



To: Members of Planning Committee

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

Our Ref TB/TM

Your Ref

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

Extension 01823 219735

Date 22 August 2018

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
THIS DOCUMENT CAN BE MADE AVAILABLE IN LARGE PRINT, BRAILLE, TAPE FORMAT
OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 30 August 2018

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

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

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

Yours sincerely

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

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 30 August 2018 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 26 July - **to follow**

3. Declarations of Interest or Lobbying

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

4. Public Participation

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

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

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

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

To consider the reports of the Planning Team on the plans deposited in accordance with the Town and Country Planning Act 1990 and other matters - **COPY ATTACHED** (separate report). All recommendations take account of existing legislation (including the Human Rights Act) Government Circulars, 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: 22 August 2018

<u>Ref No.</u>	<u>Application/Report</u>
3/32/17/012	Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66. Paddons Farm, Stogursey
3/02/18/006	Conversion of winnowing barn (barn 1) to two-bedroom self-contained holiday let with formation of access drive and parking (resubmission of 3/02/17/009). Pitsford Hill Farm, Pitsford Hill, Wiveliscombe, Taunton, TA4 2RR
3/02/18/007	Retrospective application for the replacement of timber dams with 3 no. earth embankments to form water attenuation ponds. Leigh Cottage, Forches Cross to Brompton Ralph, Brompton Ralph, Taunton, TA4 2SF
3/05/18/005	Variation of Condition No. 02 (approved plans) of application

	3/05/17/012. Land to the north of Church Lane, Carhampton, TA24 6NT
3/05/18/006	Variation of Condition No. 02 (approved plans) of application 3/05/17/013. Land to the north of, Church Lane, Carhampton, TA24 6NT
3/21/18/039	Replacement of timber single glazed windows with upvc double glazed windows. Flat 2, 19-21 Bancks Street, Minehead, TA24 5DJ
3/21/18/044	Erection of 1m close-boarded fencing on top of 1m stone wall plus pedestrian timber gate on the eastern boundary (retention of works already undertaken). 33 Paganel Road, Minehead, TA24 5EU
3/26/18/003	Outline Planning Permission with all matters reserved for the demolition of garage and stores and erection of 1 No. dwelling in the garden. Ashcroft, Huish Lane, Old Cleeve, Watchet, TA23 0NY

6. Exmoor National Park Matters - Councillor to report

7. Delegated Decision List - Please see attached

8. Appeals Lodged

Appeal against the refusal of planning permission for outline application with all matters reserved, except for means of access, for the erection of 2 No. dwellings within the garden (resubmission of 3/21/17/026) at Maples, Ellicombe Lane, Alcombe, Minehead, TA24 6TR (application 3/21/17/124)

Appeal against the refusal of planning permission for the erection of a 10.5m long and 1.8m high close boarded fence in the south west corner of the site (retention of works already undertaken) (application 3/21/18/017).

Appeal against the refusal of planning permission for the creation of a vehicular access at Swillbridge House, Doniford, Watchet, TA23 0TH (application 3/39/18/007).

9. Appeals Decided

No appeals decided

10. Reserve date for site visits should we need one – 24 September

11. Next Committee date – 27 September

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

Likelihood (Probability)	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)

	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact (Consequences)				

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

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

Application No:	3/32/17/012
Parish	Stogursey
Application Type	Variation of conditions
Case Officer:	Matthew Banks
Grid Ref	Easting: 320558 Northing: 142977
Applicant	Mr Alford
Proposal	Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66.
Location	Paddons Farm, Stogursey
Reason for referral to Committee	The application is controversial

Recommendation

Recommended decision: Grant subject to prior resolution of a formalised Agreement under Section 106 TCPA 1990 to secure such undertakings in relation to the proposal as are relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. Previous and relevant conditions will be applied on any planning permission granted at that time. Unless previously discharged additional requirements would include but are not limited to those set out in the Section 106 Agreement previously entered into by the Applicant with the Council under App Ref: 3/32/06/003 dated 3rd July:

- conveyance to the council of an area of land for the future provision of a burial ground;
- payment to the council of a financial contribution to provide a public toilet and car park for the use in association thereof;
- payment to the Council of a financial contribution to provide to enable it to carry out repair works to a specific length of the existing boundary wall of the Priory Church of St Andrew;
- payment of a financial contribution to the Council towards the cost of providing an appropriately equipped motor vehicle to facilitate the operation of the Mobile Youth Provision or such other provision which the Council considers to be requisite to meet the need expected to arise from the Development proposal;
- payment of a financial contribution to the Council towards the costs of the provision or enhancement of off-site recreational facilities which the council considers to be requisite to meet the need expected to arise from the Development proposal.

Recommended Conditions (if applicable)

- 1 The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 (As amended).
- 2 In the opinion of the Local Planning Authority it is considered that the proposal would preserve or enhance the character and appearance of the Conservation Area. The proposal is therefore in accordance with the policies and proposals of, respectively, the West Somerset District Local Plan and the Somerset & Exmoor National Park Joint Structure Plan Review April 2000, as listed below.
- 3 The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 (As amended).
- 4 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be completed in accordance with the submitted phased programme of construction. The only works which may commence on site prior to the written approval of the Local Planning Authority of all outstanding details required under the other conditions attached to this permission are those relating solely to the excavation and construction of the highway surface water attenuation tank within the public open space. No work shall commence on any subsequent phase until the immediately preceding phase has been completed ready for occupation. Reason: To ensure a properly co-ordinated form of development in the interests of amenity and in the interests of the proper planning of the area, in accordance with Policy STR1.
- 5 Unless otherwise agreed in writing by the Local Planning Authority, the estate road, footpaths, junctions, visibility splays, individual accesses, including the pedestrian access and link between the site and Lime Street, street lighting installations and highway surface water drainage shall be completed to at least base course level prior to the commencement of any other works on site and shall be provided finished and ready for use in all respects in accordance with the approved plans to current County Highway Authority adoptable standards prior to the first occupation of any part of the development hereby permitted. (See Note v. below.) Reason: In the interests of highway safety in accordance with Policy(ies) 49 & 49.
- 6 No part of the development hereby permitted shall be occupied or brought into use until the domestic vehicle driveways, parking spaces and manoeuvring facilities shown on the approved drawings have been constructed, laid out and provided ready for use. The gradients of the driveways shall not exceed 1:10. The land so provided shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles in connection with the development hereby permitted. Reason:
- 7 No part of the development hereby permitted shall be occupied or brought into use until the domestic vehicle driveways, parking spaces and manoeuvring facilities shown on the approved drawings have been constructed, laid out and provided ready for use. The gradients of the driveways shall not exceed 1:10. The land so provided shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles in connection with the development hereby permitted. Reason: To ensure satisfactory provision of off-street parking and servicing facilities to serve the development, in the interests of road safety and amenity, and in accordance with Policy

T/7a.

- 8 No works (other than the excavation and installation of the highway surface water attenuation tank within the public open space) shall take place towards implementing this permission until such time as the diversion and/or stopping up of the public right of way and/or highway affected by the proposal has been lawfully proposed. The diversion and/or stopping up of the new right of way and/or highway shall be formally confirmed prior to the first occupation of the last dwelling to be occupied on the site. Reason: To safeguard the interests of users of the public right of way, and in accordance with Policy T/8.
- 9 The on site equipped and landscaped recreational areas shall be completed ready for use prior to the first occupation of the first unit to be completed on the site and permanently maintained thereafter in accordance with the approved specification of management arrangements. Reason:
- 10 The on site equipped and landscaped recreational areas shall be completed ready for use prior to the first occupation of the first unit to be completed on the site and permanently maintained thereafter in accordance with the approved specification of management arrangements. Reason: To ensure proper provision and maintenance of open space facilities to serve the area and to accord with Policies R/4 & TW/2.
- 11 The hereby approved scheme for the phased hard and soft landscaping of the site and the new areas of highway verge and associated field hedge planting (including existing flora) shall be implemented in tandem with each phase of the development and shall be fully implemented not later than the first planting season following the completion of each phase. If at any time during the construction of the development or with the subsequent five years following its final completion any tree, shrub, hedge or other planting forming part of the scheme shall for any reason die, be removed or felled it shall be replaced with another tree, shrub, hedge or planting of the same species during the next planting season, unless the Local Planning Authority gives prior written consent to any variation. Reason: In the interests of visual amenity and in accordance with Policies R/4 & TW/2
- 12 The new visibility splays, highway/field/site boundary, shall be defined by hedges of indigenous species, as shown on the approved plans. The planting of the hedge shall be completed not later than the first planting season following the completion of the development. If at any time during the subsequent five years any hedge, hedges or part thereof shall for any reason die, it shall be replaced with new hedge of the same species during the next planting season, unless the Local Planning Authority gives prior written consent to any alternative species. Reason: In the interests of visual amenity and in accordance with Policy TW/1.
- 13 The development hereby approved shall be carried out in such a manner as to avoid damage to all existing trees and/or planting shown to be retained on the approved landscaping scheme, including their root systems, by adopting the following measures:-
 - (i) all trees/planting to be preserved shall be marked on site and protected during any operations on site by a secure fence in current British Standard which shall be erected prior to development commencing;
 - (ii) no fires shall be lit beneath the canopy of the trees/planting;
 - (iii) no materials or equipment shall be stored beneath the canopy of the branches of the trees/planting;

(v) ground levels beneath the canopy of the trees/planting shall not be altered, or trenches excavated, except in accordance with details shown on the approved plans. Reason: To protect and enhance the amenities of the site and locality and in accordance with Policies TW/1 & TW/2.

- 14 If, during the course of the works hereby granted consent, any items of archaeological or historic interest are uncovered, the Local Planning Authority shall be notified immediately. The Local Planning Authority, or a person nominated by them, shall be allowed access to the site at all reasonable times for the purpose of recording such items or features prior to their disturbance, removal or covering up. Reason: The Local Planning Authority wishes to ensure that any items of archaeological interest are properly recorded for posterity in accordance with Planning Policy Guidance Note 16 and Policy AH/3.
- 15 Before any building is first occupied or brought into use, the hereby approved scheme for surface water run-off limitation shall be completed and brought into use and shall be maintained thereafter. Reason: In order not to increase the existing maximum flow in the downstream culverts, sewers and watercourses, in the interests of flood prevention and in accordance with Policy W/7.
- 16 Measures to minimise the impact on ground and surface waters shall be carried out strictly in accordance with the hereby approved Method Statement to the timescale and programme of works detailed therein. Reason: Previous activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site, and thus may present a threat to the quality of controlled waters of Stogursey Brook, especially as a result of the proposed development and the additional work is required to ensure the development will not cause pollution of Controlled Waters in accordance with Policies W/3 & W/4.
- 17 The details (including representative samples) of the type, colour and texture of all external facing materials to all buildings, walls, celtic cross and new bridge (including the finished external design of the new bridge and celtic cross) to be used shall be strictly in accordance with the details hereby approved the details so approved. Reason: In the interests of visual amenity and in accordance with Policy STR1, BD/2 & CA/1.
- 18 Unless otherwise agreed in writing by the Local Planning Authority, all windows, doors and external joinery to be used on the development shall be of stained or painted natural timber, recessed a minimum of 75 millimetres from the external face of the wall, and shall be installed strictly in accordance with the submitted details and maintained as such for the life of the building. Reason: To protect the character of the building, the site and the Conservation Area, in the interests of visual amenity and in accordance with Policies STR1, BD/2 & CA/1.
- 19 All materials to be used in boundary treatments and means of enclosure to the development and gardens abutting the open landscaped areas on the site shall be carried out strictly in accordance with this permission and prior to occupation of the development. Reason: To ensure that the appearance is in harmony with the traditional character of development in the area in the interests of visual amenity, in accordance with Policy STR1, BD/2 & CA/1.
- 20 The stone features shown on the drawings shall be in local natural stone laid in a traditional manner with flush or recessed pointing with lime based mortar. Prior to the features being constructed, representative samples of the stone to be used and a one

metre square sample panel shall be agreed in writing with the Local Planning Authority. Reason: To ensure that the appearance of the stonework will be in harmony with the traditional character of development in the area in the interests of visual amenity, in accordance with Policies STR1, BD/2 & CA/1.

- 21 Unless otherwise agreed in writing by the Local Planning Authority, all mains services required for the development hereby approved shall be laid underground. Reason: In the interests of visual amenity and in accordance with Policies STR1, CA/1 & UN/2.
- 22 The protection and enhancement of the existing woodland and badger foraging habitat along the Stogursey Brook shall be maintained in accordance with the submitted scheme for the management and landscaping of this area and the open ground associated with same. The area of land identified for potential burial ground provision shall be maintained as species rich grassland, in accordance with a detailed scheme for same which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works hereby permitted on site. (See Note iii. below.) Reason: In the interests of biodiversity and to enhance the character and quality of the area, in accordance with Policies TW/1, TW/2, NC/2 & NC/4.
- 23 Notwithstanding the submitted details contained within the formal planning application in respect of proposed street lighting within the public highway on Priory Hill and Farringdon Hill Lane, no street lighting shall be installed within these two highways (as existing and as altered under the terms of this permission) except with the express prior written consent of the Local Planning Authority. Any such consent shall only be in respect of a detailed scheme for same (including siting, design and level of illumination). Reason: To protect the quality of the character and setting of the Grade II* Listed St. Andrews Church and the designated Conservation Area for Stogursey, in accordance with Policy CA/1.
- 24 Unless otherwise agreed in writing by the Local Planning Authority, the demolition, excavation and construction activities on the site shall be carried out strictly in accordance with the submitted Working Method Statement to control the following:
 - i. Noise, dust, smell and other effluvia;
 - ii. Foundation piling/excavation;
 - iii. Surface water run-off on to highways and into watercourses;
 - iv. Site security arrangements, including hoardings;
 - v. Construction, excavation and demolition working hours;
 - vi. Permitted hours of movement for delivery vehicles bringing and/or removing materials to and/or from the site.

Where the submitted Working Method Statement does not specify any of the above items these shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works hereby permitted on site. Reason: To safeguard the aural and general amenities of neighbouring dwellings in accordance with Policy PC/2.

- 25 Unless otherwise agreed in writing by the Local Planning Authority, activities on the site, other than ancillary, temporary site office uses hereby approved or internal maintenance work to same, no demolition/construction work, or operation of vehicles, plant, machinery or equipment shall be carried out on site, except within the following times and days:-
 - i. between the hours of 0800 and 1800 Monday to Friday inclusively;

- ii between the hours of 0800 and 1300 on Saturdays;
- iii. and there shall be no working on Sundays or Public Holidays. Reason: To safeguard the aural and general amenities of neighbouring dwellings in accordance with Policy PC/2.

Condition listing approved plans:

NEW PLANS	DESCRIPTION	APPROVED PLANS TO BE REPLACED	
262_050_C	Site Plan	167 - 107C	Block 7 Plots 17-21
262_051_A	Street Elevations	167 - 008B	Block 8 Plot 22-23
262_052	Site Location Plan		
262_060_A	Block A Plans & Elevations	167 - 009B	Block 9 Plot 36-38
262_062_A	Block C Plans & Elevations	167 - 012A	Block 12 Plot 26-30
262_063_A	Block D Plans & Elevations	167 - 014B	Block 14 Plots 39 & 40
262_064_A	Block E Plans & Elevations		
262_065_A	Block F Plans & Elevations	06.05.084DS01P01	D r a i n a g e Strategy Plan
262_061_A	Block B Plans & Elevations		
262_066_A	Block G Plans & Elevations		
262_067_A	Garages Plans & Elevations		
262_080	Play Area		

Informative notes to applicant

Proposal

Variation of Condition 22 (approved Plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66.

Relevant Planning History

APP REF:	PROPOSAL	APPLICATION	DECISION	DECISION DATE
3/32/06/003	<i>Erection of 55 dwellings and associated works</i>	FULL	CONDITIO N A L APPROVA L	5.7.06
3/32/07/008	<i>Erection of 59 dwellings & associated works as amended by drawings and documents listed in agent's letter of 6th March 2007 received by Local Planning Authority on 7th March 2007 & incorporating DRG NOS. 06.05.084120 REV.PO2, SPP/1172/2 REV A, 167-021(P1) REV M & 167-021(P2) REV A received on 23/4/07 – Street Record, Paddons Farm, Stogursey.</i>	FULL	CONDITIO N A L APPROVA L	26.4.07
NMA/32/17/002	<i>Non-material amendment to application 3/32/07/008 The addition of a condition listing the approved plans'</i>	S.96A TCPA 1990	CONDITIO N A L APPROVA L (EXTANT CONDITIO N S APPLY)	8.8.17
3/32/17/012	<i>Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey.</i>	s.73 TCPA 1990		

Consultation Responses

Stogursey Parish Council – original comments:

Stogursey Parish Council note the amended plans, which include an additional four dwellings, raising the total number from fifty nine, to sixty three.

The Parish Council are hopeful that after such a long period of uncertainty regarding this development, and the very difficult circumstances that residents endured, that a conclusion may be within sight.

Stogursey Parish Council are concerned however at the proposed positioning of the children's "play area".

Having previously enjoyed a well presented and well equipped play area, the site now being proposed would seem to be in an area almost out of sight of most of the current and proposed dwellings.

Neither does the "new" play area provide what would be expected to be found in a children's play area, merely a mention of "stepping stones and Willow sculpture"? This is hardly a replacement for that which will be lost. The Parish Council would like to see the issue of children's play provision re-visited.

In the event that the application gains consent, Stogursey Parish Council would ask that construction/working times are negotiated with present residents to minimise the impacts of congestion and noise.

Highways Development Control - 'No objection. However previous comments to LPA 23.11.17 still apply:

In reference to the above application, the Highway Authority do not object to the proposal in this instance and therefore our previous comments and conditions would apply. However please note, any further increase over and above this may require full transport details.

Wessex Water – Holding Objection (development is crossed by a number of public sewers and site layout conflicts with statutory easements). Objection lifted 19.4.18.

Biodiversity and Landscaping Officer – 'The repositioned play area appears to be located very close to existing trees as well as the stream'.

Housing Enabling -

Twenty-five affordable homes have been delivered on this site in partnership with Magna Housing Association. In terms of policy requirement no contribution is required as a result of this application.

Representations Received

40 letters of objection have been received which raise the following issues:

- Legal challenge should be made under Section 106 agreement.
- Strongvox in breach of Section 106 obligations. Failure to comply with obligations under Section 106 agreement.
- £23,000 to £35,000 behind with maintenance payments, taken away visitor parking and left approved development incomplete.
- Applicant has failed to deliver land to Parish Council.
- Enforcement action should be taken.
- Conservation area – cramped development will not be appropriate to character.
- Residents purchased on the basis of the approved development / as a controlled rural development in Conservation area – totally inappropriate to approve this cramped development.
- Would never have been approved if it had been submitted in the first place.
- 20% more dwellings is completely unacceptable
- Should be completed as agreed. No more development.
- Council has a duty to keep to what was agreed.
- Changes in types of buildings – will result in mish-mash.
- Scale and dimensions on drawings have been withheld.
- Inconsistencies and conflicts with existing access arrangements/ownership.
- Private driveways are crossed (Nos 5, 6, 7) – this will result in legal challenges.
- Proposing 3-bed house next to liquid gas tank and pumping station. Hazardous.
- Estate roads traffic will increase significantly – consider deliveries and emergency vehicles with additional on-road parking.
- Parking provision is inadequate.
- Noise/air pollution.
- Inadequate local facilities to cope with this many houses.
- School has no further capacity.
- Loss of play area used for 9/10 years and replacement to steep, dark and unsafe site near stream with no connectivity.
- No foundation to assertions of antisocial behaviour on play area site.
- Applicant using all the green spaces on site.
- Drains are crossed – removal will result in massive disruption to householders on the development.

A Petition with 83 signatures objecting to application has also been received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SV1	Development at primary and secondary villages
CF1	Maximising access to recreational facilities
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
NH13	Securing high standards of design

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

R/5	Public Open Space and Large Developments
SY/2	Community Facilities

Additional

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

National Planning Policy Framework (July 2018)

Determining issues and considerations

Background

The background to this application is convoluted.

Full Planning Permission 3/32/06/003

On 7th February 2006, the applicant submitted a full application for planning permission: ***'Erection of 55 dwellings and associated works' – Land at Farrington Hill Lane, Stogursey, Bridgwater TA1 2PX*** ('the First Development').

The matter was supported by a Section 106 Agreement ('the Principal Agreement') dated 3rd July. Conditional Planning permission was granted on 5th July 2006.

The provisions of the Principal Agreement provide for:

- Landscaped open space and a children's play area (area identified at Plan B therein);
- Reservation of an area of land for potential future provision by the Council of a burial ground;
- Payment of financial contribution to the Council (£15,000 Index Linked) towards the cost of providing a public toilet and car park for use in association with the burial ground;
- Payment of a financial contribution (£22,000 Index Linked) to the Council to enable it to carry out repair works to a specific length of the existing boundary wall of the Priory Church of St Andrew;
- Payment of a financial contribution (£20,000 Index Linked) to the Council towards the costs of providing an appropriately equipped motor vehicle to facilitate the operation of the Mobile Youth Provision which the Council considers to be requisite to meet the need expected to arise from the Development Proposal;
- Payment of a financial contribution (£20,000 Index Linked) to the Council towards the cost of the provision or enhancement of off-site recreational facilities which the Council considers to be requisite to meet the need expected to arise from the Development Proposal.

Full Planning Permission 3/32/07/008

On 13th February 2007 the applicant submitted a full application for planning permission: ***'Erection of 59 dwellings and associated works as amended by drawings and documents listed in agent's letter of 6th March 2007 received by Local Planning Authority on 7th March 2007'*** ('the Second Development'). The drawings submitted included new drawing numbers 06.05.084120 (Rev PO2), SPP/1172/2 (Rev A), 161-021(PI) (Rev M) and 161-021(P2) (Rev A), received by the LPA on 23rd April 2007.

On 26th April 2007 planning permission was granted under delegated powers, subject to twenty-one conditions. A Supplementary Agreement under Section 106 TCPA 1990 was agreed, dated 2nd May 2007. The Supplementary Agreement provides that the provision of the Principal Agreement shall apply, save for an amendment increasing developer contributions for 'Mobile Youth Provision Contribution' from £20,000 to £28,000 Index Linked.

The decision notice approving the development in question refers to 'amended and new drawings' submitted prior to that approval but it fails to list these as approved drawings.

On 8th July 2009, a further Supplementary Agreement under Section 106 TCPA 1990 was agreed. The Supplementary Agreement observes Magna Housing as a landowner and party to the Principal Agreement and varies provisions to allow the

affordable housing units to be used for affordable social rental purposes.

Implementation

The development permitted under 3/32/07/008 was implemented by the applicant in tandem with Magna Housing Association, resulting in the delivery of all of the affordable housing provision secured under the relevant s.106 Deed. However, of the fifty-nine dwellings permitted, only thirty-six dwellings were fully completed. The incomplete development was occupied but has hitherto remained incomplete. The applicant attributes this state of affairs to the poor economy and difficult market conditions prevailing through this period.

Non-Material Amendment (s.96A TCPA 1990)

On 12th June 2017 the applicant sought to address detail lacking in the decision notice issued under App Ref: 3/32/07/008, hence applying for a non-material amendment to the decision notice issued on 26th April 2007. This non-material amendment is identified in App Ref: NMA/32/17/002 as: ***'The addition of a condition listing the approved plans'***.

On 8th August 2017, the non-material amendment requested under App Ref: NMA/32/17/002 was approved. By this decision, a further condition, (Condition 22) was added to the list of conditions under App Ref: 3/32/07/008.

Once the approved dwellings were thus identified it was possible for the applicant to submit an application to vary the condition under section 73 TCPA 1990.

Current Proposal

Town & Country Planning Act 1990 ('TCPA' 1990) *Minor Material Amendment (s.73 TCPA 1990)*

Hence the application is made under Section 73 TCPA 1990 (as amended). By Section 73 TCPA 1990 an applicant may seek permission to develop land without compliance with conditions previously attached, in this case Condition 22, listing the approved plans.

Your Officers have taken legal advice to establish whether in the particular circumstances of this case and have regard to the specific matters under variation, the Council can and should determine this application. The Council's solicitor has advised clearly in the affirmative.

A successful application under s.73 TCPA 1990 results in the grant of a new planning permission. In those circumstances, any obligations under Section 106 pertaining to the former consent are relevant only to the former consent and (unless varied by agreement) do not carry forward to the varied consent. The applicant may elect which planning permission to proceed with.

The description under the proposal before the Local Planning Authority now is:

'Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey.'

The applicant seeks to vary the number of dwellings to be delivered (and so the layout of the development) as set out in drawings previously submitted to the Council in March and April 2007, the same having been listed under a new condition (Condition 22) which was retrospectively added to the planning consent granted under App Ref: 3/32/07/008).

No justification for the proposed variation has been provided, save for a reference in the applicant's supporting planning statement identifying reasons for previous failure to complete the development due to 'economic climate at the time'.

There is some discrepancy on the papers between the Design and Access Statement, the Planning Statement and the application form submitted in this matter as these documents discuss the number of additional dwellings proposed. This has now been clarified as a total of seven additional dwellings, achieving a total of sixty-six dwellings on the site.

The result of a successful application under Section 73 TCPA 1990 will be that a new planning permission will be granted. For this reason, the application must be considered in light of current planning policy under the Development Plan and in that context, the acceptability of the current proposal for a total of sixty-six dwellings where fifty-nine dwellings have previously been approved. This increase must be considered in the round and having regard to potential adverse impacts upon the amenity of the occupants of existing and proposed dwellings and in turn the benefit of achieving completion of the development.

A revised site plan demonstrating the proposed arrangement provides for the provision of a Local Equipped Area for Play ('LEAP'). By the current proposal the 'new' LEAP will be provided within the area that accommodates the LEAP previously delivered under the 3/32/07/008 proposal, which is also secured under the provisions of the Section 106 (Principal Agreement) dated 3rd July 2006. Other public open space is identified in the current proposal, as it is under the 3/32/07/008 proposal, previously secured under the Section 106 Principal Agreement. The current proposal is silent upon the provision/reservation of land for a burial ground (Policy SY/2). It has been informally suggested that the applicant will reserve the relevant land identified under Policy SY/2 for this purpose.

PLANNING ANALYSIS

West Somerset Local Plan to 2032

The site lies within the defined settlement limit of Stogursey. By West Somerset Local Plan to 2032, Policy SC1 identifies Stogursey as a primary village where limited development will be permitted, where it can be demonstrated that it will contribute to wider sustainability benefits for the area. 'Limited development' is defined as: 'individual schemes of up to ten dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited

to about 30% of this increase in any five year period’.

For these purposes the current Plan Period is 2016 – 2032.

Viewed afresh under Policy SC2, the proposal is not a small scheme. However, it is an incomplete scheme and one that requires resolution.

Save for a pair of semi-detached dwellings sited in the former LEAP site, five of the additional proposed dwellings result from reconfiguration of the previous arrangements to plots in the incomplete development to the northern boundary and central island of the site. This reconfiguration results in a denser central core to complete the development. Proposed parking standards satisfy Local Plan requirements.

The final two additional proposed dwellings are sited in the area identified within the existing Principal s106 Agreement as a LEAP. The LEAP proposed under the current scheme is therefore displaced and relocated further south within the same area but closer to a tree line and the stream. By saved Policy R/5 and where it is necessary, conditions and/or agreements attached to planning permissions will set out measures to ensure an adequate provision of open space as defined under policy.

Considered under Policy SC3 the additional housing adds to the mix of housing sizes, tenures and types provided on site. By Policy SC4, affordable housing is expected to be provided on all sites of eleven or more dwellings in the minimum ratio of thirty-five affordable units for every sixty-five open market (pro-rata) based on the total number of dwellings to be provided in the development. Twenty-five affordable dwellings have been delivered on site. The requirement is therefore satisfied.

By Policy SV1, development at Primary and Secondary villages must be integral, harmonious additions to the settlement’s existing character, enhancing existing levels of service provision and creating balanced communities at a level appropriate to role and function. By Policy NH2 development within a conservation area should preserve or enhance its character or appearance and by Policy NH6, must not generate unacceptable adverse impacts on biodiversity.

As originally considered the site was appropriate for allocation for housing and as presented at that time the proposal was considered one that would preserve or enhance the character and appearance of the Conservation area within which it lies. The subsequent ten-year hiatus, changes to the proposal and developer failures to complete the development have contributed to a state of flux and uncertainty for residents living as they have, in an incomplete and unresolved development.

Policy NH13 observes an expectation that new development will meet the highest standards of design with landscape proposals to enhance the natural and built development. Extant Policy R5 sets out the requirements for public open space on large developments for twenty-five dwellings or more. Delivery under extant Policy R5 includes equipped play areas for pre and early school children, other provision for older children and amenity and informal areas.

SECTION 106 TCPA 1990

Previous proposals beginning with the planning permission first granted in 2006 secured various undertakings under Deed considered necessary to make the development acceptable.

As discussed earlier, a consequence of a successful application under Section 73 TCPA is that it results in a new planning permission. The obligations previously agreed under the Principal Agreement (Section 106 TCPA 1990) remain with the earlier consent. The applicant can elect which consent to proceed with.

It is the case that the applicant has hitherto failed to comply with various of its obligations under the Principal Agreement.

Under the current proposal the applicant has not made any proposals under the current application for undertakings under a Section 106 Agreement and has not proposed any variation under s.106A TCPA 1990 relating to the Principal Agreement or linking the current application to those undertakings.

Accordingly, the proposal must be considered afresh for any obligations to be agreed under a new Section 106 Agreement where such obligations are relevant to planning and necessary to make the proposed development acceptable, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respects.

Conclusions and Recommendations

In the circumstances and for the above reasons it is recommended that the application should be **approved subject to prior resolution of a formalised Agreement under Section 106 TCPA 1990** to secure such undertakings in relation to the proposal as are relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. Previous and relevant conditions will be applied on any planning permission granted at that time. Unless previously discharged additional requirements would include but are not limited to those set out in the Section 106 Agreement previously entered into by the Applicant with the Council under App Ref: 3/32/06/003 dated 3rd July:

- conveyance to the council of an area of land for the future provision of a burial ground;
- payment to the council of a financial contribution to provide a public toilet and car park for the use in association thereof;
- payment to the Council of a financial contribution to provide to enable it to carry our repair works to a specific length of the existing boundary wall of the Priory Church of St Andrew;
- payment of a financial contribution to the Council towards the cost of providing an appropriately equipped motor vehicle to facilitate the operation of the Mobile Youth Provision or such other provision which the Council

considers to be requisite to meet the need expected to arise from the Development proposal;

- payment of a financial contribution to the Council towards the costs of the provision or enhancement of off-site recreational facilities which the council considers to be requisite to meet the need expected to arise from the Development proposal.

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

Application No:	3/02/18/006
Parish	Brompton Ralph
Application Type	Full Planning Permission
Case Officer:	Denise Grandfield
Grid Ref	Easting: 310241 Northing: 130617
Applicant	Mr and Mrs Fidell
Proposal	Conversion of winnowing barn (barn 1) to two-bedroom self-contained holiday let with formation of access drive and parking (resubmission of 3/02/17/009)
Location	Pitsford Hill Farm, Pitsford Hill, Wiveliscombe, Taunton, TA4 2RR
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation.

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

A1) DRNO J-1713-05 REV D PROPOSED SITE PLAN

(A1) DRNO J-1713-08 REV A PROPOSED BLOCK & LOCATION PLAN

(A1) DRNO J-1713-08 REV C PROPOSED PLANS, ELEVATIONS AND SECTIONS

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order (with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure shall

be added to the building or erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

- 4 Prior to the accommodation being brought into use the single storey extension to the south-west elevation shall be removed in its entirety and the south-western wall shall be reinstated to its former condition.

Reason: To comply with the requirements of policy OC1

- 5 The converted barn shall be occupied for tourism purposes only.

The shall not be occupied as a person's sole or main residence.

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

Reason: To prevent permanent occupation of the residential units within the open countryside.

- 6 The development hereby permitted for the winnowing barn shall not be completed until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Western ecology's bat emergence surveys for Barn 1 (Winnowing barn) dated September 2017 **AND a further emergence survey in 2018** and include:

1. Details of protective measures to include method statements to avoid impacts on bats and birds during all stages of development;
2. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance.
3. Measures for the enhancement of places of rest for, bats
4. Details of supervision by a licenced ecologist
5. Details of any lighting

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

The development shall not be occupied until the scheme for the maintenance and provision of the new bat roost and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and accommodate bats and nesting birds.

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

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

- 8 No works shall be undertaken on the installation of the external windows and doors unless full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include cross-sections, profiles, reveals, surrounds, 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 and thereafter retained as such.

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

- 9 Prior to work commencing on the construction and highering of the boundary walls and retaining walls, detail of their design and materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only the agreed details shall be used and thereafter retained.

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

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

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

Proposal

The application, submitted partly in retrospect, proposes the conversion of an existing former agricultural building to provide a two bedroomed self-contained holiday accommodation and the creation of a new access and parking area. The application is the resubmission of a previously withdrawn application for the conversion of barns to holiday accommodation and storage.

One part time employee will be employed.

Site Description

The site is located within the former farm complex of Pitsford Farm and consists of a detached pitched roof building which would appear to have some age. The site lies outside a defined settlement boundary in the open countryside.

The land and buildings no longer form part of a working farm.

Relevant Planning History

3/02/92/015 - Conversion of barn to holiday unit - Approved - 23 February 1993

3/02/93/001 - Conversion of barn to two holiday units - Approved - 24 June 1993

3/02/17/009 - Conversion of barn to holiday accommodation with formation of access and associated works (retention of works already undertaken) - Withdrawn - 23 Feb 2018

Consultation Responses

Brompton Ralph Parish Council -The parish council felt that the planning application should be rejected for the following reasons;

- Vehicular access to/from this property is very poor from the narrow rural road and further review from Highways Department would be required to see whether a suitable splay could be made from both directions from the property.
- The parish council were unhappy with the number of skylights added to the property and felt that the roofing material would make the property stand out in the area.
- There is not a need for more holiday lets in this area of West Somerset. A similar application within the same area of Brompton Ralph Parish was recently rejected for this very reason and underpinned at a planning appeal by the HM Inspectorate of planning . Many holiday lets in this area of West Somerset and adjacent parts of Taunton Deane over the past 10 years have been returned to residential use due to low usage. Since the property is in a rural area there are no nearby shops or amenities to support it.
- In principle, the application had changed very little to the withdrawn application

3/02/17/009.

Four parish councillors voted to reject the planning application. 2 parish councillors abstained and the chairman abstained as he had declared a personal interest with the application.

Somerset Wildlife Trust - We have noted the above mentioned Planning Application and would repeat our comments dated 21 November 2017 in respect of Planning Application 3/02/17/009. We would support the proposals for Mitigation and Enhancement which should be included in the Planning Conditions if it is decided to grant Planning Permission.

Planning Enforcement - No comments received

Tree Officer - Regarding this application and its effect on existing trees, I can see no reason to object. The site is fairly remote, and very few trees would be affected. One small hawthorn will be removed for the access drive, and one or two other minor trees may be removed in the garden area, but nothing that merits retention or TPO. The TPO'd trees near to the entrance drive will not be affected. A few new trees and hedge to the south of the dwellings and driveway would be good as a condition of consent.

Highways Development Control - Standing advice applies

Biodiversity and Landscaping Officer

The application is a resubmission for the change of use and conversion of the winnowing barn at Pitsford Farm, Pitsford Hill, Brompton Ralph

Western ecology carried out a bat emergence surveys in September 2017. Findings are as follows

Bats

Dusk emergence surveys and remote monitoring were carried out during which time the surveyor observed that bats were using the winnowing barn in the following manner-

- Common Pipistrelle day roost used by two individual bats, likely to be single males
- Lesser Horseshoe night roost in the lean -too on the southern end of the winnowing barn used by an individual bat.

This means that an EPS licence is required to develop the winnowing barn.

Economic Regeneration and Tourism - No comments received

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 West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
TR2	Reducing reliance on the private car
EC1	Widening and strengthening the local economy
OC1	Open Countryside development

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

T/7	Non-Residential Development Car Parking
BD/3	Conversions, Alterations and, Extensions

Determining issues and considerations

Background

As part of the previous application concern was expressed regarding the extent of building works which had been undertaken prior to the submission of the application, including the construction of a single storey pitched roof extension to the south-western elevation. At the time of the site visit for this application the extension was still in place, however it does not form part of the current application and will be required to be demolished prior to the building being brought into use.

The original corrugated iron roof has been replaced with slate and 5 roof lights have been installed in the north-west and south-east elevations.

Principle

Policy OC1 supports the conversion of existing traditionally constructed buildings in association with employment or tourism purposes. As a policy let use is a tourist use the principle of the development is considered acceptable. The conversion would provide an economic benefit to the area which is close to popular tourist locations.

The building is set some distance from the road and at a slightly lower ground level from the land to the south. The built form would not be readily visible from the public highway.

POLICY BD/3 refers to Conversions, Alterations and Extensions and states that:

Planning applications for alterations or extensions to existing buildings must meet the following requirements:

- 1. The building materials should be appropriate to adjoining buildings*
- 2. The design of any alterations and extensions will be such that the scale, proportions and detailing are in character and are appropriate to the building(s) to which they relate.*

The existing dwelling is roofed in slate and the use of slate on the roof for the proposed conversion is considered acceptable. The changes to the building where possible use the existing openings with the exception of the new roof lights. The walls are proposed to be rendered.

Ecology

A Bat Emergence Survey was submitted with the application which identified that a number of species of bats are present. A number of mitigation factors have been suggested. The Council's Biodiversity Officer has recommended that the mitigation works be included as a condition on any permission granted. An EPS licence is required to develop the barn.

Car Parking and access

The West Somerset Local Plan requires one parking space for two occupants for a guest house which is a similar use. Given there are two double bedrooms, two car parking spaces would be acceptable. Adequate space for two parking spaces and for vehicle turning has been included within the application site.

The proposed access utilises the existing driveway from the road which serves the existing dwelling. A new access from the driveway to the building is proposed to be created constructed in hardcore/gravel which is considered acceptable and would not harm the character of the area.

Trees

There is a group of TPO trees at the entrance to the site. These will not be affected by the development. The new access will require the removal of a small hawthorn which is considered acceptable. As recommended by the Tree Officer a condition has been included to require additional planting in the form of trees and hedgerow to the south of the proposal.

Conclusion

The proposal is considered acceptable as it complies with local plan policies and subject to the inclusion of appropriate conditions, approval is recommended.

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



Application No 3/02/18/006
 Conversion of winnowing barn (barn
 1) into a two-bedroom self-contained
 holiday let with the formation of
 access drive and parking
 (resubmission of 3/02/17/009)
 Pitsford Hill Farm, Pitsford Hill,
 Wiveliscombe, Taunton, TA4 2RR
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Application No:	3/02/18/007
Parish	Brompton Ralph
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 307601 Northing: 131637
Applicant	Mr R Holmes
Proposal	Retrospective application for the replacement of timber dams with 3 no. earth embankments to form water attenuation ponds
Location	Leigh Cottage, Forches Cross to Brompton Ralph, Brompton Ralph, Taunton, TA4 2SF
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation.

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

(A3) 3D VIEW

(A3) PLAN VIEW

(A3) DRNO PL-02 WATER STORAGE PONDS

(A3) DRNO PL-03 SITE PLAN

(A3) DRNO PL-101 LOCATION PLAN

(A4) DRNO PL-01 CROSS SECTION B, C & D

(A4) DRNO PL-04 EARTH EMBANKEMENT

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

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

These details should also include details of the log dams.

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

- 4 During the period of construction of the development the existing soil levels around the base of the retained trees and hedges shall be retained and shall not be altered.

Reason: To avoid potential harm to the root system of any tree/hedge leading to possible consequential damage to its health.

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

This is a retrospective application for the replacement of timber dams with 3 earth embankments to form three water attenuation ponds along the watercourse running through the land at Leigh Cottage and Westcott Farm.

The principle purposes of the ponds is to

1. Improve drainage of the surrounding land
2. Reduce flood risk and drainage issues downstream on land owned by Westcott Farm and to other properties
3. Improve the local wildlife habitat and biodiversity with the creation and management of a new habitat

The size of the ponds will cover approximately 100 m x 40 m, with a depth ranging between 0.5 to 5 m. The volume of the ponds is estimated to be approximately 1,800 m³ (+/- 90 m³).

The waterflow will be managed through the installation of a concrete spillway/apron at the desired water level and a 600 mm pipe and penstock

Site Description

The site comprises a number of fields currently in agricultural use to the south of the B3227. The site extends to an area of approximately 0.4 hectares and the area for the works are situated at the bottom of a valley, where an existing stream/brook traverses the valley floor.

In terms of location, the site is located to the south west of the village of Brompton Ralph and is bordered by agricultural land in all directions. Access to the site is currently via an access track associated with Leigh Cottage to the north-east.

A small watercourse runs in an easterly direction through the centre of the site and is a tributary of the Hillfarrance Brook, that flows into the River Tone and the River Parrett. This stream has a small catchment area of 1.4km and has a low flow rate which drains from higher land in the west and which is predominantly in agricultural use.

The site is not located within a groundwater Source Protection Zone (SPZ) or Nitrate Vulnerable Zone (NVZ), and is located solely within Flood Zone 1 (according to the Environment Agency Flood mapping data).

Relevant Planning History

3/02/17/005 - Application for prior notification of the replacement of timber dams with 3 earth embankments to store water. Refused on 7 July 2017. The reason for refusal was:

It has not been proven that the works detailed in the submission are reasonably required for the purposes of agriculture or forestry as required by the General Permitted Development Order 2015 (as amended), Part 6, Class A (b), and therefore the proposed scheme cannot be considered as permitted development. It is considered that the works require planning permission in their own right and

cannot therefore be considered under an agricultural notification.

Consultation Responses

Brompton Ralph Parish Council -

Brompton Ralph Parish Council held a meeting on 23rd May 2018 to consider planning application 3/02/18/007.

Mr R Holmes was invited to talk to the parish council about the retrospective application.

However, the Parish Council voted to recommend refusal to the application, as it was unclear how the water attenuation scheme would affect water supply downstream, especially during summer months to local farms. Farms traditionally use local streams at edge of fields to provide water for their livestock. It was felt that the proposed scheme could restrict the flow of water by a substantial amount, which would have a potentially significant and detrimental affect to the rural community.

The Parish Council would hope that the Planning officer would consider its own independent specialist advice on this matter, in order to verify the applicants own specialist hydrologist report.

Highways Development Control - No observations.

Landscape and Biodiversity Officer - I have no landscape or biodiversity objections to this proposal. Some limited tree planting would help to assimilate the pond into the landscape.

Environment Agency - No comments received.

Tree Officer - Regarding this application, and its effect on existing trees, no objection from me.

Although some stream-side alders have been removed, they were not particularly significant trees in the landscape, the site is well-hidden apart from the public footpath, and the proposed native tree and shrub planting is extensive and will more than mitigate for the loss of the alders, as will the new lakes.

Representations Received

Ward Councillor's comments;

- These ponds will directly affect the watercourse running through my farm.
- Several years ago a neighbour dug a pond with the same watercourse running through it and the watercourse through my farm dried up for the rest of the

summer.

- It is not just the amount of water needed to fill the ponds but an increased surface area causing evaporation, so causing a secondary loss of water.
- The applicant talks about reducing "flood risk", there is no flood risk at present but will now cause drought risk.

One letter of comment raising the following;

- In response to Councillor Turner's comments, and the local watercourses, the little stream that passes his farm starts between Manor Farm and Middle Stone Farms and down to Pitsford Hill.
- I may have up to 50 cattle that drink from it, hence at times a low flow rate by the time it gets to him, not evaporation.
- There is a large hill in between that stream and the one that the new pond at Leigh is fed from my land is about 700 metres down stream from this pond, at that point another stronger stream joins from Combe Davey.
- My cattle drink from this stream and I have no worries at all about the flow rate being affected. Water troughs have been installed from another source, so stock have no need to drink before the stream reaches me.
- The stream then enters Theed Forestry woodlands for a long way before going under the bridge at Ford on the Wiveliscombe road.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement
NH13	Securing high standards of design
CC2	Flood Risk Management
CC6	Water Management

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

TW/1 Trees and Woodland Protection

Determining issues and considerations

The primary issues and considerations of this retrospective proposal are; impacts on the landscape character of the area, amenity in the area, trees and flooding.

Impacts on the landscape character of the area

This retrospective development is located at the bottom of the valley floor and at a considerable lower level than that of the dwelling known as Leigh Cottage. In terms of impacts on the character and appearance of the area, the site is well screened and not visible from readily available public views outside the site from road level. It is however, noted that a public footpath (WL 2/22) passes through one of the fields to the north and west of Leigh Cottage and besides an existing high level hedgerow thus allowing occasional glimpses of the watercourse.

Amenity in the area

There are no other dwellings in the immediate vicinity of Leigh Cottage. The closest property is approximately 4km way downstream in the village of Ford. One comment has been received from the local Ward Councillor who raises concerns of drought risk and the effect of the watercourse running through their land, which is some distance away on the other side of the valley. One other representation has been received, commenting that the Ward Councillor raises relates to a different stream and that the Hillfarrance Brook will not affect other local amenities in the area.

Trees

There already exists tree planting along the northern slopes of the ponds and it is noted from the submitted details (plan view) that marginal aquatic planting, log weirs between the ponds and tree planting to the southern side are proposed, details of which will be required via condition.

The Council's Landscape Officer has no objection to the scheme. The Council's Tree Officer also has no objections and notes that the proposed native tree and shrub planting is extensive and will more than mitigate for the loss of the alders, as will the new ponds.

It is therefore considered that this proposal accords with local planning policy NH5, of the West Somerset Local Plan to 2032 which seeks to minimise adverse impact on the quality and integrity of the landscape character. Saved policy TW1, of the West Somerset District Local Plan 2006 is also relevant in this case, and guides that development proposals affecting woodlands or groups of trees/individual trees with

wildlife or amenity value will only be permitted where conditions can be attached to protect trees and where appropriate require replacement/additional tree planting. In this case there will be extensive new planting which will mitigate the loss of some Alders which were not considered by the Tree Officer to be significant in the landscape.

Flooding

In developing this proposal the applicant has been in consultation with FWAG (Farming & Wildlife Advisory Group) as FWAG have been investigating ways of reducing flood risk and sources of flooding to benefit the Somerset Levels.

The site is solely located within flood Zone 1 (at low risk of flooding). The applicant has submitted a Flood Risk Assessment. This report has assessed flood risks within the area, which is a requirement of the National Planning Policy Framework, (paragraph 103), where applications involve a site greater than 1 hectare in Flood Zone 1. The report has looked at all possible flood risks including rivers, sea, sewers and groundwater, and also how flooding would be managed and evaluated with the effects of climate change. It concludes that as the ponds are surrounded by agricultural land an increase in the water level of the ponds in extreme flood event would not pose a flood risk. In addition as the ponds will be on the line of the existing watercourse (Hillfarrance Brook) and there is no form of flow control device or attenuation when the pond is at its designed water level, the ponds will have a negligible impact on the flow regime of the watercourse. There is a residual flood risk in the event of a failure of the pond embankment, but provided it is constructed to the required standards it is considered that a breach is highly unlikely to occur. A 600mm pipe and penstock has been installed to allow the lake to be drained.

In the event of extreme flooding and where the pond is below the desired water level, it would also allow water to be stored and reduce flooding elsewhere. The embankments of the pond have been constructed to withstand the water capacity which is estimated at 1,800m³ (± 90m³).

The site's access to the north is at a significantly higher level than that of the ponds and will not be affected by flooding and is entirely within flood zone 1. The Environment Agency's flood maps indicates that the site is potentially at risk from surface water flooding, associated with the watercourse which runs through the site, however there are no other significant sources of flooding at the site, i.e. from sewers, reservoirs or groundwater.

The FRA concludes that it has been demonstrated that the proposed development will be safe and it will not increase flood risk elsewhere. The proposed land use is classified as water compatible development and so the proposal is considered appropriate in relation to the flood risk vulnerability classifications.

Policy CC2 relates to flood risk management and states that the proposed development should be located and designed to mitigate against and to avoid flood risk elsewhere and where possible contribute towards the resolution of existing flooding issues. It is considered that the proposal is in accordance with this policy.

Conclusion

From the issues and discussion above, it is considered that the applicant has fully addressed any possible flooding aspects at the site and relating to the proposed development and that the applicants Flood Risk Assessment, with consultation with the Environment Agency demonstrates that new ponds are appropriate in planning terms. It is confirmed that surface water flooding risk is associated with the watercourse and that surface water flooding is unlikely to affect the site and potential effects would be no worse than existing fluvial flood risk. The development is in accordance with National Planning Policy Framework and its associated Planning Practice Guidance, together with local planning policies CC2 and CC6 of the West Somerset Local Plan to 2032 in terms of flooding and water management.

In terms of landscape character and protected species in the area, the new ponds will provide an increase in biodiversity with the creation of new habitats in the area, together with additional new marginal and general tree planting and is in accordance with saved local policy TW1 of the West Somerset District Local Plan (2006) and policies NH5, NH6 and NH13 of the current local plan.

The site is at the bottom of a valley and surrounded by agricultural land and there are no immediate residential properties downstream. The embankments of the ponds are constructed to the required standards meaning that a breach is highly unlikely to result. It is noted that there is no form of flow control device or attenuation when at the required level as discussed. The catchment area of the watercourse is estimated to be 1.4km with the 100 year flow rate of 1.8m³/s. Allowing for climate change this rate is increased to 2.34m³/s and the watercourse has a small catchment area and relatively low flow rate, and the pond will have a negligible impact.

The consultee comments can be seen above and it is noted that the local Parish Council have objected to this retrospective proposal. Given that the FRA has demonstrated that the development will not have significant impacts on the area however, and that the scheme is in accordance with local and national policies a recommendation of approval is suggested.

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



Application No 3/02/18/007
 Retrospective application for the
 replacement of timber dams with 3
 no. earth embankments to form
 water attenuation ponds
 Leigh Cottage, Forches Cross to
 Brompton Ralph, Brompton Ralph,
 Taunton, TA4 2SF
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Application No:	3/05/18/005
Parish	Carhampton
Application Type	Variation of conditions
Case Officer:	Elizabeth Peeks
Applicant	Mr Ware
Proposal	Variation of Condition No. 02 (approved plans) of application 3/05/17/012.
Location	Land to the north of Church Lane, Carhampton, TA24 6NT
Reason for referral to Committee	The Chair of the Planning Committee has referred this application to Planning Committee and the recommendation is contrary to the views of the Parish Council

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be begun by 3 July 2018.

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 following approved plans:

(A3) DRNO 2478-PL-04 REV B PROPOSED ELEVATIONS

(A3) DRNO 2478-PL-05 REV B PROPOSED ELEVATIONS

(A3) DRNO 2478-PL-08 REV B PROPOSED ELEVATIONS

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

- 3 Prior to the dwellings hereby approved being first occupied, a properly consolidated and surfaced access shall be constructed as approved by letter from the Local Planning Authority dated 10 May 2017 on 3/05/14/011. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

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

- 4 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, as approved by letter from the Local

Planning Authority dated 12 May 2017 on 3/05/14/011. Such provision shall be installed before works commence on site and thereafter retained at all times in the approved form.

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

- 5 The area allocated for parking and turning on the hereby approved plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure suitable parking and turning area are provided and retained, in the interests of highway safety.

- 6 There shall be no obstruction to visibility greater than 600 mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be retained at all times.

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

- 7 The materials to be used in the construction of the approved dwellings and boundary wall shall be carried out in strict accordance with the approved details contained in letter from the Local Planning Authority dated 12 May 2017 on 3/05/14/011.

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

- 8 The external finishes for the hereby approved benefice office hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

- 9 The approved sample panel of the natural stone approved under condition 7 must be kept on site for reference until the development is completed. The works shall thereafter be carried out only in accordance with the details so approved.

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

- 10 No works shall be undertaken on the hereby approved benefice office unless details of any external lighting on the benefice office shall have been first submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: To safeguard the bat roost access points and/or flightways.

- 11 The approved written scheme of investigation approved by letter dated 5 April 2017 on 3/05/14/011 shall be implemented in accordance with the approved programme of archaeological works.

Reason: To ensure that archaeological remains and features are adequately recorded.

- 12 The mitigation measures in relation to the badgers and reptiles identified in the Reptile Survey and Badger Monitoring by Clarkson and Woods dated April 2015 shall be incorporated into the development in accordance with the schedule of implementation identified in the Ecological Survey by MWA dated October 2014 and the Reptile Survey and Badger Monitoring by Clarkson and Woods dated April 2015 and subsequently retained.

Reason: To ensure that suitable mitigation measures are incorporated into the development to minimise the impact on species protected by law.

- 13 The approved hard and soft landscape works shall be carried out in accordance with the approved details as approved by letter dated 17 May 2017 on 3/05/14/011. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development.

- 14 The existing trees and hedges shown to be retained shall be retained in accordance with the agreed details as approved by letter dated 25 April 2017 on 3/05/14/011. Any retained tree or hedge which within five years of the approved development being occupied or completed, whichever is the sooner, dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Local Planning Authority, during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance of the development and the surrounding area.

- 15 Notwithstanding the proposed fence along the western boundary of the hereby approved parking area for users of the church and the benefice office, the existing hedge shall be retained or a new hedge planted in accordance with the approved landscaping scheme required under condition 13 and thereafter retained.

Reason: To ensure the provision of an appropriate landscape setting to the development.

- 16 The details as approved by letter dated 25 April from the Local Planning Authority on 3/05/14/011 of the protective measures and methods of working in relation to existing planting on the site and a programme for such work shall be implemented in accordance with those details. Such protected areas shall be kept clear of any building, plant, material, debris and trenching and there shall be no entry to those areas except for approved arboricultural or landscape works. The protective measures shall be retained until the development, hereby approved, has been completed.

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

- 17 Prior to the occupation of the development, the refuse store indicated on the approved plans shall be provided and shall be permanently retained thereafter solely for this purpose. No refuse shall be stored outside the buildings other than in the refuse store hereby approved.

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

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application certain elements of the proposal were raised in respect of the brick quoins over the window heads and doors. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

Proposal

The proposal is to amend Condition 2 by adding brick quoins along the side edges of the majority of the windows and doors and corners of the walls on the four

properties. The only windows that will have no brick detailing are the dormer windows on plots D1 and D2 and the small windows at first floor level on plots D3 and D4. The visible lintels above the windows and doors are also to be omitted as the stone wall will cover the top of the window and door heads. Some of the brick detailing have already been constructed.

The approved plans have no brick detailing around the windows and doors except on plot D4 which has arched brick heads.

Site Description

The application site is currently being developed. The site lies to the east of St John the Baptist Church, a stone Grade I listed building. The brick vicarage lies between the site and Church Lane, a no through road which serves the Vicarage and 5 brick and render bungalows together with pedestrian access to the churchyard and Carhampton.

The northern boundary adjoins a field and is delineated by a bank with the remains of a hedge. There are a number of trees along this boundary. Que House, a large stone detached dwelling lies to the east of the site.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/05/14/011	Development of 4 houses, extension to vicarage to provide new benefice office and provision of parking for Church and benefice office use.	Grant	03 July 2015
C/05/14/001	Approval of details reserved by condition 3 (relating to programme of archaeological work) in relation to planning permission 3/05/14/009	Grant	23 April 2015
3/05/17/012	Variation of Condition No. 02 (approved plans) of application 3/05/14/011	Grant	30 January 2018
3/05/17/013	Erection of 1 No. additional detached dwelling	Grant	30 January 2018

The variations for 3/05/17/012 related to the separating of properties D2 and D3, the provision of an additional 2 parking spaces and minor resiting of the bin store to be next to parking space 10 rather than on the parking space.

Consultation Responses

Wessex Water Authority - Wessex Water has no objections to this variation of conditions.

Somerset Drainage Board Consortium - No comments received.

Highways Development Control - No observations.

Environmental Health Officer (KL) - No comments received.

SCC - Ecologist - No comments received.

Historic England - No comments received.

SCC - Historic Environment - No comments received.

Carhampton Parish Council - The above Planning Applications were discussed at an Extra-Ordinary meeting of the Carhampton Parish Council on Monday 6 August 2018. Having listened to the concerns of a number of residents who live in close proximity to the development the Parish Council wishes to lodge a formal objection to the applications.

For your information, 8 members of the public attended the meeting, 6 of whom live in either Church Close or Sea Lane. This is the largest number of public attendees this Parish Council has had for some considerable time and shows the level of concern which the decision of the Parish Council has tried to embrace.

The following is an extract from the draft minutes of that meeting (the draft has been seen and commented on by all members present) containing the formal objection:

Members AGREED to lodge a formal objection to both applications on the grounds that, by using bricks rather than natural and locally sourced materials, the aesthetic quality of the proposal would so dilute the quality of the development as to render it inappropriate in its surroundings. The change of materials also reduced the sustainability of the development as set out in the [District] Council's Environmental Policy NH13.

In support of this resolution, the Parish Council was made aware that the local residents had not objected to the original proposal for a total of 4 no. dwellings on this site since its design had been in keeping with the local area and especially in keeping with the neighbouring grade I listed Church of St John the Baptist. The high sustainability standard of the development, as detailed in the original planning application, was assured by the use of locally sourced natural materials (stones). However, the Council is distressed to see that the applications now before the District Council substantially reduce that high standards and, as such, has resulted in objections from those living in close proximity to the development.

Whilst considering these applications, the Parish Council was made aware of a small number of significant breaches of Conditions imposed on the development of this site and wishes to draw these to your attention in the hope that enforcement action might be taken before building works progress beyond where it is impracticable so to do.

1. Condition 9 attached to the original decision required a sample panel of natural stone approved under Condition 7 to be erected on site and remain there for the duration of construction work. This “panel” has NOT been constructed on this site although it would appear that photographs of a similar panel constructed on a different site containing bricks have been sent to the District Council and have received compliance notification.
2. Dwellings D1 and D2 were originally to be 2 semi-detached dwellings. Approval was subsequently sought and obtained to replace these with 2 detached dwellings. However, only dwelling D2 appears to be under construction. There appears to be some confusion as to whether or not the foundations for dwelling D1 have or have not been laid and subsequently covered over.
3. The recommendations of the Environmental Study had to be implemented at the start of construction works but there has been on-going trouble with the construction of a Reptile fence to protect the colony of slow-worms known to be in residence close to or on the site. A Reptile fence was constructed but subsequently removed. A temporary replacement was provided but found to be totally inadequate and a third fence has now been erected. All this happened during construction works not before.
4. The recommendations of the Environmental Study also required the construction of a protective barrier around certain trees and hedges. Due to the lack of enforcement of this condition, one hedge has been lost and 3 trees have not had the protection that was required by the original planning consent.

I hope that the Planning Committee will, at its meeting on 30 August, take notice of the Parish Council’s objections to these applications and take action on the breaches of Planning Consent Conditions detailed above.

Representations Received

Four letters of objection have been received making the following comments:

- The building work has changed so much from the original application. How many more changes will there be?
- Concerned that the site will be expanded
- Problems with flooding from sewage. The pipework needs looking at.
- Concerns raised over the protection of the trees and wildlife
- There is breach in that a sample panel of stone has not been erected or retained on site as required by Condition 7. The safeguards that were put in place for materials have been absent.
- Downgrading of the quality of the finish is not acceptable
- The site is cramped and bordering on slum conditions

One letter has been received outlining what the writer considers to be breaches to the approved scheme. These relate to a sample panel required by condition and not building the property on plot D1 so that the property on plot D2 now has a stone gable end wall, together with buried hedges, crushed tree roots and demolished reptile fences as well as the wrong materials on the outside of the buildings.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH1	Historic Environment
NH2	Management of Heritage Assets
ID1	Infrastructure delivery
NH13	Securing high standards of design
NH3	Areas of high archaeological potential
SV1	Development at primary and secondary villages
SC1	Hierarchy of settlements

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

TW/1	Trees and Woodland Protection
TW/2	Hedgerows

Determining issues and considerations

The determining issue is whether the proposal is a minor material amendment and if so is the use of brick detailing around the windows, doors and on the corners of the properties and the loss of visible lintels acceptable. There is no statutory definition of a minor material amendment but is likely to include any amendment where its scale and /or nature results in a development which is not substantially different to the one which has been approved (advice contained at paragraph 017 of the National Planning Policy Guidance document). The principle of development has already been determined and can not be re-examined as part of this application.

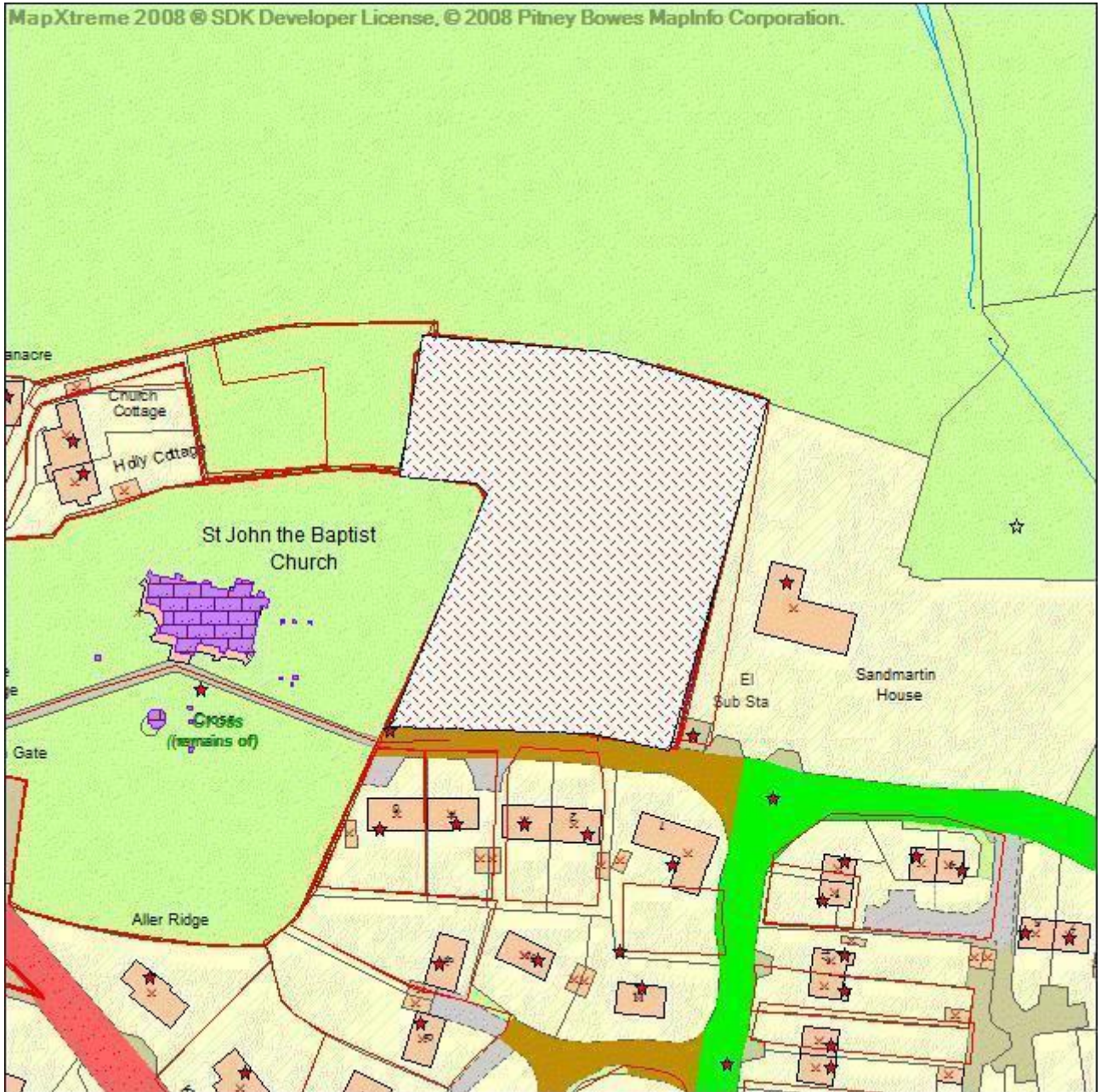
Through negotiation the proposed brick heads have been omitted from the proposal and replaced with stone. It is considered that the use of brick quoins on the sides of the windows and doors and the corners of the buildings is acceptable and that the use of stone rather than an exposed lintel is acceptable as these details will not adversely affect the setting of the church or the scale and nature of the approved development. It should be noted that brick arches over the heads of the windows on plot 4 have already been approved under the original permission (3/05/14/011) and as such the use of brick has been established. These proposed changes will not affect the character of the permission and the change is considered to be a minor material amendment (when also taking into account the amendment made earlier on in 2018).

A number of objections have been received including from the Parish Council. All of the comments that do not relate to the introduction of the brick detailing and loss of the lintels can not be considered as part of this application. Alleged breaches have been forwarded to the Council's Enforcement Officer. The relevant objection relates to the watering down or diluting of the design and quality of the development. It is considered that the introduction of the brick detailing on all four dwellings is acceptable as both brick and stone quoins are a feature found in the area, for example there are stone quoins around the windows on the adjoining stone property, Que House and there are a number of stone properties in Carhampton that have brick details including Redfield, a prominent building on Main Road, the skittle alley of the Grade II listed Butcher's Arms and 2 Vale Cottages. In addition the overall design of development will remain substantially the same and it is considered that this proposal relates to a minor change that will not adversely affect the overall quality of the development. The proposed changes will still mean that the development will make a positive contribution to the local environment and create a place with distinctive character as required by policy NH13.

No condition with regard the brick to be used is required as the brick used is considered to be acceptable.

In conclusion, as the proposal is in accordance with local plan policies and is a minor material amendment, it is recommended that planning permission be granted.

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



Application No 3/05/18/005
Variation of Condition No. 02
(approved plans) of application
3/05/17/012
land to the north of Church Lane,
Carhampton, TA24 6NT

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

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Northing: _____



Application No:	3/05/18/006
Parish	Carhampton
Application Type	Variation of conditions
Case Officer:	Elizabeth Peeks
Applicant	Mr Ware
Proposal	Variation of Condition No. 02 (approved plans) of application 3/05/17/013
Location	Land to the north of, Church Lane, Carhampton, TA24 6NT
Reason for referral to Committee	The Chair of the Planning Committee has referred this application to Planning Committee and the recommendation is contrary to the views of the Parish Council

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be begun before 30 January 2021.

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 following approved plans:

(A3) DRNO 2478A-PL-04 REV B PROPOSED ELEVATIONS

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

- 3 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway in accordance with the details approved under condition 4 of permission 3/05/14/011. Such provision shall be installed before works commence on site and thereafter retained at all times in the approved form.

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

- 4 The area allocated for parking and turning on the hereby approved plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure suitable parking and turning area are provided and retained, in the interests of highway safety.

- 5 There shall be no obstruction to visibility greater than 600 mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 25m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be retained at all times.

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

- 6 The natural slate and stone to be used in the construction of the external surfaces of the dwelling hereby approved shall match the details approved under condition 7 on permission 3/05/14/011. The works shall be carried out in strict accordance with the approved details.

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

- 7 The stonework shall match the stone work on the stone panel approved under condition 9 on permission 3/05/14/011.

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

- 8 The existing trees and hedges shown to be retained shall be retained in accordance with the details that have been agreed under condition 14 on permission 3/05/14/011. Any retained tree or hedge which within five years of the approved development being occupied or completed, whichever is the sooner, dies, are removed or become seriously damaged or diseased shall be replaced by a similar species, of a size to be first approved in writing by the Local Planning Authority, during the next planting season or in accordance with a programme of replacement to be agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance of the development and the surrounding area.

- 9 Prior to the occupation of the dwelling hereby approved, details of the shed and cycle store indicated on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The approved shed and cycle shall be provided prior to the first occupation of the hereby approved dwelling and shall be permanently retained thereafter solely for this purpose.

Reason: In the interests of the appearance of the development and to ensure that there is cycle storage.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application certain elements of the proposal were raised in respect of the brick quoins over the window heads and doors. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

Proposal

The proposal is to amend Condition 2 by adding brick quoins along the side edges of the majority of the windows and doors and the corners of the walls of the dwelling and porch. The approved brick arches above the windows and approved brick details over the patio doors are to be omitted. The stone wall will cover the top of the window and door heads.

Site Description

The application site is currently being developed. The site lies to the east of St John the Baptist Church, a Grade I listed building. The brick vicarage lies between the site and Church Lane, a no through road which serves the Vicarage and 5 brick and rendered bungalows together with pedestrian access to the churchyard and Carhampton.

The northern boundary adjoins a field and is delineated by a bank with the remains of a hedge. There are a number of trees along this boundary. Que House, a large detached dwelling lies to the east of the site.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/05/14/011	Development of 4 houses, extension to vicarage to provide new benefice office and provision of parking for Church and benefice office use.	Grant	03 July 2015

3/05/17/012	Variation of Condition No. 02 (approved plans) of application 3/05/14/011	Grant	30 January 2018
3/05/17/013	Erection of 1 No. additional detached dwelling	Grant	30 January 2018

3/05/17/013 relates to the site the subject of this application whereas the other applications relate to the adjoining dwellings that are currently under construction.

Consultation Responses

Wessex Water Authority - No representations received.

Somerset Drainage Board Consortium - No representations received.

Highways Development Control - No observations.

Environmental Health Officer (KL) - No representations received.

SCC - Ecologist - No representations received.

Historic England - We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisors, as relevant.

SCC - Historic Environment - No representations received.

Carhampton Parish Council - The above Planning Applications were discussed at an Extra-Ordinary meeting of the Carhampton Parish Council on Monday 6 August 2018. Having listened to the concerns of a number of residents who live in close proximity to the development the Parish Council wishes to lodge a formal objection to the applications.

For your information, 8 members of the public attended the meeting, 6 of whom live in either Church Close or Sea Lane. This is the largest number of public attendees this Parish Council has had for some considerable time and shows the level of concern which the decision of the Parish Council has tried to embrace. The following is an extract from the draft minutes of that meeting (the draft has been seen and commented on by all members present) containing the formal objection:

Members AGREED to lodge a formal objection to both applications on the grounds that, by using bricks rather than natural and locally sourced materials, the aesthetic quality of the proposal would so dilute the quality of the development as to render it inappropriate in its surroundings. The change of materials also reduced the sustainability of the development as set out in the [District] Council's Environmental Policy NH13.

In support of this resolution, the Parish Council was made aware that the local

residents had not objected to the original proposal for a total of 4 no. dwellings on this site since its design had been in keeping with the local area and especially in keeping with the neighbouring grade I listed Church of St John the Baptist. The high sustainability standard of the development, as detailed in the original planning application, was assured by the use of locally sourced natural materials (stones). However, the Council is distressed to see that the applications now before the District Council substantially reduce that high standards and, as such, has resulted in objections from those living in close proximity to the development.

Whilst considering these applications, the Parish Council was made aware of a small number of significant breaches of Conditions imposed on the development of this site and wishes to draw these to your attention in the hope that enforcement action might be taken before building works progress beyond where it is impracticable so to do.

Representations Received

Five letters of objection from three objectors have been received making the following comments:

- The building work has changed so much from the original application. How many more changes will there be?
- Concerned that the site will be expanded
- Problems with flooding from sewage. The pipework needs looking at.
- Concerns raised over the protection of the trees and wildlife
- There is breach in that a sample panel of stone has not been erected or retained on site as required by Condition 7. The safeguards that were put in place for materials have been absent.
- Downgrading of the quality of the finish is not acceptable
- The site is cramped and bordering on slum conditions

One letter has been received outlining what the writer considers to be breaches to the approved scheme. These relate to a sample panel required by condition and not building the property on plot D1 so that the property on plot D2 now has a stone gable end wall, together with buried hedges, crushed tree roots and demolished reptile fences as well as the wrong materials on the outside of the buildings.

Planning Policy Context

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

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

Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH1	Historic Environment
NH2	Management of Heritage Assets
ID1	Infrastructure delivery
NH13	Securing high standards of design
NH3	Areas of high archaeological potential
SV1	Development at primary and secondary villages
SC1	Hierarchy of settlements

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

TW/1	Trees and Woodland Protection
TW/2	Hedgerows

Determining issues and considerations

The determining issue is whether the the proposal is a minor material amendment and if so is the use of brick quoins and the loss of the brick archs over the windows and the loss of the brick detailing over the rear patio doors acceptable. There is no statutory definition of a minor material amendment but is likely to include any amendment where its scale and /or nature results in a development which is not substantially different to the one which has been approved (advice contained at paragraph 017 of the National Planning Policy Guidance document).These changes will not affect the character of the permission and the change is considered to be a minor material amendment. The principle of development has already been determined and can not be re examined as part of this application.

The original proposal included brick detailing around the sides and heads of the windows but through negotiation the brick heads have been omitted and replaced with stone. It is considered that the use of brick quoins is acceptable and that the use of stone rather than the approved brick arches is acceptable as these details will not adversely affect the setting of the church or the scale and nature of the approved development. Indeed as the existing permission includes arched brick heads on the majority of the windows the use of brick detailing has already been accepted.

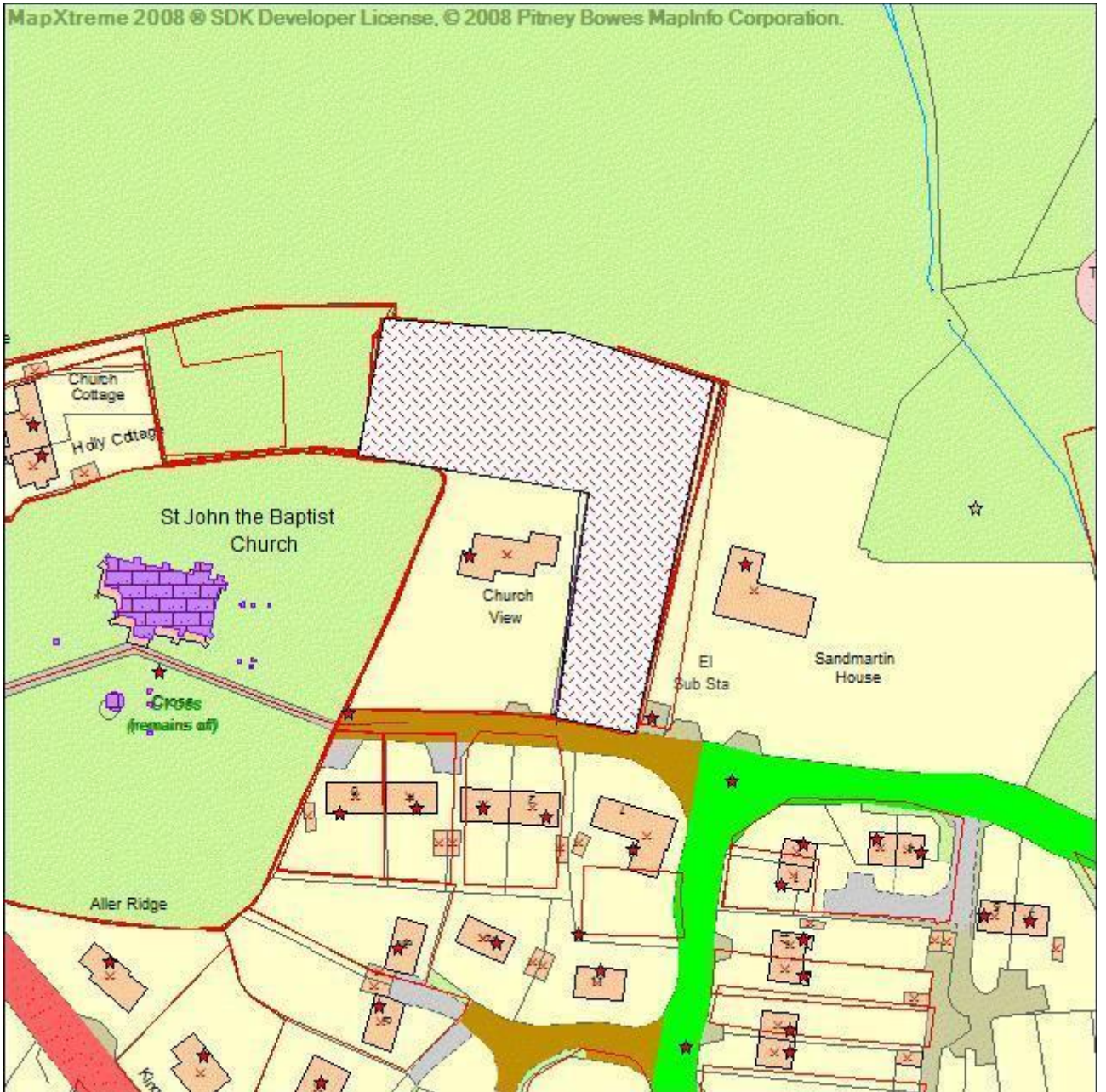
A number of objections have been received including from the Parish Council. All of the comments that do not relate to the addition of the brick quoins and loss of the brick arched heads can not be considered as part of this application. Alleged breaches have been forwarded to the Council's Enforcement Officer. The relevant objection relates to the watering down or diluting of the design. It is considered that

the introduction of the brick quoins is acceptable and is a feature found in the area, for example there are stone (not brick quoins) around the windows on the adjoining stone property, Que House and there are a number of stone properties in Carhampton that have brick details including Redfield, a prominent building on Main Road, the skittle alley of the Grade II listed Butcher's Arms and 2 Vale Cottages. In addition the overall design of development will remain substantially the same and it is considered that this proposal relates to a minor material change that will not adversely affect the overall quality of the development. The proposed changes will still mean that the development will make a positive contribution to the local environment and create a place with distinctive character as required by policy NH13.

In conclusion, as the proposal is in accordance with local plan policies and is a minor material amendment, it is recommended that planning permission be granted.

In conclusion, it is recommended that planning permission be granted.

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



Application No 3/05/18/006
Variation of condition 2
Land to the North of Church
Lane, Carhampton

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

West Somerset Council
Licence Number: 100023932

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Easting:
Northing:

Scale: 1:1250



Application No:	3/21/18/039
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sarah Wilsher
Grid Ref	Easting: 296905 Northing: 146054
Applicant	Mr Daniel Beasley
Proposal	Replacement of timber single glazed windows with upvc double glazed windows
Location	Flat 2, 19-21 Bancks Street, Minehead, TA24 5DJ
Reason for referral to Committee	The Town Council's recommendation is contrary to the recommendation.

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 In the opinion of the Local Planning Authority the replacement of traditional timber casement windows with upvc windows will adversely affect the appearance of the building, the street scene and the character and appearance of the Conservation Area by virtue of the use of a non traditional material, astragal external glazing bars, window frames that have a smooth uniform appearance unlike wooden painted windows together with being storm proof rather than flush fitting windows. This makes the windows appear heavy and clumsy particularly as the ground and first floor flats, the locksmiths and adjoining property retain their traditional wooden windows. The proposal is therefore contrary to policies NH1 and NH2 of the West Somerset Local Plan to 2032 and the National Planning Policy Framework.

Informative notes to applicant

1. This decision relates to:
 - (A4) Location Plan
 - (A4) Details of proposed windows received on 19 July 2018
 - Four photographs referring to each window in the proposed windows details.
2. **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 policies within the Development Plan and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant chose not to withdraw 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

It is proposed to retain the double glazed upvc framed casement windows that have replaced the single glazed timber casement windows on the first floor of the three-storey building.

Site Description

17-19 Bancks Street is a rendered building under a clay tiled roof with multi-paned windows. It is divided into three flats and the timber windows in flat 2, which is located on the first floor of the building have been replaced with upvc. The building is located on the corner of Bancks Street and Irnham Road and there is a locksmith premises on the ground floor which straddles this corner. The entrance to the flat is on Bancks Street. On the Bancks Street frontage it is connected to 17 Bancks Street, a dwelling house, and on the Irnham Road side it is connected to 3 and 3a Irnham Road. It is situated within Wellington Square Conservation Area.

Relevant Planning History

None.

Consultation Responses

Minehead Town Council - The Committee can see no material planning reason to refuse this application.

Representations Received

None received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
MD1	Minehead Development
NH1	Historic Environment
NH2	Management of Heritage Assets

Determining issues and considerations

The determining factors in the consideration of this application are the affect on the amenities of neighbours, the appearance of the building, the impact on the street scene and the affect on the Conservation Area.

Affect on the amenities of neighbours

The upvc windows be a similar design and size of the former timber windows and as such the proposal has no affect on residential amenity in terms of overlooking.

Affect on the appearance of the building

The windows have attempted to replicate the wooden framed windows that have been replaced in that the casements are multi paned through the use of external astragal glazing bars. It can however be seen that they are upvc as they do not have the same texture in that the frames are smooth with no texture (unlike painted wood) and the windows are of a storm proof design rather than flush hence the frame of the casement adds bulk to the overall appearance of the windows making them appear heavy and clumsy. This is particularly noticeable and is accentuated as the windows on the ground and second floors including the locksmiths together with the

adjoining property are wooden.

The impact on the street scene

Due to 19-21 Bancks Street being on a road leading away from the business and retail centre of Minehead and on the corner with Irnham Road, a busy residential road, it commands a very dominant presence, particularly with the traditional and attractive frontage of the locksmiths in its midst. The appearance of upvc windows in this location as discussed above therefore has an adverse visual impact on the street scene.

Two windows have also been changed on the rear elevation - serving a kitchen and bathroom which cannot be seen from a public road or footpath. On balance as these are small windows that cannot be seen from a public viewpoint it is considered that they are acceptable with regard to their impact on the street scene as they do not impact on the street scene.

Affect on the Conservation Area.

As 19 to 21 Banck Street is located within 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 are not in a traditional material and for the reasons already outlined above it is considered that the appearance and character of the Conservation Area has not been preserved or enhanced. The proposal is therefore not in accordance with policies NH1 and NH2 and the National Planning Policy Framework (NPPF).

It is noted that there are already existing upvc windows in Bancks Street and Irnham Road. However, apart from the windows in the Masonic Lodge and 8 Bancks Street, which are further to the north of the application site, the rest are unauthorised and should therefore not be taken into account in the determination of this application. In addition if the use of upvc windows was repeated too often this would lead to the reduction in the quality, appearance and character of the Conservation Area and the street scene

It is therefore considered that the proposal to retain the upvc replacement windows will adversely affect the character and appearance of the Conservation Area, the building and the street scene, and is contrary to policies NH1 and NH2 of the West Somerset Local Plan to 2032 and the NPPF. It is therefore recommended that planning permission be refused.

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



Application No 3/21/18/039
 Replacement of timber single
 glazed windows with upvc double
 glazed windows
 Flat 2, 19-21 Bancks Street,
 Minehead, TA24 5DJ

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



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Application No:	3/21/18/044
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Briony Waterman
Grid Ref	Easting: 296584 Northing: 145642
Applicant	Mr Alistair Cook
Proposal	Erection of 1m close-boarded fencing on top of 1m stone wall plus pedestrian timber gate on the eastern boundary (retention of works already undertaken)
Location	33 Paganel Road, Minehead, TA24 5EU
Reason for referral to Committee	The views of the Town Council are contrary to the recommendation.

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The fence, hereby permitted, shall be removed by 29 February 2020.

Reason: To safeguard the character of the area.

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

(A4) Hedge Location Plan

(A4) Fence Elevation

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

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

Permission is sought for the retention of a 1m close boarded fence on top of a 1m stone wall plus pedestrian timber gate on the eastern boundary. A laurel hedge is proposed to the rear of the fence.

Site Description

33 Paganel Road is a semi detached property on the corner of Paganel Road and Paganel Close.

Relevant Planning History

3/21/18/027- Permission granted for the retention of works already undertaken on the erection of single storey rear extension was granted by Committee on 6 June 2018.

Condition 3 on this permission states :

3 (i) A landscaping scheme for a hedge to be planted on the inside of the stone boundary wall to Paganel Close for the length between the front elevation of 33 Paganel Road and the rear access shall be submitted within one month of the date of this permission and shall be approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out in the next planting season.

(iii) For a period of five years after the completion of the approved landscaping scheme, the hedging plants shall be protected and maintained in a healthy weed free condition and any hedging plants that cease to grow shall be replaced by hedging plants of a similar size and species.

(iv) The hedge shall be retained at a minimum height of 1.5m.

Details for this condition have been submitted and agreed. The hedge will be a laurel hedge planted in 2 staggered rows at 600mm centres. The hedge will need to be planting in the 2018 planting season.

Consultation Responses

Highways - Standing advice

Minehead Town Council - Recommend refusal, the committee believes this fence is contrary to height restrictions

Representations Received

No comments received

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
MD1	Minehead Development

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

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

The main issues in the determination of this application is the effect the fence has on the street scene and the privacy of the occupiers of 33 Paganel Road.

The applicant states within their submission that the erection of the fence is temporary to allow a degree of privacy until the laurel hedging is tall enough to offer privacy. It is considered that the planting of laurel, an evergreen plant, will provide privacy without adversely affecting the street scene. There is already Laurel along

the front boundary (along Paganel Road) and part of the Paganel Close boundary. In the interim, the retention of the fence which is an incongruous feature that does adversely affect the street scene due to its visual appearance is considered only to be acceptable on a short term basis in order to allow the hedge to become established and to give some degree of privacy.

A permission to retain the fence for 18 months is therefore recommended to allow the laurel hedge to become established.

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



Application No 3/21/18/027
 Erection of 1m close-boarded
 fencing on top of 1m stone wall
 plus pedestrian timber gate on
 the eastern boundary (retention
 of works already undertaken)
 33 Paganel Road, Minehead,
 TA24 5EU
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Application No:	3/26/18/003
Parish	Old Cleeve
Application Type	Outline Planning Permission
Case Officer:	Denise Grandfield
Grid Ref	Easting: 304916 Northing: 141260
Applicant	Mr & Mrs Daniel Searle
Proposal	Outline Planning Permission with all matters reserved for the demolition of garage and stores and erection of 1 No. dwelling in the garden
Location	Ashcroft, Huish Lane, Old Cleeve, Watchet, TA23 0NY
Reason for referral to Committee	The Parish Council's representation is contrary to the recommendation.

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A3) Proposed site plan 5428/P/01A

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

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

Local Planning Authority. The strategy shall be based on the advice of Harcombe Environmental Services Ltd's submitted report, dated March 2018 and include:

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

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

Reason: To protect and accommodate bats and birds.

- 4 The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), which is included in the Design and Access Statement (Appendix A) and the following mitigation measures detailed within the FRA:

The access road levels must be construction as indicated within the FRA, as the access will cut the floodplain in half. Connectivity between both sides of the floodplain must be maintained together with the provision of floodplain compensation as detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To prevent the increase in risk of flooding.

- 5 Any hard surfaced areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such.

Reason: In the interests of reducing the risk of flooding.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification, no outbuildings, gates, walls, fences or other means of enclosure shall be erected on the site without the further grant of planning permission.

Reason: To ensure that the proposed development does not exacerbate flood risk.

- 7 A pedestrian access from the road to the dwelling (in flood zone 1) shall be constructed prior to the occupation of the dwelling and subsequently maintained in perpetuity.

Reason: To provide safe flood free access for the occupiers of the proposed dwelling.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

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

- 2 It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
- 3 The mineral line used to run through the site and is a Linear County Archaeological site. This will need to be taken into account in the location and orientation of the proposed dwelling with the dwelling not being located on the mineral line. Local Plan Policy NH4 will also need to be taken into account which states,

Where proposals impact on sites with archaeological interest of local significance developers will ensure the investigation, recording and the advance of understanding of the significance of the asset. This information will be made publicly accessible.

Proposal

The application submitted in outline with all matters reserved for the erection of one dwelling within the curtilage of an existing dwelling, Ashcroft. An existing large outbuilding and garage would be demolished to facilitate the development. The application indicates that the existing access from Huish Lane will be utilised, with a new driveway to be constructed to the west of the existing dwelling to serve the

proposed dwelling at the rear of the site. A proposed pedestrian access to the east of Ashcroft is also indicated as being provided.

The site lies within the built up area of Washford. The western side of the application site lies within Flood Zones 2 and 3.

Site Description

The site is relatively flat in character, with the western section, which includes the vehicular access, being situated within Flood Zones 2 and 3. The site for the proposed dwelling and the pedestrian access is in Flood Zone 1. The Washford River runs along the western boundary. The existing trees on the site would not be affected by the development.

Relevant Planning History

3/26/92/027 - Erection of dwelling - Refused 24 September 1992. Appeal dismissed - 5 May 1993.

3/26/03/003 - Extension to form accommodation for aged relative - Approved - 6 May 2003

3/26/05/001 - Retention of annex - Approved - 14 March 2005

3/26/03/026 - Proposed extension and garage - Approved - 19 December - 2003

The 1992 decision was refused on the grounds that any increase in traffic using the junctions on to the A39 at Walnut Tree Corner and Willow Grove would be prejudicial to road safety and as the proposal was contrary to the evolving local plan where proposed development was dependant on the completion of a bypass. The proposal was therefore considered to be premature. The appeal was dismissed on these grounds.

Adjoining site

3/26/14/026 - Outline application for the erection of up to 10 dwellings, access, replacement allotments, public car park and associated works - Approved 20 June 2017

This site is not in Flood Zones 2 or 3.

Consultation Responses

Old Cleeve Parish Council - The following concerns were expressed:

- Increase in traffic using Walnut Tree Corner/Huish Lane
- Access for fire fighting equipment and turning of appliances
- Back land development, loss of privacy and amenity to Ashcroft (Policy NH10)
- Site within flood zone (Washford River) (Policy CC2)
- Site straddles the West Somerset Mineral Line (historic artefact) (Policy NH1) (Policy NH1B)

- Possible foul water discharge

Landscape Officer - This is a large plot with space to accommodate a new dwelling . Although several trees are to be felled, the proposed landscape will compensate for their loss.

My main concern is the location of a new dwelling. I consider that the new dwelling should not be located behind the existing dwelling where it will appear to encroach into the countryside. I would prefer any new dwelling to be closer to the public highway where it could contribute to the village's street scene.

Biodiversity Officer - The application is outline for the demolition of garage and stores and the erection of a dwelling in the garden of Ashcroft, Washford. Harcombe Environmental Services carried out an Ecological survey and Assessment of the site in March 2018.

Findings were as follows

Habitat

The site is on two levels. The development site is made up of meadow alongside a watercourse and the rear paved utility area of the property Ashcroft.

The watercourse has a low bank with evidence of recent and frequent localised flooding and so is unlikely to support breeding burrows for kingfisher or small mammals.

It does however provide a wildlife corridor

Bats

No evidence of bats was found in the buildings to be demolished. Bats are likely to use the watercourse for foraging . I support the installation of bat boxes.

Birds

No evidence of nesting birds was found in the buildings to be demolished. The surveyor noted a small number of birds flying over the site. The western boundary with its trees is likely to provide nesting potential

I support the installation of bird boxes

Mammals and Reptiles

The surveyor found no evidence of mammals or reptiles on site. However the area of rank scrub to the north may have potential for such wildlife.

Highways Development Control - Standing advice applies

Wessex Water Authority - No comments received

Environment Agency - Provided the Local Planning Authority is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to

the proposed development, subject to the inclusion of a condition in the decision notice requiring development to be carried out in accordance with the FRA.

Senior Environment Officer - The proposal site does indeed have the mineral line running through the site and there has been a watching brief on work at the bridge on the north of the site. There are already two houses on the line so it would probably be appropriate to place the new dwelling off the line. I don't think that a condition is appropriate to do this but perhaps a note on the outline permission stating that the location should be off the route and the reserved matters application should reflect this may be a way of ensuring the location.

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 West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
CC2	Flood Risk Management
NH1	Historic Environment
NH2	Management of Heritage Assets
NH4	Archaeological sites of local significance

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

T/8	Residential Car Parking
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Determining issues and considerations

The main considerations in the determination of this application are as follows:

Principle of Development

Policy SC1 sets out the hierarchy of settlements. The site lies within the built-up area of Washford where limited development is permitted provided it can be demonstrated that the development will contribute to wider sustainability benefits for the area and subject to demonstrating:

- A. It is well related to existing essential services and;
- B. There is safe and easy pedestrian access to the essential services and social facilities within the settlement, and;
- C. It respects the historic environment and complements the character of the existing settlement, and;
- D. It does not generate significant additional traffic movements over minor roads to and from the national primary and county highway route network
- E. It does not harm the amenity of the area or the adjoining land uses.

The village school and the village hall are located in proximity to the application site. The bus route runs along the A39 which is approximately 300m away. A footpath runs from just outside the site and south east along Huish Lane to the junction with the A39. It is considered that the site is centrally located in the village, close to the essential services with safe and easy access to the essential facilities.

Policy SV1 is also relevant as Washford is a primary village as defined in Policy SC1. This policy states:

Development at primary and secondary villages should:

- Be designed to form an integral, harmonious addition to the settlement's existing character.
- Help to maintain or enhance their existing level of service provision, and also help to create balanced communities at a level appropriate to their role and function.

The proposal involves development of the site to the rear of the existing dwelling. Whilst backland development is not normally supported, it is considered that the size of the site and the ability to provide a separate driveway located away from the existing house would make the proposal more acceptable. In addition, the siting of the dwelling replaces an existing building in the form of a large detached workshop and double garage.

It is considered that the proposed development generally meets the criteria of these policies and as such the principle of development is acceptable.

Flooding

A Sequential Test has been submitted which the Agent concluded that there will be a significant shortfall in the projection of house building in the current local plan period and particularly in the first five years. There are few individual sites within Washford and no land areas that appear likely to bring forward a site for a single house. It should be noted however, that the sequential test has shown that there are sites in Washford that are not in flood zones 2 and 3 that could be suitable for housing. The projection of house building as concluded by the Agent is not a sequential test matter. The applicant has since amended the application to include a pedestrian access to the east of Ashcroft. This has helped to ensure that the site has safe access to the highway through Flood Zone 1 so there would be no greater risk to the occupiers of the new dwelling as access through flood zones 2 and 3 will not be required in times of flood.. The site is therefore considered in relation to the sequential test to be acceptable.

A Flood Risk Assessment has been submitted with the application. It is acknowledged that part of the site, including the proposed vehicular access, is within Flood Zones 2 and 3, where development would not normally be permitted unless the sequential test had been addressed. However, the area of land on which the dwelling is proposed to be located is in Flood Zone 1 and as pedestrian access is available through Flood Zone 1 it is considered that the flood risk to the occupiers of the proposed dwelling is acceptable as the illustrative siting of the dwelling and the access is through the lowest flood risk zone.

Highways

The Highway Authority have recommended that Standing Advice applies. The Parish Council have raised concerns regarding the increase in traffic using the land. It is considered that the impact in terms of traffic from one additional dwelling would be minimal and would not generate significant traffic movements. The site lies within the 30mph zone. The existing driveway has good visibility when exiting the site and sufficient space is available within the site to provide off-street parking and turning.

Residential amenity

Given the size of the site a dwelling could be designed and located in such a way so as to not harm the residential amenity of the area. It should also be noted that outline planning permission has recently been granted on the adjoining allotment site for up to 10 dwellings. With the construction of this development, the amenity of the area will become more residential than open space, with residential development extending back into the site and not simply lining the street frontage.

Archaeology

The mineral line ran through the site to the west of Ashcroft and the other buildings on site. This is reflected in the orientation of the buildings. The mineral line is a

County Archaeological Site where policy NH4 is relevant. This policy states,

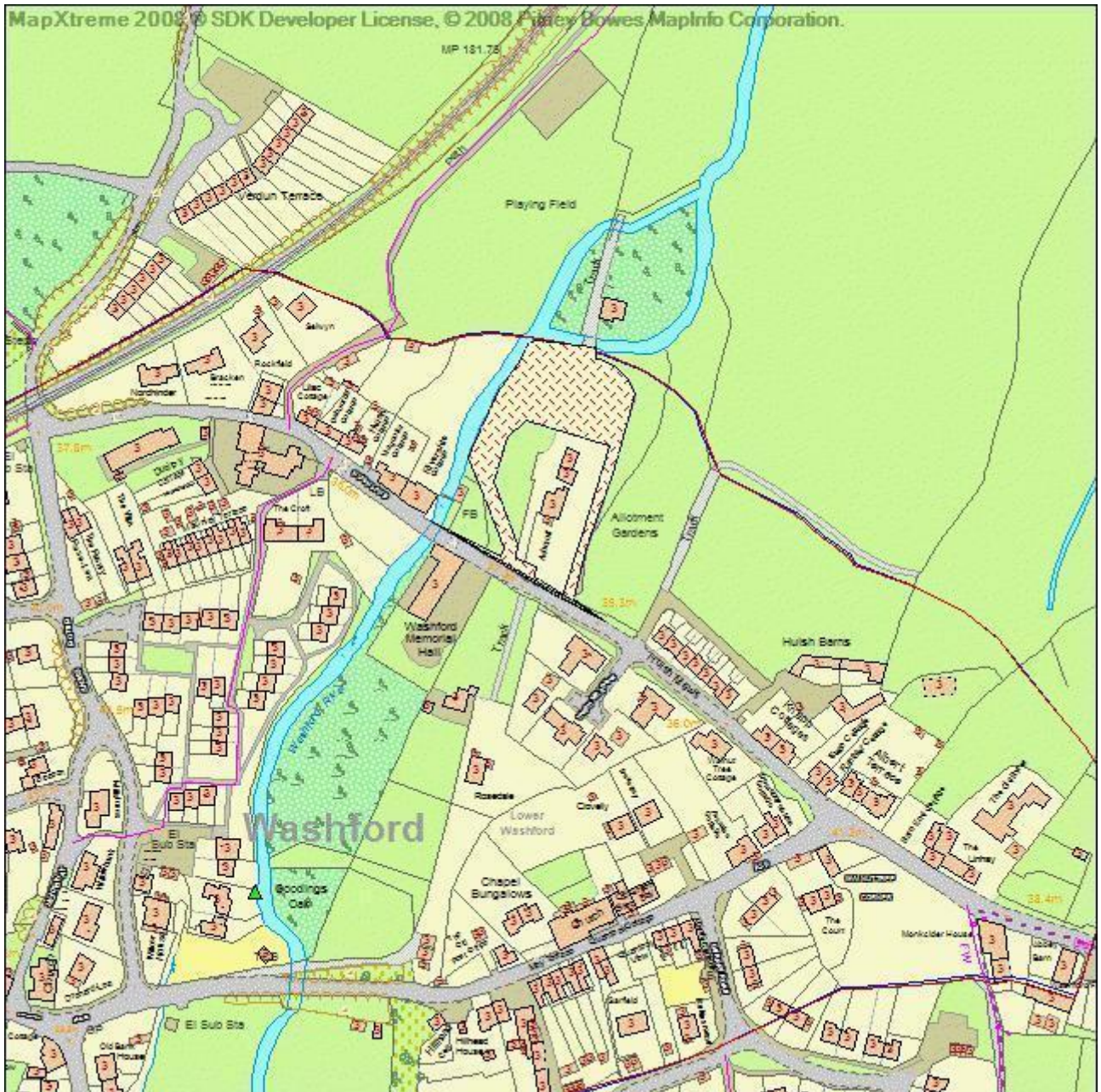
Where proposals impact on sites with archaeological interest of local significance developers will ensure the investigation, recording and the advance of understanding of the significance of the asset. This information will be made publicly accessible.

It is considered that as the location and orientation of the proposed dwelling will be determined at reserved matters stage that the effect of the proposal on the mineral line will need to be taken account at that stage. It is suggested that a note to bring the mineral line to the attention of the applicant be attached to any decision notice and that any new dwelling should not be on the line of the mineral line.

Conclusion

It is considered that the development would comply with the relevant policies and approval is recommended.

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



Application No 3/26/18/003
 Outline Planning Permission with
 all matters reserved for the
 demolition of garage and stores
 and erection of 1 No. dwelling in
 the garden
 Ashcroft, Huish Lane, Old
 Cleeve, Watchet, TA23 0NY
 Planning Manager
 West Somerset Council
 West Somerset House
 Killick Way
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Delegated Decision List



<u>CaseFullRef</u>	<u>LocAddress1</u>	<u>Proposal</u>	<u>DcnDate</u>	<u>Description</u>	<u>CaseOfficer</u>
3/07/18/006	Ashfield Farm, Crowcombe Road, Crowcombe, Taunton, TA4 4AW	Erection of extension on the east elevation	27/07/2018	Grant	SW
3/16/18/010	Green Pastures, Portway Lane, Holford, TA5 1SD	Erection of a first floor extension over the existing kitchen with associated alterations	26/07/2018	Grant	SW
3/21/18/019	4 Bampton Street, Minehead, TA24 5TR	Change of use from shop (Class A1) to dwelling (Class C3)	30/07/2018	Grant	ANHU
3/21/18/033	Christian Spiritualist Church, Grove Place, Manor Road, Alcombe, Minehead, TA24 6EH	Replacement of existing North facing lobby window with a stained glass marquette panel depicting a cross and the extension of the existing handrail to the steps located at the North-Easterly end of Grove Place.	14/08/2018	Grant	EP
3/21/18/040	Maesbury, Barton Road, Minehead, TA24 6BZ	Erection of rear dormer and roof alterations	16/08/2018	Grant	SW
3/26/18/005	Sea Point, Blue Anchor, Old Cleeve, Minehead, TA24 6JN	Raising the roof height to enable a roof conversion and erection of single storey extension to east elevation (resubmission of 3/26/18/001)	27/07/2018	Grant	SW
3/26/18/006	Flat 6, Mellory, Monks Path, Old Cleeve, Minehead, TA24 6HS	Removal of timber single glazed conservatory and erection of extension to the south elevation	31/07/2018	Grant	SW
3/26/18/007	85 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JG	Raising the roof by 135mm	07/08/2018	Grant	SW
3/32/18/017	Wick Park Cottage, Farringdon Hill Lane, Stogursey, Bridgwater, TA5 1TJ	Erection of two-storey extension to the rear elevation	06/08/2018	Grant	SW
3/37/17/021	Cats Whiskers Kitchen, 6A Anchor Street, Watchet, TA23 0AZ	Construction of roof over rear yard area (retention of part works already undertaken)	08/08/2018	Grant	EP
3/37/18/007	Masonic Hall, South Road, Watchet, TA23 0DA	Erection of rear extension to provide storage and facilitate installation of a platform lift.	20/08/2018	Grant	ANHU
3/37/18/010	Hillcrest, 45 Woodland Road, Watchet, TA23 0HQ	Erection of two storey side extension and erection of a replacement garage	14/08/2018	Grant	BM
3/37/18/016	8 Normandy Avenue, Watchet, TA23 0TU	Erection of side extension	31/07/2018	Grant	SW

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3/39/18/010	Monksclider House, Minehead to Williton Road, Washford, Old Cleeve, Watchet, TA23 0NS	Listed building consent for the replacement of 4no casement windows on the east elevation and install 1no additional ground floor window, also on the east elevation	02/08/2018	Grant	EP
3/39/18/011	5 Blacksmith Close, Williton, Taunton, TA4 4AX	Installation of two metal up & over garage doors to existing double carport below no. 22	01/08/2018	Grant	SW
3/39/18/013	Magnolia House, 47 Long Street, Williton, TA4 4QU	Erection of replacement fencing to the north and east boundaries	16/08/2018	Grant	BM
3/39/18/018	63 and 65 Long Street, Williton, Taunton, TA4 4RD	Erection of first floor extensions to the rear	06/08/2018	Grant	SW
3/39/18/019	National Farmers Union, 1 Bank Street, Williton, Taunton, TA4 4NG	Display of 2x Fascia panels to the front to replace existing 1x fascia panel to remove 2x additional directional panels 1x replacement hanging sign (retrospective)	31/07/2018	Grant	BM
AFU/02/18/00	Lower Stone Farm, Brompton Ralph, Taunton, TA4 2RT	Prior approval of proposed change of use of agricultural building to B8 storage	30/07/2018	Prior approval required and given subject	KB
CA/21/18/008	ROSANDA HOUSE, 2 NORTHFIELD ROAD, MINEHEAD, TA24 5QQ	Notification to fell one eucalyptus tree within North Hill Conservation Area at 2 Northfield Road, Minehead	06/08/2018	Raise No Objection	DG
CA/32/18/002	PRIORY BARN, OFF CASTLE STREET, STOGURSEY, TA5 1TG	Notification to carry out management works to one tree described as alder on the boundary of Stogursey Conservation Area at Priory Barn, Castle Street, Stogursey	21/08/2018	Raise No Objection	DG
LID/32/18/001	Lawsons Burgage, Shurton Lane, Stogursey, STOGURSEY, Bridgwater, TA5 1QL	Conversion of light industrial to dwelling house and light industrial	16/08/2018	Prior approval is required and refused	DeG
NMA/16/18/00	Holford Village Hall, Williton to Bridgwater Road, Holford, Bridgwater, TA5 1SD	Non-material amendment to planning permission 3/16/17/005 to remove the above the ridge velux roof light system and replace with 6 velux centre pivot rooflights, replace chestnut cladding with British larch cladding, replace timber-aluminium windows and replace with aluminium windows and doors, remove front entrance porch and replace with sprocketed pitched roof eaves over projection of entrance facade with green roof fitted with a sun pipe and replace the hardsurfacing of the overflow carpark to be levelled and grass seed to be sown.	30/07/2018	Grant	BM