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Members of the Planning Committee
(Councillors S Pugsley (Chairman), B Maitland-Walker (Vice-Chair),
I Aldridge, S Dowding, S Goss, B Heywood, I Jones, A Kingston-James,
K Mills, C Morgan, P Murphy, J Parbrook, K Turner, T Venner and
R Woods)

Contact Tracey Meadows
Extension t.meadows@tauntondeane.gov.uk or 01823 219735
Date 5 December 2018

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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FORMAT
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Dear Councillor

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 13 December 2018
Time: 2.00 pm
Venue: Council Chamber - West Somerset House

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.

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Yours sincerely

A handwritten signature in black ink, appearing to read "B. Lang".

BRUCE LANG
Proper Officer

WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Thursday 13 December 2018 at 2.00 pm

Council Chamber - West Somerset House

AGENDA

1. **Apologies.**

2. **Minutes of the previous meeting of the Planning Committee 8 November 2018** (Pages 5 - 14)

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.

6. **3/39/17/028** (Pages 15 - 34)

Variation of Condition No. 10 (opening hours) of application 3/39/14/002, Doniford Farm Park, Doniford Road, Watchet, TA23 0TQ

7. **3/05/18/009** (Pages 35 - 54)

Outline planning permission with some matters reserved, except for access, for the erection of 3 dwellings. Land to the south of Garlands, Withycombe Lane, Withycombe TA24 6RF

8. **3/32/18/037** (Pages 55 - 64)

Change of use of land with installation of 13 No. additional hook up points (8 with hardstanding) for touring caravans, motorhomes and tents (retention of works already undertaken). Lawson Farm, Shurton Lane, Burton, Stogursey, TA5 1QB

9. **3/37/17/007** (Pages 65 - 74)

Change of use of land from residential to the siting of two caravans for tourism use. Land to the west of West Bay Park, West Street Watchet, TA23 0BJ

10. **3/37/18/026** (Pages 75 - 82)

Installation of roof window to rear elevation. 8 Swain Street, Watchet, TA23 0AB

11. **Exmoor National Park Matters**

Councillor to report.

12. **Delegated Decision List** (Pages 83 - 86)

13. **Appeals Lodged.**

No appeals lodged

14. **Appeals Decided.** (Pages 87 - 92)

Appeal against the refusal of the erection of music workshop, display facility kitchen/servery, toilets and entrance hall with one two-bedroom first floor flat (resubmission of 3/21/16/030) on land to the rear of 15 and 15A Quay Street, Minehead (application no. 3/21/17/125) – appeal dismissed.

15. **Reserve Date for Site Visits -**

16. **Next Committee Date -**

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

PLANNING COMMITTEE

Minutes of the Meeting held on 8 November 2018 at 4.30 pm

Present:

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

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

Councillor K Mills
Councillor C Morgan
Councillor K Turner
Councillor R Woods

Officers in Attendance:

Planning Officer (Conservation) – Liz Peek
Tim Burton Assistant Director Planning and Environment
Nick Hill, Legal Advisor Shape Partnership Services
Democracy and Governance Case Manager – Tracey Meadows

P40 Apologies for absence

There were apologies for absence from Councillors Goss, Murphy, Parbrook and Venner

P41 Substitution – Councillor Hadley for Councillor Parbrook

P42 Minutes

Resolved that the minutes of the Planning Committee Meeting held on the 8 November 2018 circulated at the meeting be confirmed as a correct record.

Proposed by Councillor C Morgan, seconded by Councillor K Turner

The **Motion** was carried,

P43 Declarations of Interest or Lobbying

Councillor S Dowding declared a Prejudicial Interest on application No. 3/01/18/009 as a local resident, neighbour and a member of the Quantock Hills Advisory Committee. He declared that he would leave the room for the application. All Members declared that they had been lobbied on application No. 3/39/18/005.

P44 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
P45	3/01/18/009	Outline permission for the erection of one detached dwelling and double garage with all matters reserved except for access. Chilcombe House, 30 Trendle Lane, Bicknoller, Taunton, TA4 4EG	Mr Russell Williams Mr Julian Anderson Mr Martin Mr Philip Comer on behalf of Cllr Dowding Ms Caroline Martin	Planning Consultant Neighbours	Infavour Objecting
P45	3/05/18/007	Outline planning application with all matters reserved, except for access, for the erection of a detached 2 bedroomed dwelling. Land to the rear of 1 Winsors Lane, Carhampton, TA24 6NJ	Faye Barrington-Capp Simon Capp Philip Laramie	Resident Resident Chairman of Carhampton Parish Council	Objecting Objecting Objecting
P45	3/11/18/001	The removal of modern agricultural buildings and lean-to structures. The conversion redundant traditional farm buildings to form ten dwellings along with the conversion of two additional buildings to provide domestic storage and associated landscaping works. Court Farm, Higher Street, East Quantoxhead, Bridgwater TA5 1EJ	Julian Darling (Lord)		Infavour

P45	3/21/18/066	Replacement of two wooden sash windows on the north elevation with UPVC sash windows. 7A Park Street, Minehead, TA24 5NQ			
P45	3/39/18/055	Erection of detached bakery building to the rear. 31 Long Street, Williton, Taunton, TA4 4QN	Mr Bernard Maynard-Smith Sylvia Jeromson	Resident Applicant	Objecting Infavour

P45 Town and Country Planning Act 1990 and Other Matters

Report six of the Planning Team dated 31 October 2018 (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:

Councillor S Dowding left the chamber for this application.

Reference Location, Proposal, Debate and Decision

Application No. 3/01/18/009 Outline permission for the erection of one detached dwelling and double garage with all matters reserved except for access. Chilcombe House, 30 Trendle Lane, Bicknoller, Taunton, TA4 4EG

Comments by members of the public;

- Application does not meet with the residential development mix required by the Local Plan for a primary village such as Bicknoller;
- The end product would be similar to the new house beside it. A large 4/5 bedroom house plus outbuildings and parking spaces for 4 cars all crammed into a small plot with no garden;
- This application cannot be classified as affordable housing or sustainable;
- Conflicts with the AONB;

- Trees on the site were under threat of removal, this would devastate the character of the landscape;
- There would be an increase of traffic in Chilton Lane;
- Sets a precedent for planning creep;
- Application infringes Material Consideration, namely the Local Plan, the National Planning Policy Framework the ANOB Management Plan and the Village Design Statement;
- A development of this kind breaks key planning rules and if allowed would destroy the very special nature of this sensitive Quantock area;
- There are other areas where this development can be built;
- Villagers were unaware of the development due to signage not being visible;
- Flooding issues in Chilcombe Lane;
- Very few trees are left for the new plot;
- The Local Plan identified 12 new dwellings across the period of the Local Plan;
- Good infill plot;
- The physical impact would be determined at Reserved Matters;
- No comments have been received from consultees;
- The hedgerow would be controlled by conditions;

The Member's debate centred on the following issues;

Councillor Heywood left the chamber during the debate

- Concerns with the removal of the hedgerow;
- Application not right for the area
- Concerns with the access onto the narrow lane;
- Affordable houses needed were needed on the plot;
- AONB concerns;
- Application would be in close proximity to the other building;
- Application would have a detrimental impact on the area;
- Visibility Splay;
- There were other plots that were available for development in Bicknoller;
- The application was sustainable and would add to the prosperity of Bicknoller;
-

Councillor C Morgan proposed and Councillor K Mills seconded a motion that the application be **Refused**

The **Motion** was carried

Reason

In the opinion of the Local Planning Authority the proposed erection of one additional dwelling and a double garage in this part of Chilcombe Lane will have a cumulative suburbanising impact on the appearance and special qualities of the

Quantock Hills Area of Outstanding Natural Beauty. The proposal is therefore not in accordance with policy NH14 of the West Somerset Local Plan to 2032 and the National Planning Policy Framework.

In addition, the cumulative visual impact of the further removal of hedgerow on Chilcombe Lane to form visibility splays would damage the rural hedge lined character of Chilcombe Lane. This would not be in accordance with policy NH14 of the West Somerset Local Plan to 2032, retained policy TW/2 of the West Somerset District Local Plan and the National Planning Policy Framework.

The meeting took a short recess and Councillor Dowding returned to the Chamber

Reference Location, Proposal, Debate and Decision

Application No. 3/05/18/007 Outline planning application with all matters reserved, except for access, for the erection of a detached 2 bedroomed dwelling. Land to the rear of 1 Winsors Lane, Carhampton, TA24 6NJ

Comments by members of the public;

- Building would dominate and overlook buildings;
- The application would have a negative impact on historic landscape;
- Loss of light;
- Does not comply with Policy SC1;
- Concerns with surface water flooding;
- The track did not support two way traffic;
- No pedestrian access;
- Access concerns for building traffic;
- Building supplies would be discarded in Winsors Lane;
- The buildings either side of the track were built with no foundations;
- Wrong place to build;

The Member's debate centred on the following issues;

- Surface water flooding;
- Rejected by EH Officer due to no detailed plans;
- Removal of the wall would increase flooding from the field;
- Back land development;
- Detrimental effect to the Grade II listed buildings;
- Access issues;
- Site inaccessible to building vehicles;
- Limited social and economic benefit associated with one development;
- Not a safe and accessible place for pedestrians;
- Conflicts with Local Plan Policies;

Councillor B Maitland-Walker proposed and Councillor C Morgan seconded a motion that the application be **REFUSED**

The **Motion** was carried

Reason

Due to the narrow nature and length of the access lane without any passing areas, this could lead to vehicles reversing out onto Winsors Lane. This would be detrimental to highway safety and would not be in accordance with the National Planning Policy Framework, in particular Chapter 12.

The loss of a significant section of the stone boundary wall to create pedestrian and vehicular access into the application site would harm the character of this part of Carhampton and would therefore not be in accordance with policies NH1 and NH13 of the West Somerset Local Plan to 2032 and the National Planning Policy Framework, in particular Chapter 12.

Reference Location, Proposal, Debate and Decision

Application No. Application No. 3/11/18/001 The removal of modern agricultural buildings and lean-to structures. The conversion of redundant traditional farm buildings to form ten dwellings along with the conversion of two additional buildings to provide domestic storage and associated landscaping works. Court Farm, Higher Street, East Quantoxhead, Bridgwater TA5 1EJ

Comments by members of the public;

- The estate has been in the Luttrell family for over 700 years;
- The estate has been recognised by the Government and had been granted Heritage status, this has enabled the estate to be kept together;
- Permanent home maintained to a high standard;
- Will add to estate stock;
- Unless retained buildings would deteriorate;
- Conversion to housing was the best options for these buildings;

The Member's debate centred on the following issues;

- This application makes a good use of redundant farm buildings;
- Enhances landscape;
- Sustainable;
- The estate is forward looking and has a great outlook;
- Would encourage young families to move there;
- Concerns with the access onto the A39;

Councillor C Morgan proposed and Councillor S Dowding seconded a motion that the application be **APPROVED**

The **Motion** was carried

Councillor C Morgan left the Chamber at the start of this application

Reference Location, Proposal, Debate and Decision

Application No. 3/21/18/066 Replacement of two wooden sash windows on the north elevation with UPVC sash windows. 7A Park Street, Minehead, TA24 5NQ

The Member's debate centred on the following issues;

- We need to be consistent in this replace wood with wood, not plastic;
- Wood was a better insulator;

Councillor K Turner proposed and Councillor R Woods seconded a motion that the application be **REFUSED**

The **motion** was carried

Reason

In the opinion of the Local Planning Authority the replacement of traditional timber sash windows with UPVC sash windows will adversely affect the appearance of the building, the street scene, the character and appearance of the Conservation Area and will not sustain and enhance the historic environment of this part of Minehead or maintain and enhance the attractiveness of the area as a tourist destination by virtue of the use of a non-traditional material, astragal external glazing bars and window frames that have a smooth uniform appearance unlike wooden painted windows. This will accentuate the appearance of the UPVC windows as the majority of windows in Park Street are wooden painted windows. The proposal is therefore contrary to policies MD1, NH1 and NH2 of the West Somerset Local Plan to 2032 and the National Planning Policy Framework, in particular sections 12 and 16.

Reference Location, Proposal, Debate and Decision

Application No. 3/39/18/005 Erection of detached bakery building to the rear. 31 Long Street, Williton, Taunton, TA4 4QN

Comments by members of the public;

- Operational hours need to be clearly stated;
- There were a lack of supporting comments for the development;
- The village needed developments but not this type;
- Neighbouring properties and residents would be affected by the sight and smell of this development;
- Quality of life needs to be protected;
- No other premises are available for this business;
- No baking will be undertaken through the night;
- The existing condenser units would be replaced and moved so would not be heard by residents;
- This development would create more job opportunities in Williton;
- landscaping on the site would commence at a later date;

The Member's debate centred on the following issues;

- This was a good news story for Williton, maintaining and creating employment;
- Moving these business to a larger premises would release the current unit for another small business;
- The smell and noise could be controlled by conditions;
- No mention of the planting or landscaping design in the scheme;
- We have seen this business grow considerably and the work that has gone into it was considerable;
- Good to see the business now operating;

Councillor K Turner proposed and Councillor A Hadley seconded a motion the application be **APPROVED** with a planning note from the Environmental Control Officer Where additional items such condensers or extraction systems are added to the exterior, prior to installation the noise assessment should be reviewed in accordance with BS-4142 and any measures recommended to be carried out.

The **Motion** was carried

P46 Exmoor National Park Matters

Councillor B Heywood reported on matters relating to West Somerset considered at the meeting on 2 October and 6 November 2018 of the Exmoor National Park Planning Committee. This included;

October 2nd

6/8/18/107 - Proposed change of use of clinic to holiday accommodation unit. (Full) – Higher Putham, Putham, Wheddon Cross, Minehead, Somerset – Application approved.

6/15/18/105 - Proposed removal of condition 4 of approved application 6/15/17/106. (Alternation/Lift Condition) – Goosemoor Farm, Armour Lane, Exton, Somerset – Application refused.

November 6th

6/14/18/104 - Proposed change of use of agricultural land to site one shepherd's hut for private leisure use. Retrospective (Full) - Land West of Larkbarrow Corner, Exford, Minehead, Somerset – Application approved.

62/49/18/003 - Proposed variation of Condition 2 and 8 of approved application 62/49/16/002 (Alteration/Lift Condition) - Land at Higher Fyldon Farm Buildings, Heasley Mill, South Molton, Devon – Application approved.

An application was put before the committee on the 6 December 2016 for the subdivision of a terraced house in Lynton into three flats, one open market and two affordable. Although officers recommended refusal members at the time approved the application subject to appropriate conditions, the preparation of which were delegated to the officers and a S106 Agreement to ensure that two of the flats were affordable. The applicant has been very dilatory, un-cooperative almost evasive with the Authority in agreeing to a S106, as a result members were asked to refuse the application. They did so unanimously.

There were no appeals lodged or decided.

P47 Delegated Decision List

Questions were raised and answered

P48 Appeals Lodged

No appeals lodged

P49 Appeals Decided

Appeal against the refusal of an outline planning application with all matters reserved for the erection of two dwellings with formation of access and parking (resubmission of 3/18/17/001) at A Winters Tale, Sea Lane, Kilve, TA5 1EG (application no. 3/18/17/006) – appeal dismissed.

Appeal against the enforcement notice relating to refusal of planning permission for the retention of a fence at Badgers End, Higher Orchard, Woodcombe, Minehead, TA24 8SD (application no. 3/21/16/127) – enforcement notice varied, appeal dismissed and planning permission refused.

Appeal against the refusal of the conversion of stable building to a holiday unit (resubmission of 3/28/16/005) at Higher Thornes Farm, Weacombe Road, West Quantoxhead (application no. 3/28/17/006) – appeal allowed.

The meeting closed at 8.20pm

DRAFT

Application No:	3/39/17/028
Parish	Williton
Application Type	Variation of conditions
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 308789 Northing: 142982
Applicant	Mr A Pring and Mrs A Cottrell
Proposal	Variation of Condition No. 10 (opening hours) of application 3/39/14/002
Location	Doniford Farm Park, Doniford Road, Watchet, TA23 0TQ
Reason for referral to Committee	The application is considered to be controversial and the recommendation is contrary to the views of the Parish Council

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: 1840-04, 1840-05, 1840-09, 1840-10, 1840-11, 1840-12, 1840-13, 1840-18, 1840-19 and Wildlife Assessment, Building Structure Report, Heritage Statement and Design & Access Statement entered on 26/07/2011. Drawing Numbers: 1840-1A, 1840-2B, 1840-20, 1840-21, 1840-31A, 1840-34 entered on 07/10/2011. 1840-16A, 1840-15A, 1840-02, 1840-01 entered on 17/01/2014 and the Quantock Ecology Bat Activity Survey and lighting assessments reports dated 26 February 2018 and 5 September 2018

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

- 2 Retail sales from the farm shop hereby approved shall comprise at least 85% of farming food products grown, packaged or processed directly from land within a 30 mile radius of Doniford Farm. The sale of products sourced, manufactured and processed from outside this area shall be limited to no more than 15% of total products sold from the farm shop.

Reason: To ensure the predominant goods sold within the shop are those produced within the locality of Doniford Farm.

- 3 No gates, fences, walls or other means of enclosure (other than that approved by this permission) shall be erected, constructed or placed within the site, without prior written approval from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the surrounding area. For this reason the Local Planning Authority would wish to control any future development.

- 4 The access which has been constructed in accordance with details shown on the submitted plan, drawing number HBHT 11027/D04 rev B shall be maintained in that condition at all times.

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

- 5 There shall be no obstruction to visibility greater than 600mm above the adjoining carriageway level within the visibility splays shown on the approved plan no HBHT 11027/D04 rev B. The visibility shall thereafter be retained in the approved form.

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

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

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

- 7 Any gates erected at the access on the western side of the site shall be erected so that they only open into the site and shall be set back a minimum of 6 metres from the edge of the adjacent carriageway.

Reason: To ensure vehicles entering the site can fully clear the highway to ensure that the free flow of traffic is retained, in the interests of highway safety.

- 8 Bicycle stands for not less than 12 staff and visitors bicycles and parking with ground anchors for not less than 3 motorcycles shall be provided (as described within the Measures only Travel Statement). The bike parking facilities shall be maintained thereafter at all times.

Reason: To ensure that sufficient provision of bicycle parking/storage is provided.

- 9 The mitigation measures in relation to the bats identified in the Bat Emergency/Activity Survey and Supporting Statement by Country Contracts shall be incorporated into the development in accordance with the schedule of implementation identified in these reports dated September 2011 and 9th November 2011 and subsequently retained.

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

- 10 The use hereby approved shall not be carried on outside the hours of 8am

-11pm Monday to Sunday inclusive. No customer shall be served or remain on the premises outside of these hours. There shall be a maximum of 10 live/amplified music events per calendar year.

Reason: To safeguard the amenities of nearby occupiers.

- 11 The site operator or owner shall maintain an up to date register of the dates when the live/amplified music events are held and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure compliance with condition 10.

- 12 The provision made within the site for the disposal of surface water along the new access, to prevent its discharge onto the highway shall be retained in a good state of repair at all times.

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

- 13 Soft landscape works carried out to provide screening of the proposed parking area in accordance with details shown on the submitted plan drawing number 1840-2 revision A shall be carried out in accordance with the approved programme of implementation. 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 an adequate landscaping scheme to screen the parking area of the hereby approved development is implemented and maintained.

- 14 Within 2 months of the date of the permission all the recommendations with regards to external lighting made in Quantock Ecology's Lighting assessment report (dated 5 September 2018) shall be completed and photographic evidence of the new lighting provided to the Local Planning Authority.

Reason: To protect bats

- 15 Prior to the next active bat season, a scheme for the monitoring of bats and how contingencies and/or remedial action will be identified, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed monitoring shall be carried out for a minimum of three consecutive nights including one night when the venue is being used during the next active season (May -September). The results of the agreed monitoring scheme shall be submitted to the Local Planning Authority within two months of the monitoring being undertaken together with any identified contingencies and/or remedial action. Any contingencies and /or remedial action and an implementation plan shall be agreed in writing with the Local Planning Authority, and then implemented so that the development permits the maintenance of bat activity in the area. The monitoring strategy will be implemented in accordance with the approved

details.

Reason: To assess the impacts on bats and to maintain bat activity in the area.

16 a) Prior to the use of the cafe/restaurant and farm shop building for events up to 11pm commencing details of a noise assessment by a suitable consultant shall be submitted to and agreed in writing by the Local Planning Authority and a suitable noise limiter to control sound pressure levels at source shall be installed . The sound pressure levels of the limiter are to be determined by the approved noise assessment . For the purposes of this noise assessment, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

b) Prior to the use of the cafe/restaurant and farm shop building for events up to 11pm commencing a noise management plan (NMP) shall be submitted to and approved by the Local Planning Authority that restricts the number of events of live and recorded music to no more than 10 events per calendar year. The NMP must also set out the agreed noise limits.

Reason: To ensure the amenity of residential premises is not adversely affected by noise.

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 paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions 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 In terms of hours of operation, the licensing authority have already set out that in terms of all live music, recorded music and anything of a similar description must be reduced from 22:30 to the terminal hour of 23:00.

3 Planning permission has been granted for operation up to 11pm only. Any events that are carried on beyond 11pm will require planning permission even if a Temporary Events Notice has been granted or the hours are extended under the premises licence.

4 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

All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally, this will be from April until September.

Proposal

The proposal is to amend the opening hours (Condition 10) on planning permission 3/39/14/002. Condition 10 covers the whole of the existing Doniford Farm Park and part of the adjoining property, Doniford Farm. This application covers the area within the applicants' ownership and excludes the area owned by Doniford Farm. It is proposed to amend the wording from:

The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 10am and 6pm Monday to Sunday inclusive.

to:

The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 8am and 11pm Monday to Sunday inclusive.

The reason for the original condition being imposed is: To safeguard the amenities of nearby occupiers having regard to the provisions of saved policy PC/2 of the West Somerset District Local Plan (2006).

The reason for the submission of this application is because the applicants have obtained a premises licence that includes having live and recorded music in the restaurant/farm shop building until 11pm but no licenced activities to the rear or side of the building after 10pm and this application seeks to ensure that the closing time is similar to the premises licence. Originally the proposal was to amend the hours to 8am - 12am but this time was amended through the course of this application to finishing at 11pm.

Site Description

Doniford Farm Park includes a collection of three modern wood and metal clad agricultural buildings, two of which have been converted. One of the converted barns is used as a cafe/restaurant and farm shop and another converted barn is being

used as a play barn, the use of which is the subject of a current application. The third agricultural building accommodates animals such as rabbits, goats and guinea pigs. There are also two stone curtilage listed building buildings (a barn and single storey storage building). Doniford Farm to the west of the application site is a Grade II listed building and includes the farm house and a number of stone barns, some of which abut the application site. Doniford Farm used to form part of the Farm Park.

To the north of the site is a field used by the Farm Park for the grazing by animals such as donkeys, alpacas, chickens, ducks and ponies. Part of this field forms part of a County Wildlife Site and is part of a Site of Special Scientific Interest. Beyond the field is a beach and the Bristol Channel.

A car park is provided to the east of the barns with access from Doniford Road.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/39/11/023	Change of use to farm park with six craft workshops, shop, cafe, exhibition area and animal enclosures	Grant	20 December 2011
3/39/11/024	External and internal alterations to buildings associated with the change of use to a farm park with six craft workshops, shop, cafe, exhibition area and animal enclosures.	Grant	20 December 2011
C/39/13/006	Approval of details reserved by condition 4 (relating to soft landscaping works) in relation to planning permission ref: 3/39/11/023	Grant	26 November 2013
C/39/13/007	Approval of details reserved by condition 3 (relating to window joinery details) and condition 4 (relating to a schedule of materials) in relation to planning permission ref: 3/39/11/024	Grant	26 November 2013
C/39/13/008	Approval of details reserved by condition 6 (relating to access), condition 11 (relating to sheffield-type stands) and condition 12 (relating to a travel statement) in relation to planning permission ref:	Grant	19 February 2014

	3/39/11/023		
3/39/14/003	Internal and external alterations to Barn H	Grant	27 February 2014
3/39/14/002	Variation of condition 2 on planning permission 3/39/11/023 in order to regularise the building of Barn H	Grant	27 February 2014
RUD/39/17/001	Prior approval for proposed change of use from retail shop (Use Class A1) to dwelling house (Use Class C3) and associated building operations	Refuse	12 June 2017
3/39/17/037	Erection of a timber fence with concrete posts, concrete block wall and alterations to lean to including installation of side hung doors (retention of works already undertaken)	Grant	16 February 2018
3/39/17/036	Various internal and external alterations (retention of works already undertaken)	Grant	12 April 2018
3/39/18/002	Siting of a static caravan and installation of a metal fence (retention of works already undertaken)	Refuse	27 July 2018
3/39/18/021	Change of use and alterations to form a play barn (retention of works)	Not yet determined.	

The 2011 and 2014 applications relate to the use of the site as a farm park including a cafe, shop, craft work shops and animal enclosures. The variation of condition 2 application (3/39/14/002) concerned internal and external alterations to the cafe/restuarant /farmshop building including a revised layout for the toilets, store and kitchen and change of materials for the cladding of the building and changes to and additions of doors and an accessible ramp. The 2017 applications relate to dividing the Farm Park into two as the farmhouse and associated barns (Doniford Farm) have been sold off and no longer form part of the Farm Park. In addition, the application for the retention of works to the play barn advises that the opening hours are to be 10am - 6pm Monday to Sunday and bank holidays.

Consultation Responses

Williton Parish Council - Objection on basis of Bats - ecologist report felt it would damage their environment and they are a protected species

Highways Development Control - No observations.

Wessex Water Authority - No observations received.

Environment Agency - No observations received.

SERC - No observations received.

Natural England - Natural England currently has no comment to make on the variation of condition 10.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Environmental Health Officer - After consideration of this application, Environmental Health have no objection in principle to this planning application to vary the operating hours, subject to the following;

- **Noise:** It is understood from the premises licence that the intention is to have both live and recorded music at this premises to the hours as proposed. Given the potential for noise emissions and absence of specific information on the number of events, I must recommend the following condition;
Condition Noise: There must be installed a suitable noise limiter to control sound pressure levels at source. The sound pressure levels of the limiter to be determined by a noise assessment carried out at this premise and by a suitable consultant.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Note: A noise management plan should also be prepared recording these events and any complaints arising by the designated premises supervisor. The plan should be reviewed on a regular basis and at least annually, and any changes found necessary by the review shall be implemented accordingly. A copy of the reviewed plan shall be submitted to the local licensing authority.

Further to the comments previously provided (03rd Nov 2017) on review I would like to amend the previous request for a planning condition to be imposed, and request the following:

- **Condition noise:** To install a suitable noise limiter to control sound pressure levels at source. The sound pressure levels of the limiter to be determined by a noise assessment by a suitable consultant and submitted to and approved

by the LPA. For the purposes of this noise assessment, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

There must also be a suitable noise management plan (NMP) submitted to and approved by the LPA that restricts the number of events of live and recorded music to no more than 10 events per calendar year. The NMP must also set out the agreed noise limits.

Note: In terms of hours of operation, the licensing authority have already set out that in terms of all live music, recorded music and anything of a similar description must be reduced from 22:30 to the terminal hour.

Reason: To ensure the amenity of residential premises is not adversely affected by noise.

Council's Bioiversity and Landscape Officer - Amended scheme - The application is a variation of condition 10 (opening hours) of application 3/39/14/002.

The four buildings on site were initially surveyed for the assessment. No evidence of bats was noted on site, with the buildings appearing to provide little or no suitable roosting features due to their design or developed state. It is also proposed to erect lighting on three of the buildings.

Quantock Ecology carried out a further assessment of the site to consider the impact of additional lighting on bats which are known to be present in the locality. Two static detectors were used. The report confirms that bats use the site with key activity times being between 22.00 and 23.00.

(Previous surveys carried out in July and September 2011 also confirmed the presence of -brown long eared bats, pipistrelle, and possibly serotine Bats are known to be still foraging in the area but I am unaware of any bats roosting close by.)

The Quantock Ecology report makes no reference to the impact of bats by noise likely to emit from the venue, which is a matter of concern for the neighbour. The surveyor's report focuses on lighting and concludes that the key area of the site sensitive to lighting would be the western boundary.

I agree that lighting should be controlled across the site and so support the recommendations made by Quantock Ecology.

I cannot comment on the impact of noise on bats as there is little data. The only research, I am aware of, that has been carried out is concerning the impact of road noise on bats. This is a different situation. I have asked several ecologists for advice and so consider that, should permission be granted, then the continued use of the site by bats is monitored thereby providing valuable research information I suggest the following conditions

Condition for protected species:

The applicant shall undertake all the recommendations with regards to external lighting made in Quantock Ecology's Lighting assessment report (undated) and provide photographic evidence of the new lighting.

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

Reason: to protect bats

Monitoring Condition

Monitoring for bats following the granting of any planning permission shall be carried out for a minimum of three consecutive nights including one night when the venue is being used during the next active season (May –September).

A short report describing the results of monitoring shall be submitted to the Local Planning Authority. The report shall also set out how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development permits the maintenance of bat activity in the area. The monitoring strategy will be implemented in accordance with the approved details.

Reason: To assess the impacts on bats in accordance with Core Strategy policy CP8.

Informative Note

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

All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally, this will be from April until September.

Somerset Wildlife Trust - We have noted the above mentioned Planning Application requesting a variation to the Condition of the original Application from 2011. We are concerned about the proposal to extend closing time until 24.00. At the time of the original Application a Bat Emergence/Activity Survey was carried out and there was concern about lighting being in use after sunset because of bats in the area. We also understand that there are bats in adjacent properties. An updated bat survey should therefore be carried out which includes not only Doniford Farm Park but also adjacent properties and countryside. This survey should be carried out at an appropriate time, i.e. sometime next spring or later. Depending on the results of that survey we may be able to withdraw our objection.

Comments following receipt of Bat Activity Survey - Whilst the September survey does indicate that the possible impact of the development on bats (in terms of lighting) ON the site has been addressed, it does not appear to have addressed the issue of bats OFF the site and using the neighbouring property and you will be aware that we had particular concerns about that.

Barbara has suggested that, if the Application is approved, there should be a requirement for further bat monitoring and we would support that. However that does beggar the question of what would happen if a negative impact is identified and cannot be remedied, in that case would the activity/use of the premises be required to cease completely?

In the circumstances therefore, I'm not able to withdraw our objection at this time.

Representations Received

27 residents have objected on the original proposal for amending the opening hours to 8am - midnight on the following grounds:

- Late night traffic would cause disturbance to this quiet area.
- Access to the site is restricted as there are no footpaths or street lighting making the area potentially dangerous.
- Noise and light pollution
- The applicants have incorrectly filled in the application form as there is no permission for the high fence. This fence and any other planning infringements should be dealt with before this application is determined.
- Contravenes saved policy PC/2 of the local plan
- The floor plan shows no provision for a shop and now appears to be a cafe/late night entertainment venue. This is against the reason for the original permission which was granted as the proposal benefits economic activity
- The application does not safeguard the neighbours or adjoining land users.
- The proposal will not benefit tourism
- The traffic dynamic will be changed as the traffic will arrive and leave at the same time rather than arriving and leaving at different times.
- Part of the reason people come to stay in the holiday accommodation is for the quiet. The proposal will therefore affect our business turnover
- Increase in taxis and car horn noise as not everyone will be able to drive home as they have consumed alcohol
- How will the animals cope with loud music? They will be sleepy bad tempered so will not be up to being petted which is not conducive to a successful business.
- Drunk people are likely to feed the animals with alcohol, vomit and urinate in areas where the animals roam
- There is no suitable hospital or A&E facilities in this area
- We do not have the number of police to cope with the increase in crime and anti social behaviour
- Light and noise pollution will be detrimental to wildlife. There are bats in the area including Doniford Farm. Bats should not be disturbed and it is an offence to do so. Any contravention of the relevant legislation would require a Natural England licence.
- There is no advantage to this small community
- Very few vehicles keep to the 30mph limit.
- Have no objection to there being a business on site but object to the licenced venue.

- The car park is not large enough to accommodate all of those at the licenced venue
- No evening bus service
- No positive changes to the Transport Statement or measures only travel statement used to support the previous application
- The proposal does not fit in with the quiet rural hamlet which has a predominantly retired population.
- Increase in traffic leaving the car park will lead to the blind bend making the exit of the car park more dangerous.
- The roads will not support an increase in traffic.
- This proposal is also a change of use. This application should not be determined unless such an application is submitted.
- On the previous application it is noted that there are bats in the surrounding area. A bat survey should be submitted to assess the effect o the bats before the application is determined.
- The impact on health should be looked at due to increase in noise and light pollution, waste and particulate emissions from vehicles.
- Noise will travel along way.
- Anti social behaviour of customers
- The proposal will not lead to economic benefit. It will be less beneficial to the community in terms of tourism and those tourists spending more money in the area
- If the venue is to become a bar/venue it would employ a very small number of people and would not attract new visitors in the area which would be contrary tot the West Somerset Economic Plan.
- The areas of the community that will benefit are the residents of Warren Bay Holiday Village as they do not have a premises licence
- A correct map should be submitted prior to a decision being made
- Regard must be taken of local plan policies SP/1 and SP/5 and PC/2
- The beach will be interrupted by the sounds of music rather than the sounds of crashing waves together with drunken behaviour and litter.
- There are enough establishments in Watchet and Williton that provide late entertainment - one is not needed in Doniford
- I wont feel safe
- Should be rejected using the following policies: NC/1, NC/3, NC/4, SP/1 18, PC/2, T/3, STR6 and more
- I would not have moved here if the business had already been established.
- Cars will turn round in Watery Lane.
- Where will any overflow car parks be?
- This is the wrong place for such a venue.
- The reason for condition 10 can not be rescinded without a convincing justification so an extension of time of the opening hours can not be granted.
- As the property has now been split in two the immediate residence is no longer part of a commercial farm
- Increase in anxiety of those living nearby.
- There is insufficient parking and no application to create extra parking has been submitted so there will be parked on the narrow, unlit roads
- Environmental Health in their response to the premises licence application had no concerns provided insulation was installed but some events will be held outside. The report also fails to address the issue of people leaving the site late

at night and having spoken to an independent Environmental Health Consultant they have serious doubts about their conclusions.

21 residents support the original proposal for amending the opening hours to 8am - midnight on the following grounds:

- It appears that the owners want to continue the successful business with a new improved format that complements the local area's need for economic growth especially tourism and services for local residents and visitors.
- Due to the recession many similar small businesses are still having to diversify their business to row and thrive
- Do not consider there will be any issues of the licence requirements are adhered to
- Has the potential to provide a vital community space for people of all ages and with community engagement would be able to offer a variety of activities/events that would benefit local residents and tourists.
- It will not encourage drink driving or anti social behaviour
- Provide much needed year round and seasonal employment.
- Provides a venue which nothing else in Watchet and Williton can compare to.
- The venue will only be open but request and not every night
- Whilst many local retail outlets continue to close it is good to see a multi functional site looking to reopen to the local community
- The owners of the Farm Park are local people whose other business interests are beneficial to the area
- As the applicants have experience in the tourist and hospitality industries it is suggested that there is no intention to cause a disturbance to neighbours or local people.
- The farm is likely to be redundant if it does not get planning permission
- The places of interest in the area have been reducing and so looks forward to it opening.
- Extending the hours outweighs the negatives.
- This a positive move of Watchet which has few venues for communal meals and as there is little to do at night any business boost to the local economy is welcomed.
- Always used to use the facilities at Doniford Park and have missed having them on our doorstep.
- Considers that late night bookings is a great idea provided noise levels are controlled.
- Writing to support after reading comments from people who live in Bristol etc as there is a desperate need for rejuvenation and this project is a step in the right direction. The project is not far off what its always been.
- The argument of wildlife disturbance is null and void, it will in fact encourage a range of wildlife due to the nature of the business.
- It will not increase traffic to any great degree.
- Recalls that medieval banquets being held at West Midland Safari Park did not disturb the animals
- I live next to the village hall in Stogumber for 13 years and there has never been an issue with noise.

16 residents object to the amended opening hours of 8am - 11pm reiterating the objections already made.

1 resident reiterates their support to the amended opening hours of 8am - 11pm.

A petition has also been received signed by residents of 8 properties at Bridge Park stating that they are happy to support the licence variation. This is dated prior to the submission of the planning application and appears to relate to the premises licence application but has been submitted for this application as well.

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
NH9	Pollution, contaminated land and land instability
NH6	Nature conservation & biodiversity protection & enhancement
SC1	Hierarchy of settlements
OC1	Open Countryside development
NH13	Securing high standards of design
CF2	Planning for healthy communities
CC2	Flood Risk Management

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

BD/3	Conversions, Alterations and, Extensions
E/4	Small Scale Employment Conversions Outside Settlements
TO/3	Tourism Development in Watchet
ID1	Infrastructure delivery
T/7	Non-Residential Development Car Parking
NC/1	Sites of Special Scientific Interest
CC2	Flood Risk Management

Determining issues and considerations

The determining issue is whether the proposal to amend the opening hours is a minor material amendment and if so is the extension of the opening hours for the whole site of Doniford Farm Park acceptable. There is no statutory definition of a minor material amendment but is likely to include any amendment where its scale and /or nature results in a development which is not substantially different to the one which has been approved (advice contained at paragraph 031 Reference ID: 21a-031-20180615 of the National Planning Policy Guidance document). In deciding the application the Local Planning Authority must only consider the disputed condition. It is not a complete reconsideration of the application. Additional conditions can be imposed provided they do not materially alter the development the subject of the original permission and are conditions that could have been imposed on the earlier planning permission. Account also needs to be taken account of other minor material amendments that have been granted. In this instance one was granted in 2014 for internal and external alterations to the cafe/restuarant and farm shop building

There are two main considerations that need to be taken into account in determining whether the proposal is a minor material amendment. These are the effect of noise and the effect on bats.

Effect of noise

As the proposal is to extend the opening hours from 8am - 11pm Monday - Sunday for the whole of the site this would mean that the public could be on site for this time period either in the car park, any of the buildings where they are allowed access or in the adjoining field unless the owner restricts access. It is considered that the main areas which could attract noise would be the car park and the cafe/restaurant and farmshop building.

With regard to the cafe/restaurant and farmshop building the applicant has stated that the building will be used as a cafe, restaurant and farm shop. The applicant has also clarified that their intention is, " for the Restaurant to be open daily from Monday to Sunday for Coffee's, Light Lunches, Sunday Carvery, Cakes and drinks. Also the Farm Shop will be open daily from Monday to Sunday stocking local produce and gifts. The Restaurant will be organised to offer private evening gatherings for meals and entertainment to 11pm in - line with the licensing hours. Mainly for people to enjoy the coastal views within a Farm Park environment".

There has been a significant number of objections to the use of this building for events up to 11pm including noise including noise pollution, disturbance so that they can not sleep, turning a quiet area in to one which is not, the issues of noise will reduce the numbers of tourists staying in Doniford, on health grounds such as anxiety and that the animals will be affected and so it will not be conducive to them being petted which could affect the business.

Environmental Health have looked at the possible noise issues and has no objection in principle subject to conditions relating to to the provision of a noise assessment, the installation of a noise limiter, a noise management plan and limiting the number

of events to 10 events a year. The applicant has confirmed that they are happy to accept a condition limiting the number of live music events to 10 per year providing that in about 2 years this could be extended to about 15. It should be noted that any increase in the number of events involving music would require a new application. The conditions suggested by Environmental Health have been recommended to be imposed on the permission. In addition it should be noted that the premises licence which is only for the cafe/restaurant and farm shop building (including the area to the immediate area to the north and east) includes conditions to help limit noise and disturbance that also need to be adhered to. These include:

- All live and recorded music and anything of a similar description must cease at 23:00 with sound levels in respect of all live and recorded music and anything of a similar description being reduced from 22:30 to the terminal hour.
- All the patrons must leave the site by 23:15 and signs advising patrons to leave in a quiet, orderly and respectful way so as not to disturb neighbours in the vicinity
- No licenced activities are to take place on the area to the side or rear of the building after 22:00

It is therefore considered that the recommended planning conditions together with the licencing conditions will ensure that the amenities of the locality will not be adversely affected from the use of this building up to 11pm.

With regard to the use of the other buildings and the field for the activities such as looking at the animals of the Farm Park up to 11pm these are not considered to be noisy activities that would need any planning control to safeguard the amenities of the neighbours.

The other main source of noise relates to the use of the car park, including the banging of car doors and the noise created by patrons entering or leaving the car park, particularly if the patrons are all leaving and arriving at similar times. Should there be a nuisance created by the use of the car park this can be dealt with under other legislation.

Overall it is considered that changing the opening hours to 11pm but limiting the number of live and amplified music events to 10 per year with further controls through planning conditions over noise in relation to the cafe/restaurant and farmshop building and other activities that are carried out by the farm park will not so adversely affect the amenities of neighbours by noise that this proposed change to the opening hours is a minor material amendment that is acceptable.

Effect on bats

As part of the application the site and the four buildings on the site were surveyed for bats. No evidence of bats was found on site and the buildings appeared to provide little or no suitable roosting features. Seven bat species were recorded however through their calls and were heard towards the western boundary/ area of the site. It is known that the barn to the west of the play barn (and in different ownership) has a roost and that another barn in the buildings to the west of the

application site has the potential for roosts. A further survey was carried out with regard to the impact of additional external lighting as bats are found in the area (and as noted in the 2011 surveys carried out for the original planning application to create the farm park). The survey found that the bats key activity times was between 10pm and 11pm. Recommendations from Quantock Ecology concerning lighting have been submitted which the Council's Biodiversity Officer is satisfied with subject to a condition. The recommendations include the use of narrow spectrum light sources, emit minimal ultra-violet light, lights do not point up and the spread of light is kept in line or below the horizontal together with the use of PIR sensors and to avoid the use of white and blue wavelengths to reduce insect attraction.

Comments have been received by local residents concerning the effect of noise on bats. The Council's Biodiversity Officer has discussed this aspect with other ecologists but there does not appear to be much information on the effect of noise on bats. For this reason a condition is recommended on monitoring the bats in the next active bat season (May - September) when there is an event and that any remediation action identified be undertaken.

Somerset Wildlife Trust objects to the proposal as the issue of the effect on bats off of the application site does not appear to have been addressed but notes and supports that a monitoring condition is recommended. The question is raised in what happens if there is a negative impact that can not be remedied. It is considered that this would be controlled by other legislation as all species of bats and their roosts are protected including under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017, the Countryside and Rights of Way Act 2000 and the Wild Mammals Protection Act 1996 or by the proposed monitoring condition as the remediation could be that the events are not held until 11pm.

It is considered that with the imposition of the recommended conditions that the bats are protected with extended opening hours until 11pm particularly as the number of times the Farm Park can be open until 11pm is proposed to be limited by condition to 10 events per year.

Accumulation of Minor Material Alterations

With regard to the minor material amendment that was granted in 2014 it is considered that that amendment together with this proposed amendment to Condition 10 will not result in a material change to the original permission that was granted to form the farm park with six craft workshops, shop, cafe, exhibition area and animal enclosures.

Conclusion

In conclusion it is considered that a change in the wording of condition 10 to, "The use hereby approved shall not be carried on and no customer shall be served or remain on the premises outside the hours of 8am and 11pm Monday to Sunday inclusive" as proposed is not acceptable for the reasons given above but that subject

to the imposition of additional conditions relating to noise, bats and the number of live/amplified music events that the proposed change in the opening hours under condition 10 to :

The use hereby approved shall not be carried on outside the hours of 8am -11pm Monday to Sunday inclusive. No customer shall be served or remain on the premises outside of these hours. There shall be a maximum of 10 live/amplified music events per calendar year.

is a minor material alteration that is acceptable. It is therefore recommended that the wording of condition 10 be amended to read "The use hereby approved shall not be carried on outside the hours of 8am -11pm Monday to Sunday inclusive. No customer shall be served or remain on the premises outside of these hours. There shall be a maximum of 10 live/amplified music events per calendar year."

Application No:	3/05/18/009
Parish	Carhampton
Application Type	Outline Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 300994 Northing: 142203
Applicant	Mr P Baker
Proposal	Outline planning permission with some matters reserved, except for access, for the erection of 3 dwellings
Location	Land to the south of Garlands, Withycombe Lane, Withycombe TA24 6RF
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council

Recommendation

Recommended decision: Subject to the receipt of a legal agreement securing £5,000 per dwelling for recreation/community infrastructure that planning permission be granted.

Recommended Conditions

- 1 Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun not later than two years from the approval of the last of reserved matters to be approved, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

(A1) DRNO 1341.2/201 PROPOSED SITE LAYOUT

(A2) DRNO 1341.2/202 PROPOSED SITE ELEVATION

(A3) DRNO 1341.2/200 PROPOSED SITE PLANS

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

- 3 There shall be no obstruction to visibility greater than 600mm above the adjoining carriageway level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access to the carriageway nearside edge 43m to the north and 43m to the south as shown on the submitted details (1341.2/200, Proposed site plans).

Such visibility splays shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times in the approved form.

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

- 4 Any proposed entrance gates erected at the main entrance to the site, 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: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway, in the interests of highway safety.

- 5 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.

Reason: In the interests of highway safety.

- 6 Prior to first occupation of each individual dwelling hereby permitted, access to a covered electric vehicle charging point to serve that dwelling shall be made available. These shall be provided within the garages (or through shared charge points) in accordance with a detailed scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority and thereafter retained.

Reason: In the interest of highway safety and residential amenity.

- 7 No hard surface shall be placed at the site until foul and surface water drainage works have been implemented in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework, associated Planning Policy Guidance and the Non-statutory technical standards for sustainable drainage systems. The results of the assessment shall be provided to the Local Planning Authority for scrutiny as part of the assessment. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event, plus an appropriate allowance for climate change. The submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system; and
- c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, including details of land ownership; maintenance responsibilities; a description of system; the identification of individual assets, services and access requirements; details of routine and periodic maintenance activities.

The approved drainage schemes shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for the lifetime of the development.

Reason: In the interests of highway safety and water management at the site.

- 8 No work shall commence on constructing the dwellings themselves until a scheme for flood resilient/resistant construction has been submitted to and approved in writing with the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: To avoid surface water flooding on the land.

- 9 No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the dwellings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

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

- 10 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining

walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety.

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

Reason: To ensure that there is a satisfactory access to the dwellings.

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 paragraph 38 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 public right of way (public footpath WL/3/8) crosses the lower part of the land and if the work involved in carrying out this proposed development would:

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

- 3 The applicants attention is drawn to the comments returned from Wessex Water and the need to protect existing water infrastructure in the area.

Proposal

The proposal is for the erection of three dwellings. The application is for outline planning permission with matters reserved except for access. The proposed access will use the access granted on appeal for the adjoining site.

Site Description

The proposal site of approximately 0.39 ha, sits off the unclassified Withycombe Lane, Carhampton approximately 250m south of the A39. The site can also be accessed on foot via a public footpath from Hill Lane and Meadowside. It is situated beside an existing open space play area.

The site has an established field access off Withycombe Lane and there is also a nearby residential access serving Garlands, a residential bungalow.

The proposed three new dwellings are shown on the submitted indicative layout as occupying the higher part of the agricultural paddock. The topography of the agricultural field rises to the south and to Bowerhayes Lane and the eastern boundary and the top of the field and then flattens out towards Garlands bungalow.

Boundaries at the site comprise of typical field boundary hedging to the east, south and west. The northern elevation (which adjoins residential curtilages) is both hedging and the rear of outbuildings plus post and rail fencing.

Relevant Planning History

3/05/02/003 - Erection of disabled persons bungalow - Refused on 15/03/02 and dismissed on appeal (dated 24/1/03), primarily for being outside of (then adopted) settlement limits and the consequential impact upon the countryside.

3/05/17/016 - Outline application with all matters reserved except for means of access for the erection of 5 dwellings and associated works. Refused on 30/1/18. An appeal was allowed on 31 May 2018 as the inspector considered that the development would not generate an unacceptable level of highway risk and subject to a condition concerning attenuation the development would not be at an increased risk of surface water flooding nor would it increase the risk to adjoining properties or to the road.

Consultation Responses

Carhampton Parish Council - Members agreed to lodge a strong objection to this application on the basis that this application should be dealt with in conjunction with Application 3/05/17/016 which had been approved on appeal. The current

application would mean a total of 8 dwellings being built on this parcel of land which Members were aware was the subject of annual flooding during the winter months. They were extremely concerned that there was a suggestion within the application that surface water would be drained using a soakaway which, in their opinion, would not provide the necessary drainage during periods of flooding.

Members were also concerned that the application sought to provide 3 car parking spaces per dwelling resulting in a potential total of 24 vehicles needing access to the site from a single-track roadway without any pedestrian footpath. Members were of the opinion that such an increase in volume of traffic could not be sustained on that road.

The application form stated that the site was not close to a stream but Members were certain that such a stream was closer than 100m to the site.

Members were made aware that Wessex Water could not refuse to provide a connection to the local sewerage system but could refuse to allow surface water drainage to enter the sewerage system which would then, they believed, add to the existing problems of flooding elsewhere in the village. These problems occurred because the sewerage system has numerous connections in the village which historically have a combined connection, so that when there are prolonged periods of rain the sewerage system in the village is overloaded resulting in Wessex Water having no alternative but to use its surcharging facility at the lower end of the village. Several residents near this surcharge facility have made complaints over the years of raw sewerage coming into their gardens. Members were firmly of the opinion that, without further improvement to the sewerage system in the village, any new connections will only exacerbate this problem

Members were also concerned that despite there now being two applications for the same site totalling 8 dwellings, the threshold of 10 had not been reached to ensure provision of some affordable housing within the development.

Members noted that the plans proposed a footpath connection to Meadowside. This would necessitate the applicant obtaining permission from the land owners on the other side of the river and permission to install a crossing over the river.

Members were aware that the vehicular splay at the site entrance had already been constructed despite full planning permission not yet in place.

Members asked that a copy of the letter of objection to the original application (for 5 dwellings) be attached to the letter of objection to this application and that a copy of both letters be sent to Wessex Water to draw attention to the flooding and sewerage problems construction of these dwelling would inevitably cause.

I hope that these comments will be taken into account when determining the application.

Rights of Way- I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (**public footpath WL 3/8**).

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

1. Specific Comments

With regard to the proposed access road which crosses the public footpath WL 3/8, the applicant will need to demonstrate to ourselves and Highways colleagues that this crossing point is safe for the public to use. The change of surface to the PROW will need to be agreed through a S278 agreement.

We request clarity on the proposed boundary extent, as well as the treatment of the boundaries for this application and the neighbouring application 3/05/17/016.

2. General Comments

Any proposed works must not encroach on to the width of the PROW.

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

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

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

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

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary Closure:

www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/.

Highways Development Control - The proposed development is to be served off an existing access, off Withycombe Lane. The site has the benefit of outline planning consent for up to 5 dwellings, under application number 3/05/17/016, whilst it is obvious that the two applications are designed to be read together the due process at this stage requires this application to be considered on its own merits, although the possible interaction with the consented development has been considered where appropriate.

This proposal would generate an average of 24 additional vehicle movements onto Withycombe Lane per day. The speed limit at the access to Withycombe Lane is derestricted although observed vehicle speeds appeared to be approximately 30mph from the north and 25mph from the south. The suitable visibility splays have been addressed within the previous planning application and are replicated within this application, the proposed visibility splays on drawing number 1341.2/201 are therefore considered acceptable.

The approach road is generally suitable for single vehicular flow, although there are passing areas. Consideration has to be made regarding the fact that Withycombe Lane is perceived as a rural highway for low level vehicular movements and whether such a volume increase of vehicle movements on a perceived rural road would have to be weighed up within the planning balance of the application.

On balance of the above, it is inevitable that the proposal will result in a material increase in the number of vehicle movements onto the local highway and although it would be difficult to sustain an objection due to the increase in vehicle movements in this instance the Local Planning Authority should be mindful of the nature of Withycombe Lane.

This proposal would seem to be in conflict with the indicative layout of the previous application 3/05/17/016 and due consideration should be given to the requirement for a revised layout to provide sufficient parking and turning space for the previously consented dwellings in accordance with the Somerset Parking Strategy (SPS). The proposed alignment, as set out in the red line of the application, of the highway from Withycombe Lane to the proposed area for the three dwellings is inappropriate.

The road leading from the agreed indicative layout for the previously approved five dwellings is designed in such a way that it could prove to be a hazard to highway safety. It is likely that vehicles would be driven in such a way that the sharp corner is not observed, resulting in vehicles potentially crossing into the path of oncoming traffic or unsuspecting pedestrians accessing or using the Public Right of Way or the link to Meadowside.

The road layout does not appear to include sufficient provision for the access and turning of all large vehicles associated with the dwellings, however this is technically possible to achieve given the space within the site, this should be addressed and submitted at reserved matters. The indicative layout of the site would seem to provide sufficient parking and turning for domestic vehicles.

Public Rights of Way (PROW) – This proposal seems to cut across an existing Public Right of Way, numbered WL 3/8. The applicant may need to consult with the SCC PROW Team in regards to this.

Although this application is at outline stage the applicant should be aware of the following:

The internal layout of the site will result in the laying out of a private street, and as

such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). This may include any private roads/drives that serve more than 2 dwellings. These roads will need to be constructed to an acceptable standard as approved by the Highway Authority.

Forward visibility at any bends within the estate must be provided (based on actual bend radii and likely speeds) and offered for adoption. Visibility splays from any private drives/roads on to the main through route should be 2.4m x 25m (based on 20mph), these do not need to be offered for adoption but must be provided. Where there is any vehicle crossover (over a footway) then there must also be a pedestrian/vehicle inter-visibility splay provided (again, these areas of visibility are not put forward for adoption but must be provided).

There should be adequate pedestrian inter-visibility at tactile crossing points (1.5m x SSD for speeds at that location).

There should be no obstruction to visibility within any visibility areas within the estate that exceeds a height greater than 300mm above adjoining carriageway level. General – If there are areas which the Developer would like to put forward for adoption this will need to be discussed at the technical detail stage and no presumption should be made that all areas would be adopted. Can the applicant please confirm the future maintenance arrangement for the internal access road. If a Management Company is to be set up then SCC will require full contact details. The applicant would need to consider how refuse collections to the site will be made. Consideration will need to be given to the reticence of some refuse collection companies to make collections via private drives.

Whilst the Highways Authority would not raise an objection to the principle of 3 No. dwellings on this site there are issues described above that would need to be addressed, although this could be done at Reserved Matters stage, in order to provide a safe and appropriate layout of the access road.

In the event the Local Planning Authority are minded to grant consent the Highways Authority recommend the following conditions be attached:

1. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access to the carriageway nearside edge 43m to the north and 31m to the south. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

2. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

4. The developer must keep highways, including drains and ditches, in the vicinity of the proposed works free from mud, debris and dust arising from the works at all times. The developer shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

5. The Developer will be held responsible for any damage caused to public highways by construction traffic proceeding to or from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs will be taken by the Developer representative in the presence of the SCC representative showing the condition of the existing public highway adjacent to the site, and a schedule of defects agreed prior to works commencing on site.

6. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority

Wessex Water Authority - Wessex Water has no objections to this application providing items shown in **bold** are resolved prior to determination of the application. Notes below are provided for the applicant:

The planning application

The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via sustainable drainage systems and soakaway.

Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found at development.west@wessexwater.co.uk

Are existing public sewers or water mains affected by the proposals?

Wessex Water will not permit the build over public water mains.

Your contractor must undertake private survey to determine the precise location of the two existing public water mains which crosses the site. Easements are usually 3 metres either side of public main, for larger deeper or critical mains this easement may increase. Subject to application mains can sometimes be diverted, at the applicants cost, to achieve suitable easements. Further details can be found at development.west@wessexwater.co.uk

In the circumstances it is recommended that a revised drawing showing how the existing water mains will be protected is submitted to the planning authority prior to planning decision.

Is the surface water strategy acceptable to Wessex Water?

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via sustainable drainage systems and soakaway.

The strategy is currently acceptable to Wessex Water, subject to agreement in detail with the local planning authority.

The planning authority will need to be satisfied that soakaways will work. Soakaways will be subject to Building Regulations

The use of soakaways currently attracts a discount in the sewerage infrastructure charge, proof of arrangements will be required when applying for foul sewerage connection.

There must be no surface water connections to the foul sewer network.

Landscape Officer - The proposal for additional dwellings, partly falls on slightly higher land than the adjoining proposed housing plot. It will push the urban edge further into the open countryside.

If permission is granted details of proposed landscaping are required showing planting to the south.

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 objection on archaeological grounds.

Tree Officer - Regarding this proposed development in Withycombe, it should be possible to build without harming the off-site oaks, which I note have not been plotted. The one to the south east, on the east side of Withycombe Lane, is a particularly fine old specimen. They can be seen on the aerial photos.

Although these trees are off-site, there may be issues of shading and perceived threat of branches or trees falling once the proposed houses are occupied. They are potential candidates for TPO, although they'd be in a substantial queue.

The boundary hedges must be well protected during construction works.

I couldn't help noticing the quality of the grassland there – a good unimproved meadow, which may have implications for the biodiversity aspect.

Representations Received

None received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
NH1	Historic Environment
NH13	Securing high standards of design
CC2	Flood Risk Management
CC6	Water Management
TR2	Reducing reliance on the private car
ID1	Infrastructure delivery
C4	Affordable Housing

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
- Public right of way
- Impacts on residential amenity
- Flooding and drainage
- Highway safety
- Planning Obligations

Principle of development

Carhampton is designated as a Primary Village within the local plan.

The principle of developing the adjoining site and the proposed access has already been granted planning permission (at appeal) for the provision of 5 dwellings and therefore the visibility splays are considered acceptable. This application seeks to extend the development on the agricultural/equestrian land to incorporate a further three detached dwellings across the higher ground to the south/south-western corner of the land. If both schemes were developed this would mean a total of 8 dwellings at a low density across the land.

In the Inspector's consideration of the adjoining site (ref 3/05/17/016), it was considered that the two main issues were:

- a) the effect of the development on highway safety on Withycombe Lane and the level of traffic which would be generated by the development and also whether
- b) whether the proposal was appropriate in this location in relation to flood risk within the site or whether it would increase flood risk elsewhere.

It was concluded that although Withycombe Lane is generally suitable for singular vehicular flow, the short distance between the access to the site and the junction of the main road together with an improved visibility at the access weighed in favour of the proposal and that the development did not conflict with local policies SC1 (4D) and TR2 re an increase in traffic movements over a minor road and would not generate an unacceptable level of highway risk. The submitted details of this case, and in particular dwg. no. 1341.2/201 show the approved revised entrance and visibility splays.

Regarding flood risk the Inspector concluded that from the evidence previously provided for the development of 5 dwellings, that subject to technical investigation, they saw no reason why the site could not be developed without increasing flood risk on the site or adjoining areas.

The conclusion on flooding was that the outline submission included an indicative layout as this proposal does. It would therefore, be down to consideration of a

detailed layout and design of the scheme where technical requirements and appropriate attenuation measures (SUDS) can be secured by condition as reserved matters stage. The Inspector found that the development would not be contrary to advice within the NPPF (para 163) or local policies CC2 or CC6 of the local plan. Therefore it is not proven that development would increase the flood risk to adjoining properties or to the road.

In terms of local planning policy SC1 (a +b), the site is located immediately adjacent to development within the village and the public footpath crossing the site is to be retained. This allows pedestrian access from the site into the centre of the settlement. Similarly the approval of details regarding the internal layout and boundaries of the site are also to be considered at Reserved Matters stage.

As Carhampton is a primary village where limited development is acceptable (policy SC1). Limited development means that for developments of up to 10 dwellings no more than a 10% increase in the number of dwellings in Carhampton over the plan period should be allowed where 30% of that increase is only allowed in any five year period. 30% is approximately 10 dwellings. It is considered that the 10 dwellings in any five year period has not been exceeded

Given the above considerations it is concluded that the merits of this proposed development of 3 dwellings across this generous site is acceptable in principle in terms of local policies SC1, SD1, SV1, TR2, CC2, CC6 of the adopted West Somerset Local Plan.

Impacts on the character and appearance of the area

The Council's Landscape and Tree Officer has commented that a landscaping scheme for planting further to the south and protection of the current roadside boundary hedges would be required. These comments are noted, however, at this stage only the principle of development and the access to the site is being considered. Design, landscaping, scale and layout are all Reserved Matters to be determined at a later stage.

The Historic Environment Officer has confirmed that there are no archaeological implications to this proposal and therefore no objections on archaeological grounds.

Given the comments above and the fact that this is an outline application, it is considered that further future information would fully consider the impacts on the site and the wider area. As such, this development and the indicative layout as submitted accords therefore with local policies NH5 and NH13 of the West Somerset Local Plan to 2032.

Public right of way

The Rights of Way Group confirms that a public footpath crosses the lower part of the site. An informative note is also attached to this decision reminding the applicant of considerations required regarding the protection of this route. The public right of way

enables occupants of Garlands and future residents access to facilities and services in Carhampton by foot via Meadowside, Hill View Road and Park Lane.

In response to the Parish comments about a footpath connection to Meadowside and the need for the applicant to gain permission to install further crossings from the landowner, this is a civil matter and not controlled under the planning remit.

It is therefore considered that the proposal at this stage is acceptable and accords with local policies NH5 and NH13.

Impacts on residential amenity

No comments have been received concerning any adverse impact the proposed development would have on neighbours. The proposal site is within 50m of the contiguous build up of the residential area of Meadowside containing terraced and semi-detached dwellings. To the north it is noted there are three residential bungalows.

Conditions are recommended should outline planning permission be granted. These include those suggested by the planning Inspector in the earlier appeal case meaning that there will be no significant impacts on residential amenity in the area. The development therefore accords with local policy NH1.

Flooding and drainage

The site is located within flood zone 1 and is designated as having an extremely low risk of flooding by the Environment Agency, and therefore a Flood Risk Assessment is not required.

From the Inspector's appeal decision she concluded that the Parish Council had raised issues of land slip and also provided photographs of flooding at the main junction with Withycombe Lane and the A39, not outside the main entrance to the site and these were given limited weight in the Inspector's decision.

Comments returned from Wessex Water are noted, and an informative note is added to draw the applicant's attention to the need to protect existing water mains which cross the site. This would be subject to details at reserved matters stage in regards to the scale and layout of the site.

Additional flooding issues are discussed in the Principle section of this report above.

It is therefore considered that the proposal accords with local policies CC2 and CC6 of the West Somerset Local Plan to 2032.

Highway Safety

The Highway Authority does not raise an objection to the principle of developing three dwellings on the site and that the indicative layout does seem to provide

sufficient parking and turning for domestic vehicles. They do however, have concerns regarding the indicative road layout and sufficient provision for access and turning of large vehicles associated with the dwellings. This should be addressed and submitted as Reserved Matters stage.

To reiterate, the Planning Inspector considered that the improved visibility at the main access to this site weighed in favour of the proposal and that the development did not conflict with local policies SC1 (4D) and TR2 with regard to an increase in traffic movements over a minor road and would not generate an unacceptable level of highway risk.

This proposal is therefore considered acceptable in highway terms subject to further detail being agreed with Highways at a later stage should both the development (s) go ahead.

Planning Obligations

The Parish Council have commented that the threshold of 10 dwellings has not been reached to ensure that affordable housing is provided. As only 3 dwellings are proposed, off site contributions are not now required on sites of less than five dwellings as noted in the NPPF and as such a contribution as outlined in Policy SC4 can not be requested. This has been confirmed by the Policy team.

Recreation/community infrastructure contributions can however be required as outlined in guidance contained within Policy ID1: Infrastructure Delivery of the local plan, and also via adopted Council policy (Planning Obligations SPD, 2009) . These are based on a contribution of £2,000 - £5,000 per dwelling, starting at the upper end of the range, depending on evidence being provided on the viability of the scheme and the level of contribution that can be paid. This should be provided for 2 or more dwellings in Carhampton. The Agent has indication that the applicant will be providing a unilateral agreement of £5,000 per dwelling and as such is in accordance with the Council's SPD and policy ID1.

Conclusion

It is considered that the proposal meets all of the relevant policies of the adopted West Somerset Local Plan and the NPPF. In addition an appeal has recently been allowed on the adjoining site for five dwellings which is a material planning consideration. It is therefore recommended that subject to the applicant entering into a legal agreement for the provision of £5,00 per dwelling towards recreation/community infrastructure, outline 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:	3/32/18/037
Parish	Stogursey
Application Type	Full Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	Easting: 319569 Northing: 144056
Applicant	Mr A Hilling
Proposal	Change of use of land with installation of 13 No. additional hook up points (8 with hardstanding) for touring caravans, motorhomes and tents (retention of works already undertaken)
Location	Lawson Farm, Shurton Lane, Burton, Stogursey, TA5 1QB
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council.

Recommendation

Recommended decision: Grant

Recommended Conditions

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

(A4) LOCATION PLAN

(A4) SITE PLAN Rev A

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

- 2 The caravans and pitches shall be occupied for tourism purposes only. The site shall be limited to a total of 25 pitches sited as detailed on the approved site plan.

The caravans and pitches shall not be occupied as a person's sole or main residence or for any form of residential occupation.

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

Reason: To prevent permanent occupation of the residential units within the

open countryside, in the interests of amenity including the character of the area and to ensure that the pitches are for tourism use only.

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

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

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 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

Change of use of land for touring caravans, motorhomes and tents with installation of 13 additional hook up points (8 with hardstanding) This is for the retention of works already undertaken.

The site plan shows 5 electric hook ups (approved under application 3/32/16/016) which are proposed to have hard standings, 8 proposed hook ups with hard standings, 4 proposed electric hook ups on grass pitches and 8 proposed grass pitches.

Site Description

The site comprises the main dwelling and 3 fishing lakes, a stock pond, a camping/caravan area and includes existing buildings used for a reception and toilet block. The site is accessed via a private track that leads to a parking area adjacent to the caravan/camping area. The site is screened by hedgerow and tree planting along the boundary of the lakes and the wider site has hedgerows and trees along the road boundary. The site is fairly level and has no immediate residential neighbours as it is bordered by open fields. It is outside of the hamlet of Burton and in an open countryside location.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/32/99/005	Creation of two amenity lakes, fishing hut and fishing	Grant	27 May 1999
3/32/98/016	Certificate of lawfulness - existing	Grant	10 September 1998
3/32/10/039	Creation of new triangular stock pond, division of existing alder pool and enlargement of alder pool, enlargement of willow pool (spoil to be used to level areas around pools), replacement of fishing hut with log cabin, addition of 3 disabled parking spaces & spaces for motor cycles and cycles.	Grant	14 February 2011
3/32/16/016	Erection of 7 No. movable fishing pods, ancillary shower block and 5 No electrical hook ups (retention of work already undertaken)	Grant	21 December 2016

Consultation Responses

Stogursey Parish Council - Consider the application to be excessive development within the countryside and as such would be opposed to such development taking place within the Parish

Office of Nuclear Regulation - I have consulted with the emergency planners within Somerset County Council, which is responsible for the preparation of the Hinkley Point off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPIR) 2001. They have provided adequate

assurance that the proposed development can be accommodated within their off-site emergency planning arrangements. The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.

Tree Officer - Regarding this application's effect on existing trees and hedges, I can see no reason to object. Could we gain a few new trees around the boundaries – native oak, small-leaf lime or field maple?

Planning Enforcement - no comments received

Rights of Way Protection Officer - no comments received

Highways Development Control - Standing Advice applies

Hinkley Point C - planning - I understand that you are the case officer for the above referenced application. As the Planning Manager for Hinkley Point C New Nuclear Build, I would be grateful if you could take the following comments into account.

The following constitutes my formal consultation response to the application and I am happy for it to go on-line as such. I am fully aware of this proposal because I helped Sarah Wilsher deal with the initial enquiry and when it became clear that the caravans were already in situ and being used (believed to be used by Hinkley workers) without planning authorisation, I passed the matter on to our planning enforcement team. It is their investigations which have led to the application. Best practice tells us that we should invite an application for due consideration first. It is clear to me that the permission we gave for the 'pods' for accommodation for those using the fishing facilities was specific and does not cover what the owner is now in fact doing (providing accommodation for Hinkley workers). On top of this, you will be aware of my opinion (from previous conversations) that we do not need any more Hinkley accommodation 'in the community'. The new accommodation campus at Hinkley Point main site is now open and being used but currently with only 75% occupancy rates. This does of course fluctuate, but my understanding is that it has never reached full occupancy since it opened in June. It is a 510 bed facility and so currently has approximately 130 spare bedrooms for Hinkley workers. It is also the case that the Bridgwater campus will be opened for use soon. I understand that the operators are hopeful of having some bedrooms available for use before Christmas (2018), with the rest coming on stream early in the New Year (2019). These two facilities between them will provide 1500 bedspaces for Hinkley workers, with approximately 1000 bedspaces actually being available for use. That is more than enough, at least until the peak demand for workers materialises, probably this time next year at the earliest.

I am sure you will want to take on board the planning policy position when you consider this application. The West Somerset Local Plan to 2032 was adopted in November 2016 and so is relevant and up to date. It should therefore be accorded significant weight in your considerations. Policy OC1 is quite clear in stating that development is not generally appropriate in the open countryside. This application is open countryside. Bullet point three allows tourism uses where they are provided through the conversion of existing, traditionally constructed buildings, but this clearly

does not apply here. Bullet point four allows for new-build where it would benefit existing employment activity that could not be easily accommodated within or adjoining a nearby settlement. However, I do not think that this applies either as the required accommodation for Hinkley workers is clearly provided for already on site and in Bridgwater. In my view, the proposal is totally contrary to the provisions of policy OC1 and so should be accordingly refused as such.

In addition to this, I trust you will note that there is not a single policy within the adopted Local Plan that actually states that we will look favourably upon new accommodation in the countryside where it is required for Hinkley workers. This Council is quite clear on how we should consider accommodation in open countryside. This proposal should be considered as any other application for residential accommodation in the countryside – i.e. a refusal on policy grounds. Although the proposal is for 12 additional hook up points (8 with hardstanding) for touring caravans, motorhomes and tents, I do not consider that the proposal is acceptable on the grounds of tourism either. The applicant has simply not made the case that West Somerset needs this amount of new tourism spaces or that there is a demand for such a facility. In any event, the proposal would still not meet the rigorous tests imposed by policy OC1. Besides which, the unauthorised caravans currently on site are clearly being used by Hinkley workers. This has been made clear to me by local residents. So the intended use is not for holiday purposes. I should just also add that the accommodation team at EDF are doing their utmost to ensure that all new workers at Hinkley are encouraged to stay at either the two accommodation campuses or in existing authorised premises elsewhere. This matter was raised at the Main Site Forum last Wednesday evening and I was assured that EDF did not and would not sanction or agree to any unauthorised accommodation. They want new workers to take up their bedspaces within the accommodation campuses first and are doing all they can to ensure this occurs.

There may also be highways reasons for refusal and so you would be well advised to seek an opinion from the Highway Authority. It is clear that Hinkley workers are using the unauthorised caravans because I am told by local residents that the Hinkley bus (operated by Somerset Passenger Services [SPS]) now stops at the entrance to the site. It has not been authorised to stop in this position and I am told by local residents that it causes unsafe conditions on the highway when it does and therefore interferes with the free flow of traffic causing conditions of danger to all road users. I will be taking this up with the Hinkley Point C Transport Review Group when it next meets on Monday 22nd October and I doubt that this 'new stop' will be authorised. I suspect that Hinkley workers would not be attracted to stay at this site without a nearby bus stop.

My strong advice to you is that there are no reasonable grounds for approving this current application. I can see no evidence to persuade me that this proposal is anything other than a refusal. Given that a refusal would be likely to result in enforcement action to get the existing caravans removed, I would expect that the Planning Enforcement Team would want to take the matter to the Planning Committee for authorisation of potential enforcement action. This could be done via a dual recommendation on your officer report - recommendation to Committee that (1) planning permission be refused, and (2) enforcement action be authorised.

Representations Received

Three letters of support have been received noting that the facilities are very good, the proposal is bringing in economic benefits to the local area and the owners should be allowed to develop the site.

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

EC9	Tourism outside settlements
NH13	Securing high standards of design
NH10	Development in proximity to Hinkley Point Nuclear Power Stat

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

T/7	Non-Residential Development Car Parking
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Determining issues and considerations

Principle of development

This application, which is partially retrospective, is for 13 additional electric hook-up points for touring caravans, motorhomes and tents for a site that has an existing use as a fishing centre (with lakes and ponds). The site is within the outer ring for consultation with nuclear authorities due to its proximity to Hinkley Point. There has been some involvement from the planning enforcement team after allegations were made that the tourist accommodation at the site was being used by Hinkley Point workers.

There are then two central issues in regard to the current application, with lesser and greater weight attached to them:

- Firstly an alleged breach of conditions in relation to the holiday occupancy

condition imposed on the 2016 permission, for the unauthorised use as temporary (but regular) workers' housing for the nearby Hinkley Point development;

- Secondly the proposed development as set out in the description of development which does not directly or indirectly reference any proposed use as housing for Hinkley Point workers.

The first is a related but separate planning enforcement issue. This is a material consideration but it does not, and should not, determine the approach to assessing the planning merits and dis-benefits of the current application, which will be assessed solely on its own merits. More significant material considerations are the extant permissions (and certificate of lawfulness), which confirm that the site can be lawfully used for fishing and tourist accommodation. The application is therefore assessed as a proposed intensification in the use of an existing and lawful tourism facility.

For the proposed development to be acceptable in principle it should be in conformity with relevant (adopted or retained) Local Plan policies, the NPPF 2018, and any related NPPG. Relevant Local Plan policy EC9 'Tourism outside of settlements', supports the development of tourist facilities if the 'proposed location is essential to the business and ...it could not be located elsewhere' and the proposed developments do not generate 'new unsustainable transport patterns'. The policy encourages 'the consolidation of existing facilities' provided that proposals are viable and the environment is safeguarded. The proposal, as a tourist development, is therefore supported 'in principle' in terms of the Local Plan and is further supported by the NPPF (2018) paragraph 83 (c).

It is considered that whilst there may have been issues related to the use of the facilities by Hinkley Point workers this should be addressed through the planning enforcement process and should not indicate a recommendation to refuse the current application. The owner has shared the register of visitors (in redacted form) with officers from the Local Planning Authority and it is clear from this register that the overwhelming majority of visitors to the site are not Hinkley workers and are staying on a temporary, holiday-maker basis. However any permission granted for this current application would be subject to enforceable conditions related to holiday use of the accommodation facilities.

Design and landscape impacts

The site is well screened from public views and has an existing lawful use as a fishing and tourism facility. The proposal affects an area located away from the road and is already subject to a landscaping condition imposed on the 2016 permission, with new planting around the boundaries to the plot used for camping and caravanning. The submitted drawings include a small children's play area, which, given its scale, is not considered to have a detrimental landscape impact. It is therefore concluded that the proposal would not have any significant detrimental impacts on the landscape although a scheme to add further planting is considered to be appropriate and a condition is suggested to be imposed on any permission granted.

Highways, parking and pedestrian access

The proposal would represent a minor increase in the use of the site, including that by cars towing caravans and by motorhomes. However the scale of the proposed increase is relatively minor and it is not considered to be significantly detrimental to highway safety or to create unacceptable highways impacts in terms of trip generation. The road outside of the site is within a 30mph speed limit and has reasonably good visibility splays. Somerset County Council's Highways officer has not objected to the proposal. Adequate parking exists within the site to cater for a small increase in visitors and motor vehicles.

Amenity

The proposed development would be unlikely to create significant detrimental impacts on residential amenity given the distance (over 100m) to the nearest residential properties.

Proximity to nuclear facilities

Policy NH10 requires that any new development within the consultation zones be referred to the Office for Nuclear Regulation (ONR). They have advised that they do not have in principle objections to the proposed development.

Other matters

Three letters of support for the proposal have been received during the public consultation period (and further correspondence in support after this date).

The Parish Council has objected to the application on the grounds that it would be 'excessive development in the countryside'. Whilst their views are noted it is considered that the proposal is in compliance with policy EC9, and the NPPF paragraph 83 (c), and is within a site which is inevitably constrained by its size, meaning that it could not develop to the scale of caravan/camping facilities such as at Doniford, and, as such, is not considered to be 'excessive'. The comments from the (West Somerset Council) Planning Manager at Hinkley Point are duly noted, however as stated above these primarily relate to planning enforcement issues and do not provide for substantive reasons to garner a recommendation for refusal.

A planning condition to ensure that the development must be commenced within three years of the date of the permission is not proposed to be imposed as works have already commenced on site.

Conclusion

The proposed development is acceptable in principle, and impacts on traffic, landscape and amenity are not considered to warrant grounds to refuse the

application. The proposal is in accordance with local plan policies and the NPPF. It is therefore recommended that planning permission be granted subject to appropriate conditions restricting the use of the site for tourism purposes only.

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

Application No:	<u>3/37/17/007</u>
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Bryn Kitching
Grid Ref	Easting: 306694 Northing: 143472
Applicant	Mr Michael Stevens
Proposal	Change of use of land from residential to the siting of two caravans for tourism use.
Location	Land to the west of West Bay Park, West Street Watchet, TA23 0BJ
Reason for referral to Committee	The views of the Town Council are contrary to the recommendation.

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. The caravans shall be removed from the site on or before 15 December 2021 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of public safety and to allow for future review of land stability and cliff erosion.

- 2 There shall be no more than two caravans located on the site in the positions shown on drawing number PP003 Rev A- Proposed Site Plan.

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

- 3 Prior to its construction, details of the proposed access road through the site, including the method of construction and drainage, shall be submitted to and approved in writing by the local planning authority. The access road shall be constructed in accordance with the approved details.

Reason: In the interest of land stability.

- 4 Prior to the occupation of the caravans hereby permitted, a land stability and cliff erosion management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of the future monitoring, maintenance and management of the land as well as warning and evacuation plan for occupants of the proposed caravans.

Reason: In the interest of public safety and to ensure ongoing monitoring of land stability and cliff erosion.

- 5 The caravans shall be occupied for tourism purposes only.

The caravans shall not be occupied during the months of November through to February (inclusive).

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

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

Reason: To prevent permanent occupation of the residential units and in the interests of land stability risks.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 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 concerns were raised in respect of land stability. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

Proposal

The application is for the change of use of land from residential to site two caravans on land to the west of West Bay Park Watchet. During the processing of the application, a geotechnical inspection and report has been submitted with a plan to show the position of the proposed caravans and the access track, parking and turning areas. Two parking spaces are shown for each caravan.

Site Description

The site is immediately to the west of West Bay Park and is accessed via the existing access to the caravan park off Cleeve Hill. The site is a narrow piece of land that is boarded by Cleeve Hill on the south side and the cliff top to the north. There is an existing vacant residential unit on the site known as Saxons Croft. This is proposed to be removed as part of the application.

West Bay Park is a permitted caravan park that contains 16 park homes (which fall within the legal definition of caravans). It is understood that the operators of the site have restricted it to over 50's with a permanent residential use.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/37/87/033	CHANGE OF USE TO FORM EXTENSION TO ADJACENT CARAVAN PARK	Grant	04-Sep-87
3/37/83/010	USE OF LAND FOR SITING OF TOURING CARAVANS	Refuse	11-Mar-83
3/37/87/068	RETENTION OF USE FOR SITING OF THREE CARAVANS	Grant	17-Dec-87
3/37/98/004	CHANGE OF USE OF 2 TOURING PITCHES TO 1 STATIC HOLIDAY CARAVAN PITCH. CONTINUED USE OF CHALET AS LAUNDRY ROOM & INFO AREA	Grant	13-Feb-98
3/37/03/054	CHANGE TO ALL YEAR ROUND HOLIDAY ACCOMMODATION	Grant	21-Nov-03
3/37/10/017	CHANGE OF USE FROM HOLIDAY CARAVAN SITE TO RESIDENTIAL CARAVAN SITE WITH NEW LAYOUT INCORPORATING DRAWINGS RECEIVED 16/8/2010 & WEST BAY CARAVAN PARK COASTAL EROSION REPORT DATED MAY 2008 - AS AMENDED BY DRAWING NO 1565.1B	Grant	08-Nov-10

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Consultation Responses

Watchet Town Council - Due to the ambiguity of the planning application, and the instability of the land i.e. how close it is to the cliff edge, the Committee would recommend refusal.

Highways Development Control – no comments received

Economic Regeneration and Tourism – no comments received

Biodiversity and Landscaping Officer - This unique sloping coastal site is prominent in the landscape. Its mainly open nature allows glimpsed views of the sea.

The three units with parking will disrupt these views and give the appearance of the town of Watchet extending further to the west.

Environmental Health Officer (KR) – (comments prior to submission of Geotechnical Inspection Report)

Whilst I have a great understanding of the issues, concerns and the mechanics of the coastline, (in particularly this stretch) I am not qualified to give direction on this.

Planning, the proposer and the objector will need to check the information publicised on the EA website which will give a direction of indicators.

The facts;

- Not hold the line
- EA indicate an average erosion rate of 0.5 of a metre per year, (50 centimetres) in this area
- Coastal erosion is a natural process and cannot be stopped

Sorry I cannot give a professional opinion.

Environment Agency – no comments received

Representations Received

14 letters of objection have been received which raise the following issues

- This site is used as a residential park homes site for the over 50s. It is not a caravan or mobile home site.
- People have bought properties on this understanding.
- Access through the site is poor.
- It is a quiet place and holiday accommodation would be disruptive.
- Noise and disturbance.
- No towing caravans or trailers should be allowed.
- More people will walk through the park.
- The environmental impact of disturbance or change will have a negative effect on the condition of adjacent cliffs
- The coast is a SSSI.
- Concerned about coastal erosion.
- Road is dangerous and congested.
- Not enough space for parking.
- No objection to park coach for over 50s..

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
WA1	Watchet Development
CC4	Coastal Zone Protection
EC8	Tourism in settlements
NH9	Pollution, contaminated land and land instability

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

TW/2	Hedgerows
TO/4	New Tourism Accommodation in Watchet

Determining issues and considerations

Principle of Development

The site lies within 50 metres of the contiguous built up area of Watchet which is defined in the local plan as a rural service centre where new development will be concentrated. Policy SC1 states that in areas such as this site, development will only be considered where it can be demonstrated that:

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

The majority of services and facilities for potential tourism accommodation is in the centre of Watchet which is approximately 500m from the application site. There is continuous built form and urban development along the whole of the route between the site and the centre of Watchet (along West Street). In terms of the relationship between the site and services/facilities, it is considered that the development is well related and passes part A of policy SC1.

The route along West Street from the site to the services in the centre of Watchet has pedestrian footway along the first 200m. The next 100m to the London Inn has intermittent footway and pedestrians would need to walk on the road for this section. The remainder of the route to the centre has footways. The consideration of whether this results in safe and easy pedestrian access needs to take into account that this is one of the main walking routes into Watchet for all residents West of the London Inn and that vehicle speeds along the stretch of road without footways are relatively slow. It is considered that people would choose to walk this route rather than drive. On this basis, the proposal is considered to pass part B of policy SC1. The character of the area is development on both sides of West Street with temporary style buildings and uses on the northern side (being car parking and static caravan/mobile home type buildings) and a more permanent type construction on the south side. The placement of two additional caravans on the northern side of the road would complement the existing character of the area and passes part C of policy SC1.

Access to the site would be through the existing West Bay Caravan Park which has a wide access directly onto the main road. To get to and from the national primary and county highway route network, it would not be necessary to use minor roads and therefore there is no conflict with part D of SC1.

In terms of visual amenity, the proposals would not cause any harm but it is necessary to consider residential amenity. There have been a number of objections received from residents of West Bay Park for which a number relate to the site

management agreements of the park homes being used for permanent accommodation for the over 50's. These are not planning restrictions and are not a requirement of the local planning authority. The concerns of local residents relate to the use of the site for tourism accommodation and the noise and disturbance that could be created by occupiers of the proposed accommodation, particularly if they have children. There could also be disturbance from people arriving and leaving the site in vehicles that would have to be driven through the existing access and park home site. It is considered that although the proposals would intensify the use, it is unlikely to result in such an adverse impact on residential amenity that it was causing planning harm. Holiday accommodation and residential accommodation often operate in close proximity to each other and noise and disturbance (and any behavioural issues) are in the control of the site management that is outside of the planning system.

Benefits of Tourism

Watchet is a significant tourism destination with hotels/guest houses, esplanade, marina, steam railway and coast. The provision of additional tourism facilities within the town would benefit the local economy through additional spending. This weighs in favour of the proposals and needs to be given positive weight in the decision making process.

Coastal Change

Watchet and the land to the west is an area that is susceptible to coastal erosion and change. Due to previous occurrences of cliff erosion in the immediate vicinity, officers requested the submission of a geotechnical inspection and report to consider the impacts of coastal erosion. A report has been submitted which identifies that the sea cliffs below the site are susceptible to active erosion and slippage which is likely to be ongoing and result in further cliff erosion. The most likely risk is ongoing local slips and erosion which would cause further cliff top regression over time, with instability most likely during and after severe winter storms. More major scale cliff failures are much less likely although possible.

The report also identifies that it is unlikely to be feasible to consider major cliff stabilisation or protection works, although local reinforcement and protection measures along the cliff top could arrest, delay or alleviate future instability problems and the loss of land along the cliff top as the cliff edge regresses over time.

The report is unable to give a definitive timeframe to the scale and consequence of land instability but includes a table which looks at the probability over time. As would be expected, the greater the length of time, the greater possibility there is of minor and major landslips. On this basis, any planning consents should be time limited and temporary so as to allow future review with monitoring, mitigation and management.

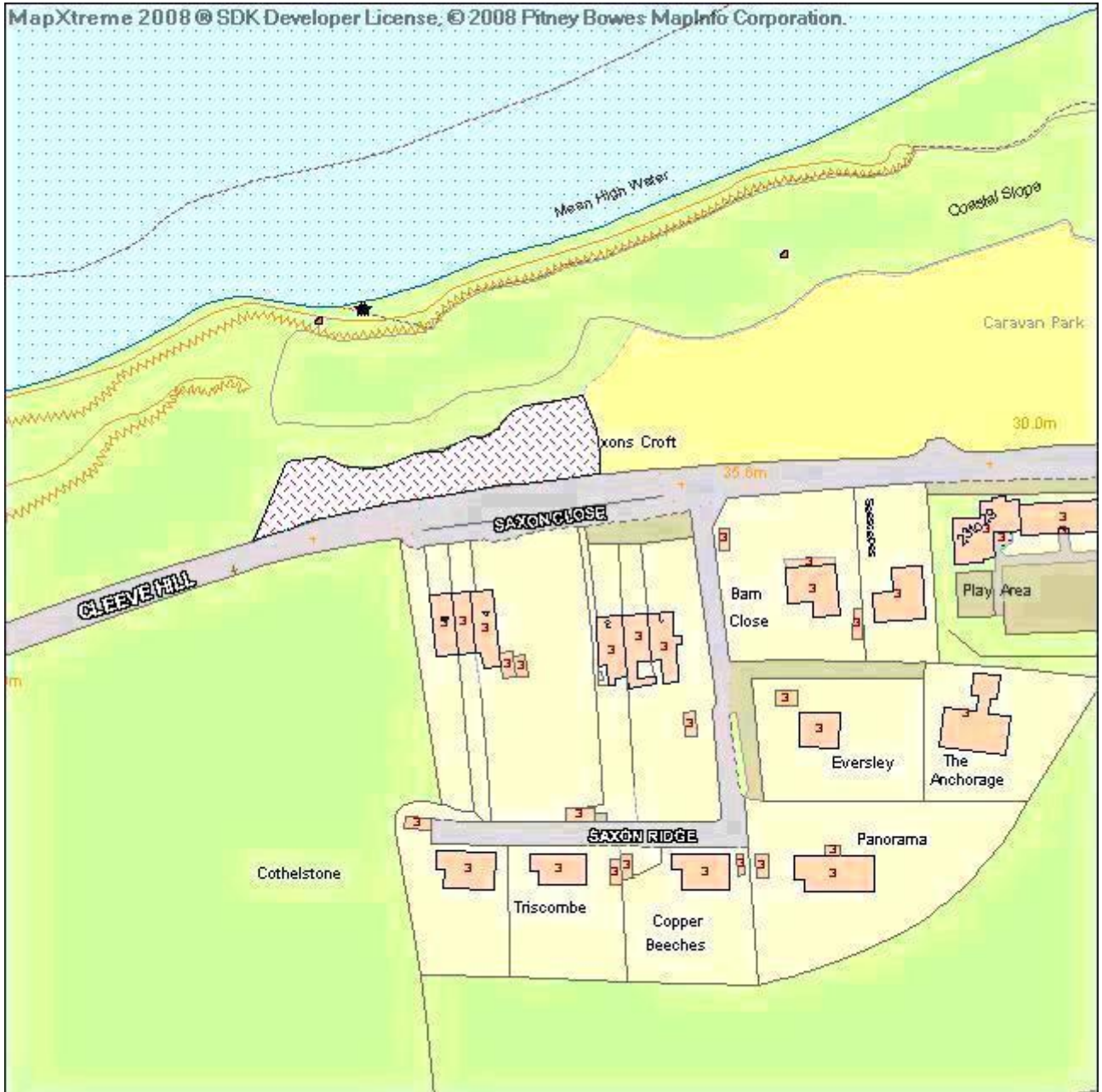
The report states that "there would clearly be risks associated with the ownership and development of this site which would be borne and accepted by the landowner". The report goes on to state that "it is difficult to provide convincing geotechnical evidence that the extension site would be stable for development in the conventional

sense. However, based on the foregoing findings and assessment, it is possible to demonstrate that the extension site should be suitable for the proposed development of mobile homes, as the most likely instability should be relatively minor in scale and could be mitigated and managed”

In addition to any consent being for temporary buildings for a limited period of time, the occupation of the buildings could also be controlled so that they are only used for temporary holiday (occupation rather than permanent residential) during period of the year when the risk of land instability is reduced. It would be possible to impose planning conditions requiring the accommodation to be kept empty during the winter months and/or also requiring the submission of a monitoring and emergency plan.

On the basis that the location of and buildings could be set as far back from the cliff edge as possible and conditions could control the occupation and length of any planning consent period, it is recommended that planning permission is granted.

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



Application No 3/37/17/007
Change of use of land from
residential to caravan site
Land to the west of West Bay
Caravan Park, West Street,
Watchet, TA23 0BJ

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

West Somerset Council
Licence Number: 100023932



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Easting: 306526
Northing: 143419

Scale: 1:1250

Application No:	3/37/18/026
Parish	Watchet
Application Type	Listed Building Consent
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 307104 Northing: 143272
Applicant	Mr Andrew Coram
Proposal	Installation of roof window to rear elevation
Location	8 Swain Street, Watchet, TA23 0AB
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council.

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 In the opinion of the Local Planning Authority the installation of a conservation roof light in the position proposed would lead to visual clutter to the uniform character and appearance of the roof and the adjoining roofs and would jar with the uniformity of the roof due to the position of the proposed roof light between two dormers. This would cause less than substantial harm to the significance of the listed building but the minimal public harm does not outweigh the harm. The proposal is therefore not in accordance with policies NH1 and NH2 of the West Somerset District Local Plan and the National Planning Policy Framework in particular Chapter 16.

- 2 In addition the installation of a conservation roof light in the position proposed would lead to visual clutter to the uniform character and appearance of the roof and the adjoining roofs and would jar with the uniformity of the roof due to the position of the proposed roof light between two dormers. This would not preserve the character and appearance of Watchet Conservation Area. The proposal is therefore not in accordance with policy NH2 of the West Somerset District Local Plan and the National Planning Policy Framework, in particular Chapter 16.

Proposal

The proposal is to install a conservation roof light on the rear elevation. The roof light will be located above but to the side of the dormer window that is located on the lower section of the roof.

Site Description

8 Swain Street is a Grade II listed building situated on the main road that runs through Watchet. The three storey building which has a slate roof is part of a row of 4 buildings all of which are Grade II listed buildings. The building is stone on the front elevation and rendered on the rear elevation. The properties are also located with the designated Watchet Conservation Area. To the rear of the property is a garden with Anchor Street car park beyond.

Relevant Planning History

Case Ref	Proposal	Decision	Decision Date
3/37/07/025	Window replacement & re-rendering to rear, reproofing, removal of porch and internal works including installation of heating system.	Grant	20 August 2007
3/37/07/044	Window replacement, re-rendering, reroofing, removal of porch, installation of heating system and rebuilding of chimney	Grant	29 November 2007

Consultation Responses

Watchet Town Council - The Committee recommends approval.

Representations Received

None received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH1	Historic Environment
NH2	Management of Heritage Assets

Determining issues and considerations

As 8 Swain Street is a Grade II listed building this application must be determined in accordance with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that the listed building, its setting and any features of historic or architectural interest must be preserved when considering whether to grant listed building consent.

The roof light is proposed to light the roof space to enable the roof space to be used for storage. Currently the loft is not boarded out and at the time of the site visit was not in use. The installation of the roof light would not result in the loss of historic fabric as the roof has been replaced as listed building consent was granted in 2007 to replace the roof covering. The introduction of the roof light however would add visual clutter to a roof which has four evenly spaced dormer windows. The proposed roof light is to be located in such a way that it is not equi distance between the dormers on either side of the proposed roof light which will jar with the uniform pattern of the roof lights. It is considered that this will adversely affect the character and appearance of the listed building and the setting of the row of listed buildings.

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. These public benefits can include:

- It sustains or enhances the significance of a heritage asset and the contribution of its setting.
- It reduces or removes risks to a heritage asset.
- It secures the optimum viable use of a heritage asset in support of its long term conservation.
- It makes a positive contribution to economic vitality and sustainable communities.
- It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.
- It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

The Agent has put forward the following reasons as to why the proposal is in the public interest:

As things currently stand the first/second floor flat cannot be properly used or rented out to anyone else as it is filled with additional stock. The inclusion of the roof

window will allow for sensible use of the loft space as a storage area for the shop. While the loft will not be used all the time it may be needed to be accessed for a couple of half days a week to allow for changing over of stock and cataloguing. The roof window will allow for natural light to save the use of artificial lights and allow for some natural ventilation to the space which would be unbearable to work in over the summer months without. The new roof window will allow for not only optimum use, but also sensible use of both flat and shop which that must be of public benefit as it is defined in the NPPF.

The owner is also investing in maintaining the property properly and improving the life of the building by using better conservation products and techniques in the repairs. There are currently repairs being carried out to the front and roof and the overhaul of the roof is part of the current plan to stop some very minor leaks when the roof space is used for storage. If the roof space cannot be sensibly used for storage the repairs to the roof may be reconsidered, I am not sure the owner will be able to justify spending thousands of pounds to repair leadwork, slates and adding ventilation that will have no practical benefits. If the loft is able to be used the repairs will allow for a better overall standard of construction which in the long term will provide better protection to the fabric. The two things go together and better fabric protection together with sensible viable use must provide suitable public benefit for the very minor change proposed.

The argument that the use of the loft for storage and cataloguing the stock for the shop on the ground floor is understood but this could be carried out in the existing out buildings which would be easier to access then having to go up two flights of stairs within the maisonette to reach the loft. In addition, as access would be required through the maisonette to get to the loft the maisonette could not realistically be rented out as suggested to a third party. The argument that less electricity would be used is not considered to be in the public interest as this would be so little especially as the loft is only to be used for approximately one day a week

The fact that the Agent states that the repair works to the roof may not be undertaken is not relevant especially as the NPPF clearly states that where there is deliberate neglect or damage to a heritage asset the deteriorated state of the building should not be taken into account .It should be pointed out that it is not considered that the applicant is doing this especially as repair works are currently being undertaken

It is considered that there is no public benefit of the proposal as the property is already in its optimum use as a shop and dwelling and does not meet the other examples of public benefit noted above as well as the fact that less electricity will be used should a roof light be installed does not out weigh the harm to the significance of the listed building.

As 8 Swain Street is situated in a Conservation Area, the application must be determined in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. It is considered that for the reasons given above that the character and appearance of the Conservation Area would not be preserved.

In conclusion it is considered that the less than substantial harm to the significance of the listed building is not outweighed by the public benefit and in addition the character and appearance of the Conservation Area is not preserved. The proposal is therefore not in accordance with local plan policies or the NPPF. The proposal is therefore recommended for refusal.

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

Delegated Decision List



<u>CaseFullRef</u>	<u>LocAddress1</u>	<u>Proposal</u>	<u>DcnDate</u>	<u>Description</u>	<u>CaseOfficer</u>
3/01/18/001	Manor Farm Barns, Woolston, TA4 4LN	Conversion of barns to residential unit including alterations to fenestration/roof lights and erection of a single storey extension (part retention of works already undertaken)	23/11/2018	Grant	EP
3/04/18/011	Hillside, Brushford, Dulverton, TA22 9AX	Erection of garage building	16/11/2018	Grant	SW
3/07/18/012	Denzel Cottage, The Avenue, Crowcombe, TA4 4BS	Variation of Condition No. 2 (approved plans) of application 3/07/15/005	31/10/2018	Grant	SK
3/07/18/013	Field known as Broad Meadow, Crowcombe	Formation of footpath with erection of fencing	13/11/2018	Grant	SK
3/09/18/001	18 Battleton, Dulverton, TA22 9HT	Erection of detached garage and formation of vehicular access with driveway	22/11/2018	Grant	SW
3/16/18/012	All Saints Church, Church Lane, Dodington, TA5 1LF	Various internal and external alterations	14/11/2018	Grant	EP
3/18/18/006	Waters Meet, Sea Lane, Kilve, Bridgwater, TA5 1EB	Conversion of garage to form self contained annexe for the use of a carer	09/11/2018	Grant	SW
3/21/18/064	58 Paganel Road, Minehead, TA24 5EY	Loft conversion to create further bedroom and ensuite and replacement of rear conservatory with a garden room	09/11/2018	Grant	SW
3/21/18/065	Tranmere House, 24 Tregonwell Road. Minehead, TA24 5DU	Change of use of detached accommodation into holiday unit with associated works	20/11/2018	Grant	SW
3/21/18/073	54 Hillview Road, Minehead, TA24 8EF	Erection of garden room to the rear elevation	05/11/2018	Grant	SW
3/21/18/074	Maesbury, Barton Road, Minehead, TA24 6BZ	Erection of a rear dormer window and alterations to roof (resubmission of 3/21/18/040)	09/11/2018	Grant	SW
3/26/18/010	40 Cleeve Park, Chapel Cleeve, Minehead, TA24 6JE	Raising of roof by 120mm	02/11/2018	Grant	SW
3/28/18/003	Memoirs, Brett Close, Sampford Brett, Taunton, TA4 4JZ	Erection of wooden pitched roof gazebo	28/11/2018	Grant	SW
3/32/18/011	D'arches, Gorpit Lane, Stogursey, Bridgwater, TA5 1TW	Listed building consent to replace all windows and one back entrance door with conservation flush casement timber windows and a new wooden heritage glazed door.	16/11/2018	Grant	EP
3/32/18/021	Land 7338, Ridgeway Lane, Stolford, Stogursey, TA5 1TN	Erection of extensions to agricultural buildings for the housing of livestock	13/11/2018	Grant	MW
3/36/18/005	Bittiscombe Manor, Sperry Cross to Lowtrow Cross, Upton, TA4 2DA	Change of use of land with formation of tennis court and erection of fencing	29/11/2018	Grant	ALAW

<u>CaseFullRef</u>	<u>LocAddress1</u>	<u>Proposal</u>	<u>DcnDate</u>	<u>Description</u>	<u>CaseOfficer</u>
3/37/18/022	34A Swain Street, Watchet, TA23 0AE	Replacement of windows (retention of works already undertaken).	15/11/2018	Refuse	SK
3/37/18/025	37B Liddymore Road, Watchet, TA23 0DU	Erection of two-storey side and single storey rear extensions	02/11/2018	Grant	SW
3/38/18/008	STAPLE FARM, WEACOMBE ROAD, WEST QUANTOXHEAD, TAUNTON, TA4 4EA	Conversion of barn into 2 No. dwellings with associated works (retention of works already undertaken)	21/11/2018	Grant	SK
3/39/18/026	Shemara, 76 Long Street, Williton, Taunton, TA4 4QY	Conversion of loft and installation of dormer windows to the south west elevation	23/11/2018	Grant	SW
3/39/18/031	Monkscider House, Minehead to Williton Road, Washford, Old Cleeve, Watchet, TA23 0NS	Installation of 1 No. rooflight	20/11/2018	Grant	EP
ABD/04/18/00	Little Allshire, Allshire Lane, Brushford, EX16 9JG	Prior approval for proposed change of use of agricultural building to dwelling house (Class C3) and associated building operations	22/11/2018	Prior approval not required	JALO
LID/32/18/002	Lawsons Burgage, Shurton Lane, Stogursey, Bridgwater, TA5 1QL	Conversion of light industrial to dwelling house and light industrial (resubmission of LID/32/18/001)	15/11/2018	Prior approval is required and refused	DeG
NMA/05/18/00	Land at, Townsend Farm, MINEHEAD TO WILLITON ROAD, CARHAMPTON	Non-material amendment to application 3/05/15/011 for the omission of trees in gardens of Plots 1, 18, 20 and 22	13/11/2018	Grant	BM
PRE/39/18/00	Land to the rear of Whitecroft, Williton, TA4	Pre-application advice following refusal of outline application 3/39/17/021 for the erection of one dwelling and associated works in garden to the rear at 15 Dovetons Drive.	23/11/2018	Advice Given	SK
T/21/18/004	FLAT 4, HILL HOUSE, CHURCH ROAD, MINEHEAD, TA24 5SY	Notification to pollard one Holm Oak tree within Higher Town Conservation Area, Minehead	21/11/2018	Raise No Objection	DG
T/21/18/005	5 CHURCH STREET, MINEHEAD, TA24 5JX	Notification to carry out management works to one birch tree within Higher Town Conservation Area at 5 Church Street, Minehead	21/11/2018	Raise No Objection	DG
T/21/18/006	ASHLEIGH COTTAGE, 11 RECTORY ROAD, OLD CLEEVE, MINEHEAD, TA24 6HN	Notification to cut one cypress tree down to hedge-height within Old Cleeve Conservation Area at Ashleigh Cottage, 11 Church Street, Old Cleeve	22/11/2018	Raise No Objection	DG
T/21/18/008	FULFORD COURT, MILBRIDGE GARDENS, MINEHEAD, TA24 5XA	Application to carry out management works to one willow tree included in West Somerset District Tree Preservation Order T/3/88 at Fulford Court, Millbridge Gardens, Minehead	22/11/2018	Grant	DG

<u>CaseFullRef</u>	<u>LocAddress1</u>	<u>Proposal</u>	<u>DcnDate</u>	<u>Description</u>	<u>CaseOfficer</u>
T/21/18/009	Willow, 19 Vicarage Road, Minehead, Somerset	Notification to fell one birch tree within Higher Town Conservation Area at Willow, 19 Vicarage Road, Minehead	21/11/2018	Raise No Objection	DG
T/31/18/001	SOUTH LODGE, HILL STREET, STOGUMBER, TAUNTON, TA4 3TD	Notification to carry out management works to one Tulip Tree within Stogumber Conservation Area at South Lodge	21/11/2018	Raise No Objection	DG
T/32/18/002	29 CASTLE STREET, STOGURSEY, BRIDGWATER, TA5 1TG	Notification to fell three ash trees within Stogursey Conservation Area at 29 Castle Street	16/11/2018	Raise No Objection	DG



Appeal Decision

Site visit made on 30 October 2018

by J Wilde C Eng MICE

an Inspector appointed by the Secretary of State

Decision date: 20 November 2018

Appeal Ref: APP/H3320/W/18/3208103

Land to the rear of 15 and 15a Quay Street, Minehead, Somerset TA24 5UL

- 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 John and Mrs Jacqui Land against the decision of West Somerset Council.
 - The application Ref 3/21/17/125, dated 21 November 2017, was refused by notice dated 31 January 2018.
 - The development proposed is a new Sailors Horse Music facility including workshop area with ancillary accommodation of; kitchen/servery toilets, entrance hall and display area. Also first floor caretakers flat with 2 bedrooms.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr John and Mrs Jacqui Land against West Somerset Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the setting of the adjacent listed buildings and the Quay Street Conservation Area.

Reasons

4. The appeal site lies directly behind the Grade II listed properties of 15 and 15a Quay Street and within the Quay Street Conservation Area. It is a small area that was once a quarry and also historically housed a beach hut. There is a footpath directly to the south of the site that runs up from Quay Street, whilst behind the site there is a walking/garden area with seats giving a view over the Bristol Channel. Along this section of Quay Street the built form generally faces the road, is only one property deep and has a backdrop of trees and vegetation that grow out of a steep embankment. The setting of the listed buildings is therefore to an extent defined by the backdrop of trees and the single depth of development.
5. The proposed development would result in a two storey property being built directly behind the listed buildings. I note that since a previous scheme was

- refused permission several amendments have been made to the proposal, including reducing the pitch of the roof so as to reduce the overall height.
6. Nonetheless, the roof of the proposed scheme would still be visible above the roofs of the listed buildings from the raised viewpoint on the opposite side of Quay Street. Furthermore, the proposed building would be clearly seen from ground level from several angles through the footpath that runs to the side of the listed buildings. Whilst this section of the proposed building would contain a glazed entrance surmounted by a canopy, the view of the vegetated embankment would still be obscured and an impression would be created of a denser spatial arrangement of built form. The proposed scheme would also be visible from the area to the rear and from the footpath itself, and would be seen as impinging upon and to an extent overwhelming the setting of the listed buildings, notwithstanding the presence of the proposed timber cladding and sedum roof.
 7. All of these factors lead me to conclude that the proposed development would neither preserve nor enhance the setting of the listed buildings, or indeed of the conservation area. The proposed development would therefore conflict with policy NH1 of the West Somerset Local Plan to 2032 (LP). This policy makes clear that proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced. There would also be conflict with policies NH2 and NH13 of the LP. The former of these requires that development proposals that affect a conservation area should preserve or enhance its character or appearance, whilst the latter requires, amongst other things, that proposals to make a positive contribution to the local environment.
 8. Paragraph 196 of the National Planning Policy Framework (the Framework) informs that where the development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal. In this case I consider that the harm occasioned by the proposed development would be less than substantial so I will now consider the public benefits of the scheme.
 9. The proposed development would provide a home for the Sailors Horse and would facilitate the preservation of this tradition. It would also provide musical workshops for young people and a museum dealing with the history of the horse, as well as facilitating training. As such the development would support the local economy and tourism, and I acknowledge that there are several local plan policies that support such laudable ideals. The factors in favour of allowing the appeal therefore carry significant weight.
 10. However, paragraph 193 of the Framework makes clear that great weight should be given to a heritage asset's conservation, and the court judgement in Barnwell Manor¹ confirmed that decision makers need to give *considerable importance and weight* to the desirability of preserving the setting of listed buildings when carrying out a balancing exercise.
 11. In this particular case, whilst I acknowledge the public benefits of the proposed scheme, they do not outweigh the harm that has been identified to the setting of the listed buildings and to the Quay Street Conservation Area.

¹ Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137

Conclusion

12. For the above reasons, and having taken into account all other matters raised, I therefore conclude that the appeal should be dismissed.

John Wilde

INSPECTOR



Costs Decision

Site visit made on 30 October 2018

by **J Wilde C Eng MICE**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2018

Costs application in relation to Appeal Ref: APP/H3320/W/18/3208103 Land to the rear of 15 and 15a Quay Street, Minehead, Somerset TA24 5UL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr John and Mrs Jacqui Land for a full award of costs against West Somerset Council.
 - The appeal was against the refusal of planning permission for a new Sailors Horse Music facility including workshop area with ancillary accommodation of; kitchen/servery toilets, entrance hall and display area. Also first floor caretakers flat with 2 bedrooms.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. I have considered this application for costs in the light of the Government's Planning Practice Guidance (PPG). This advises that an award of costs against a local planning authority may be procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal. It makes clear that a local planning authority are required to behave reasonably in relation to both of these elements and provides examples of unreasonable behaviour¹.
3. In relation to substantive behaviour they include unreasonably refusing planning applications and promoting vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. In this particular case the appellants consider that the Council has acted unreasonably by ignoring evidence that the appellants produced in support of the scheme as well as inadequately appraising issues relating to the National Planning Policy Framework (the Framework).
5. In respect of the ignored evidence this comprised photomontages showing that the roof of the proposed development would not be seen from street level above the roofs of the listed buildings. The Council however did not accept the accuracy of the photomontages and have subsequently pointed out that the photomontages did not show the sight lines available from the raised viewing

¹ Paragraph: 047 Reference ID: 16-047-20140306 and Paragraph: 049 Reference ID: 16-049-20140306

platform on the opposite side of Quay Street, and indeed have supplied, as part of their appeal documentation, amended photomontages showing that the roof of the proposed development would be visible. The Council have also explained their rationale, in terms of the height of the chimney at the southern end of 15 Quay Street, and in relation to the appellants' submitted drawings, as to why they doubted the accuracy of the photomontages.

6. I also note that the views from the road to the front are not the only issues that the Council had with the proposal. Their officer's report makes clear that they consider that the proposal would be overbearing and that views, demonstrating the proposals dominance over the listed buildings, would be available from the path that runs to the side of the appeal site. The Council also point out in the officer's statement that the introduction of such a long building detracts from the character of the area when viewed from the path adjacent to the sea wall and the urban path.
7. I cannot therefore accept that the Council have ignored the photomontages. They have questioned their accuracy, but the potential views from the road formed only a part of the Councils case. They have not therefore acted unreasonably in this matter.
8. In respect of the issues relating to the Framework, the officer's report is very clear in concluding that the harm to the significance of the heritage asset would be less than substantial and then goes on to balance the harm against the public benefits. I acknowledge that the officer does not go into great detail in her report but it is not the case that the benefits have been overlooked. The policy relating to training and educational provision is not mentioned but this is not directly applicable to the proposed development.
9. Overall I do not consider that the officer's report is so deficient in detail as to constitute unreasonable behaviour.

Conclusion

10. Unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not therefore been demonstrated, and an award of costs is not justified.

John Wilde

Inspector