



To: Members of Planning Committee

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

Our Ref TB/TM

Your Ref

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

Extension 01823 356573

Date 10 May 2017

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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 18 May 2017

Time: 4.30 pm

Venue: Council Chamber, Council Offices, Williton

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

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

Yours sincerely

A handwritten signature in blue ink, appearing to read "Bruce Lang", written over a light blue horizontal line.

BRUCE LANG
Proper Officer

PLANNING COMMITTEE

THURSDAY 18 May 2017 at 4.30pm
COUNCIL CHAMBER, COUNCIL OFFICES, WILLITON

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Meeting of the 30 March 2017 - **SEE ATTACHED**

3. Declarations of Interest or Lobbying

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

4. Public Participation

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

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

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

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

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

Report No: 11

Date: 10 May 2017

<u>Ref No.</u>	<u>Application/Report</u>
3/11/16/003	Conversion of redundant agricultural buildings to form 7 No. dwellings with associated works and alterations to access from a bridleway to the A39. Townsend Farm, Williton to Bridgwater Road, East Quantoxhead, Bridgwater, TA5 1EH
3/11/16/005	Conversion of redundant agricultural buildings to form 7 No. dwellings with associated works and alterations to access from a bridleway to the A39. Townsend Farm, Williton to Bridgwater Road, East Quantoxhead, Bridgwater, TA5 1EH
3/26/17/004	Variation of Condition No. 2 (to allow additional car boot sales on Wednesdays until end of September each year) of application 3/26/12/012. Home Farm, Blue Anchor, Minehead, TA24 6JS
3/26/17/008	Variation of Condition No. 02 (approved plans of application 3/26/14/012. The

	White Horse Inn, Torre Rocks, Washford, Old Cleeve, Watchet, TA23 0JZ
3/37/17/012	Erection of a first floor extension over the garage and carport to be used as an annex (resubmission of 3/37/17/001). The Outback, 9A Reed Close, Watchet, TA23 0EE
3/39/17/009	Variation of Condition No. 2 (approved plans) of application 3/39/16/007. Land at Larviscombe Road, Williton, TA4 4SA
3/21/17/025	Replacement of bungalow with the erection of a single storey 6 no. single bedroomed building for assisted living, annexed to Dene Lodge Nursing Home. 19 Dunster Close, Alcombe, Minehead, TA24 6BY

6. Exmoor National Park Matters - Councillor to report

7. Delegated Decision List - Please see attached

8. Appeals Lodged

No appeals lodged

9. Appeals Decided

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

3/21/16/055 – Erection of detached dwelling with associated vehicle parking and garden at 62 King George Road, Minehead, TA24 – Appeal Dismissed.

10. Reserve date for site visits – Monday 15 May 2017

11. Next Committee date – 29 June 2017

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

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

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

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

PLANNING COMMITTEE

Minutes of the Meeting held on 30 March 2017 at 4.30 pm

Present:

Councillor S J PugsleyChairman
Councillor B Maitland-WalkerVice Chairman

Councillor I Aldridge
Councillor A Hadley
Councillor B Heywood

Councillor T Venner
Councillor R Woods

Officers in Attendance:

Area Planning Manager – Bryn Kitching
Planning Officer (Conservation) – Elizabeth Peeks
Legal Advisor Brian Convery – Shape Partnership Services
Democratic Services Officer – Marcus Prouse

P90 Apologies for Absence

There were apologies from Councillors Dowding, Jones, Murphy, Parbrook, Turner, Goss and Morgan

P91 Minutes

Resolved that the Minutes of the Planning Committee Meeting held on the 23 February 2017 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor Pugsley

The motion was carried.

P92 Declarations of Interest or Lobbying

Councillor Woods declared that she had been lobbied against for the Outback. She declared that she was yet to make up her mind on the application.

P93 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P94	3/37/17/001	Erection of a first floor extension over the garage and carport to be used as an annex. The outback, 9A Reed Close, Watchet, TA23 0EE	Mr A Bensley Mrs K Clareboets	Neighbour Neighbour	Objecting Objecting

P94	3/07/17/002	Conversion of annexe into residential dwelling with formation of car parking and amenity space and improvement to access, Flaxpool Cottage, Flaxpool Hill, Crowcombe	Mr Roy Harbour Councillor Anthony Trollope-Bellew	Agent Ward Member	Infavour Infavour
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P94 Town and Country Planning Act 1990 and Other Matters

Report Ten of the Planning Team dated 22 March 2017 (circulated with the Agenda). The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

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

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

Reference Location, Proposal, Debate and Decision

3/21/16/119 – outline application with some matters reserved for the erection of 1 No. dwelling and work studio, Land to the west of Porlock Road, Woodcombe, Minehead, Somerset

Application withdrawn

Reference Location, Proposal, Debate and Decision

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

Comments by members of the public

- Effect on amenities of neighbours;
- Appearance of the dwelling;;
- Not in keeping with the surrounding area;
- Over development of the site;
- Overlooking on neighbouring property;
- Loss of privacy and light;

The Member's debate centred on the following issues;

- Overlooking of neighbouring properties;
- Over shadowing issues;

- Out of character with the area;
- Over bearing on surrounding properties;
- Over shadowing on neighbouring properties;
- Loss of values to neighbouring properties due to the bulk of the property;
- Loss of light seasonal only;

Councillor Heywood proposed and Councillor Maitland-Walker seconded a motion that the application be **APPROVED** as per Officer Recommendation for approval, the motion **FAILED**.

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

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

REASON overbearing Nature and overlooking

Reference Location, Proposal, Debate and Decision

3/07/17/002 – Conversion of annexe into residential dwelling with formation of car parking and amenity space and improvement to access. Flaxpool Cottage, Flaxpool Hill, Crowcombe, Taunton, TA4 4AW

Comments by members of the public

- There are no external alterations to this property, the application is to block up an internal doorway to create two independent dwellings;
- Improvements to the vehicular access would improve visibility by 50%;
- There would not be any extra vehicle movements throughout the day;

The Member's debate centred on the following issues;

- The improvement to the entrance would improve visibility;
- Concerns with turning this into a separate dwelling;
- Concerns with the removal of the evergreen hedge;

Councillor Aldridge proposed and Councillor Heywood seconded a motion that the application be **APPROVED** subject to conditions for a visibility splay to be created prior to the first occupation as a separate dwelling as this would not have a lawful use until this has been implemented. Landscaping to be put in place for the hedgerows and parking was provided prior to occupation.

The motion was carried

P95 Exmoor National Park Matters

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting on 7 March 2017 of the Exmoor National Park Planning Committee. This included:

62/13/16/004

Proposed erection of an affordable home (internal area 87m2) to include change of use of agricultural field. As per amended and additional plans 23.01.17 (Full) – Approved

62/19/17/001

Proposed erection of dormer window and installation of Velux roof lights (Householder) – Villa Sanna, West Challacombe Lane, Combe Martin, Devon – Approved

6/26/16/105

Proposed internal alterations, removal of chimney together with the erection of a rear extension with walkway (Householder) – Traphole House, Old Mineral Line, Roadwater, Old Cleeve, Somerset – Approved

No appeals lodged, one appeal decision – Land at Mineral Line, Roadwater against a proposed agricultural steel building. Appeal dismissed.

Committee members undertook a training workshop on Enforcement issues.

P96 Delegated Decision List (replies from Officers are in italic)

3/21/16/127 – Badger End, Higher Orchard, Minehead. Removal of hedge and construction of shiplap timber fence (retention of works already undertaken) if this has been refused where are we with this? *The case has now been passed to the planning enforcement team to secure removal of the fence for the same reasons that we refused it. Are we going to ask them to put the hedge back? We would not be able to as the removal of the hedge is not something that needs planning permission. The contravention is not the removal of the hedge it is the erection of the fence.*

3/30/17/001 – Hendover Farm, Skilgate, Taunton. Application for a prior notification for the erection of an agricultural building. *Agricultural units have permitted development rights.*

HPN/21/17/001 – Quay West Cottage, Quay West, Minehead. To erect a replacement extension projecting 4.05m from the rear wall with a height of 3.1m as specified by the following submitted details. I am surprised that this development got through as permitted development as it is in a Conservation area, could I have clarification on this please? *HPN code is under this holder prior notification procedure, we are in a situation where there is a temporary extension to permitted development rights which was brought in about 2 years ago where they allow larger extensions than what you can do under permitted development rights. The ways these are handled is you put in your application for a 6 or 8 meter extension. We as a Council have to write to the neighbouring properties to ask if they have any comments. If all the neighbours have no comments or objections it is automatically approved as permitted development. Only if someone objects do we have the chance to have any comment on it.*

P97 Appeals Lodged

No appeals lodged

P98 Appeals Decided

3/21/15/099 - Erection of canopy (retention of work already undertaken) at 10 College Close, Minehead, TA24 6SX – Appeal Dismissed.

3/28/16/005 – Conversion of stable building to a holiday unit at Higher Thornes Farm, Lower Weacombe, Taunton, TA4 4ED – Appeal Dismissed.

ABD/28/16/001 – Notification for prior approval for a proposed change of use of agricultural building to a dwelling house (class C3) and for associated operational development east of Luckes Lane, Lower Weacombe, Williton, TA4 4LP – Appeal Allowed.

The meeting closed at 6pm

DRAFT

Application No:	3/11/16/003
Parish	East Quantoxhead
Application Type	Full Planning Permission
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 313711 Northing: 142684
Applicant	Mr Luttrell
Proposal	Conversion of redundant agricultural buildings to form 7 No. dwellings with associated works and alterations to access from a bridleway to the A39
Location	Townsend Farm, Williton to Bridgwater Road, East Quantoxhead, Bridgwater, TA5 1EH
Reason for referral to Committee	The Chairman considers that the application is considered to be of a significant, controversial or sensitive nature and should be reported to the Planning Committee.

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

(A1) DRNO 3461-PL-01 Rev A SITE LAYOUT
 (A1) DRNO 3461-PL-04 Rev A STORE (3) & HOVEL/CRUCK (4)
 (A1) DRNO 3461-PL-05 Rev A COMBINE SHED (5) LINHAY (6) & STABLES (7)
 (A1) DRNO 3461-PL-08 Rev A LANDSCAPING
 (A1) DRNO 3461-PL-10 Rev A BRIDLEWAY GATE
 (A1) DRNO 3461-PL-03 Rev A BARN (1) & GRANARY (2)
 (A1) DRNO 3461_PL_11 VISIBILITY SPLAY

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

- 3 There shall be no obstruction to visibility greater than 300mm above the adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside of the carriageway 120m either side of the access as shown on drawing 3461-PL-11. Such visibility shall be fully provided before the first dwelling hereby approved is occupied and shall thereafter be maintained at all times.

Reason : In the interests of highway safety.

- 4 Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason : In the interests of highway safety.

- 5 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to any works being started on converting the barns. Such provision shall be installed before construction commences and thereafter maintained at all times.

Reason : In the interests of highway safety

- 6 The areas allocated for 19 parking spaces on the submitted plan, drawing number 3461-PL-01 Rev A, shall be provided prior to the occupation of the dwelling to which they relate and the parking spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that off street parking is provided.

- 7 Before the dwellings hereby permitted are first occupied the existing access opposite Frog Lane shall be stopped-up and its use for vehicles permanently abandoned as shown on drawing no 3461-PL-10 Rev A. Details of the fence and gate shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the first dwelling. Only the approved details shall be used and the access shall thereafter be retained as such.

Reason : In the interests of highway safety.

- 8 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

Ecologic's Bat and Protected Species Survey and Bat emergence Survey, dated October 2016 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of ecological supervision
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 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 roosting provision and related accesses have been fully implemented

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

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

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

- 10 No works shall be undertaken on constructing the new boundary walls unless a sample panel of the walling materials has been erected on site, approved in writing by the Local Planning Authority, and 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, appearance and setting of the buildings

- 11 Prior to work commencing on the construction of the hereby approved stone boundary walls details of the walls shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

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

- 12 The external finishes of the works hereby permitted shall match in material, colour, style, bonding and texture to those of the existing buildings.

Reason: To safeguard the character and appearance of the buildings

- 13 No works shall be undertaken on landscaping the site unless a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details and samples of the hard surface treatment of the open parts of the site; and a programme of implementation.

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

- 14 All hard and soft landscape works shall be carried out in accordance with the approved details. 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 that the landscape scheme is implemented and maintained.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no satellite dish shall be attached to any building or erected within the site without the prior written permission of the Local Planning Authority.

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

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling houses other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could

cause detriment to the amenities of the occupiers of nearby properties and the character of the building and the surrounding area. For this reason the Local Planning Authority would wish to control any future development.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no roof light other than those expressly authorised by this permission shall be constructed without obtaining planning permission from the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and the appearance and setting of the Area Of Outstanding Natural Beauty.

- 18 The proposed glazed area on the north elevation of The Granary (Barn 2) shall be non-opening and glazed with obscure glass and permanently retained as such.

Reason: To safeguard the amenities of the occupiers of the nearby property, Townsend Farm.

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. During the consideration of the application issues were raised concerning new openings. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 The condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for bats and birds that are affected by this development proposal.

Bats are known to use the buildings as identified in Ecologic's Bat and Protected Species Survey and Bat emergence Survey, dated October 2016. The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local

population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. Natural England requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

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 permission) must comply with the appropriate wildlife legislation.

Proposal

It is proposed to convert a number of vernacular stone agricultural buildings to the rear of Townsend Farmhouse into 7 dwellings (3 one bed units, two 2 bed units and two 3 bed unit) and a bat building together with alterations to the access to the bridleway to the east of the farmhouse. As part of the conversion works the lightweight roof that covers the southern yard is to be removed and the modern building in the northern yard is to be removed. A blockwork shed to the south of the traditional barns are to be removed as are the modern leanto's adjoining the southern most barn to be retained totalling over 700m² of modern additions are to be removed. Parking is to be located next to each barn with the provision of 19 parking spaces being provided. The amenity areas are also to be provided within the existing courtyards or in the case of the southern most barn in the area where the leanto's are currently positioned together with a strip behind the barn.

Running along the eastern side of the site is a track that runs to the A39 and which is a bridleway. As part of the application a pedestrian/horse gate and fence are to be installed next to the farmhouse. This is to ensure that cars can not leave or enter the site via this blind access.

Site Description

Townsend Farm is comprised of a Grade II listed farmhouse with a number of stone barns mainly sited around two courtyards on land higher and to the south of the farmhouse. A bridleway divides the site from the modern farm buildings and the Grade II listed footbridge and waterwheel adjoining an aqueduct, sheep dip and 2 footbridges. The fields rise up behind the application site. Access is via a concrete track from the A39 and the site is located within the Quantock Hills Area of Outstanding Natural Beauty.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/11/05/001	New vehicular access to A39, and non compliance with conditions 7 and 9 of the decision notice. 3/11/01/001.	Grant	25 February 2005
3/11/01/001	Proposed new farm access to A39	Grant	23 August 2001

These applications relate to the new access that was proposed to access Townsend Farm and has been implemented. As part of the applications the access next to the farmhouse was to be stopped up (except for pedestrian and horse access) but the condition (Condition 8) was not complied with and has been included within the current application

Consultation Responses

East Quantoxhead Parish Council - No comments received.

Highways Development Control - I refer to the above planning application received on 28th February 2017 and after a site visit on 8th March 2017 have the following observations on the highway and transportation aspects of this proposal:-

The applicant wishes to convert existing redundant agricultural buildings and form 7 No. dwellings. The proposal would increase the number of vehicle movements from the proposed access point than what it currently experiences generating up to 56 vehicle movements a day from the site.

The proposal site is situated off the classified A39, a little south of East Quantoxhead. The area is subject to a 50mph speed limit, observed speeds appeared to be at and around the posted limit. Therefore such visibility of 2.4 x 160m should be provided with no obstruction to visibility greater than 900mm above adjoining road level.

It is noted by the Highway Authority that application 3/11/15/003 was approved by the LPA for the formation of the new access, however it appears the required visibility splay wasn't in the conditions of the final approval. It appears there are no indicated visibility splay drawings for this specific application.

When considering the above, it is suggested by the Highway Authority that amendments are made to the site plans to indicate the visibility requirements mentioned above are achievable before the Highway Authority can continue with the application. If changes are not made, the Highway Authority would have no alternative but to recommend refusal under Section 4 of the National Planning Policy Framework (NPPF).

Second letter|:

Given that the officer's report for previous application 3/11/15/003 regarding visibility splay and that the current application is for the conversion of agricultural buildings into seven dwellings it is in the opinion of the Highway Authority that whilst this may result in an increase in the overall number of vehicle movements generated by the site as a whole onto the local network, the current access arrangement is considered to be safe and suitable to accommodate these additional movements.

On balance of the above if the Local Planning Authority were minded to grant planning permission the Highway Authority would require the following conditions to be attached:

1. In accordance to submitted drawing 3461-PL-11 there shall be no obstruction to visibility greater than 300mm above the adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside of the carriageway 120m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.
2. Prior to occupation of the development hereby permitted the proposed access over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.
3. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.
4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before construction commences and thereafter maintained at all times.
5. The area allocated for 19 parking spaces on the submitted plan, drawing number 3461-PL-01, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
6. Before the dwellings hereby permitted are first occupied the existing access opposite Frog Lane shall be stopped-up and its use for vehicles permanently abandoned (as proposed in drawing no 3461-PL-09) in a manner to be agreed in writing by the Local Planning Authority.
7. Any entrance gates erected shall be hung to open inwards, will be set back a

minimum distance from the carriageway edge in a position to be agreed in writing with the Local Planning Authority and shall thereafter be maintained in that condition at all times.

Wessex Water Authority - No comments received.

Housing Enabling Officer -

Housing Need

As of today (4th January 2017) there are 577 households registered with the Somerset Homefinder Choice Based Lettings scheme as being in housing need. None of these households have identified East Quantoxhead as their First Choice Parish for re-housing, however, this is not surprising given the fact that there is no provision within the settlement.

Looking at the surrounding Parishes of Kilve, Holford, Bicknoller and West Quantoxhead, there are three households who both live and have requested re-housing within adjoining settlements. Two of the households are large and require four-bedroom accommodation, the third has a single bedroom requirement.

This need is considered sufficient to seek a financial contribution towards the provision of affordable housing within the vicinity of this development.

Vacant Building Credit

Given the nature of the development (conversion and demolition), it is necessary to consider Vacant Building Credit in any calculations regarding Affordable Housing contributions.

National Planning Practice Guidance states that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floor space.

The existing buildings currently has a gross internal floor space of 1,380 square metres and the gross internal floor space proposed is 680 square metres. This means a reduction of 700 square metres of gross internal floor space and removes any requirement for Affordable Housing contribution.

If the plans should change as the planning application evolves, this calculation may have to be revisited.

Biodiversity and Landscaping Officer -

The proposal is the conversion of eight redundant agricultural buildings to form 7

dwelling with alterations to access at Townsend farm, East Quantoxhead. Ecologic carried out a Bat and Protected Species Survey and Bat emergence Survey in October 2016. Ian Crowe Ecological Services formerly carried out a survey of the barns in 2009. The current report includes combined assessment of the previous and current ecological surveys

Findings were as follows

Birds - The surveyor found the remains of nests for swallows, wren and robin. Works should take place outside of the bird nesting season. I support the incorporation of five bird boxes within the new development

Bats - The survey confirmed the presence of roosting bats within the buildings

The buildings form a maternity and/or nursery roost and night roost for lesser horseshoe bats, a day roost and a potential night roost for long eared bats an infrequent day roost for greater horseshoe bats, and a day roost for whiskered bats. In addition two pipistrelle bats were seen feeding within the covered stockyard. The works will destroy identified bat roosts and so an EPS licence is required to develop the site.

Full mitigation measures will be detailed within the licence but the surveyor has suggested

- Creation of a replacement lesser horseshoe roost.(The replacement LHB roost will need to have a minimal internal area of 20m² with a minimum height of 2 m)
- Creation of a replacement greater horseshoe roost.(The replacement LHB roost will need to have a minimal internal area of 16m² with a minimum height of 2 m)
- Sensitive timing for commencement of works
- Prior exclusion and/or removal of bats
- Ecological supervision
- Further bat roosting provisions for whiskered and long eared bats (four bat boxes).
- No external lighting

The replacement roosts are proposed in the eastern most cell of building 8. This space has a volume of 30 m² and so is satisfactory

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ecologic's Bat and Protected Species Survey and Bat emergence Survey, dated October 2016 and include:

1. Details of protective measures to include method statements to avoid

- impacts on protected species during all stages of development;
- 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
- 3. Measures for the retention and replacement and enhancement of places of rest for the species
- 4. Details of ecological supervision
- 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 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 roosting provision and related accesses have been fully implemented

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

Informative Note

1. The condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for bats and birds that are affected by this development proposal.

2. Bats are known to use the building(s) as identified in Ecologic's Bat and Protected Species Survey and Bat emergence Survey, dated October 2016. The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

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

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

Quantock Hills AONB - The AONB Service is concerned at the prospect of converting the agricultural buildings at Townsend Farm into a series of homes. Conversion to seven domestic properties will change the character of the area – introducing a residential complex into an agricultural landscape.

Paragraph 61 of the NPPF states that *“although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and integration of new development into the natural, built and historic environment”*. Whilst we have no doubt that the East Quantoxhead Estate could ensure a sensitive treatment to the fabric of the buildings and the scheme as a whole, it is the permanent separation of the buildings from the surrounding landscape; the loss of a functional link between the farm buildings and their farmed setting that is of concern. Conversion of agricultural buildings to residential properties (and the associated external paraphernalia) will domesticate what is clearly recognised at present as a farming landscape.

The amount of light generated from conversion of these buildings is also a concern. Dark skies are an important characteristic of the Quantock Hills with light pollution becoming ever more evident in the AONB. Light emitting from window openings (collectively), combined with any external lighting, is highly likely to result in a marked source of new light into the landscape and this is particularly pertinent because of the proximity to the open heathland.

The AONB Management Plan (2014-2019), adopted by West Somerset Council, states that *“The significance of structures in the AONB landscape is very high. Where these are locally distinctive barns and farmsteads they make an important contribution to the AONB countryside. Some old agricultural buildings may be so significant to the character of the area that they should be maintained unchanged despite the end of their serviceable lives. A more satisfactory option is sensitive conversion to an appropriately scaled rural enterprise, while domestic use is less acceptable due to changes in character and use. Design and location are critical in any barn conversion*

Representations Received

Two representations have been received, one objecting and that is neutral.

Friends of Quantock object as the proposed conversion of the barns will totally change the character of the settlement visually and socially and will do significant damage to the AONB. There will be significant noise and light pollution. In addition increased traffic on the recently improved access road is most undesirable especially due to the new Hinkley Point traffic. This proposal will not benefit farming and damage the landscape which outweighs any benefit to the Estate. The application should be refused.

Somerset Wildlife Trust agree to the findings of the Bat Survey and support the recommendations contained within the Survey. It is essential that it can be demonstrated that the replacement roost is being used before works start on Buildings A and B. Also support the proposed 5 bird nesting units and would request that one of them is a Sparrow Terrace.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

OC1	Open Countryside development
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
UN/2	Undergrounding of Service Lines and New Development

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

BD/3	Conversions, Alterations and, Extensions
T/8	Residential Car Parking
T/9	Existing Footpaths

Determining issues and considerations

The main issues in consideration of this application are, the principle of development, affect on the setting of adjoining listed buildings and the affect on the character, appearance and significance of the barns to be converted, affordable housing, wildlife, affect on the AONB and highway safety.

1. Principle of development

The application site is located in open countryside where Local Plan policy OC1 is relevant and states:

The open countryside includes all land outside of existing settlements, where development is not generally appropriate. In exceptional circumstances development may be permitted where this is beneficial for the community and local economy.

Development in the open countryside (land not adjacent or in close proximity to the major settlements, primary and secondary villages) will only be permitted where it can be demonstrated that either:

- Such a location is essential for a rural worker engaged in e.g.: Agricultural, Forestry, Horticulture, Equestrian or Hunting employment, or;
- It is provided through the conversion of existing, traditionally constructed buildings in association with employment or tourism purposes as part of a work/live development, or;
- It is new-build to benefit existing employment activity already established in the area that could not be easily accommodated within or adjoining a nearby settlement identified in policy SC1, or;
- It meets an ongoing identified local need for affordable housing in the nearby settlement which cannot be met within or closer to the settlement, or;
- It is an affordable housing exceptions scheme adjacent to, or in close proximity to, a settlement in the open countryside permitted in accordance with Policy SC4(5).

Applications for dwellings under this policy that would not be located in a settlement identified in policy SC1 or any other settlement, would be considered subject to a functional and economic test. Where permission is granted consideration would be given to this being initially made on a temporary basis.

As the proposal is for open market housing and no affordable housing is proposed (as none is required due to Vacant Building Credit) none of the above criteria are met. It should be noted that as the barns are curtilage listed buildings safeguarding the long term use of these buildings also need to be taken into account and this is discussed below. It should be noted however that there is a need for affordable housing in adjoining parishes as advised by the Housing Enabling Officer and the applicant rents out all of the properties on the Estate so these properties are likely to be used for affordable housing.

2. Affordable housing

As the site is for the conversion of barns into 7 dwellings a commuted sum towards affordable housing can be sought. The Housing Enabling Officer has however advised that no households have identified East Quantoxhead as their first choice for rehousing but that this is not surprising as there is no provision within the village. It should be noted however that over 50 houses in East Quantoxhead are rented out by the estate. There are however three households in adjoining parishes that require affordable housing. In determining affordable housing provision within the area however account also needs to be taken of Vacant Building Credit. As the existing buildings has a gross internal floor space of 1,380 square metres and the gross internal floor space proposed is 680 square metres this means a reduction of 700 square metres of gross internal floor space and removes any requirement for Affordable Housing contribution. No contribution is therefore to be sought as part of this application.

3. Affect on the setting of adjoining listed buildings and the affect on the character, appearance and significance of the barns to be converted.

As Townsend Farmhouse and the footbridge and waterwheel adjoining an aqueduct, sheep dip and 2 footbridges are Grade II listed buildings their settings need to be assessed. It is considered that as the traditional barns which form part of the setting of both listed buildings are to be retained and that the modern additions are to be removed that the setting is preserved for both buildings.

The barns, the subject of the application are curtilage listed buildings and through pre application discussions and discussions following the submission of the application, the proposed alterations to the barns have been reduced. No extensions are proposed to the barns but low stone boundary walls to help define the courtyards and private amenity areas are proposed. It is considered that the proposed alterations to the barns, the removal of the modern additions and the introduction of low boundary walls will enhance the setting of these buildings as well as preserve their character and appearance.

4. Wildlife

Nests of Swallows, Robins and Wrens have been found and the buildings also form a maternity and/or nursery roost and night roost for lesser horseshoe bats, a day roost and a potential night roost for long eared bats, an infrequent day roost for greater horseshoe bats, and a day roost for whiskered bats. In addition, two pipistrelle bats were seen feeding within the covered stockyard. The proposed conversion works will destroy these identified bat roosts and so an EPS licence is required to develop the site. Mitigation measures have been put forward including:

- 5 bird boxes,
- Creation of a replacement lesser horseshoe roost.
- Creation of a replacement greater horseshoe roost.
- Sensitive timing for commencement of works
- Prior exclusion and/or removal of bats
- Ecological supervision
- Further bat roosting provisions for whiskered and long eared bats (four bat boxes).
- No external lighting

The Biodiversity and Landscaping Officer has suggested that a condition be imposed relating to a strategy to protect wildlife be submitted. It is recommended that such a condition be imposed as this will help ensure that the wildlife is protected and will also comply with local plan policy NH6.

5. Affect on the AONB

The AONB Service and Friends of the Quantocks have objected to the proposal. The AONB Service considers that the permanent separation of the barns from the surrounding landscape, the loss of a functional link between the farm buildings and

their farmed setting together with the domestication of the farming landscape is of concern. In addition, light pollution from the barns is likely to result in a marked source of new light into the farming landscape which is detrimental to the dark skies of Quantock Hills. The AONB Management Plan also states that some old agricultural buildings may be significant to the character of the area should be maintained unchanged despite the end of their serviceable lives.

The barns are no longer part of Townsend Farm as the barns are used by another farm tenant, are little used and are falling into disrepair. The visual link with Townsend Farmhouse will be retained but it is acknowledged that they will be domesticated in that there will be cars present in the courtyards and there may be other paraphernalia related to dwellings. This will however be confined to the courtyards which are largely screened from public view by the barns themselves and the higher land to the west of the site. The gardens and courtyards however may be seen from the Quantocks but this is likely to be limited due to the height and layout of the barns. The car parking and amenity area to the southern most barn will however not be hidden but can be screened to help assimilate these areas into the landscape through landscaping.

Light pollution has also been raised as a concern. The number of roof lights proposed is limited partly to ensure that upward lighting from the barns and some have been deleted following the receipt of the application. In addition, external lighting will be controlled through the recommended wildlife mitigation condition so helping to control the amount of lighting there is on the site.

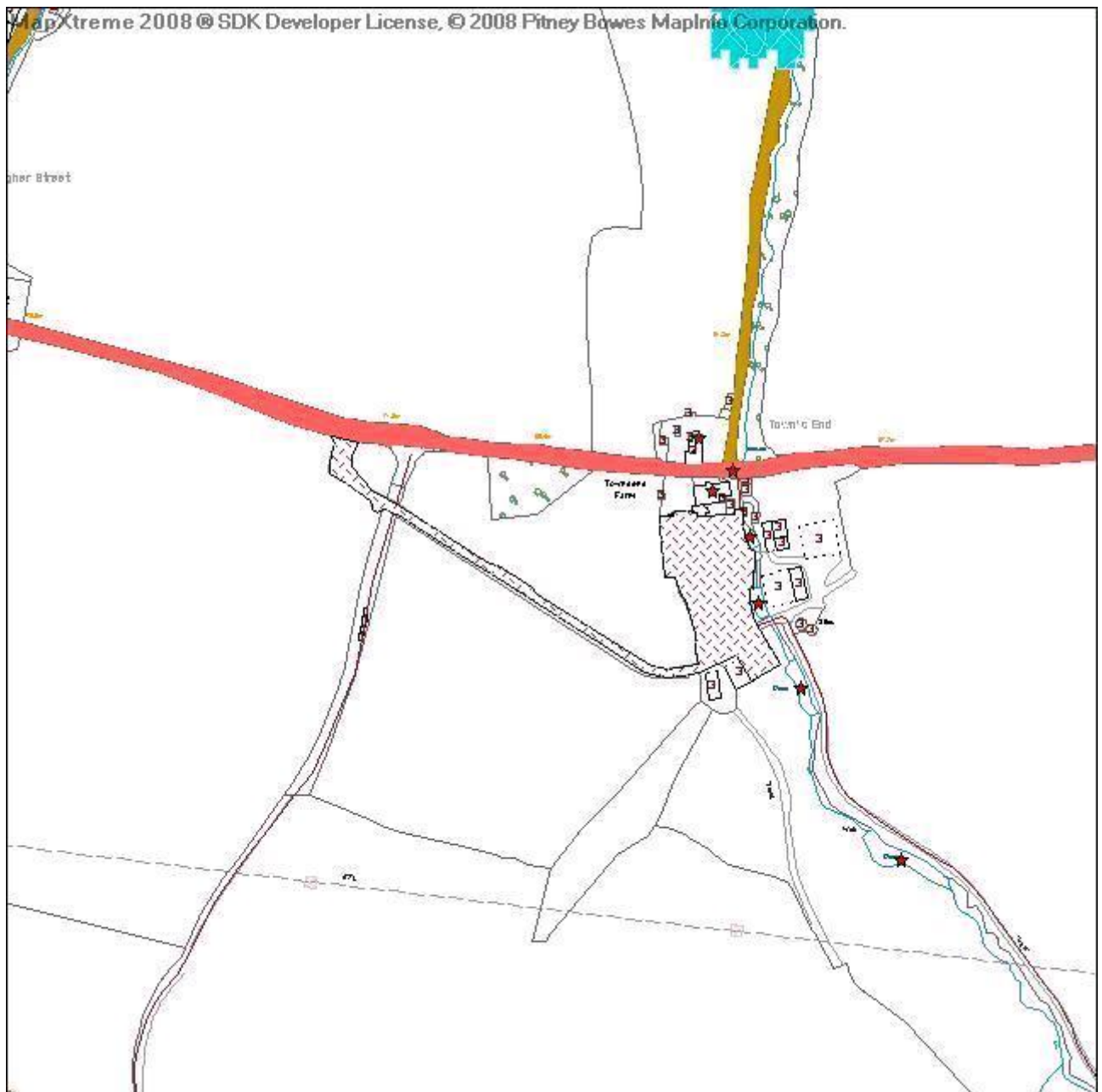
The AONB Management Plan has been adopted by the Council but does not form part of the Development Plan. It therefore has less weight than if it was part of the Development Plan. It is noted that some barns should not be converted as cited in the Plan but as these buildings are next to the A39 and it is a characteristic of this part of the area to have dwellings grouped along the A39, are curtilage listed buildings, has access to local facilities such as the public house, village hall, church and shop/post office at Kilve, village hall and church at East Quantoxhead and a larger range of facilities at Williton, Bridgwater and Nether Stowey together with access to the surrounding countryside, especially as there is a bridleway that crosses the site, it is considered that the use of the barns as dwellings is an acceptable use that carries more weight than the AONB Development Plan. The proposal also complies with policy 61 of the NPPF for the reasons given above. The suggested alternative uses suggested by the AONB service of a rural enterprise has been explored by the applicant and has found no need partly due to the location of the barns and poor broadband.

6. Highway Safety

The Highway Authority are of the opinion that the proposed development may result in an increase in the overall number of vehicle movements generated by the site as a whole onto the local network and that the current access arrangement is considered to be safe and suitable to accommodate these additional movements. A number of conditions however are recommended which relate to the visibility splays being retained, surfacing of the access, gates to be open inwards, disposal of surface water, parking spaces to be retained and stopping up of the access opposite

Frog Lane. All of these conditions are recommended to be incorporated within the decision except for the surfacing of the access as the access is concreted already.

In conclusion it is considered that the reuse of the barns for residential use outweighs the policy considerations contained in local plan policy OC1 as it will safeguard the long term use of the curtilage listed buildings, biodiversity will be protected and the impact on the setting of the listed buildings and AONB are kept to a minimum. It is therefore recommended that planning permission be granted.



Application No 3/11/16/003
 Conversion of redundant
 agricultural buildings into 7 No.
 dwellings with associated works
 and alterations to access from
 bridleway to the A39
 Land to the south Townsend
 Farm, East Quantoxhead
 14th December 2016
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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Easting: 313715

Scale: 1:1250

Northing: 142624

Application No:	3/11/16/005
Parish	East Quantoxhead
Application Type	Listed Building Consent
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 313711 Northing: 142684
Applicant	Mr Lutrell
Proposal	Conversion of redundant agricultural buildings to form 7 No. dwellings with associated works and alterations to access from a bridleway to the A39
Location	Townsend Farm, Williton to Bridgwater Road, East Quantoxhead, Bridgwater, TA5 1EH
Reason for referral to Committee	The Chairman considers that the application is considered to be of a significant, controversial or sensitive nature and should be reported to the Planning Committee.

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

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

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

(A1) DRNO 3461-PL-01 Rev A SITE LAYOUT
(A1) DRNO 2461 - PL - 02 DEMOLITIONS
(A1) DRNO 3461-PL-03 Rev A BARN (1) & GRANARY (2)
(A1) DRNO 3461-PL-04 Rev A STORE (3) & HOVEL/CRUCK (4)
(A1) DRNO 3461-PL-05 Rev A COMBINE SHED (5) LINHAY (6) & STABLES (7)
(A1) DRNO 2461 - PL - 06 STORE (8)
(A1) DRNO 2461 - PL - 07 COMPOSITE ELEVATIONS
(A1) DRNO 3461-PL-08 Rev A LANDSCAPING
(A1) DRNO 2461- PL - 09 BUILDING KEY
(A1) DRNO 3461-PL-10 Rev A BRIDLEWAY GATE

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

- 3 Notwithstanding the details submitted, no works shall be undertaken on installing any windows, stairs or glazed areas unless full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall include elevations at 1:20 scale and cross-sections, profiles, reveal, surrounds, at full or half scale and details of the materials, finish and colour in respect of new windows, doors, stairs and other glazed or timber panels. The works shall thereafter be carried out in accordance with the approved details. The treatment to be used on the joinery shall be carried out within one month of its installation and thereafter retained as such.

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

- 4 No works shall be undertaken on the erection of the new stone boundary walls unless a sample panel of the stone has been erected on site, approved in writing by the Local Planning Authority, and 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 settings of the buildings.

- 5 Prior to work commencing on the conversion of the buildings hereby approved samples of the materials to be used in the construction of the external surfaces of the barns to be converted shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

- 6 Prior to the laying of the floors, details of the materials to be used on the floors shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

Reason: To safeguard the character of the buildings.

- 7 Prior to the installation of any vents details of the positions and design of the vents shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

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

- 8 Prior to the installation of the metal rainwater goods, details of the rainwater goods including the design and colour of the rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

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

Proposal

It is proposed to convert a number of vernacular stone agricultural buildings to the rear of Townsend Farmhouse into 7 dwellings (3 one bed units, two 2 bed units and two 3 bed unit) and a bat building together with alterations to the access to the bridleway to the east of the farmhouse. As part of the conversion works the lightweight roof that covers the southern yard is to be removed and the modern building in the northern yard is to be removed. A blockwork shed to the south of the traditional barns are to be removed as are the modern leanto's adjoining the southern most barn to be retained totalling over 700m² of modern additions are to be removed. Parking is to be located next to each barn with the provision of 19 parking spaces being provided. The amenity areas are also to be provided within the existing courtyards or in the case of the southern most barn in the area where the leanto's are currently positioned together with a strip behind the barn.

A number of alterations are proposed to each of the barns to enable them to be converted into dwellings. These alterations include:

Barns 1 and 2 - internal partitions , altering external doors to windows, new stairs in a different location to replace existing stairs, area of patent glazing on the roof, glazed panels in existing openings

Barn 3 - change door to window, provision of one new external door, internal alterations and insertion of one rooflight

Barn 4 - glazed panels, four slit windows, one rooflight and internal alterations

Barn 5 - glazed panels in end elevations, three slit windows, two roof lights and internal alterations including stairs

Barn 6 - glazed areas between columns, three roof lights and internal alterations

Barn 7 - glazed areas , one roof light and internal alterations

Barn 8 - part of this barn is not to be altered but the section to be used as a store and for bats will involve the blocking up of one window and the repositioning of two doors

Whilst not part of this application, a pedestrian/horse gate and fence are to be installed next to the farmhouse across the bridleway. This is to ensure that cars can not leave or enter the site via this blind access.

Site Description

Townsend Farm is comprised of a Grade II listed farmhouse with a number of stone barns mainly sited around two courtyards on land higher and to the south of the farmhouse. These barns are curtilage buildings to the farmhouse and the Grade II

listed footbridge and waterwheel adjoining an aqueduct, sheep dip and 2 footbridges. There are modern barns on higher land to the east of the site. The fields rise up behind the application site. Access is via a concrete track from the A39 and the site is located within the Quantock Hills Area of Outstanding Natural Beauty.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/11/05/001	New vehicular access to A39, and non compliance with conditions 7 and 9 of the decision notice. 3/11/01/001.	Grant	25 February 2005
3/11/01/001	Proposed new farm access to A39	Grant	23 August 2001

These applications relate to the new access that was proposed to access Townsend Farm and has been implemented. As part of the applications the access next to the farmhouse was to be stopped up (except for pedestrian and horse access) but the condition (Condition 8) was not complied with and has been included within the current planning application. There is no planning history for works to the barns, the subject of this application.

Consultation Responses

East Quantoxhead Parish Council - no comments received.

Highways Development Control - No observations.

Quantock Hills AONB - The AONB Service is concerned at the prospect of converting the agricultural buildings at Townsend Farm into a series of homes. Conversion to seven domestic properties will change the character of the area – introducing a residential complex into an agricultural landscape.

Paragraph 61 of the NPPF states that “*although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and integration of new development into the natural, built and historic environment*”. Whilst we have no doubt that the East Quantoxhead Estate could ensure a sensitive treatment to the fabric of the buildings and the scheme as a whole, it is the permanent separation of the buildings from the surrounding landscape; the loss of a functional link between the farm buildings and their farmed setting that is of concern. Conversion of agricultural buildings to residential properties (and the associated external paraphernalia) will domesticate what is clearly recognised at present as a farming landscape.

The amount of light generated from conversion of these buildings is also a concern. Dark skies are an important characteristic of the Quantock Hills with light pollution

becoming ever more evident in the AONB. Light emitting from window openings (collectively), combined with any external lighting, is highly likely to result in a marked source of new light into the landscape and this is particularly pertinent because of the proximity to the open heathland.

The AONB Management Plan (2014-2019), adopted by West Somerset Council, states that *“The significance of structures in the AONB landscape is very high. Where these are locally distinctive barns and farmsteads they make an important contribution to the AONB countryside. Some old agricultural buildings may be so significant to the character of the area that they should be maintained unchanged despite the end of their serviceable lives. A more satisfactory option is sensitive conversion to an appropriately scaled rural enterprise, while domestic use is less acceptable due to changes in character and use. Design and location are critical in any barn conversion*

Biodiversity and Landscaping Officer -

The proposal is the conversion of eight redundant agricultural buildings to form 7 dwellings with alterations to access at Townsend farm, East Quantoxhead.

Ecologic carried out a Bat and Protected Species Survey and Bat emergence Survey in October 2016. Ian Crowe Ecological Services formerly carried out a survey of the barns in 2009. The current report includes combined assessment of the previous and current ecological surveys

Findings were as follows

Birds - The surveyor found the remains of nests for swallows, wren and robin. Works should take place outside of the bird nesting season. I support the incorporation of five bird boxes within the new development

Bats - The survey confirmed the presence of roosting bats within the buildings

The buildings form a maternity and/or nursery roost and night roost for lesser horseshoe bats, a day roost and a potential night roost for long eared bats an infrequent day roost for greater horseshoe bats, and a day roost for whiskered bats.

In addition two pipistrelle bats were seen feeding within the covered stockyard. The works will destroy identified bat roosts and so an EPS licence is required to develop the site.

Full mitigation measures will be detailed within the licence but the surveyor has suggested

- Creation of a replacement lesser horseshoe roost.(The replacement LHB roost will need to have a minimal internal area of 20m² with a minimum height of 2 m)
- Creation of a replacement greater horseshoe roost.(The replacement LHB roost will need to have a minimal internal area of 16m² with a minimum height of 2 m)
- Sensitive timing for commencement of works
- Prior exclusion and/or removal of bats

- Ecological supervision
- Further bat roosting provisions for whiskered and long eared bats (four bat boxes).
- No external lighting

The replacement roosts are proposed in the eastern most cell of building 8. This space has a volume of 30 m² and so is satisfactory

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Ecologic's Bat and Protected Species Survey and Bat emergence Survey, dated October 2016 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species
4. Details of ecological supervision
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 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 roosting provision and related accesses have been fully implemented

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

Informative Note

1. The condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for bats and birds that are affected by this development proposal.

2. Bats are known to use the building(s) as identified in Ecologic's Bat and Protected Species Survey and Bat emergence Survey, dated October 2016. The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

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

It should be noted that the representations received from the AONB Service and Biodiversity and Landscaping Officer relate to planning matters and not issues that can be assessed under this application.

Representations Received

One representation has been received from the Friends of Quantock who object as the proposed conversion of the barns will totally change the character of the settlement visually and socially and will do significant damage to the AONB. There will be significant noise and light pollution. In addition increased traffic on the recently improved access road is most undesirable especially due to the new Hinkley Point traffic. This proposal will not benefit farming and damage the landscape which outweighs any benefit to the Estate. The application should be refused.

These comments relate to planning matters and not listed building concerns. These comments have therefore been assessed under the planning application only.

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

Determining issues and considerations

As the barns are curtilage buildings to the Grade II listed buildings of the Farmhouse footbridge and waterwheel adjoining an aqueduct, sheep dip and 2 footbridges this application must be determined in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that the listed building, its setting and any features of historic or architectural interest must be preserved when considering whether to grant listed building consent.

Through negotiation the number of roof lights and new slit windows have been reduced to help ensure that the character and appearance of the buildings are preserved. The number of roof lights and slit windows have been reduced to a minimum but are required to ensure that there is light into the buildings as some of the barns have few existing openings that can be utilised, particularly barn 5. The removal of the modern buildings from within the courtyard and to the south of the courtyards is a positive proposal that will greatly enhance the setting of these barns and will help to retain the character of these barns. A number of stone walls within the courtyards are proposed to ensure that the occupiers have some private amenity space and to help enclose the courtyards. These will preserve the character and setting of the barns. Hard landscaping with the use of hoggin within the common areas of the north yard is proposed with grass in the south yard, garden areas and to the south of the south yard and adjoining barn 5. The existing cobbles are to be retained. Areas of stone setts and paving at the entrances to the yards and to three of the barns are also proposed.

The internal alterations have taken account of the window positions within the barns and the existing layout. It is not known what the floors will be or how the property will be vented and as such conditions are required to ensure that the character and appearance of the barns are safeguard. In addition a number of the windows in the glazed areas are shown to have top opening lights. This is a feature that will domesticate the buildings and is not a method of opening used on barns. A joinery condition is therefore required to ensure that a more appropriate form of opening is used.

The NPPF states that where a development proposal would lead to less than substantial harm to the significance of the listed building (as in this case) this harm should be weighed against the public benefits of the proposal including ensuring the optimum viable use for the buildings. It is considered that there is public benefit with the creation of seven needed dwellings which will also help safeguard the future of the buildings.

In conclusion, it is considered that the proposed alterations to the barns will preserve the historic and architectural interest of the barns together with preserving and enhancing the setting of the barns and adjoining listed buildings. It is therefore recommended that listed building consent be granted,

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



Application No 3/11/16/005
 Conversion of redundant
 agricultural buildings into 7 No.
 dwellings with associated works
 and alterations to access from
 bridleway to the A39
 Land to the south Townsend
 Farm, East Quantoxhead
 14th December 2016
 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:	<u>3/26/17/004</u>
Parish	Old Cleeve
Application Type	Variation of conditions
Case Officer:	Sue Keal
Grid Ref	Easting: 302892 Northing: 143395
Applicant	Mrs A Hart & Mr A Bigwood
Proposal	Variation of Condition No. 2 (to allow additional car boot sales on Wednesdays until end of September each year) of application 3/26/12/012.
Location	Home Farm, Blue Anchor, Minehead, TA24 6JS
Reason for referral to Committee	The Chairman considers that the application is considered to be of a significant, controversial or sensitive nature and should be reported to the Planning Committee.

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The car boot sales shall only operate between the hours of 11.00am and 18.00 pm on Saturdays and Bank Holiday Mondays between 1st April and 31st October each year, and between the hours of 11.00am and 18.00pm on Wednesdays between 1st June and 30th September each year.

Reason: In the interests of highway safety, the amenities of local residents and the character of the landscape.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into

pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 The applicant is reminded that the need for evacuation plans/arrangements must be kept up to date and in place at the site when holding the approved Boot Sales in the event of flooding events.

Proposal

This submission seeks to vary the wording of condition no. 2 (regarding the previous permission 3/26/12/012 to allow additional car boot sales to be held on Wednesdays until the end of September (instead of August) each year. As approved the previous permission 3/26/12/012 reads as -

'The car boot sales shall only operate between the hours of 11.00am and 18.00 pm on Saturdays and Bank Holiday Mondays between 1st April and 31st October each year, and between the hours of 11.00am and 18.00pm on Wednesdays between 1st June and 31st August each year.'

Reason: In the interests of highway safety, the amenities of local residents and the character of the landscape, in accordance with policies T/3, 49, LC/3, 5 and CO/1.

This proposal now seeks to vary the wording of condition 2 of the previous permission to hold additional boot sales on Wednesdays to include the month of September (which equates to an additional 4 boot sales), as per the applicants submitted details.

Site Description

The site comprises agricultural land, 3.16ha, part of Home Farm and immediately behind the sea front promenade. Vehicular access is off the private access which serves the farm and the Smugglers pub from the seafront B3191.

Relevant Planning History

3/26/75/009, Holiday Caravan Site, Refused 26/03/75.

3/26/94/006, Opening of working farm to general public as a tourist attraction from April to September/October, Granted 19/12/94.

3/26/10/011, Holding of Car boot sales on agricultural land every Saturday & Bank Holiday Mondays from April to October, Granted 01/09/10

3/26/12/012, Permission to hold car boot sales on agricultural land every Wednesday from 1st June to 31st August. Granted on 29/06/12

Consultation Responses

Old Cleeve Parish Council - Old Cleeve Parish Council would like to make the following comments about the above application:

'The original approval notice description and condition 2 (in full) does NOT coincide. Condition 2 allows for longer periods of operation than the applied description. (Wednesdays only).'

Highways Development Control - Cmts rec 24/01/17, Standing Advice.

Environment Agency - No comments received.

Representations Received

Two letters of objection has been received from one adjoining neighbour raising the following concerns;

- The conditions of licensing/planning have been regularly breached with car boot sales being held for 3-4 weeks outside of the original agreement.
- Number of visitors to sales cause considerable disruption and traffic chaos along Blue Anchor seafront.
- Concern re the lack of access for emergency vehicles.
- Inadequate Marshalling with visitors entering our property to gain access without paying for entrance to the sales.
- Public pulling onto our drive during the sales causing inconvenience and damage.
- Due to the increase in size of these sales we can no longer enjoy our property as often sellers are 10m away.
- We are often left with rubbish which has blown onto our property following the sales.
- One of the emergency escape routes from the field where the sales are held passes our property and we were not consulted on this and the gate at the escape route is secured by barbed wire.
- The evacuation route submitted previously and referred to in the Flood Risk Assessment and Management Plan involves a gate at the top of our drieway and not onto the B3191 and there is no right of access for Home Farm to cross this land.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

OC1	Open Countryside development
SD1	Presumption in favour of sustainable development
CC2	Flood Risk Management
CC3	Coastal Change Management Area
CC4	Coastal Zone Protection

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

SH/6	Retail Development Outside Settlements
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Determining issues and considerations

The main issues and considerations in this case are;

- **Principle of development**
- **Character and Appearance of the Area**
- **Residential Amenity**
- **Highway Safety**
- **Flood Risk**

Principle of development

The site is in the countryside outside the defined limits of any town, rural centre or village, where in accordance with Policies OC1, SD1, SC6, of the West Somerset Local Plan to 2032 development will only be permitted where it both benefits economic activity without leading to a significant increase in car travel and maintains or enhances environmental quality and accords with relevant other policies. However, it should be noted that this use has already been established and permitted by the decision in 2012.

The applicants originally utilised the Permitted Development allowance to hold car boot sales on 14 Saturday afternoons each summer. Planning permission was then granted in 2010 (3/26/10/011) to use the site on every Saturday and Bank Holiday Monday between April and October, a total of about 35 days a year. This was amended in 2012 to include Wednesdays between June and August. The applicants now wish to amend this to read - Wednesdays between June and September, adding a further 4 days. This request could be said to benefit economic activity and to provide an extra attraction to holiday makers in the area, and whilst there would be a visual and traffic impact this would still be for a relatively small portion of the year. For the rest of the time the site would be clear of vehicles, stalls

etc and generate little traffic from its use for grazing. The proposal is accordingly considered not to conflict with countryside policies. Moreover the NPPF states that planning policies should support rural tourism and leisure developments that benefit businesses in rural areas and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. This proposal would appear to meet this objective.

Character and Appearance of the Area

This is largely addressed above. Whilst a permanent development here would not be acceptable under policy CC2 which seeks to protect the character of the coastal zone, a non-permanent and intermittent use such as this would be acceptable. It is also noted that this variation application seeks to hold an additional 4 sales during the month of September. It is therefore considered that the proposal accords with local planning policy as previously mentioned.

No retail impact evidence has been submitted but it would seem unlikely that these additional days of boot sales would result in any measurable impact on the viability and vitality of existing retail centres. Competition with other individual operators is not a material planning consideration.

It is therefore considered that the proposal accords with local planning policies NH1, (Historic Environment), NH5, (Landscape Character protection) and OC1 (Open Countryside Development) of the West Somerset Local Plan to 2032

Residential Amenity

There are only 3 dwellings in the vicinity of the site, only one of which abuts the site. Even then the house itself is some 40m from the boundary of the site. Whilst there will be some noise and disturbance from traffic and general activities for an additional 4 days in the year this would not be so significant as to warrant rejection of this application.

One letter of representation from one adjoining neighbour raise concerns as indicated above in this report (Representations Received). In response to planning/licensing being regularly breached, this variation seeks permission to hold an additional 4 no. boot sales on Wednesdays in September. The applicant has submitted the days and dates when the boot sales are to take place.

Having spoken to colleagues in the licensing department of the Council, they confirm that as an entrance fee is charged to enter the sales, these events do not require a licence under the Environmental Health and Licensing Legislation. This is not under the control of the planning remit.

To respond to the emergency access arrangements, marshalling and litter from the site this is under the control of the applicant/holder of the boot sale events and is largely a Civil matter.

In regards to, trespassing onto adjoining property, traffic problems and emergency access, these issues would need to be addressed by the Highway Authority and the emergency services and it is not considered appropriate to deal with these under the planning remit.

Therefore given the above consideration along with the previous approval for boot sales to be held at this site, it is considered that whilst there might be some impact on residential amenity, this proposal is for a further 4 sales and this is not considered significant to refusal this variation application. The proposal accords with local policy NH1 of the West Somerset Local Plan to 2032.

Highway Safety

The Highway Authority have returned comments of Standing Advice in connection with this submission and it is noted that they raised no objection to the previous proposal. A passing bay was constructed on the access drive under the terms of the previous permission. It is therefore considered that the proposal accords with local planning policy ID1 of the West Somerset Local Plan to 2032.

Flood Risk

No comments have been received from the Environment Agency in connection with this variation of condition proposal. However, it is also noted that on the previous application (ref 3/26/12/012) that the Environment Agency raised no specific objection. In accordance with the Agency's Standing Advice the applicants previously showed that they have considered the management of surface water (sea and river) and the evacuation of the site in the event of flooding. It is also noted that since the former approval, new sea defence walls have been constructed along Blue Anchor Seafront.

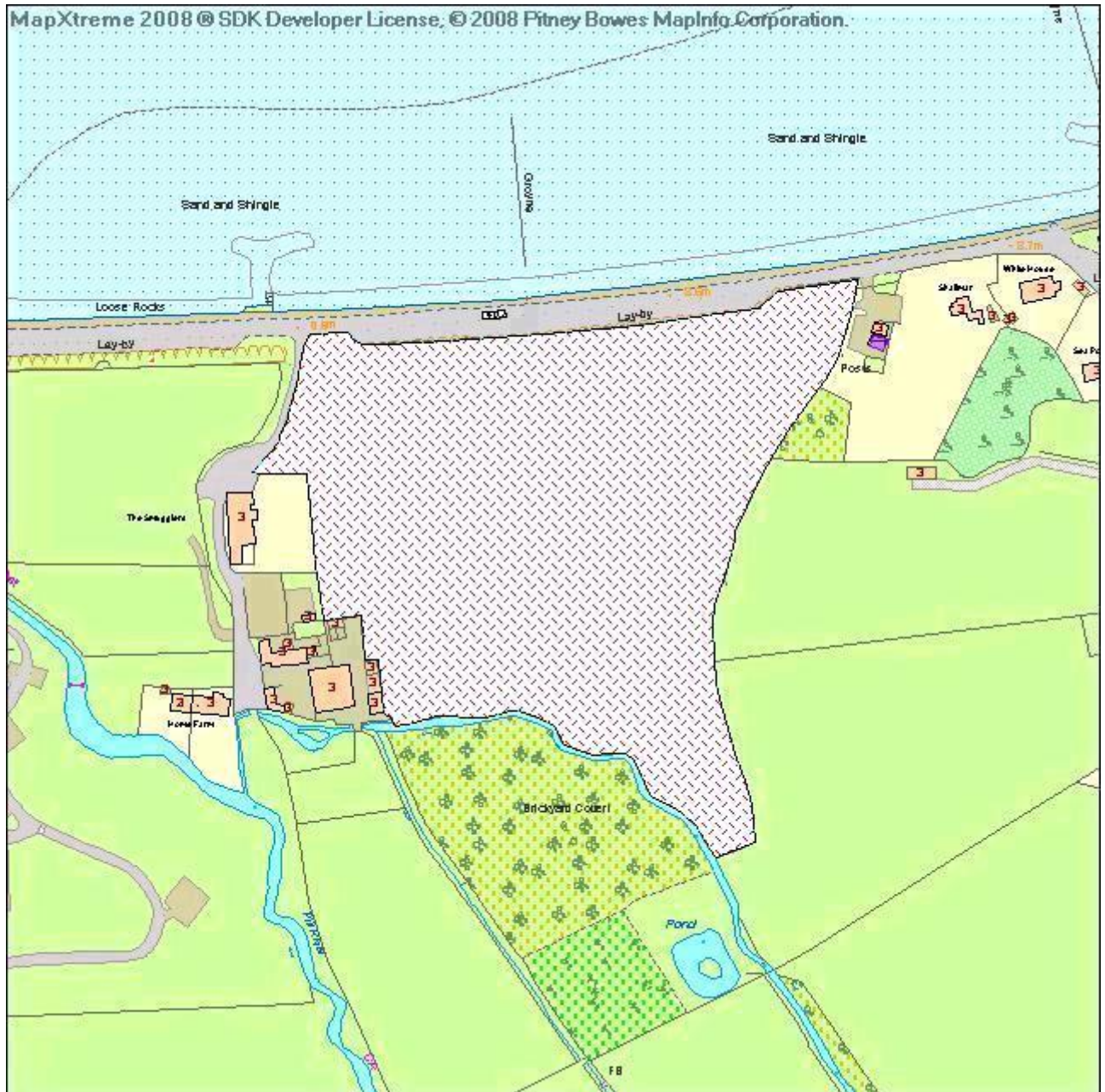
No further amendments or additional details have been submitted in this respect by the applicant on this occasion.

It is therefore considered that the submission accords with local planning policies CC2 (Flood Risk Management), CC3 (Coastal Change Management Area) and CC4 (Coastal Zone Protection) of the West Somerset Local Plan to 2032.

Conclusion

Given the above considerations, the inclusion of an additional four boot sales to be held on Wednesdays at this site during the month of September, along with the previous permission for both the Wednesdays and the Saturdays and Bank Holidays on dates approved, is acceptable and permission is recommended.

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



Application No 3/26/17/004
 Variation of Condition No. 2 (to
 allow car boot sales until end of
 September) of application
 3/26/12/012
 Home Farm, Blue Anchor,
 Minehead, TA24 6JS
 16th January 2017
 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:	<u>3/26/17/008</u>
Parish	Old Cleeve
Application Type	Variation of conditions
Case Officer:	Sue Keal
Grid Ref	Easting: 304612 Northing: 140291
Applicant	Mr Tim Willis
Proposal	Variation of Condition No. 02 (approved plans) of application 3/26/14/012
Location	The White Horse Inn, Torre Rocks, Washford, Old Cleeve, Watchet, TA23 0JZ
Reason for referral to Committee	The officer's recommendation is contrary to that received by the Parish Council.

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

(A3) DRNO 1195/200A PROPOSED SITE PLANS

(A3) DRNO 1195/201A PROPOSED PLANS AND ELEVATIONS

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

- 2 The development hereby approved shall not be used other than for purposes ancillary to The White Horse Inn for use as additional Bed and Breakfast Use only and not as a sole persons main residence.

Reason: To accord with the policies in the Development Plan and to ensure an adequate expansion of an existing business in the locality.

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 submission seeks to vary condition no. 2 of the previous permission 3/26/14/012, for planning permission to remove stables and storage shed and erect a building in a similar place that would contain three holiday units. Each unit would comprise a double bedroom with en-suite and a living room.

This variation application seeks to replace dwg. nos. 1195/200 and 1195/201 with 1195200A and 1195/201A. The reason for amending these drawings is to amend the previous scheme so that the approved 3 no. separate B&B units are now to be accessed from a single communal stair instead of 3 no. separate staircases. The proposal for three B&B units has not been changed and each room will have its own lock but equally this communal staircase does mean that all three B&B unit could be hired by the same group of guests under one booking or three individual bookings giving greater flexibility to the business. It is also proposed to install a staff kitchen so that the breakfast can be served from the building without being transported from the public house (across the road).

The building has been constructed and inspected on several occasions by a Building Inspector and it is confirmed that the inspector issued the appropriate notices relating to a 'detached building to accommodate 3 bed and breakfast units.

Site Description

The site is located in the Parish of Washford between Williton and Carhampton. Cleeve Abbey remains are also located in the near locality to the pub and are Grade I listed.

The White Horse Inn is located a mile off the A39 at Washford. The public house is situated at the fork of a road, its garden, skittle alley and car park is located across the road from the Inn. Behind the car park is a field where the building is located adjacent to the car park. The building is screened on the north and eastern sides with trees and shrubs and has been authorised for use as 3 B&B units as ancillary accommodation (permitted under ref 3/26/14/012).

Relevant Planning History

3/26/14/012	3 B&B units as ancillary accommodation	Grant	19/06/2014
3/26/13/016	Replacement garage/store	Grant	03/01/2014
3/26/10/007	Erection of two storey dwelling with attached garage for use in connection with the public house	Refused	10/05/2010

3/26/06/017	Smoking shelter	Allowed on appeal	13/02/2008
3/26/02/003	Erection of three loose boxes	Grant	11/02/2002
3/26/01/049	First floor staff accommodation in stone barn	Grant	17/12/2001
3/26/95/013	Extension to form new toilet facilities and disabled unit and erection of entrance porch	Grant	15/02/1996
3/26/83/003	Erection of skittle alley	Grant	11/04/1983
3/26/82/004	Car park	Grant	15/07/1982

Consultation Responses

Old Cleeve Parish Council – object

Old Cleeve Parish Council considered the above application at its meeting on 20th March 2017 and objects strongly to this scheme. It has all the appearance of a cynical manipulation of the planning process.

Permission was granted for a development in open countryside because it would improve a business by providing three commercial bed and breakfast units. The units were to be separate from each other: each had its own access, and there were no cooking facilities as the guests would eat at the White Horse.

However, as constructed, the accommodation is a single dwelling with a kitchen and a utility room. The labels ‘communal’ and ‘staff’ on the plans do nothing to change this.

Our detailed objections are as follows:

- Open Countryside The proposal is in open countryside outside development limits as defined in both the previous and current Local Plans. It is not situated either within a primary or secondary settlement.
 - Planning History An earlier application for a two storey dwelling and garage, reference 3/26/10/007 was refused. The current application more closely resembles that application than it does the approved business scheme 3/26/14/012. - Old Cleeve Parish Council supported the stated aim of application 3/26/14/012 for the improvement of a local business but questioned the size of the provision as excessive. It did not match the norm of a three-unit motel type (room only and en-suite). The current application diverges even further from the standard construction for its stated purpose.
- Compliance As this is a prefabricated timber frame ‘kit’ building it may be interpreted that the applicant had no intention of compliance with the planning scheme from the date of consent.
Taking advantage of the fact that the Planning Authority and the Building Control body, in this instance an approved Inspector, do not communicate,

the submitted scheme to the Building Inspectorate was for a detached three-bedroom dwelling. The criteria for construction compliance for the different uses would need to be known beforehand.

- Fire Risk

The original plans indicated provisions for adequate fire separation and sound insulation between the units. Drawing no. 1195/201 diagrammatically indicated this in basic form.

Fire risk will be far greater in the revised construction with a central staircase and no separation between units. Concern is still raised over the proximity to the boundary in this respect.

- Flood Risk

The original flood risk statement indicated that resilient construction would be used in mitigation. Timber frame and timber clad construction does not meet this criterion, regardless of use.

- Design

A single storey utility room extension has been added, not previously indicated. There are variations in the fenestration between the approved scheme and that constructed.

Implications

- Should the LPA agree to consent for this application as presented, the accommodation will have a far greater fire risk and be reclassified as a house in multiple occupation.
- The alternative is that the accommodation will not be 'available' at any time and occupied as a single residence contrary to the planning policies that formed the basis for the approval of scheme 3/26/14/012.
- Old Cleeve Parish Council is mindful that a dwelling application to support a local business within the locality of Hungerford (hamlet) was refused on the grounds of its location in open countryside. Given that the nearby White Horse is also located in open countryside, approval of this scheme would not be consistent with policy.

Recommendation

Old Cleeve Parish Council therefore recommends that the application be refused and that compliance with the approved scheme 3/26/14/012 be enforced.

Nettlecombe Parish Council (Adjoining Parish) – object:

The White Horse Inn is situated in the adjacent Parish to Old Cleeve and very close to the boundary. The councillors of Nettlecombe Parish wish to state that they strongly agree with the councillors of Old Cleeve who have submitted a strong objection to this scheme. It is for the same reasons as they have objected which I would elaborate if you so requested. I felt this was not necessary as Old Cleeve's objections and implications are so succinct they could not be bettered.

The recommendation from Nettlecombe Parish Council is that the application be refused and that compliance with the approved scheme 3/26/14/012 be enforced.

Highways Development Control - Standing Advice.

Environment Agency - No comments received.

Representations Received

One letter of objection has been received from a local resident raising the following concerns;

- Planning permission was given for B&B accommodation not for the owners private use.
- It's said that the landlord is living in the property.
- What is the point of having a planning department and meeting and not keeping to the original plan.

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
OC1	Open Countryside development
NH1	Historic Environment
NH13	Securing High Standards of Design
CC2	Flood Risk Management

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

E/6	Expansion of Existing Business
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Determining issues and considerations

The main issues and considerations in this case are;

- Principle of Development
- Character and Appearance of the Area
- Residential Amenity
- Highway Safety
- Flood Risk

Principle of Development

This site is located outside of any development limits. The previous proposal sought to demolish the stables and build (in the same location) additional letting rooms for the 'White Horse', Public House Business. Development in this location would need to meet the requirements of policies SD/1 and OC/1 of West Somerset Local Plan to 2032 and paragraph 28 of the NPPF.

Paragraph 28 of the NPPF supports the growth of business through well designed new buildings and sustainable rural tourism and leisure developments that benefit business in rural areas. Permission for the proposed new building allowed the provision of three additional letting rooms which would expand the bed and breakfast element of the existing business. In addition to this, the rooms will not have any self-catering facilities and it is expected that they will use the White Horse Inn for meals and socialising in the evenings. The proposal has been recognised as supporting sustainable rural tourism, therefore accord with the NPPF. Policy OC1 permits development which is beneficial for the community and the local economy. Saved policy E/6 is also relevant relating to the Expansion of an Existing Business.

The change to the approved layout now sought will not alter the previously recognised economic benefit (not only to the White Horse Inn itself, but also to other business within West Somerset). The current proposal does not therefore alter the principle of the proposal which has been previously accepted.

Character and Appearance of the Area

The B&B building is of a similar footprint to the approved scheme, but now includes a small single storey extension on its eastern elevation to provide former stables and it is also proposed to add a utility extension measuring 4.5m long x 3m wide with an eaves height of 2.2m and ridge height of 3.6m to be constructed in matching materials. The use of traditional materials such as timber cladding and slate ensures that the building will blend in with the surrounding environment. It is considered that the variation of the previously approved building to include the extension will not have significant impacts on the existing character and appearance of the building and is in accordance with local planning policies NH1 and NH13 of the West Somerset Local Plan to 2032. All of the other proposed changes are internal and will not therefore be noticeable.

Impacts on residential amenity

There are no properties in close proximity to the site. All the dwellings, with the exception of Basset Lodge, are located on the other side of the road. Basset Lodge is approximately 100 metres to the south of the building. The proposed changes would not have any adverse effects on any amenities of any neighbouring property and accords with local planning policy NH1 of the West Somerset Local Plan.

Highway Safety

Comments of Standing Advice have been returned from SCC Highways in respect of this variation proposal. No alterations are proposed to the access, and sufficient parking has been approved at the site to accommodate the proposed use. This proposed change will not have any adverse effect on highway safety.

Flood Risk

The access and parking area at the site is located within flood risk zones 2 and 3 although the location of the building is not located in either floodzone and occupants of the building could escape to the east or south to a footpath also outside of the floodzones. This has already been established by the previous consent. The previous submission for the approved building was accompanied by a Flood Risk Assessment confirming the proposed mitigation measures put in place which was approved by the Local Authority and accords with local policy CC2.

Other Considerations

One letter of representation has been received raising concerns about the building being used for the owners private use and not for the intended B&B purposes, however, no evidence has been provided to support this contention. It is noted (and confirmed in an Agents letter dated 10/04/17), that Condition no. 3. of the previous permission clearly states that the development should not be used other than for purposes ancillary to the White House Inn for use as additional Bed and Breakfast accommodation. Any change to owners accommodation would therefore require planning permission in its own right and this has neither been sought nor obtained.

Issues have been raised by the Parish Council, particularly in respect of -

- The site being located in Open Countryside.
- Fire Risk
- Flood Risk
- Design

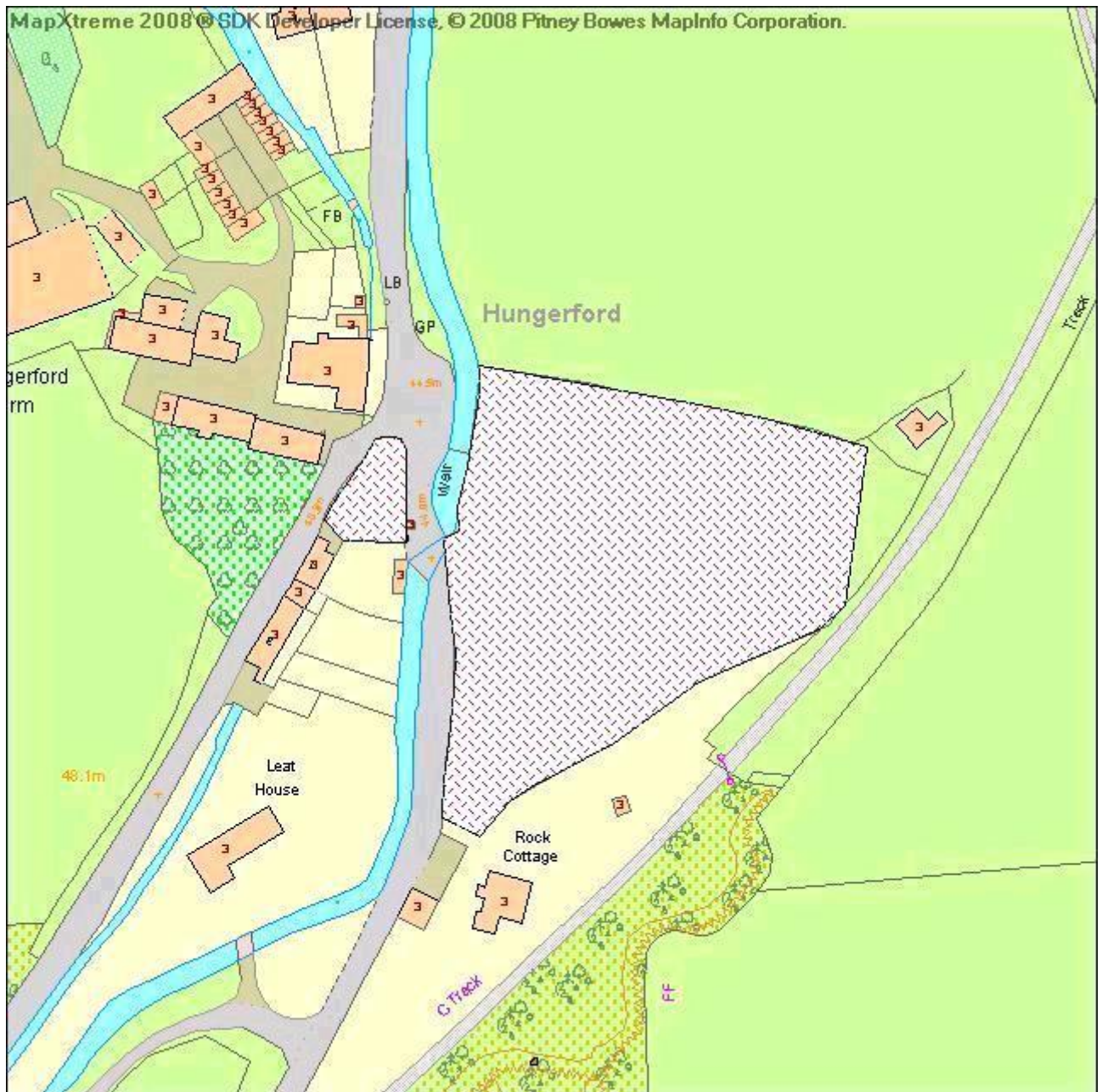
Some of these points have already been discussed above in the report, and it is reiterated that this application seek to vary one condition (condition 2) of the previously approved planning application. The variation seek to amend the previously approved drawings in order to revise the internal layout (internal

alterations are controlled by Building Regulations) plus the erection of a small side extension which did not form part of the original application. This proposed ancillary building is to be used as in connection with the approved B&B accommodation. This does not change the principal of the proposal which has already been accepted. Fire Risk is controlled under Building Regulations and not under the Planning remit. Any potential flood risk will not be altered from the approved situation by this proposal. The proposed changes to the external appearance of the building (design) is small and away from the main public view, so cannot be considered to be an adverse addition that would constitute a refusal. The addition of this small utility extension will house plant in association with an Air Source Heat Pump that has been chosen to improve the energy efficiency of the structure. The Parish Council have re-iterated many of the comments they made with the original application and these are not relevant considerations with this proposal.

Conclusion

It is concluded that the details contained within this variation submission are acceptable subject to conditions due to the limited external alterations, with the internal alteration not under control of the planning remit and therefore approval is recommended in accordance with local policies, SD1, OC1, NH1 and NH13 of the West Somerset Local Plan to 2032 and retained/saved policy E/6 of the West Somerset District Local Plan 2006.

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



Application No 3/26/17/008
 Variation of Condition No. 02
 (approved plans) of application
 3/26/14/012
 The White Horse Inn, Torre
 Rocks, Washford, Old Cleeve,
 TA23 0JZ
 24th February 2017
 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:	<u>3/37/17/012</u>
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Sarah Wilsher
Grid Ref	Easting: 307697 Northing: 142839
Applicant	Mr Craig Walsh
Proposal	Erection of a first floor extension over the garage and carport to be used as an annex (resubmission of 3/37/17/001)
Location	The Outback, 9A Reed Close, Watchet, TA23 0EE
Reason for referral to Committee	The views of the Town Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

(A3) DrNo 1174.1/200B Proposed Site Plans
(A1) DrNo 1174.1/201B Proposed Plans and Elevations

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

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

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, roof light, door or other opening shall be constructed in the east elevation without obtaining planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Retained Saved Policy BD/3 of the West Somerset District Local Plan (2006).

- 5 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), the remaining single garage shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation.

Reason: In order to ensure appropriate off-road parking for the dwelling and annex and to prevent over-development of the site.

- 6 The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Outback, 9A Reed Close and shall not be occupied as a separate dwelling unit.

Reason: To prevent the extension being occupied separately from the main dwelling and to safeguard the amenities of the occupiers of nearby properties in accordance with Retained Saved Policy BD/3 of the West Somerset District Local Plan (2006).

- 7 The proposed rooflights on the north elevation shall be non-opening and glazed with obscure glass and permanently retained as such.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Retained Saved Policy BD/3 of the West Somerset District Local Plan (2006).

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application certain elements of the proposal were deemed to be unacceptable. 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

It is proposed to erect a first floor extension over the existing garage and carport to the east of the dwelling to provide a living room, bedroom and bathroom and thus create an annex for family members, one of whom is likely to require palliative assistance and care. The extension will be 8.3 metres wide and 6.6 metres long. It will have a dual-pitched roof to match the existing dwelling which will be 6.8 metres to the ridge and 4.8 metres to the eaves. It will be 1.2 metres lower than the ridge of the main dwelling. It will have red brick facing and a concrete tiled roof to match the existing.

This application is a resubmission of a previous application which was refused by the Planning Committee as it was considered that the development would be overbearing to the bungalows at 21, 22 and 23 Admirals Close and would result in overlooking which would represent an unacceptable loss of residential amenity to those properties.

This application seeks to overcome these reasons for refusal. The height of the extension was lowered by 0.5 metres in the first submission and an amended plan was then received to remove the first floor window on the front elevation closest to the east and the boundary with Admirals Close and replace it with two rooflights, at a minimum height of 2 metres above first floor level.

Site Description

9A Reed Close is a detached four-bedroom modern property positioned within a corner plot to the south and east of the main thoroughfare of Reed Close and to the north of Knights Templar First School. It has been built on a former site of domestic garages.

Relevant Planning History

3/37/12/013 - Demolition of existing garages and erection of two residential dwellings with associated gardens and car parking - granted 11 May 2012.

3/37/14/001 - Demolition of an existing garage site and erection of a detached four bedroom dwelling with garaging - granted 17 February 2014.

3/3717/001 - Erection of a first floor extension over the garage and carport to be used as an annex - refused on 30 March 2017 for the following reason:

Due to the height of the proposed extension and its proximity to the bungalows at

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

Consultation Responses

Watchet Town Council - The Committee would recommend refusal on the basis that they cannot see any beneficial difference from the already refused planning application and consider this build as an overdevelopment of the existing site.

Comments on amended plans - With regard to the below planning application, the Committee would like to reiterate their previous comments and would recommend refusal on the basis that they cannot see any beneficial difference from the already refused planning application, and consider this build as an overdevelopment of the existing site.

Representations Received

Two letters of support have been received as follows:

- I am a neighbouring property, am aware of the reason for the intended build and consider that the proposals will not affect me.
- The applicants are trying to do their best for their parents and this proposal will free up a family home elsewhere. The proposed height is not substantial.

Three letters of objection have been received as follows (pre-amended plans for the removal of the window):

- The reduction in height will only be one half of a metre, whereas the windows remain in the same location on the proposed building.
- The distance of the extension from our boundary is estimated to be 3 to 4 metres. The proposed development will be in close proximity as our bungalow is 13.69 metres from the boundary.
- Our amenities will be adversely affected due to the overbearing nature of the proposal, overlooking, loss of privacy and overshadowing.
- To add a first floor to the current single storey garage will certainly adversely impact on the peaceful enjoyment of our home and garden.
- Visual impact of the development is out of keeping with the three properties to the east, which are all bungalows and all of which will suffer loss of light and be overshadowed.
- The proposed development is completely out of proportion with existing development in Reed Close and Maglands Close where all the surrounding properties are much smaller, largely two or three bedroom terraced or semi-detached properties. To make a five bedroom, three reception room property in that location represents a gross over-development of the site.

- The development will depreciate the value of property in the neighbourhood.
- There are restrictive covenants on the site.
- The plans are worse than with the original application as the windows will be placed much higher.
- The building is big and out of proportion, especially in relation to the bungalows in Admirals Close.
- The visual impact of this first floor extension is unacceptable, the gable end wall is 17.11 metres from our property.
- We would suffer a loss of residential amenity which we currently enjoy.
- The dominance of this extension is increased by the fact that our bungalow and our neighbours are at a lower ground level.
- Does not comply with policy BD/2.

One letter of objection has been received as follows (post-amended plans for the removal of the window):

- The partial re-siting of windows does not deal at all with the issue of the overbearing nature of the development. It will look no different when viewed from our bungalow. Neither does it deal with the issue of the over-development of the site.
- Regarding the applicant's justification for the proposal, this should not be at the expense of neighbour's residential amenity.

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

WA1	Watchet Development
SC1	Hierarchy of settlements

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

BD/3	Conversions, Alterations and, Extensions
------	--

Determining issues and considerations

The determining issues are the affect on the amenities of neighbours, the appearance of the dwelling and the street scene and the potential loss of off-road parking.

There are three dwellings to the east of the proposed extension plus one dwelling to the north, which could be affected by the proposed development. The three to the east are single storey dwellings whose rear gardens either face or are to the north east of the proposal. No. 21 Admirals Close lies directly to the east. There is a fence of approximately 2 metres high on the side of no. 9A and a hedge of approximately the same height along the border of no. 21. There is approximately 15 metres between the proposed extension and the bungalow at no. 21. There will be no windows in the proposed east elevation so there will be no overlooking. The height of the boundary treatments are such that they will obscure much of the extension. The height of the east elevation will be raised by 2.5 metres but as it will be lower than the main pitch of the dwelling by 1.2 metres (0.5 metres lower than the plans submitted with application 3/37/17/001), and as this part of the property is set back from the main dwelling by 2.4 metres, it will not have the same mass as the main dwelling and so should not feel too intrusive or overbearing. It is acknowledged that there may be some loss of sunlight in the late afternoon during the Spring and Summer but this is considered to be not significant in terms of residential amenity and will be caused in the main by the height of the existing dwelling rather than the proposed first floor extension. In order to ensure that there will be no overlooking in the future a condition will be added to prevent the installation of openings, windows, doors and rooflights into the east elevation.

Nos. 22 and 23 Admirals Close are about 20 metres from the proposed development. A fence of about 2 metres continues along this east elevation. The removal of the closest proposed first floor window will reduce any potential for overlooking and the proposed rooflights in its stead can be conditioned to be obscure glazed and non-opening to reduce any overlooking. Although the remaining proposed first floor window in the north elevation will look towards these bungalows, due to the distance, the mature trees in the rear gardens of the properties and the height of the fences it is considered that the overlooking will be minimal. Also, being further away from the development it is felt that the proposal will not be over-bearing or intrusive, particularly with the proposed reduction in height. There may be some loss of sunlight in the late afternoon in Spring and Winter but this is considered to be negligible. There will be a little overshadowing, but in the main this would be no different to the current situation.

No. 7 Reed Close is situated to the north of the proposal, with the side elevation of no. 7 facing no. 9A. The proposed first floor windows will face no. 7's garage which is located to the rear of no. 7's garden. It is considered that the proposal will not affect this neighbour any more than the existing situation and that therefore there will be no impact.

9A is a modern brick building with a dual pitched roof. The single storey parking element to the east mirrors the main dwelling in terms of design and materials. The first floor extension will be sympathetic to the existing with the same design and

materials, and the proposed dormers to the front and rear will add an attractive roof feature to the property which is welcomed. Being lower and set back from the main building the extension will be subservient to the main dwelling. In terms of appearance it is therefore acceptable.

As the dwelling is tucked away from the main part of Reed Close and is already not in keeping with the smaller semi-detached properties within Reed Close or the bungalows within Admirals Close in terms of its size and design, it is considered that the proposed development will have no additional affect on the street scene.

The annex will be ancillary accommodation to the existing dwelling and does not increase the footprint of the existing dwelling. This is considered acceptable. Its use as a separate dwelling unit, however, would be discouraged as this would be considered as over-development of the site. The annex can be conditioned to prevent its use as a separate dwelling unit.

The loss of a garage and thus a parking space is regrettable but it has been shown that there is adequate off-road parking to the front of the dwelling for three vehicles plus a turning area so that automobiles can enter and exit in a forward gear. This meets County Highways' guidelines within their Standing Advice documentation. In addition, the remaining single garage will be conditioned to remain as a garage to ensure a level of off-road parking and to prevent its use as further ancillary residential accommodation.

In conclusion, it is considered that the proposed annex in it's resubmitted and amended form overcomes the refusal reasons for the previous application (3/37/17/001) and is considered acceptable and in accordance with policy WA1 of the West Somerset Local Plan to 2032 and Retained Saved Policy BD/3 of the West Somerset District Local Plan (2006). Conditional approval is therefore recommended.



Application No 3/37/17/012
 Erection of a first floor extension
 over the existing garage and
 carport to be used as an annex
 (resubmission of 3/37/17/001)
 The Outback, 9A Reed Close,
 Watchet, TA23 0EE
 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:	<u>3/39/17/009</u>
Parish	Williton
Application Type	Variation of conditions
Case Officer:	Darren Addicott
Grid Ref	Easting: 307805 Northing: 141597
Applicant	Mr Andrew Virgin
Proposal	Variation of Condition No. 2 (approved plans) of application 3/39/16/007
Location	Land at Larviscombe Road, Williton, TA4 4SA
Reason for referral to Committee	The views of the Parish Council are contrary to the recommendation

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

- 1 The development hereby permitted shall be begun before the 26th August 2019.

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

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

(A1) DrNo 1409/200C Proposed Site Layout Plans
(A3) DrNo 1409/201B Proposed Plans & Elevations (received 07/04/2017)

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

- 3 The dwellings shall be built with materials as submitted and approved with application C/39/16/003, and the garages shall be constructed in materials as submitted with this application. The works shall thereafter be carried out only in accordance with the details so approved.

Reason: To safeguard the character and appearance of the building having regard to the provisions of Policies NH1 and NH13 of the West Somerset District Local Plan (2032).

- 4 (ii) The landscaping/planting scheme approved under application C/39/17/001 shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (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, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policies NH1 and NH13 of the West Somerset District Local Plan (2032).

- 5 The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of the vehicles associated with the development. Two parking spaces each for the three bedroom dwellings and 1 parking space for the 1 bed flat shall be made available for the dwellings hereby approved at all times.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety having regard to the provisions of Policy ID1 of the West Somerset Local Plan (2032) saved Policy and T/8 of the West Somerset District Local Plan (2006).

- 6 The development hereby permitted shall constructed in accordance with the Flood Mitigation Notes and Surface Water Drainage details contained within the *Flood Risk Assessment* dated April 2016, including finished floor level, flood mitigation measures and surface water treatment/disposal.

Reason: To ensure that the development is appropriately resistant and resilient to flooding and to ensure that residual flood risks can be managed safely in accordance with NPPF paragraph 103 and Policy CC2 of the West Somerset District Local Plan (2032).

- 7 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), there shall be no addition or extension to the building, no further building, structure or other enclosure constructed or placed on the site without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the

character and appearance of the area or the amenity of adjoining residential properties in accordance with Policy NH13 of the West Somerset District Local Plan (2032).

- 8 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order) (with or without modification), no first floor window/dormer windows shall be installed in the side elevations of the development hereby permitted without the further grant of planning permission (unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed and are fitted with obscure glazing). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with Policy NH13 of the West Somerset District Local Plan (2032).

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. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address concerns and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

Proposal

The application seeks planning permission to vary condition 02 of planning permission 3/39/16/007, as to allow the variation of the approved plans for the erection of three residential dwellings with associated gardens and car parking and the formation of communal car parking.

The amendment relates to replacing 4 parking spaces with two double garages. The garages have been designed with a pitched roof, rendered finish and a metal profile roof.

The application is partially retrospective as the garages are almost constructed; granted permission under application 3/39/16/014, but constructed higher than granted.

Site Description

The site is accessed off of Larviscombe Road and was previously used for car parking within garage blocks; these garages have since been demolished. The gardens of Larviscombe Road, Doniford Road and North Croft adjoin the site.

Relevant Planning History

Permission was granted in 2016 (3/39/16/007) for the scheme and a previous permission was granted in 2012 (3/39/12/013) for a smaller building and more car parking. The building was similar in design, with two 2 bed flats above garaging and a central vehicular access under the building.

Application 3/39/16/014 granted consent for garages to replace some of the parking spaces.

Consultation Responses

Williton Parish Council -

- No objection providing sufficient access into garages provided garages are used for parking, not storage and there is no parking outside the garages, only used for a turning area.

Highways Development Control -

It is noted by the Highway Authority that a previous application on the proposal site was approved by the Local Planning Authority (3/39)16/007).

The applicant has proposed a variation of condition No 02 from the Planning Decision Notice. The original condition was as follows:

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

(A1) Drwg no 1409/200 Proposed Site Layout Plans (A1) Drwg no 1409/201 Proposed Plans and Elevations

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

After assessing the above and looking at the updated drawings in question (1409/200B & 1409/201B), The Highway Authority have no objections with the proposed amendments and subsequently the variation of condition No 02 (approved plans) of application 3/39/16/007.

Representations Received

Objections from 3 properties: -

- Design; look of industrial units.
- Eyesore

- Close to boundary of residential properties.
- Visible above height of boundary fence
- Impact on residential amenity
- Loss of light; overshadowing
- Overshadowing of childrens play equipment, where outdoor play was a recommendation for our son by the NHS.
- Other complaints regarding construction, Health and Safety, construction vehicles.

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

SP/1	Settlement Hierarchy
SP/2	Development in Minehead and Rural Centres
SD1	Presumption in favour of sustainable development
CC2	Flood Risk Management
NH1	Historic Environment
ID1	Infrastructure delivery

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

T/8	Residential Car Parking
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Determining issues and considerations

The principle of new residential development in this location has been established by the grant of planning permission 3/39/16/007. This established that the development would not result in any significant adverse impact upon visual or residential amenity, or pedestrian and highway safety.

The amended plans will replace 4 parking spaces, in two different locations, with two double garages. As a result there is no loss of parking. The principle of the garages is established by the granting of application 3/39/16/014; that allowed the garages to be built without any restrictive conditions now suggested by the Town Council. Furthermore, the garages do not provide parking for the residential properties that

have parking spaces to the front of the dwellings.

The main consideration is the impact of the increased height of the garages from a 3m ridge to 3.4m. The garages are sited to the rear of the residential properties, and whilst part of the garage wall is visible above the height of the boundary fence, this is not considered to be detrimental to such an extent to warrant refusal.

As such, there is not considered to be any detrimental harm to the amenity of the neighbouring properties, and whilst the use of a metal profiled roof is not ideal and not always acceptable, the garages are located to the rear of the site where there would only be views from some residential properties and not from the wider surrounding area.

Having regards to the above matters, the proposed amendments are considered to be acceptable and it is therefore recommended that planning permission be granted subject to conditions.

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



Application No 3/39/17/009
 Variation of Condition No. 2
 (approved plans) of application
 3/39/16/007
 Land at Larviscombe Road,
 Williton, TA4 4SA
 8th March 2017
 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:	3/21/17/025
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 297921 Northing: 145008
Applicant	Mr Sykes Brown
Proposal	Extension and conversion of an existing 3 no. bed bungalow into a 6 no. single bed bungalow as an assisted living unit, annexed to Dene Lodge Nursing Home
Location	19 Dunster Close, Alcombe, Minehead, TA24 6BY
Reason for referral to Committee	The recommendation of the planning officer is contrary to that of the Town Council

Recommendation

Recommended decision: Grant

Recommended Conditions (if applicable)

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

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

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

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

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

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

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

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

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

- 7 The existing access to the site from Dunster Close (as shown on the submitted Block Plan, dwg. no. 2017-1) shall be retained for the use of Emergency and Refuse vehicles only and not for the parking of staff or visitors to the site.

Reason: To Safeguard residential amenity in the area.

- 8 Before the property is used as approved, the applicant shall undertake all of the recommendations made in First Ecology's report dated February 2017. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning

Authority.

Reason: To protect wildlife and encourage biodiversity.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

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

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

Proposal

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

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

Existing landscaping will be retained, including the existing protected trees. New screen planting is to be added to the side of the new access road (for privacy) in the south western corner. A new 1.8m high close boarded fence is to be erected along the boundary of no. 17 Dunster Close along the back of the pavement line.

A new access (NW of site) is proposed to the bungalow via the existing Dene Lodge Parking Area and large garden to the rear. The current access from Dunster Close will be available as an alternative for Emergency Vehicles or Refuse collection only if required.

Site Description

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

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

The site is well screened by tall trees that are protected by a Tree Preservation

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

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

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

Relevant Planning History

None

Consultation Responses

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

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

Highways Development Control -

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

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

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

The applicant indicates that the proposal will accommodate up to 3 parking spaces

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

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

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

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

Wessex Water Authority -

Water Supply and Waste Connections.

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

www.wessexwater.co.uk

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

Protection of Existing Assets

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

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

Building Near to a Public Sewer.

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

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

Biodiversity and Landscaping Officer -

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

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

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

Birds.

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

Reptiles.

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

Condition for protected species:

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

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

Reason: to protect wildlife.

Informative Note:

1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Representations Received

A petition with 53 signatures objecting to the development. Some signatories have also written in separately.

10 letters of Objection have also been received. The objectors raise the following;

- An existing covenant on the bungalows states these properties must be private dwelling occupied by one family only with no trade or profession in any outbuildings.
- The area has approximately 50 bungalows mainly occupied by elderly residents
- The area is a cul de sac.
- It would be over development of the site, all of old Alcombe has been over developed, Ellicombe Meadow Gardens, College Close, Demolition of The Homestead and new housing the other side of Dene Home.
- It would set a precedent for commercial use on the estate
- Parking space allocated if completed most traffic will come down Dunster Close to park causing problems, who is going to police that.
- There are problems with traffic parking on pavements from Britania Pub Road, Edgemoor Road and Combeland Road, never mind emergency vehicles.
- More independent living + 4 staff 24/7 with 3 shift changes per day plus visiting relatives?
- Dene Lodge Care Home is a profit making business already having two entrances/exits this development should be part of Dene Lodge and not the current residential address.
- The Combeland Road, Brook Street and Church Street route is narrow and not suitable for construction traffic.
- Should the application be approved the commercial entrance/exit into Dunster Close should be blocked off by a wall with the new buildings becoming part of Dene Lodge.
- How is it planned to demolish the garage when it is semi-detached with a joint roof and single block dividing wall?
- The development will devalue properties, with two buyers having pulled out of buying one of the bungalows in the close.
- Disruption and inconvenience during construction.
- The application is ambiguous as in neighbour letters it is described as a replacement building with 6 assisted bedrooms for assisted living annexed to

Dene Lodge, whilst the planning application form says it is the extension of the bungalow into 6 bedrooms.

- Staff at Dene Lodge currently park in Dene Gardens when on shift indicating that there is not enough parking at Dene Lodge.
- The application has already caused upset to residents regarding the future of the neighbourhood.
- 6 units 6 cars parked where?
- The development in this area is too large.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

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

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

E/6	Expansion of Existing Business
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Determining issues and considerations

The main issues and considerations in this case are:

- Principle of Development
- Impacts on the Character and Appearance of the Area
- Ecology
- Widening and strengthening the local economy
- Impacts on residential amenity
- Highway Safety
- Flooding and Drainage

Principle of Development

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

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

Impacts on the Character and Appearance of the Area

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

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

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

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

It is important to consider the impact of the development on the streetscene and in

particular the enclosure with timber fencing in this area in order to incorporate the site into the Dene Lodge Site. The enclosure of this corner plot on part of the residential estate would not have a significant impact of the character and appearance of this corner and the immediate area and would not warrant refusal of the scheme, particularly given that the neighbour at no. 14 (opposite) has an approximately 1m high Beech hedge surrounding the front boundary and any householder (with P.D. rights) could erect a fence adjoining the highway to a height of 1m without requiring planning permission in any event. It is therefore considered that enclosing this corner part of the estate by erecting a close boarded fence (1.8m high fence) in order to incorporate the building into the grounds of the nursing home, would not significantly impact on the character and appearance of this part of the estate and is acceptable in terms of planning policy NH1 of the West Somerset Local Plan to 2032.

Ecology

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

Widening and strengthening the local economy

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

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

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

Impacts on residential amenity

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

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

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

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

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

Highway Safety

Comments received from the Highway Authority advise that the proposed access to the site via the existing Dene Lodge is from the A39 with a classified speed limit of 30mph and that the required visibility splays in both directions are adequate. They also consider that the site provides sufficient parking and turning space and that the proposal will not have a detrimental impact on the local highway network. They have suggested conditions which have been appended to this decision and which includes the provision for covered and charging spaces for mobility scooters.

A further condition is also attached to this decision in relation to the current access in the corner of Dunster Close. This requires the site to have an access retained for emergency/refuse vehicle use (only) and not for additional staff parking which has

been raised as a concern by neighbouring residents. It is also noted within the submission that Dene Lodge has 8 no. car parking spaces and an additional 3 no. space are to be provided adjacent to the bungalow.

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

Flooding and Drainage

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

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

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

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

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

Conclusion

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

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

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

Overall discussing the issues raised lead me to conclude that the proposal can be recommended for approval and this is supported by comments from the Highway Authority, Wessex Water and the Biodiversity Officer. Conditional approval is therefore recommended in this case.

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



Application No 3/21/17/025
 Replacement of bungalow with
 the erection of a single storey 6
 No. single bedroomed building
 for assisted living, annexed to
 Dene Lodge Nursing Home
 19 Dunster Close, Minehead
 10 Mar 2017

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

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Easting: 297921

1:1250

Northing: 145008

Scale:



Delegated Decision List

Ref No. 3/01/17/002	Application Upcott Farm, Upcott Lane, Bicknoller, Taunton, TA4 4EY	Proposal Application for a prior notification for the erection of an agricultural building for the storage of machinery, fodder and ancillary equipment	Date 30 March 2017	Decision Refuse	Officer DeG
Ref No. 3/01/17/003	Application Steep Hill, Taunton Road, Bicknoller, Taunton, TA4 4EH	Proposal Erection of single storey extension on the north-west elevation	Date 06 April 2017	Decision Grant	Officer SW
Ref No. 3/01/17/004	Application Cusdons Cottage, Upcott Lane, Bicknoller, Taunton, TA4 4EY	Proposal Erection of two-storey extension to the north elevation to link with the utility room	Date 25 April 2017	Decision Grant	Officer SW
Ref No. 3/02/17/003	Application Winterscombe, Brompton Ralph, Taunton, TA4 2SE	Proposal Replacement of outbuilding for stables and storage	Date 08 May 2017	Decision Grant	Officer SW
Ref No. 3/04/17/002	Application Rock Farm, Exebridge, Nr Dulverton, TA22 9RP	Proposal Erection of workshop and garage	Date 20 April 2017	Decision Grant	Officer SW
Ref No. 3/04/17/003	Application The Torrs, Station Road, Brushford, TA22 9AD	Proposal Erection of porch to front elevation	Date 20 April 2017	Decision Grant	Officer SW
Ref No. 3/05/17/005	Application 1 Orchard Close, Carhampton, TA24 6NW	Proposal Erection of single storey extension on the west elevation	Date 30 March 2017	Decision Grant	Officer SW

Ref No. 3/07/17/003	Application Holly Cottage, 2 Hillcrest, Stickle Hill, Crowcombe, TA4 4AN	Proposal Erection of single storey side and rear extensions	Date 28 March 2017	Decision Grant	Officer SW
Ref No. 3/07/17/005	Application 2 Red Post Cottage, Flaxpool Hill, Crowcombe, Taunton, TA4 3HD	Proposal Erection of a first floor extension to the east elevation	Date 24 April 2017	Decision Grant	Officer SW
Ref No. 3/18/17/002	Application Mill Lodge, Sea Lane, Kilve, TA5 1EB	Proposal Erection of single storey extensions to the side and rear with erection of detached garage	Date 27 March 2017	Decision Grant	Officer SW
Ref No. 3/21/16/115	Application Tikhov and Rosslea, Bircham Road, Minehead, TA24 6BQ	Proposal Demolition of houses and erection of an assisted housing development to provide 11 self-contained one bedroom living units with housekeeper accommodation, car park and ancillary facilities (resubmission of 3/21/15/115)	Date 19 April 2017	Decision Grant	Officer SK
Ref No. 3/21/17/013	Application 2 Parkhouse Road, Minehead, TA24 8AB	Proposal Change of Use from Class B1 (Office) to Class A1 (Retail) and Sui Genris (Nail bar) Use.	Date 18 April 2017	Decision Grant	Officer SK
Ref No. 3/21/17/016	Application 22 Parkhouse Road, Minehead,	Proposal Erection of a single storey extension to the	Date 30 March	Decision Grant	Officer SW

TA24 8AD rear elevation 2017

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/17/019	64A Parkhouse Road, Minehead, TA24 8AE	Erection of a single storey lean-to extension to the rear elevation.	04 April 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/17/022	2 Northwood, Burgundy Road, Minehead, TA24 5QJ	Erection of outbuilding over the garage to the rear of the dwelling	20 April 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/17/027	HSBC, Wellington Square, Minehead, TA24 5LH	Replacement external signage	02 May 2017	Grant	EP

Ref No.	Application	Proposal	Date	Decision	Officer
3/21/17/032	30 Lower Park, Minehead, TA24 8AY	Erection of a single storey side extension to the south east elevation	10 May 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/17/002	Home Farm, Blue Anchor, Minehead, TA24 6JS	Installation of shower block with erection of decking, fencing and pergola	10 April 2017	Grant	SK

Ref No.	Application	Proposal	Date	Decision	Officer
3/26/17/009	The Sanctuary, 55 Cleeve Park, Chapel Cleeve, Old Cleeve, Minehead, TA24 6JF	Erection of porch to front elevation	09 May 2017	Refuse	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/31/17/003	Whitmoor Farm, Willett Hill Cross to	Change of use of agricultural land to	31 March	Grant	KW

Thornbush Cross, domestic curtilage with 2017
Elworthy, TA4 3QD erection of fencing

Ref No.	Application	Proposal	Date	Decision	Officer
3/31/17/005	Cridlands Steep, Vellow Road, Stogumber, TA1 1	Notification to fell one Ash tree within Stogumber Conservation Area	10 April 2017	Raise No Objection	DG

Ref No.	Application	Proposal	Date	Decision	Officer
3/31/17/006	The Firs, Hill Street, Stogumber, TA4 3TD	Erection of single storey extension and re-building the conservatory on the north elevation	28 April 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/39/17/001	Carthorse Cottage, North Street, Williton, Taunton, TA4 4SL	Erection of tool shed	24 March 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/39/17/002	18 Bridge Street, Williton, Taunton, TA4 4NR	Application for a Lawful Development Certificate for a proposed repositioning of boundary wall	30 March 2017	Refuse	SW

Ref No.	Application	Proposal	Date	Decision	Officer
3/39/17/007	The Cottage, 7 Robert Street, Williton, Taunton, TA4 4PG	Erection of conservatory to the north-east elevation	20 April 2017	Grant	SW

Ref No.	Application	Proposal	Date	Decision	Officer
NMA/21/17/002	8 Alexandra Road, Minehead, TA24 5DR	Non-material amendment to planning permission 3/21/16/103 to change the pitch of the roof in order to extend the roofline of the	06 April 2017	Grant	SW

extension by 1.3 metres over the rear of the garage.

Ref No.	Application	Proposal	Date	Decision	Officer
NMA/31/17/001	Nash Cottage, 23 Old Way, Stogumber, Taunton, TA4 3SX	Non-material amendment to planning permission 3/31/16/015 in order to reposition the access doors from the south-east elevation to the south west elevation and to include full length fixed glass panels to enable the doors to open through 180 degrees	25 April 2017	Grant	SW
NMA/32/17/001	Coleacre, Gorpit Lane, Stogursey, Bridgwater, TA5 1TW	Non-material amendment to planning permission 3/32/16/017 to incorporate roof lanterns with the flat roof for the garage and utility areas and to remove the window from the north elevation of the garage	25 April 2017	Grant	SW
NMA/39/17/001	The Vicarage, 16 Bridge Street, Williton, TA4 4NR	Non-Material Amendment to application 3/39/15/002 to amend the chimney design at the dwelling adjacent	05 May 2017	Grant	JB

Appeal Decision

Site visit made on 14 March 2017

by David Walker MA MRTPI

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

Decision date: 21st April 2017

Appeal Ref: APP/H3320/W/16/3164346
62 King George Road, Minehead TA24 5JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Beaver against the decision of West Somerset Council.
 - The application Ref 3/21/16/055, dated 23 June 2016, was refused by notice dated 4 November 2016.
 - The development proposed is erection of detached dwelling with associated vehicle parking and garden.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision on the application the West Somerset Local Plan to 2032 of November 2016 (the Local Plan) has been adopted. It replaces many of the policies of the West Somerset District Local Plan (the DLP) referred to in the reasons for refusal. I have determined the appeal in the light of the policies of the newly adopted plan and, where relevant, retained policies of the DLP.

Main Issues

3. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area
 - ii) the effect of the proposal on the living conditions of the occupants of neighbouring properties in relation to scale and proximity, with regard to outlook
 - iii) whether the proposal would be safe from flooding, and
 - iv) the effect of the proposal on trees in close proximity.

Reasons

Character and appearance

4. King George Road is a short residential street with a regular arrangement of development along both sides in semi-detached two storey houses over front gardens. The appeal site would be formed from part of the rear garden to No 62 that lies adjacent to the street where it turns a corner to link with Hayfield Road, which also has a regular pattern of development.
-

5. With no existing housing along the stretch of King George Road containing the appeal site, the proposal would be the only dwelling. Being positioned close to No 62 with only a small gap to the rear face of the existing dwelling, even after the removal of the existing lean-to, would break with the established pattern of frontage houses with spacious back gardens. The much greater scale and massing of the proposal in comparison with the existing ancillary outbuildings would create a cramped appearance.
6. In a context with open spaces on both sides of the street the introduction of a dwelling would plainly be out of character. The provision of gardens for both the existing and proposed dwellings would not reduce the cramped effect to a sufficient degree.
7. Such harm to the character and appearance of the area would conflict with the requirements of Policy NH13 of the Local Plan, which replaces Policy NH10 referred to in the Council's decision, for new development to meet the highest standards of design and to respond positively to the local context, amongst other requirements.

Living conditions

8. Existing windows serving No 62 would look directly out onto the flank wall of a two storey dwelling where there is presently an outlook towards open space. No 60 also benefits from an unencumbered outlook over the neighbouring garden that would be restricted by a dominating development having an enclosing effect.
9. The diminished outlook that would be available to the occupants of both properties would be a significant change to existing living conditions that would be harmful. While a hipped roof configuration would help to reduce the massing effect to a degree it would not reduce the overbearing impact of a building of the height and scale proposed in such close proximity to the neighbours. Any benefits gained by the removal of the existing lean-to would be offset by a new garage with a half-hipped roof that would project closer to the existing properties.
10. On this issue, the scale and proximity of the proposal would have a harmful effect on the outlook available to the occupants of the neighbouring properties. As a result it would conflict with Policy NH13 of the Local Plan for new development to respond positively to its neighbours.

Flooding

11. The appeal site would be at risk of tidal flooding. In these circumstances it is the Government's policy at paragraph 100 of the National Planning Policy Framework (the Framework) to direct development away from areas at the highest risk by applying the Sequential Test.
12. In this regard my attention has been brought to the limited availability of other housing land at Seward Way and Stephenson Road, potentially at a higher risk of flooding. However, the submitted flood risk assessment does not fully explore the availability of other sites to meet the housing needs of the area within which the appeal site falls as required under the Planning Practice Guidance. Therefore, and with regard to the identified flood defences, whether or not the effects of flooding could be mitigated there are no assurances from

the limited Sequential Test provided that the proposal would accord with the Framework policy.

13. Although the Environment Agency's recommendation to raise floor levels could reasonably be secured by condition, the lack of a suitable Sequential Test causes conflict with the requirements of Policy CC2 of the Local Plan for development to be located so as to mitigate against flood risk, as well as section 10 of the Framework. Even if alternative sites were subsequently shown to be at a greater risk of flooding this would not outweigh the harm to character and appearance, and to living conditions, identified above.

Trees

14. Three semi-mature Maritime Pine trees (T1, T2 and T3) lie outside of the appeal site boundary but would be close to the proposed dwelling. In particular, tree T1 identified within the submitted tree survey has a root protection area extending into the appeal site. The root structure would likely extend to be in the vicinity of the proposed dwelling.
15. However, the submitted method statement explains that with the demolition of the garage undertaken by hand to preserve roots, and the construction of house foundations and patio also by hand, there would be a minimal impact on rooting areas. I have no conflicting technical evidence before me to find otherwise.
16. At a position to the south of the proposed dwelling, tree T1 would present a considerable risk of overshadowing and also leaf litter. These would be pre-existing site conditions, however, that would be apparent to future occupants of the proposal. With the tree being located off-site and therefore outside of the control of the appellant and any future occupiers I am satisfied that any threat to its survival would be minimal.
17. While the effect of the proposal on trees would be satisfactory, thereby according with the tree protection requirements of Policy TW/1 of the DLP, this would not outweigh the harm I have identified in relation to the other main issues.

Conclusion

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

David Walker

INSPECTOR

Appeal Decision

Site visit made on 14 March 2017

by David Walker MA MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/H3320/W/16/3162362
9b King Edward Road, Minehead TA24 5EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Green against the decision of West Somerset Council.
 - The application Ref 3/21/16/056, dated 24 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is a single storey extension and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension and associated works at 9b King Edward Road, Minehead TA24 5EA in accordance with the terms of the application, Ref 3/21/16/056, dated 24 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: GRE/15100/PSP Rev. A and GRE/15100/02 Rev. B.

Preliminary Matters

2. Since the Council's decision on the application the West Somerset Local Plan to 2032 (the Local Plan) has been adopted. It supersedes the West Somerset District Local Plan 2006 (the DLP) referred to in the decision notice, with the exception of Policy BD/3 that remains saved. I have determined the appeal in the light of the policies of the newly adopted plan and saved policies. The Council has confirmed that Policy SV1 of the Local Plan referred to in its decision notice is not relevant to the appeal.

Main Issues

3. The main issues in the appeal are the effect of the proposal on, firstly, the character and appearance of the area and, secondly, on the living conditions of the occupants of Nos 9, 11 and 13 King Edward Road having regard to the adequacy of external living spaces proposed and privacy.

Reasons

4. The main dwelling has been divided into flats and the outbuilding to be extended forms a permitted annexe to flat No 9b. At my site inspection it was
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apparent that large outbuildings are a characteristic of the area, particularly along the rear service lane between King Edward Road and Queens Road.

5. In this context the proposal would extend the single storey annexe further along the rear boundary with the lane. It would have no greater scale or massing than a garage or workshop extending along the boundary, and would retain the height of the existing building.
6. With a ridged roof and materials to match the existing annexe the proposal would not detract from the character of the outbuilding and would maintain its ancillary appearance. It would not result in a structure with the appearance of a large dwelling and the prevailing pattern of development of large houses fronting onto the highway would not be harmed.
7. In relation to living conditions, the submitted plans provide a demarcation between the external living spaces available to the separate flats of No 9. That related to No 9a and located to the side and front of the main dwelling would be unaffected. While the proposal would extend over an existing parking area this has limited appeal as a garden and the lawns and other open areas available to No 9b and the annexe would be unaffected. The removal of an existing shed would restore some loss of openness.
8. I acknowledge that additional overlooking of the rear gardens to Nos 11 and 13 could occur from new patio doors. This would not be significant in relation to that existing from the permitted conservatory and the limited accommodation that would be provided by the extended annexe.
9. The proposal would therefore have a satisfactory effect on the character and appearance of the area and on the living conditions of the occupants of No 9 and its neighbours. It would accord with the requirements of Policy SC1 of the Local Plan for new development not to harm the amenity of the area or the adjoining land uses, and saved Policy BD/3 of the DLP for extensions to be in character and appropriate to the buildings to which they relate.
10. The appeal being allowed, conditions are necessary to identify the implementation period and approved plans in the interests of certainty.

Conclusion

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

David Walker

INSPECTOR