation	24 August 2016	Grant	<a href="#">EP</a>
3/31/16/006	Manor House, High Street, Stogumber, TA4 3TA	Remove old blown render from all the elevations and replace with traditional lime render	02 August 2016	Grant	<a href="#">EP</a>
3/37/16/019	3 Churchill Way, Watchet, TA23 0JQ	Erection of side, front and rear extensions	28 July 2016	Grant	<a href="#">BM</a>
3/38/16/004	West Bank, Staple Lane, West Quantoxhead, Taunton, TA4 4DE	Erection of balcony and porch to front elevation plus render over reconstituted stone facade	12 September 2016	Grant	<a href="#">BM</a>
3/39/16/011	35 Brook Road, Williton, Taunton, TA4 4TE	<b>Proposed porch extension</b>	12 September 2016	Grant	<a href="#">BM</a>
C/21/16/008	Former Aquasplash Site, Seaward Way, Minehead	Approval of details reserved by conditions 17 (relating to the Travel Plan), in relation to planning permission 3/21/15/005	15 September 2016	Grant	<a href="#">JB</a>
C/21/16/010	The Northfield Hotel, Northfield Road, Minehead, TA24 5PU	Approval of details reserved by condition 6 (relating to schedule of materials) in relation to planning permission	17 August 2016	Grant	<a href="#">BM</a>

3/21/13/064

<b>Ref No.</b>	<b>Application</b>	<b>Proposal</b>	<b>Date</b>	<b>Decision</b>	<b>Officer</b>
C/39/16/001	1 Long Street, Williton, TA4 4QN	Approval of details reserved by condition 3 (relating to joinery details) in relation to Listed Building Consent 3/39/15/020 and condition 3 (relating to drainage details) and condition 5 (relating to joinery details) in relation to planning permission 3/39/15/019	07 September 2016	Grant	<a href="#">EP</a>
CA/32/16/004	Stogursey Castle, Mill Street, Stogursey, Bridgwater, TA5 1TG	Notification to carry out management works to one ash tree, one hazel tree and a group of ash saplings within Stogursey Conservation Area at Stogursey Castle, Mill Street, Stogursey	30 August 2016	Raise No Objection	<a href="#">DG</a>
T/21/16/008	62 Hillview Road, Minehead, TA24 8EF	Application to carry out management works (crown-reduce by one third) to one oak tree included in West Somerset District Tree Preservation Order T/3/97	15 September 2016	Refuse	<a href="#">DG</a>
T/26/16/003	74 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JG	Application to fell one Sycamore tree included in West Somerset District Tree Preservation Order T/3/11	29 July 2016	Grant	<a href="#">DG</a>

## Appeal Decision

Site visit made on 24 August 2016

by **Andy Harwood CMS MSc MRTPI**

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

Decision date: 16 September 2016

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**Appeal Ref: APP/H3320/W/16/3151692**

**Land at Cordings Cleeve, Near Brompton Ralph, Somerset**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr W A C Theed against the decision of West Somerset Council.
  - The application Ref 3/02/15/002, dated 5 June 2015, was refused by notice dated 5 February 2016.
  - The development proposed is the construction of a timber loading bay; forestry tracks; and upgrading existing forestry tracks at Cording's Cleeve, Near Brompton Ralph.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of a timber loading bay; forestry tracks; and upgrading existing forestry tracks at Cording's Cleeve, Near Brompton Ralph, Somerset in accordance with the terms of the application, Ref 3/02/15/002, dated 5 June 2015, subject to the conditions set out in the attached schedule.

### Application for costs

2. An application for costs was made by Mr W A C Theed against West Somerset Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The plans originally submitted with the planning application were amended before the Council made its decision. The revised plans are referenced within the Council's committee report and the appellant states that they were submitted in July 2015. The revised plans provide clarification of the proposal as well as demonstrating improved sight lines for the loading bay. The plans do not fundamentally change the proposals, are clearly those considered by the Council and by other parties before the decision was issued in February 2016. I will therefore consider the appeal on the basis of those revised plans.

### Main Issue

4. The effect of the proposed loading bay and tracks upon highway safety along the roads leading to the site, including during the construction process.

### Reasons

5. The appeal site is a large area of managed commercial forest. The proposal includes the improvement and creation of some new tracks within the woodland as well as construction of a timber loading bay clear of the public
-

- highway. The highway network leading to the site consists of narrow lanes with the village of Brompton Ralph nearby to the east.
6. The loading bay would be constructed at a point where there is currently a small, level clearing within the woodland which has a loose covering of stones on the surface. This area slopes away within a short distance of the edge of the road. It is proposed to level off an area 15m wide and 105m long, alongside the road but behind the roadside hedgerow. This would be constructed of compacted hardcore, crushed concrete and stone. There would also be improvements made to the entrance into this area by widening the opening and the cutting back of the hedge on both sides to improve visibility at the access.
  7. It is not disputed by the Council that forestry activity has been taking place for many years within these woodlands. It is also accepted by the Council that although logging could be intensified due to this proposal, that could occur in any event without control through the planning system. The operations are subject to a long-term forest plan and associated felling licence. These mean that on-going thinning, selective felling and clear felling of trees will continue to occur whether or not this proposal is implemented.
  8. There are limited places where logs can be loaded onto heavy goods vehicles (HGVs) at the moment. To the south east of the site, close to Westcott Farm there is an entrance to the forest where logs currently have to be stacked in and then loaded onto vehicles on the highway. There is very little space for HGVs to turn at this point according to the details of turning space required as set out by the appellant. HGVs also have to stand on the highway whilst being loaded. These existing arrangements mean that HGVs tend to drive through Brompton Ralph which is much closer to that side of the forest than the proposed loading area. Having HGVs on the narrow lane whilst loading is taking place is also a potential inconvenience and hazard to other road users.
  9. The proposed loading area is further to the west and would be large enough to allow for vehicles to turn and drive out in a forward gear. The opening up of the entrance would provide acceptable visibility in both directions to allow HGVs to enter and leave safely. There are some twists and turns along this lane to the east such as the bends close to Battin's and Hele Farms as well as the junction at Forche's Cross. However, it provides a more direct route to the B3224 than the more tortuous route to the wider highway network via Brompton Ralph. In my view this would become the more obvious route for HGVs to travel to and from the site, leading to fewer vehicles travelling along the less direct route through the village.
  10. The roads leading to the site in both directions are generally narrow. There are limited passing places but I did see informal areas where vehicles travelling in opposite directions would be able to pass. Although these passing places are not laid out specifically for that purpose they include some hard surfaced farm gateways as well as un-surfaced verges. These provide some havens for vehicles, pedestrians and other road users if confronted by vehicles. The Council's photographic evidence shows some of those areas which are clearly already used for these purposes due to the presence of tyre tracks. The current operations may already lead to potential problems with conflicts between HGVs and other vehicles both during their journeys whether east or

- west bound. Vehicles loading on the road is also a cause of inconvenience for road users.
11. The proposals would provide safer loading arrangements clear of the highway during times of logging activity which would normally take place in a 2 to 3 month period every 3 to 5 years. There may be some periods of more intensive forestry operations and the appellant has referred to the recent statutory plant health notices requiring the felling of diseased Larch. However, even taking account of that, I have no evidence to indicate that the use of the highway by HGVs following the construction of the loading bay and tracks would do any more damage to the road or verges than is currently the case. The impacts upon soft verges may occur in different places along the highway network but overall it would be little different from the present situation. It also seems to me that these arrangements would be safer than current practices because HGVs would be loaded clear of the highway.
  12. The proposed arrangements are likely to reduce HGV movements through Brompton Ralph. The roads leading to the west in particular may be subject to more traffic than they presently experience. Reference has also been made to a school bus and other school related traffic as well as residents of Clatworthy who travel to Brompton Ralph that use the road. However due to the limited times at which logging and loading will take place I do not consider that these additional impacts, whilst occasionally inconvenient, would be unsafe. The Highway Authority accepts that the operation of the logging activity would not be unsafe. They also point out that although some of the nearby roads are indicated as being unsuitable for HGV use, this does not prohibit those vehicles with a legitimate reason for access such as those involved in forestry or agriculture.
  13. The process of constructing the loading bay and tracks would involve the importation of materials and it is not precisely clear how many vehicle movements would be required. The appellant estimates that no more than 25 lorry trips in and 25 out would be required to import around 500 tonnes of material. This increased level of vehicle movements would have a short term impact. Some of the grass verges may suffer some damage but are likely to recover in the longer term when construction traffic stops. Some objectors to the scheme doubt this estimate of traffic levels but I have no direct evidence that leads me to consider that the information is wrong.
  14. In order to prevent unacceptable highway impacts the appellant has provided suggested construction access details within a detailed letter. The Highway Authority accepts these details. The Council has suggested a condition requiring the implementation of what is set out within the letter, in the event of the appeal being allowed. However, it would not be precise enough to simply refer to the lengthy correspondence but more precise details can be submitted to the Council for its further agreement prior to the development being implemented. This includes proposed delivery times to prevent conflict with school traffic during term times and the condition will allow for agreement of specific dates and times.
  15. It is necessary to ensure the route via the B3224 and Forche's Cross is utilised during construction to prevent use by the increased number of HGVs via the less suitable and more tortuous route via Brompton Ralph. I have therefore attached a specific condition requiring use of the route shown on 'Drawing 5'

dated 13 October 2015. As the proposal will not lead to a noticeable increase in HGVs during the normal course of forestry operation, I do not consider that it is necessary or reasonable to require this route only is used after the development has taken place construction.

16. There would be some impacts within the highway network as a consequence of traffic involved within the construction process. However, these impacts can be limited to prevent the unacceptable results through the imposition of planning conditions. Furthermore, these short term impacts which would not lead to unsafe conditions, would be outweighed by the longer term benefits of providing a loading area for the forestry operations clear of the highway in a position that would reduce related traffic through Brompton Ralph.
17. In relation to the main issue, the use and construction of the proposed loading bay and tracks would not have harmful impacts upon highway safety along the roads leading to the site. The Council has not referred to specific development plan policies within the reason for refusal. However, paragraph 32 of the National Planning Policy Framework is referenced. I have considered the proposal on the basis of this advice. Accordingly, the residual cumulative impacts of the development in transport terms would not be severe. There are no adverse impacts to significantly and demonstrably outweigh the benefits of the proposals.

### **Conditions**

18. Other conditions are necessary in terms of highway safety to secure the suitable access to, surfacing, gradient and drainage of the loading bay as well as preventing any future gates from encroaching over the highway. I have applied the conditions suggested by the Council with some clarification to improve enforceability and precision. I have also imposed a condition specifying the relevant drawings as this provides certainty that the development will be implemented as proposed.

### **Conclusion**

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*A Harwood*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'No 1r1 - location plan, proposed layout and cross section'; 'No 3 - proposed sightline improvements'; and 'No 1 - existing and proposed tracks'.
- 3) All Heavy Goods Vehicles involved in delivering materials to the site for use in construction of the development hereby approved shall travel to and from the site via the B3224 and Forches Cross to the west of the site only, as shown in red on 'drawing 5' submitted by Acorn Rural Property Consultants entitled 'Route to and from the site' dated 13 October 2015.
- 4) Prior to the use of the timber loading bay and tracks hereby approved, a recessed entrance 12 metres wide shall be constructed 5 metres back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) and drained so not to discharge surface water onto the highway. Once constructed the access shall thereafter be maintained in that condition at all times.
- 5) There shall be no obstruction to visibility greater than 900mm mm above the adjoining carriageway level within the visibility splays shown on approved 'No 1r1 - location plan, proposed layout and cross section'. Such visibility shall be provided prior to the loading bay hereby permitted being first brought into use and shall thereafter be retained in the approved form at all times.
- 6) The access, timber storage and loading areas shall be hard surfaced before being brought into use. They shall be made of porous material in accordance with the approved details or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface clear of the highway.
- 7) Any gates erected at the access to the site shall be erected so that they only open into the site and shall be set back a minimum of 5 metres from the edge of the adjacent carriageway.
- 8) The gradient of the proposed access shall not be steeper than 1 in 10 and once constructed shall be maintained in that condition at all times.
- 9) No development shall take place, until a Construction and Operational Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) measures for preventing debris from the construction process accumulating on the highway; and
  - v) construction working dates and hours including for the delivery of construction materials by heavy goods vehicles.

The approved Construction and Operational Management Plan shall be adhered to throughout the construction period for the development.

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## Costs Decision

Site visit made on 24 August 2016

**by Andy Harwood CMS MSc MRTPI**

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

**Decision date: 16 September 2016**

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### **Costs application in relation to Appeal Ref: APP/H3320/W/16/3151692 Land at Cordings Cleeve, Near Brompton Ralph, Somerset**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr W A C Theed for a full award of costs against West Somerset Council.
  - The appeal was against the refusal of planning permission for the construction of a timber loading bay; forestry tracks; and upgrading existing forestry tracks at Cording's Cleeve, Near Brompton Ralph.
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### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Preliminary Matter**

2. Although it is not specific within the costs application, it is clear that a full award is sought.

### **Reasons**

3. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG makes it clear that an aim of the costs regime is to encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case and not to add to development costs through avoidable delay.
  4. The application for costs is made with respect to the substantive issues raised within the reasons for refusal. The planning application was refused contrary to professional officer's recommendations and even though the Highway Authority officers had withdrawn their earlier objection due to the provision of additional details by the applicant.
  5. Councillors sitting on the planning committee visited the site and did look at the highway network. I recognise that there were genuine concerns expressed by members of the Council and local residents about the potential for highway conflicts, safety issues and damage to the highway network. However, the advice of the professional officers and the Highway Authority was very clear in stating that the Council as a planning authority did not control the potential for increased forestry activity. Many of the concerns such as conflicts with vehicles
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along narrow lanes would occur whether or not the proposals are implemented. This does not seem to have been given much weight by the Council.

6. As I have set out in the appeal decision, there would be some additional impacts from construction traffic but planning conditions could largely overcome the additional short term impacts. It was not clear that sufficient consideration was given to the planning conditions being recommended within the Planning Committee reports. The longer term improvement in highway safety and convenience terms due to the provision of a loading area clear of the highway also had to be weighed up with any residual impacts as well as the benefits to the forestry enterprise.
7. The Council in making the decision did not clearly and objectively analyse these matters in spite of the clear advice from their professional advisors. Furthermore paragraph 32 of the National Planning Policy Framework was set out within the Planning Committee reports and consultation responses. This makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. Given the generally light use of the nearby roads it is difficult to understand how the impacts could be considered severe even though at times they may be inconvenient.
8. The applicant employed professional consultants to prepare and submit their case for the appeal as well as this costs application. These costs have been incurred as a direct result of the way in which the Council made its decision.
9. I therefore consider that unreasonable behaviour resulting in the unnecessary and wasted costs as described in the PPG, has been demonstrated and that a full award of costs is justified

### **Costs Order**

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Somerset Council shall pay to Mr W A C Theed, the costs of the appeal proceedings; such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
11. The applicant is now invited to submit to West Somerset Council, to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*Andy Harwood*

INSPECTOR

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## Appeal Decision

Site visit made on 20 July 2016

by **Andy Harwood CMS MSc MRTPI**

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

Decision date: 11 August 2016

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**Appeal Ref: APP/H3320/W/16/3149733**  
**Merry Oaks, Washford, Watchet TA23 0LB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Greenslade against the decision of West Somerset Council.
  - The application Ref 3/26/15/013, dated 27 April 2014, was refused by notice dated 6 November 2015.
  - The development proposed is the construction of a new 3 bedroom dwelling on an old wood processing yard.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The suitability of the location for the proposed dwelling having regard to accessibility including its proximity to services and facilities; and
  - Whether any benefits arising from the development would be significantly and demonstrably outweighed by other considerations (the planning balance).

### Reasons

#### *Accessibility*

3. The appeal site is located in a high position on a hillside above a row of existing dwellings loosely distributed along the road that leads between Lower Roadwater and Washford. The site is presently a wood yard and at the time of my visit I saw and heard machinery being used. Logs were stacked in various locations close to the access and within the site. A narrow track leads up from the road past the driveways of other dwellings to a levelled area, the back edge of which is cut out of bedrock consistent with the reference to the site being part of a former quarry.
  4. An improvement is proposed to provide better visibility at the access to the site onto the lane. The lane itself has the feel of a country lane being enclosed by hedges and trees with the higher ground enclosing one side. There are no footpaths or street lights until close to Lower Roadwater in one direction. Limited footpaths are in place close to the White Horse public house in the
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other direction towards Washford. Although the road is wide enough in parts in both directions for two vehicles to pass in opposite directions with care, it narrows substantially in other places. I do not consider that the nature of the road is such that it would encourage residents living at the site to walk or cycle along it on a regular basis even though it only has a 30mph speed limit along part of the route.

5. The nearest shop is 1.65km away in Roadwater according to the appellant which I found to be a reasonable estimate of the distance when I drove through the village. Roadwater also has a pub, community hall, church and some places of employment as well as various clubs and groups which clearly make it a thriving community. These are reasonable facilities for a village but they are not easily accessible on foot or by cycle from the appeal site via the most direct routes along the road. The appellant refers to Roadwater and Washford also being accessible along a public footpath, which would take 15 minutes and 11 minutes respectively across country. However, that is still a significant walk or cycle ride and does not make this site easily accessible to these settlements. The Council has also indicated that this footpath is subject to significant gradients and this will affect whether it is a realistic alternative to the occupants of the dwelling using private vehicles to reach those villages.
6. The bus stop in Lower Roadwater is less than 1km away but this offers only a twice weekly service to Minehead. The bus stop further away in Washford provides more regular access to Minehead and Taunton. However, these bus stops are not close enough to provide a regular alternative to the use of private vehicles for most people in my opinion. Not much detail is given to me about the community bus although the Council states that it only runs 3 times a week and so is not a good option for commuters. Although I recognise that some children can get on the school bus that stops at the end of the drive leading to the site, from the information available to me it appears that these services do not make this an accessible location for everyone.
7. The appellant accepts that the site is outside of the limits of Washford which is a settlement where limited residential development can take place as defined by Policy SP/3 of the West Somerset District Local Plan, adopted April 2006 (LP). It is within the countryside for planning policy purposes. Although it is near to some other dwellings it is isolated from infrastructure and community facilities. Most prospective residents would be likely to rely upon private vehicle use to reach such day to day services and facilities.
8. In relation to this main issue, this is a remote location for the proposed dwelling having regard to accessibility, including its proximity to services and facilities. This is an isolated location and paragraph 55 of the National Planning Policy Framework (the Framework) states that new homes should be avoided in such locations unless there are special circumstances. I consider that an additional dwelling in this location would lead to a significant, by rural standards, increase in car travel as an additional household would rely predominantly upon private transport. Although the intention is for the appellant to work at home, there will still be a need to travel to reach services and facilities. This would not comply therefore with LP Policy SP/5.

#### *The Planning Balance*

9. The Council has accepted within the pre-application report provided to the appellant in 2013 that it cannot demonstrate a 5 year supply of deliverable

- housing sites. Although the West Somerset Local Plan to 2032 has been through an examination, the report is awaited. It is not clear that it will be adopted in its current draft form and I consider that it has limited weight.
10. In these circumstances, the Framework explains that policies for the supply of housing should not be considered up to date. This includes LP Policy SP/5 in my view. It is also explained at paragraph 14 that the presumption in favour of sustainable development means granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
  11. The appellant needs to reduce his physical activity involved within the logging business for age related reasons, changing to a consultancy dealing with the logging industry. However it is not clearly demonstrated why, other than for personal financial reasons, the consultancy business even if it relates to the logging industry would have to be located here in this isolated rural location. The selling of the existing dwelling at Merry Oaks would be beneficial to the appellant but would have a limited wider public economic benefit.
  12. The way in which the appellant's alternative plan if permission for a dwelling is not achieved, to invest in machinery and buildings to help reduce the laborious aspects of the business indicates that it is still a business worth investing in. It is not clear what other options have been attempted or considered for the business. I am not convinced that the proposal would lead to general economic advantages in these terms or due to the construction of the dwelling. These economic considerations alone are not special circumstances in my view in the context of paragraph 55 of the Framework that would require a dwelling for a permanent worker in this isolated location. In relation to these economic matters I consider that the proposal would have a neutral impact neither weighing for nor against the proposal.
  13. The alternative position of having to increase mechanisation and the number of buildings on the site would not necessarily cause harm to local residents in terms of noise and disturbance. There may be some changes to the scale and number of vehicles but it is not clear that this would cause undue impacts upon nearby residents or generally within the area.
  14. The proposal would change the character of the site. The Council does not suggest that this would be harmful and I agree that the proposal would not have adverse landscape impacts. However, the site is presently used for an activity that is appropriate within the countryside and I do not consider it looks unkempt as suggested by the appellant. The retention and potential improvement to habitats and plant species is not clearly an advantage of the proposal either. There is protection for such interests within law outside of the planning regime. I do not give any weight to these environmental matters which are neutral within the overall balance.
  15. A new home in the area would be a small but positive advantage of the proposal. The proposal may also help to attenuate for existing flooding off site. Although the extent of that is not clear it could be a small additional benefit of the proposal. The Framework encourages the effective use of previously developed land and this also adds some further weight in favour of the proposal. I also consider the community support for the proposal can be given

some weight. There is therefore a moderate degree of weight in favour of the proposal.

16. My conclusion on the first main issue that the site is isolated and therefore contrary to the advice in the Framework, has substantial weight. The harm due to non-compliance with LP Policy SP/5 adds further weight against the proposal. There are a number of social, environmental and economic factors that I have taken into account which do not weigh in favour or against the proposal. In relation to the final main issue, I consider that the modest benefits arising from the development would be significantly and demonstrably outweighed in the planning balance by the adverse impacts.

**Conclusion**

17. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Andy Harwood*

INSPECTOR