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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
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Date 20 February 2019

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

I hereby give you notice to attend the following meeting:

PLANNING COMMITTEE

Date: Thursday 28 February 2019
Time: 4.30 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.

Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Yours sincerely

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

BRUCE LANG
Proper Officer

WEST SOMERSET DISTRICT COUNCIL

Meeting to be held on Thursday 28 February 2019 at 4.30 pm

Council Chamber - West Somerset House

AGENDA

1. **Apologies.**

2. **Minutes of the previous meeting of the Planning Committee.**

To follow

3. **Declarations of Interest or Lobbying.**

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

4. **Public Participation.**

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

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

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

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

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

6. **3/37/18/019** (Pages 5 - 14)

Erection of dwelling. Land at West Street, Watchet, TA23 0BQ

7. **3/32/18/042** (Pages 15 - 32)

Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66 with changes to layout and design (resubmission of 3/32/17/012). Paddons Farm, Stogursey

8. **3/02/18/004** (Pages 33 - 44)

Erection of agricultural workers dwelling. Chilcombe Park Farm, Gandstone Cross to Parks Lane, Brompton Ralph, Taunton, TA4 2RS

9. **3/07/18/014** (Pages 45 - 48)

Reroof the main roof in clay double roman tiles and the rear extensions in natural slate. 1 and 2 Rose Cottages, Crowcombe Road, Crowcombe

10. **3/07/18/016** (Pages 49 - 60)

Demolition of dwelling house to be replaced by erection of dwelling house with garage block and swimming pool. Rexton Gorse, Broad Oak Hill, Crowcombe, TA4 4BP

11. **3/21/18/081** (Pages 61 - 72)

Installation of sculpture pole with 2 downward pointing projecting lights. The Esplanade, Minehead

12. **Exmoor National Park Matters**

Councillor to report.

13. **Delegated Decision List** (Pages 73 - 74)

14. **Appeals Lodged.**

Appeal against the refusal of planning permission for replacement windows (retention of works already undertaken) at 34A Swain Street, Watchet, TA23 0AE (application 3/37/18/022)

Appeal against the refusal of planning permission for the variation of condition No. 2 (approved plans) of application 2/05/15/014) at The Old Coach House, 3 Winsors Lane, Carhampton, TA24 6NJ (application 3/05/18/010).

15. **Appeals Decided.**

None

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

Reserve date for a site visit should it be needed is Monday 25 March

17. **Next Committee Date -**

Next Committee date is Thursday 28 March

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

Application No:	3/37/18/019
Parish	Watchet
Application Type	Full Planning Permission
Case Officer:	Denise Grandfield
Grid Ref	Easting: 306748 Northing: 143398
Applicant	Shattock Associates
Proposal	Erection of dwelling
Location	Land at West Street, Watchet, TA23 0BQ
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council.

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

(A1) DRNO 21817 PROPOSED NEW HOUSE
(A4) LOCATION PLAN

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

- 3 The cycle storage facilities shown on the approved plan shall be constructed and fully provided prior to the building being occupied, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport.

- 4 The construction management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the dwelling hereby approved. The approved details shall be implemented in accordance with the management plan.

Reason: To safeguard the amenities of local residents

- 5 (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. 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.

- 6 No development hereby approved which shall interfere with or compromise the use of footpath WL 30/1 shall take place until a path diversion order has been made and confirmed, and the diverted route made available.

Reason: To ensure that the public right of way is available to use.

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 Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Proposal

The application proposes the erection of a dwelling. The two storey three bed dwelling is proposed to be constructed in render with a slate pitched roof. The principal elevation faces east. The development also includes the construction of a small pitched roof stone outbuilding on the northern side of the site to be used for the storage of bins and bikes.

There is no vehicular access to the plot and pedestrian access is via a public right of way from West Street to the north. An existing retaining wall runs along the western boundary and an existing hedgerow along the eastern boundary.

Site Description

It is understood that the application site formerly accommodated a number of dwellings but is now an overgrown garden area which rises up from north to south. The land is terraced at the southern end of the site, demarked by low stone walls.

The site lies to the south of West Street and is sited at the southern end of two terraces of houses that run at right angles to West Street (in a north/south direction). These terraced houses are rendered with slate roofs. To the west of the site are the more modern terraced houses of Lorna Doone (which run in a west/east direction) with a grassed bank adjoining the site. The eastern boundary is delineated by the metalled public footpath. In part, to the east of that public footpath is another terrace of dwellings (numbers 33 to 39 West Street) which run in a north/south direction. On the eastern side of the footpath and to the rear (south) of the site are garden areas. These three rows of terraced properties are a lower level than the application site.

A car park that is used by residents of the terraced houses is located on the northern side of West Street, approximately 60m from the application site. The residents rent spaces in this car park from Watchet Town Council and is controlled by a barrier.

Relevant Planning History

There is significant relevant planning and appeal history on the site which is material to consideration of this application.

3/37/05/022 - erection of two semi-detached dwellings. This outline application (with all matters reserved) was refused on the grounds that it was in a backland location with no independent highway frontage, the site should form part of a comprehensive redevelopment scheme of a larger parcel of land, and would place the occupants at risk during an emergency, particularly a fire. A subsequent appeal in October 2005 was dismissed, the Inspector noting, amongst other things, that the adjoining Lorna Doone caravan park would be redeveloped for housing and that inclusion of the Appeal site within a comprehensive redevelopment scheme offered the best means of ensuring its effective and efficient development without prejudice to the quality

and character of the area.

3/37/06/014 – erection of new cottage, site adjacent to 44 (45) West Street. This outline application was refused on the grounds that the site formed part of a larger plot of land in a backland position no independent highway frontage, where an outline application for the adjacent caravan park allowed for vehicular access to the application site and adjoining land, together with no parking provision or on-site recreational provision or any mechanism to secure a contribution towards off-site provision of community facilities.

3/37/06/025 – erection of dwelling on site of 45 West Street (resubmission of 3/37/06/014). This outline application was refused on grounds similar to those above and including concern for occupants in the case of an emergency, particularly a fire. An Appeal against this decision in March 2007 granted outline permission for a dwelling. Whilst considering the development of the site in conjunction with the caravan site to the west, the Inspector noted that *“the Appeal site, however, is, by the nature of its topography and location, inextricably linked to the existing terrace extending from West Street.”*

3/37/14/002 - outline application (with some matters reserved) for the erection of one 4- bedroom detached dwelling. This application was refused on the grounds that the proposed dwelling faces north/south and runs parallel to West Street did not take account of the locally distinct form of development of terraced houses that face east/west and run at right angles to West Street. The Council considered that the proposed dwelling would visually conflict with the pattern of development and would not be sympathetic to the layout of the existing buildings. In addition, no parking spaces were proposed and it was considered that one dwelling did not optimise the potential of the site.

3/37/14/008 outline application (with some matters reserved) for the erection of one 3-bedroomed detached dwelling (resubmission of 3/37/14/002). Outline consent was refused on the grounds that there were no parking spaces proposed and the site could accommodate more than one property. Outline permission was granted on Appeal in February 2015. The Inspector considered whether the development of the site for one dwelling made optimal use of the site and whether the proposal was acceptable in the absence of on-site parking. The Inspector concluded that *“... given the inherent site constraints, the development of the site for one dwelling would constitute an optimal use of the site...”* In regard parking issues, the Inspector noted that *“... the site is sustainably cited relative to local shops and facilities which would tend to reduce reliance on the private car day-to-day needs...”* In addition, given the double yellow lines along West Street and some on street parking available to the east on West Street, the Inspector concluded that *“...the specific circumstances of this case, most notably the sustainable location of the Appeal site relative to shops and services and the availability of nearby parking provision, rendered the Appeal proposal acceptable.”*

3/37/17/003 - full application for the erection of two detached dwellings was refused on the grounds that the layout was at odds with the prevailing pattern of development, provision of unacceptable living conditions for future occupiers and lack of car parking would have an adverse impact on the safety and convenience of

highway users.

Consultation Responses

Watchet Town Council - Recommends refusal and reiterates its previous comments and would also recognise the unavailability of parking and access.

(The comments made on 3/37/17/003 were: The Committee would recommend refusal due to overdevelopment of the site, concerns raised over parking and vehicular access, and the height of the structure impacting on the skyline.)

Highways Development Control - Standing advice applies. The red line of the site does not extend to the public adopted highway therefore means of access is unclear.

Biodiversity and Landscaping Officer - The site is quite prominent being located on higher land overlooking nearby properties. Access to construct the dwelling would be challenging. Is there available car parking in the resident car park?

Wessex Water Authority - No objection

Somerset County Council - flooding & drainage - No comments received

Rights of Way Protection Officer - No objection, subject to the inclusion of the following condition and informative:

DIVERSION REQUIRED

The current proposal will obstruct the **footpath WL 30/1**. The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order.

The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

A Grampian-style condition will be required in this respect with regard to timing. Recent case law supports the use of conditions in this way. Suggested condition to be:

No development hereby approved which shall interfere with or compromise the use of footpath WL 30/1 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

The section in brackets is not always practical and can be removed following prior discussion with the Highway Authority.

Please include the following paragraph as an informative note on the permission, if granted.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

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 the 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:

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

Representations Received

Ward Councillor:

- No available car parking in West Street car park. There are 11 residents on the waiting list.
- West Street is narrow which gets heavily parked

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

- Concerns regarding parking and deliveries during construction stage
- There is no access via Lorna Doone and the Management Company will not allow access
- No room for construction traffic on Lorna Doone
- Loss of light and views

- Lack of available car parking for new dwelling
- No car parking vacancies in public car park
- No right of access for construction vehicles
- Inadequate construction management plan
- Land is unstable and has suffered landslips
- Possible closure of footpath during construction period

One letter of support received:

- Provision of additional housing stock
- Site is currently an eyesore
- Given its location near to the centre of Watchet no parking is necessary

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
NH13	Securing high standards of design
SD1	Presumption in favour of sustainable development
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
WA1	Watchet Development
TR2	Reducing reliance on the private car

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

T/8	Residential Car Parking
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Determining issues and considerations

The main considerations in the determination of this application are:

Principle of development

The principle of the development of the site for a single dwelling was established when the outline application was allowed on appeal in 2015.

The current application, submitted in full, will need to consider if there have been any changes in circumstances to override the earlier decision and whether the design of the dwelling is appropriate in this location.

The earlier decision the Inspector cited the following:

“... given the inherent site constraints, the development of the site for one dwelling would constitute an optimal use of the site...” In regard parking issues, the Inspector noted that *“... the site is sustainably cited relative to local shops and facilities which would tend to reduce reliance on the private car day-to-day needs...”* In addition, given the double yellow lines along West Street and some on street parking available to the east on West Street, the Inspector concluded that *“...the specific circumstances of this case, most notably the sustainable location of the Appeal site relative to shops and services and the availability of nearby parking provision, rendered the Appeal proposal acceptable.”*

It is considered that there are no significant changes in circumstances since the previous decision in terms of the availability of car parking within the vicinity of the site.

Design

Policy NH13 requires a high standard of design to be secured for new development. The design of the dwelling is relatively traditional and to be constructed in materials similar to other properties in the vicinity of the site. It is considered that the design is appropriate and in keeping with its surroundings. The design would not adversely affect the amenity or privacy of nearby dwellings.

The outbuilding is proposed to be built into the bank on the northern side of the site and would be constructed in stone with a pitched roof. A condition requiring the submission of details would be appropriate given its location on the boundary.

Public footpath

A public footpath runs across the north-east corner of the site and would require diversion if the development would compromise the use. A condition has been included accordingly.

Construction management plan

Given the constrained location of the site it is appropriate that a construction management plan be submitted to and approved prior to the commencement of works to ensure the development is carried out without detriment to the amenities of the nearby residents or to the users of the public footpaths in the area. Whilst a brief document has been submitted with the application it is not considered detailed enough and therefore a condition requiring the submission of a plan for approval has been included.

Conclusion

The proposal is considered acceptable, accords with local plan policy and approval is recommended.

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



Application No 3/37/18/019
 Erection of dwelling
 Land at West Street, Watchet,
 TA23 0BQ



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

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Application No:	3/32/18/042
Parish	Stogursey
Application Type	
Case Officer:	Jane Fuller
Grid Ref	Easting: 320558 Northing: 142977
Applicant	Mr Alford
Proposal	Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66 with changes to layout and design (resubmission of 3/32/17/012)
Location	Paddons Farm, Stogursey
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council.

Recommendation

Recommended decision: Grant subject to a supplementary agreement to the S106 Agreement.

Recommended Conditions

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

Plans revised under this application:

052 REV B SITE LOCATION PLAN
 023 REV A PROPOSED SITE PLAN
 051 REV C STREET ELEVATIONS & SITE SECTION
 053 REV D BLOCK KEY PLAN
 060 REV D BLOCK A PLANS & ELEVATIONS
 061 REV C HOUSE TYPE B - DEAN PLANS & ELEVATIONS
 062 REV C BLOCK C PLANS & ELEVATIONS
 063 REV B BLOCK D PLANS & ELEVATIONS
 064 REV C BLOCK E PLANS & ELEVATIONS
 065 REV C BLOCK F PLANS & ELEVATIONS
 066 REV C BLOCK G PLANS & ELEVATIONS
 070 REV A PLOT 31 PLANS & ELEVATIONS
 071 REV A PLOTS 24 & 25 PLANS & ELEVATIONS
 303.18.LD 01 REV A RELOCATED PLAY AREA

Previously approved plans:

167-021 (P1) M

167-021 (P2) A	
SPP/1172/2A	
06.05.084112	P01
06.05.084DS01	P01
06.05.0841099	P01
06.05.084110	P01
06.05.084103	P01
06.05.084105	P01
06.05.084DS02	P01
06.05.084111	P01
06.05.084123	P01
06.05.084113	P01
06.05.084120	P01
167-024A	
167-011B	
167-013A	
167-015C	
167-016B	
167-102A	
167-106B	
167-120B	
167-121B	
167-122B	
167-123B	
167-124B	
167-301B	
167-302A	
167-021L	
167-023D	
167-025H	
167-026D	
167-022G	
167-027	
167-101A	
167-002B	
167-003A	
167-004A	
167-005B	
167-010B	
167-011B	
167-012A	
167-013A	
167-014B	
167-117B	
167-118B	
167-119B	
167-201B	
167-301B	

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

- 2 Unless otherwise agreed in writing by the Local Planning Authority, the estate road, footpaths, junctions, visibility splays, individual accesses, including the pedestrian access and link between the site and Lime Street, street lighting installations and highway surface water drainage shall be completed to at least base course level prior to the commencement of any other works on site and shall be provided finished and ready for use in all respects in accordance with the approved plans to current County Highway Authority adoptable standards prior to the first occupation of any part of the development hereby permitted.

Reason: In the interests of highway safety.

- 3 The existing children's play area is to remain open, usable and well maintained to a standard acceptable to the Council until such time as the replacement children's play area has been completed (in accordance with a specification to be firstly submitted to and agreed in writing with the Local Planning Authority) and is open and ready for use and shall thereafter be retained in the approved form.

Reason: To ensure proper provision and maintenance of open space facilities to serve the area.

- 4 (i) An updated landscaping scheme (related to revised plans submitted under 3/32/18/042) shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

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

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

- 5 If, during the course of the works hereby granted consent, any items of archaeological or historic interest are uncovered, the Local Planning Authority shall be notified immediately. The Local Planning Authority, or a person nominated by them, shall be allowed access to the site at all reasonable times for the purpose of recording such items or features prior to their disturbance, removal or covering up.

Reason: The Local Planning Authority wishes to ensure that any items of

archaeological interest are properly recorded for posterity.

- 6 Prior to occupation of the building(s) (approved under 3/32/18/042), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with updated details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To prevent discharge into nearby water courses. To ensure the adequate provision of drainage infrastructure.

- 7 Measures to minimise the impact on ground and surface waters shall be carried out strictly in accordance with the hereby approved Method Statement to the timescale and programme of works detailed therein.

Reason: Previous activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site, and thus may present a threat to the quality of controlled waters of Stogursey Brook, especially as a result of the proposed development and the additional work is required to ensure the development will not cause pollution of Controlled Waters.

- 8 Prior to any further construction of the development (following approval of application 3/32/18/042), hereby permitted, updated samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses.

- 9 Prior to any further construction of the development (following approval of application 3/32/18/042), hereby permitted, updated samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: To protect the character of the building, the site and the Conservation Area, in the interests of visual amenity.

- 10 All materials to be used in boundary treatments and means of enclosure to the development and gardens abutting the open landscaped areas on the site shall be carried out strictly in accordance with this permission and prior to occupation of the development.

Reason: To ensure that the appearance is in harmony with the traditional character of development in the area in the interests of visual amenity.

- 11 The stone features shown on the drawings shall be in local natural stone laid in a traditional manner with flush or recessed pointing with lime based mortar. Prior to the features being constructed, representative samples of the stone to be used and a one metre square sample panel shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the stonework will be in harmony with the traditional character of development in the area in the interests of visual amenity.

- 12 The protection and enhancement of the existing woodland and badger foraging habitat along the Stogursey Brook shall be maintained in accordance with the submitted scheme (and any amended scheme approved by the Local Planning Authority thereafter) for the management and landscaping of this area and the open ground associated with same. The area of land identified for potential burial ground provision shall be maintained as species rich grassland, in accordance with a detailed scheme for same which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works hereby permitted on site.

Reason: In the interests of biodiversity and to enhance the character and quality of the area.

- 13 The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.

Reason: To safeguard the general amenities of neighbouring dwellings.

- 14 No development shall commence unless a Construction Environmental Management Plan (updated following approval under 3/32/18/042) has been submitted and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours
- Expected number of construction vehicles per day;
- Car parking for contractors
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road

Network.

Reason: To safeguard the general amenities of neighbouring dwellings.

- 15 Unless otherwise agreed in writing by the Local Planning Authority, activities on the site, other than ancillary, temporary site office uses hereby approved or internal maintenance work to same, no demolition/construction work, or operation of vehicles, plant, machinery or equipment shall be carried out on site, except within the following times and days:-
- i. between the hours of 0800 and 1800 Monday to Friday inclusively;
 - ii between the hours of 0800 and 1300 on Saturdays;
 - iii. and there shall be no working on Sundays or Public Holidays.

Reason: To safeguard the aural and general amenities of neighbouring dwellings.

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.

Planning Background and Proposal

This application is seeking to vary Condition No. 22 (approved Plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66 with changes to layout and design. This is a resubmission of application 3/32/17/012 refused by committee on the 17th October 2018.

It should be noted that Appeal proceedings have already commenced on application ref. 3/32/17/012. (Appeal reference APP/H3320/W/18/3215128).

The following table provides a summary of the relevant planning application history which is detailed further below.

APP REF.	PROPOSAL	DECISION	DECISION DATE
3/32/06/003	Erection of 55 dwellings and associated works	Approval	5.7.06
3/32/07/008	Erection of 59 dwellings & associated works as amended	Approval	26.4.07
NMA/32/17/002	Non-material amendment to application 3/32/07/008 The addition of a condition listing the approved plans'	Conditional approval (extant conditions apply)	8.8.17
3/32/17/012	Variation of Condition No. 22 (approved plans) of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66, Paddons Farm, Stogursey.	Refused	17.10.18

Site Description

Paddons Farm, is situated within the village of Stogursey adjacent to its eastern boundary. The site has been partially constructed and built out with 39 homes that are now occupied. Associated infrastructure including highways, drainage, landscaping and children's play area have already been delivered on site. This application is seeking amendments to the approved scheme in order to redesign parts of the site to accommodate an additional 7 dwellings to complete the overall development

The site is bounded by existing residential areas to the west, off St. Audries Close and Park View. St. Andrew's Church and burial ground lie to the south with farmland and open countryside to the north and east. Stogursey Brook runs through the site to the east and south of the houses, bounding the areas of public open space. The stream is partially screened with overhanging trees and foliage.

There is one main vehicular access in to the site from the road known as Paddons Farm, which connects on to a T-junction with Church Street to the west and Priory Hill to the east. There is also a pedestrian link in to the site from Park View as well as a pedestrian footbridge via a stepped access path over the brook to the south of the site.

The site falls within the built-up area of Stogursey, within the Stogursey Conservation Area and was originally allocated for residential development under retained Policy H/1 of the previous West Somerset Local Plan (2006).

Planning Application Background

There is significant background to this application. The planning applications that have preceded this one are detailed below.

Full Planning Permission 3/32/06/003

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

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

Full Planning Permission 3/32/07/008

On 13th February 2007, a full application was submitted seeking permission for: *'Erection of 59 dwellings and associated works as amended by drawings and documents listed in agent's letter of 6th March 2007 received by Local Planning Authority on 7th March 2007'*.

The drawings submitted included new drawing numbers 06.05.084120 (Rev PO2), SPP/1172/2 (Rev A), 161-021(PI) (Rev M) and 161-021(P2) (Rev A), received by the LPA on 23rd April 2007.

On 26th April 2007 planning permission was granted under delegated powers, subject to twenty-one conditions. A Supplementary Agreement to the Section 106 was agreed dated 2nd May 2007. The Supplementary Agreement provides that the provisions of the Principal S106 Agreement shall apply, save for an amendment increasing the developer contributions for 'Mobile Youth Provision Contribution' from £20,000 to £28,000 Index Linked.

The decision notice approving this application referred to 'amended and new drawings' submitted prior to that approval but these were not listed as approved drawing at the time.

On 8th July 2009, a further Supplementary Agreement under Section 106 TCPA 1990 was agreed. This further Supplementary Agreement observes Magna Housing as a landowner and party to the Principal Agreement and varies provisions to allow the affordable housing units to be used for affordable social rental purposes.

The development permitted under 3/32/07/008 was implemented by the applicant in tandem with Magna Housing Association, resulting in the delivery of all of the affordable housing provision secured under the relevant S106 Deed. However, of the 59 dwellings permitted, only 39 dwellings were fully completed. The incomplete development was then occupied but has hitherto remained incomplete. The applicant has attributed this state of affairs to the poor economy and difficult market conditions prevailing through this period.

Non-Material Amendment (NMA/32/17/002)

On 12th June 2017 the applicant sought to address the detail lacking in the decision notice issued under ref. 3/32/07/008 through applying for a non-material amendment to the decision notice issued on 26th April 2007. This non-material amendment was granted on 8th August 2017, identified in application ref. NMA/32/17/002 as: *'The addition of a condition listing the approved plans'*.

Through this decision, a further condition (Condition 22) was added to the list of conditions under application ref. 3/32/07/008 listing the approved plans. This enabled the applicant to submit the application, the subject of this appeal, to vary certain approved plans under Section 73 TCPA 1990.

Section 73 Application to vary Condition No.22 (3/32/17/012)

A Section 73 application was submitted on 11th October 2017 which sought to vary the approved plans of application 3/32/07/008 to increase the total number of permitted dwellings from 59 to 66. The specific changes sought under this application are:

- Amended layout and design of housing area to accommodate 7 additional dwellings with associated parking;
- Relocation of children's play area (LEAP) to accommodate 2 of the additional dwellings
- Changes to design of children's play area

Following an officer's recommendation for approval, the application was refused by committee on 17th October 2018 for the following reasons:

The proposed revisions to the plans previously approved under App Ref: 3/32/07/008 including the addition of seven dwellings would result in an unacceptable cramped form of development compromising the site's functionality, reducing its overall quality and negatively impacting the local character and the setting of the conservation area. The revised layout results in inadequate and poorly sited parking provision (including undersize garaging) and the reduction and loss of amenity space. The repositioning of the LEAP results in a less convenient, less accessible, (particularly for disabled persons) less useable and attractive area being in a shaded and sloping position close to the stream which is contrary to saved Policy R/5 and R/7.

Resubmission of Section 73 Application to vary Condition No.22 (3/32/18/042)

The applicant has now resubmitted a revised application plans in response to the concerns raised. The following changes have been made:

- Removal of all the proposed new garages, which have been replaced by parking spaces;
- The proposed parking configuration and its allocation to plots has been reviewed and amended to improve the proximity of parking spaces to plots and pedestrian connections from parking spaces to plots;
- 11 visitor spaces have been added;
- The pedestrian route to the proposed relocated play area has been amended;
- The proposed play area has been re-designed and section drawings provided to show how it would work in the proposed location; and
- New play equipment is proposed which would be a more modern and improved design and range of equipment than is currently provided on site.

Consultation Responses

The Parish Council, Council Officers and members of the public who made representations on the previous application have been reconsulted on the revised proposals.

Stogursey Parish Council - Object

Stogursey Parish Council welcome the changes made by Strongvox to the site planned for the children's play area. Although not perfect, it does move the play area away from the stream, which had been a concern due to the potential hazards associated with its close proximity to the water course. The new position will also allow for a greater degree of sunlight.

As far as can be ascertained, there seems to be only minor alterations made to the previous submission. As mentioned previously, the play area has been moved to a slightly more acceptable position, the other change has been made to parking provision.

Car parking for 66 households must be taken into account, particularly when the proposal for 7 extra dwellings will likely generate an extra 14 vehicles. The extra 7 dwellings will reduce the already small space available on the site.

The issue of parking seems to have been addressed by increasing the number of parking spaces by introducing 'tandem-parking' bays. Tandem parking is theoretically a good way of managing parking, however, in practice it merely serves as a solution on paper, causing anxiety and discord for those expected to use the system.

Stogursey Parish Council feel very strongly that the extra dwellings proposed for the Paddons Farm development will represent over-development of what is already a small estate of housing, and therefore cannot support the application.

Highways Development Control - No objection

No objection however previous comments and conditions submitted under

3/32/17/012 still apply. Additional comments:

With reference to drawing number 262/023/A – the applicant will need to confirm how the proposed footpath link that runs across the frontage of plots 141 and 142 will be maintained.

From a highway point of view it is advised that the parking bays located between plots N20 and N21 relocated further away from the 90-degree bend.

Biodiversity and Landscaping Officer - No objection

The scheme will need full landscape details.

Somerset County Council - Lead Local Flood Authority - No objection

No objection. Supporting information was requested to quantify the increase in the impermeable area of the development to demonstrate that this will not have any discernible impact upon the surface water drainage proposals for the development. Information provided on 17/01/19 showing increase would be less than 1% increase in overall hardstanding.

Applicant should note that LLFA would expect to see the revised impermeable area figure used in the detailed drainage design

Representations Received

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

- Reiterate comments already made on 3/32/17/012
- The revised application does not address the principal reasons for the refusal of 3/32/17/012
- 2 proposed houses by No. 4 will not have legally required space for driveways and footpath without impinging on private driveway to numbers 5 and 6
- Increase in car traffic and parking limiting the already limited parking options
- Will be forced to move cars to Church Road causing impediment to traffic
- 2 new dwellings will be close to boundary line of No. 4 Paddons Farm generating noise, disturbance and impacting privacy
- Concern over potential for damage to garage wall and metal fence of No. 4 through moving play area and building 2 new properties
- Moving play area to side of a steeply banked stream will result in legal claims
- Proposed pathway around No. 4 will incite unsocial behaviour
- Strongvox in breach of Section 106 obligations in particular related to conveyance of open space to Parish Council along with funding to construct car park and toilet and establishment of maintenance scheme for various other open spaces at Paddons Farm
- £49,864 behind with maintenance payments
- Strongvox have not completed the original so should not be allowed to make changes

- Inadequate parking provision
- Lack of proper access for people with disabilities
- Lack of amenities in local area including jobs, schools and doctors
- Poor quality of finishes of existing properties including rotting garden fencing within 2 years and seizing door handles as examples
- Proposed increase of 7 dwellings does not constitute a minor amendment therefore Section 73 should not be used to make amendments
- Overdevelopment of the estate, particularly the central area, given the previous permitted increase from 55 to 59 units
- Proposed garages are too narrow and too low for medium to larger sized cars
- Tandem-bay approach will cause disputes between neighbours and minor collisions
- Strongvox should be made to comply with their original requirements for visitor parking provision
- Concerns over nature, specification and quality of play equipment proposed – reduction of swings from 3 down to 1
- Reduction in amenity space through replacement of play area
- Relocated play area site is too close to stream, dangerous for children
- Existing unresolved drainage problems
- Building house next to main gas tank area
- Live badger setts
- Extra housing is substandard compared with the original approved scheme
- Proposed density unsuitable for family usage
- Poor architectural design and finish
- Construction phase will create colossal disruption to existing residents

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
SV1	Development at primary and secondary villages
CF1	Maximising access to recreational facilities
NH1	Historic Environment

NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
NH7	Green infrastructure
NH13	Securing high standards of design

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

W/7	River Corridor Protection
T/8	Residential Car Parking
T/9	Existing Footpaths
R/5	Public Open Space and Large Developments
R/7	Amenity Open Space
SY/2	Community Facilities

Determining issues and considerations

This site was originally allocated for residential development under retained Policy H/1 of the previous West Somerset Local Plan (2006). The original allocation was for 45 dwellings. The subsequently approved scheme was for 55 dwellings (ref. 3/32/06/003), amended to 59 dwellings (ref. 3/32/07/008) and now proposed to be increased to 66 overall. The principle of residential development in this location, within the Stogursey Conservation Area, has therefore already been established by the extant permission for 59 dwellings which potentially could be built out.

The proposed amendments to increase the number of dwellings by an additional 7 will create a denser core to the development however the overall density of the development remains acceptable. Aside from the pair of semi-detached dwellings on the play area site, the additional dwellings have been accommodated through reconfiguration of the existing plots therefore overall there is limited material change to the layout of the site through these changes.

Policy SC1 of the West Somerset Local Plan to 2032, identifies Stogursey as a primary village where limited development will be permitted, where it can be demonstrated that it will contribute to wider sustainability benefits for the area. The revised housing mix, focussing on two and three bed houses rather than four bed houses is more in line with the identified housing requirements for West Somerset as set out under Policy SC3.

It should be noted that there is a national imperative to increase the supply of housing as stated within National Planning Policy Framework (NPPF). Paragraph 59 states that it is the Government's objective to significantly boost the supply of homes. In the context of the national housing shortage paragraph 122 states that decisions should support development that make efficient use of land.

It should be noted that with 25 affordable homes already provided on site, requirements under Policy SC4 Affordable Housing, have already been satisfied.

Policy NH2 requires that development within a conservation area should preserve or enhance its character or appearance. The proposed amendments are not considered likely to give rise to harmful impacts upon the conservation area. The completion of the site and new and improved play area should overall enhance the visual amenity of this part of the conservation area. The architectural style, materials and finishes are proposed to be in keeping with those already deemed acceptable within the conservation area under the approved scheme. No objection has been received by the Council's heritage officer.

Retained Policy T/8 establishes the Council's parking requirements for residential development whereby a minimum of 2 car parking spaces is usually expected. Where no garages are provided, 1 secure and covered cycle parking space is expected to be provided per dwelling. Concerns were raised with the applicant that the garages proposed were below the Council's minimum size standards (as set out in the Somerset County Council Parking Strategy (2013) and these have now all been removed within this revised scheme. The parking standards meet with the Council's policy requirements and there has been no highways objection on these grounds.

Two of the additional dwellings are proposed to be sited on the area identified within the existing S106 Agreement as a children's Locally Equipped Area for Play (LEAP). This play area has already been delivered on site and therefore the proposals would result in the existing play area being removed and a new play area being provided in an alternative location.

Policy CF1 states that the *'unnecessary loss of valued services and facilities should be prevented, particularly where this would reduce the community's ability to meet its day to day needs'*. It also states that *'Where a development proposal would result in the loss of such facilities, equivalent or greater replacement facilities serving the same area must be provided as part of the proposals.'* Therefore for the proposals to be policy compliant the applicant is required to reprovide an equivalent or greater play facility.

The applicant has worked with the Council to agree to an alternative location for the play area, taking in to account the concerns raised by local residents. The play area is proposed to be located adjacent to the existing play area but further to the south and closer to the stream, still connected to the existing pedestrian network. This site is more sloped than existing which the applicant has sought to make use of as a feature and incorporate within the design, for example including a slide. The new location will continue to be fenced and gated and informal surveillance will be provided by the new two dwellings fronting on to it. Concerns were raised on the previous application in relation to the footpaths leading to up to it which have now been redesigned. Other locations for the play area on the site have been explored such as in the area of green space on the east of the site. However this area is not as well connected to the pedestrian network from the village and there are active badger setts in this area.

In accordance with retained Policy W/7 the River Corridor environment must be protected. Council's landscape officer has not objected to the proposals but has

stated that full landscape details will need to be provided with the revised scheme. This will be required under a revised condition.

It is acknowledged that this aspect of the proposed amendments has generated objection from local residents who clearly value the existing play facility. It is considered however that the delivery of a new play area can provide the opportunity for a better quality, improved facility to that already on site. A Supplementary Agreement to the original S106 will be required which will ensure that full details of the specification and location of the new play area will need to be agreed by the Council. Via this agreement the applicant will also be required to retain the existing play area on site until the new play area is completed so that residents are not left without the facility. Although the relocation of the play area has met with considerable objection locally, it is considered that the benefits of the completion of this stalled site and delivery of additional housing outweigh the potential concerns about the new location.

retained Policy R5 sets out the requirements for public open space on large developments for twenty-five dwellings or more. Even taking in to account the loss of the 500sqm of amenity space from the removal of the play area, overall the amount of public open space on site remains policy compliant.

Conclusions and Recommendations

Paddons Farm has stood incomplete for some ten years creating significant disruption and uncertainty for the existing residents. This application provides a way of completing the site whilst providing additional housing and a new, modern play facility in landscaped surroundings.

It is the Officer's view that the increased number of dwellings on the site can be satisfactorily accommodated and that the overall density of the development remains acceptable. The previous concerns raised over garages, parking provision and quality of play equipment have now been addressed within this revised scheme.

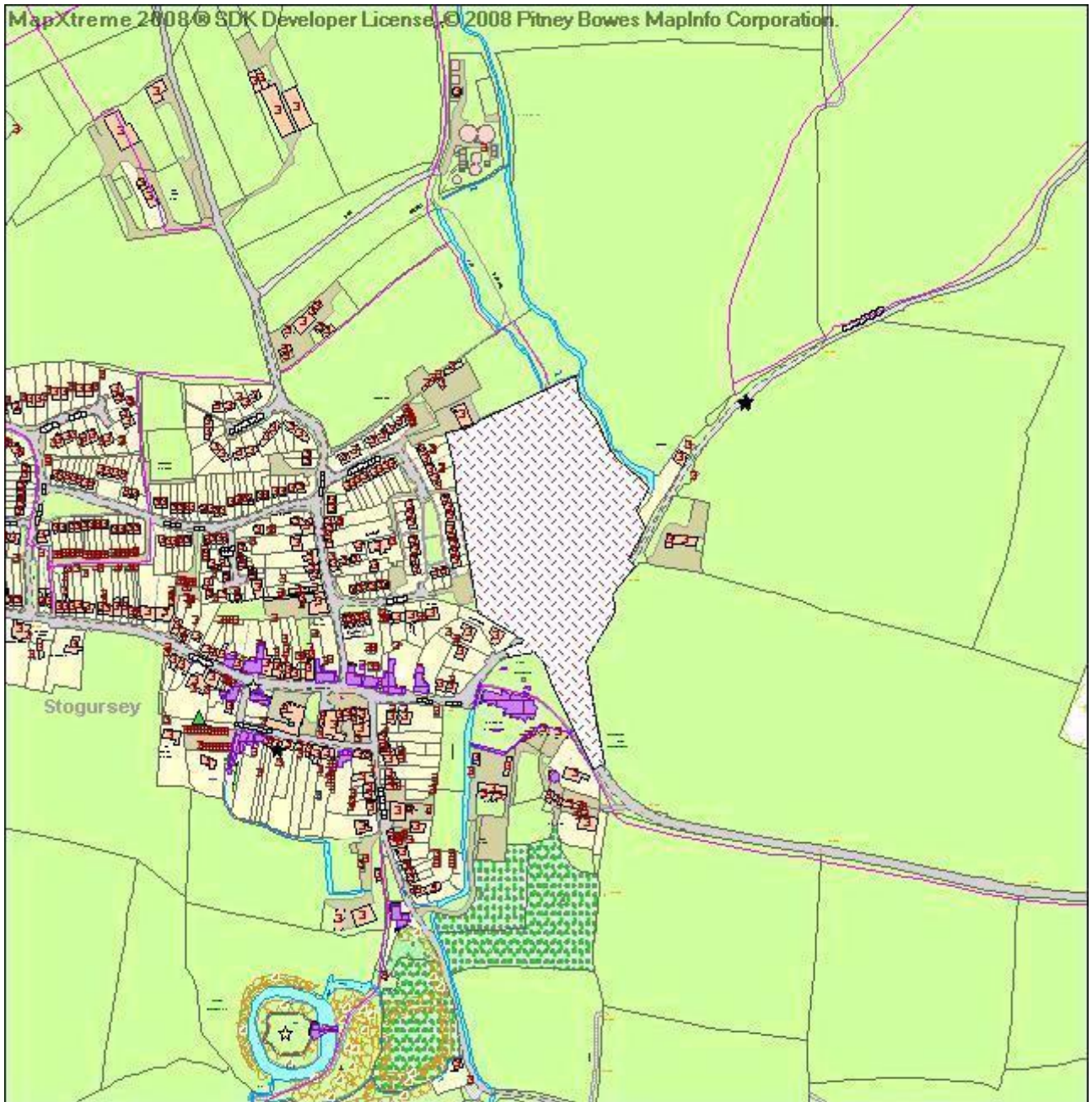
The existing Section 106 agreement (together with the Supplementary Agreements) remain in place and all of the contributions have now made except for the transfer of land to the Council for burial ground. A Deed of Variation will accompany this application relating to the provision of the relocated play area. The list of conditions attached to the approved scheme will be reapplied where relevant as well as any new conditions that may be necessary.

For the above reasons it is recommended that the application should be approved subject to prior resolution of a Supplementary Agreement under Section 106 TCPA 1990. Unless previously discharged, the requirements include those set out in the Section 106 Agreement previously entered into by the Applicant with the Council under Ref: 3/32/06/003 dated 3rd July as well as any Supplementary Agreements thereafter :

The provisions of the Principal S106 Agreement include obligations for:

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

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



Application No 3/32/18/042
 Variation of Condition No. 22
 (approved plans) of application
 3/32/07/008 to increase the total
 number of permitted dwellings from
 59 to 66 with changes to layout and
 design (resubmission of
 3/32/17/012)
 Paddons Farm, Stogursey
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA
 West Somerset Council
 Licence Number: 100023932



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 Northing: 143073

Application No:	3/02/18/004
Parish	Brompton Ralph
Application Type	Full Planning Permission
Case Officer:	Jackie Lloyd
Grid Ref	Easting: 309902 Northing: 131195
Applicant	Mr R Herrod
Proposal	Erection of agricultural workers dwelling
Location	Chilcombe Park Farm, Gandstone Cross to Parks Lane, Brompton Ralph, Taunton, TA4 2RS
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council

Recommendation

Recommended decision: Refuse

Reasons for refusal:

- 1 The Local Planning Authority considers that the applicant has not demonstrated that there is an essential need for a rural worker to live at the farm enterprise. The Local Planning Authority consider the need could be met effectively through the continued use of existing off-site accommodation, Glebe Farmhouse, in close proximity to the application site.

The proposal is contrary to Policy OC1 of the West Somerset District Local Plan and paragraph 79 of the National Planning Framework as an essential need for the proposed dwelling has not been established. The proposal would not amount to sustainable development due to the isolated location of the proposed dwelling.

- 2 The proposed dwelling due to its excessive size, scale, mass and overall height would appear as an unduly incongruous intrusion into the landscape, failing to assimilate into the open countryside, thereby eroding the character and appearance of the area. As such the proposal is harmful to the area and contrary to Policies NH5 and NH13 of the West Somerset Local Plan.

Informative notes to applicant

STATEMENT OF POSITIVE WORKING

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

Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority.

The proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the Development Plan / policies within the National Planning Policy Framework and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw the application.

The application was considered not to represent sustainable development and the development would not improve the economic, social or environmental conditions of the area.

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

Proposal

Permission is sought to erect a 4-bedroom agricultural workers dwelling on land which is currently an open field, in close proximity to existing poultry sheds. The dwelling would be c.310sq.m. floor-space (gross external), c.245sq.m. floor-space (net internal). The dwelling is proposed to be constructed in a traditional style on a north/south axis with the main frontage facing east and comprising one large central gable and two slightly smaller gables, one on either side. The materials are proposed to be a combination of natural stone and painted render with brick quoins at the corners of the walls and either side of the door and window openings. The dwelling would be 9m to the ridge incorporating a steeply pitched roof.

Site Description

The site is located close to the B3188 on the north-eastern side of Pitsford Hill. The land comprises small fields surrounded by hedgerows containing the occasional tree within them and this provides a fairly open aspect to the landscape. It slopes gently away from the main road. An access track exists which currently serves the poultry sheds that comprise the Chilcombe Park farm holding/operation.

The proposed dwelling would be sited one field distant from the road and immediately behind a second hedgerow. A number of large sheds are located to the south and south-east of the site that comprise the existing poultry farm focus of operations. However, despite their size and because of the slope and intervening hedgerows these are not easily visible from the B3188 at the main point of access off the road.

The site is located outside of any existing settlement, the nearest being the village of Tolland c.1m to the north-east and the hamlet of Tarr c.1m to the south-east. The

site is therefore located in the open countryside as far as the spatial development strategy of the West Somerset Local Plan to 2032 is concerned.

Chilcombe Park Farm forms part of the wider holding which is operated by the applicant from Glebe Farm, a farmstead situated within Tolland village. The farm business consists of both an arable enterprise at Glebe and a number of poultry units based in Chard and near Tolland. Glebe Farm extends to approximately 170 hectares. Chilcombe Park Farm has been developed as a poultry site and lies to the south-west of Glebe Farm, approximately 1 mile from Glebe farm where the applicant resides.

Relevant Planning History

3/02/06/013	Permission granted for livestock shed 31.1.08
3/02/09/008	Permission granted for livestock shed 29.10.09
3/02/13/007	Permission granted for extensions to sheds 25.10.13
3/02/16/006	Permission granted for poultry shed 22.12.16

Consultation Responses

Brompton Ralph Parish Council –

- Brompton Ralph Parish council held a normal meeting on Tuesday 27th February 2018. At the meeting the planning application was considered.
- A family member on behalf of the applicant attended the meeting and offered additional information to the parish council about the application.

The parish council voted unanimously in favour of the application.

Further submission from Brian Smith:

If the planning department does not accept the decision of the parish council without identified reasons or arguments, then I can now add the views made from my hand written minutes made in my book at the time.

The farm site is well established and traffic would not significantly increase when Mr Herrod moved from Glebe Farm to Chilcombe Park Farm.

Mr Herrod indicated that he was intending to sell Glebe Farm house and move to Chilcombe Park Farm because of local difficulties sustained at Glebe Farm.

Planning Policy OC1 was mentioned indicating that accounts had been submitted to the planning department for the last 3 years to show that the business was viable and sustainable.

There was also a need to live close to the poultry unit in case of emergencies to stock or failure of supporting equipment.

I think the arguments made by the Parish Council strengthen the case made by Mr Herrod for the planning application to be approved.

Tree Officer - No response

Highways Development Control - No response

Representations Received

Letter of support from Brian Smith re-iterating the Parish Council's comments

One letter of support from St. David's Poultry team about the veterinary requirements of the business which support the need for a dwelling on the site. The needs are seen as being welfare, health and biosecurity.

One letter from Hook 2 Sisters in support of the application on the grounds of bird welfare and biosecurity. The alarm must be responded to within a maximum of 20 minutes.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

OC1	Open Countryside development
SD1	Presumption in favour of sustainable development
NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement
NH13	Securing high standards of design

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

TW/2	Hedgerows
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Determining issues and considerations

There are four main issues that need to be considered in the determination of this application.

Principle of the Development

Policy SD1: Presumption in Favour of Sustainable Development

Whilst the proposal would appear to be contrary to this presumption by virtue of the fact that the location is in open the countryside, the reason for its siting in such a position is linked to an agricultural undertaking and would not be practical for operational reasons to be sited adjoining an existing identified settlement (Policy SC1: Hierarchy of Settlements), other village/hamlet or grouping of dwellings.

Policy OC1: Open Countryside Development,

This policy permits certain types of residential proposals where it can be demonstrated that there is an essential need for that type of accommodation for a rural worker close to their place of work. There are two main requirements which need to be met. These are a 'functional' one which requires;

- there is an existing and established need for the activity in the area,
- the need requires the presence of a full-time worker employed in the activity, on-site to provide availability to meet local emergencies associated with it, on a 24/7 basis,
- the need could not be met effectively through use of existing off-site accommodation nearby, and,
- other planning requirements, such as siting and access, can be satisfied.

The second main requirement is an economic one which needs the following criteria to be met;

- the activity can demonstrate that it has been generating a regular on-going need for at least three years, and,
- the proposed accommodation should be commensurate with the established functional need for that accommodation in that location.

The supporting text for the Policy states that essential dwellings for rural workers may be permitted subject to a rigorous assessment of the necessity for the development in the location proposed, and in particular, why an existing dwelling in the local area cannot suffice. The justification for such dwellings must include setting out the functional need for a dwelling in that location and economic evidence to demonstrate the potential viability of the scheme.

This policy is consistent with the requirement of the Framework in that it seeks to avoid isolated new homes in the countryside, unless justified by special

circumstances. An example of such special circumstances is cited in the Framework as being " the essential need for a rural worker to live permanently at or near their place of work in the countryside" (paragraph 79)

In order to determine whether a need is essential and permanent, it has to be established that there is a physical requirement for someone to be on the site at most times and also that the business has reasonable long-term prospects.

An assessment of the business has been undertaken by ACORUS in terms of an Agricultural Appraisal submitted with the application. This is based on the criteria identified in Annex A of withdrawn PPS7: Sustainable Development in Rural Areas. While the tests previously identified in PPS7 are not now government policy, the provision of such information is a useful tool in seeking to establish whether or not there is an essential and permanent need for residency and ascertaining compliance with the Framework and current development plan policy.

PPS7 states that:

New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- (i) there is a clearly established existing functional need;
- (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, eg in relation to access, or impact on the countryside, are satisfied

The following is a summary of the submitted Agricultural Statement:

"Chilcombe Park Farm forms part of the wider holding which is operated by the applicant from Glebe Farm, a farmstead situated within Tolland village. The farm business consists of both an arable enterprise at Glebe and a number of poultry units based in Chard and near Tolland. Glebe Farm extends to approximately 170 hectares. Chilcombe Park Farm has been developed as a poultry site. The farm provides 37,000 bird places and based on a 63 day rearing cycle and 5.6 batches, total output is around 207,200 free range birds p.a.

The enterprise requires more than 3 full time labour units. The applicant manages both the arable operations at Glebe Farm and Chilcombe Park Poultry. His wife undertakes the majority of the day to day and supervisory work for the poultry

enterprise with assistance from the applicant. There are 3 free range poultry houses on site providing 37,000 bird places and a grain storage building.

The farmstead at Glebe is situated within the village of Tolland and houses the majority of the applicant's arable and equipment storage...modern agricultural development is not ideally suited to a village location....the applicant is keen to relocate the farmstead to Chilcombe Park Farm...it is assumed therefore that the dwelling and farmstead at Glebe will be sold as part of the relocation process.

Whilst the dwelling at Glebe Farm will be sold and therefore a replacement farmhouse is required, the principal need for the dwelling is to meet the needs of the business at the Chilcombe Park site. The presence on site is necessary to undertake the management roles effectively and provide the necessary 24 hour supervision of housed livestock. The essential functional requirements on site relate to animal welfare, biosecurity and security. Key functional needs of the poultry are:

- *The birds require extensive management*
- *Regular attendance and observation. Each house must be walked and checked three times a day.*
- *It is essential to detect health and feed/water problems and ensure immediate treatment.*
- *The worker is required to open popholes to allow the birds to roam.*
- *The presence of a dwelling house prevents members of the public accessing the site.*

The applicant has a proven profitable and sustainable business and has every prospect of remaining so in the future.

It is considered that there are no dwellings on the site, nor any existing accommodation within the locality of the site, which could be considered suitable and available."

It is clear that the business has been in operation for a long period of time and has grown successfully with successive permissions granted and implemented for livestock buildings, with the first permission being 2008. It is not clear however why there is now a need for a dwelling on the site when the business has operated successfully without this need for a long period of time and being served by the applicant living nearby in Tolland (Glebe Farmhouse) which is approximately 1 mile from the site or approximately 5 minutes by car. The agent acknowledges the farmhouse but states that the "*the applicant is keen to relocate the farmstead to Chilcombe Park Farm...it is assumed therefore that the dwelling and farmstead at Glebe will be sold as part of the relocation process.*" Further, as a requirement of the Policy to investigate suitable alternative accommodation in the area the appraisal states: "*It is considered that there are no dwellings on the site, nor any existing accommodation within the locality of the site, which could be considered suitable and available.*"

The requirements of Policy OC1 are that the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. The

existence and availability of Glebe farmhouse fulfils this purpose and the evidence provided in support of the application is not deemed to have met the requirements of the above due to the existing farmhouse being available and located approximately 1 m from the proposed site or approximately 5 minutes by car.

Character and Appearance

Policy NH5: Landscape Character Protection states that:

Within the identified landscape character areas, development should be located and designed in such a way as to minimise adverse impact on the quality and integrity of that local landscape character area.

Policy NH13: Securing High Standards of Design states that

New development will be expected to meet the highest standards of design. In order to achieve this, all proposals for new development should demonstrate that where appropriate:

An analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context;

The site is located in the Brendon Fringe Landscape Character area (WS Atkins: West Somerset Landscape Character Assessment - November 1999; West Somerset District Council; 1999.) and the Clatworthy Farmlands sub-area within it. A key feature of the buildings within the area are that they are comprised of a combination of small cottages, larger farm houses and agricultural buildings.

The dwelling is sited in a field approximately 72m to the east of the B3188 and opposite the livestock sheds. There is an existing mature hedgerow that forms the western boundary of the site and divides the field within which it is located reflecting the more traditional smaller field patterns that previously formed part of the character of this area. The hedgerow helps to retain the more intimate small-scale agricultural landscape features of this area. A single mature Oak tree exists near the vehicle access to the site. The field of the application site slopes from west to east. The positioning of the existing, large agricultural livestock units has successfully managed to minimise their impact and intrusion on the predominantly open landscape and surrounding area.

The dwelling is proposed to be constructed in a traditional style on a north/south axis with the main frontage facing east and comprising one large central gable and two slightly smaller gables, one on either side. The overall height of the dwelling is 9m to the ridge with a steep pitched roof. The materials are shown to be a combination of natural stone and painted render with brick quoins at the corners of the walls and either side of the door and window openings. The materials are consistent with the various styles and finishes of the dwellings and other smaller buildings in the surrounding area which include natural stone, painted stone and/or painted render.

There is a question, however, with regard to the size of the proposed dwelling when considering the appropriate size of a workers dwelling required to meet the operational needs of the unit that the agricultural worker will be responsible for. Internally the ground floor incorporates a lounge, snug, kitchen, dining area, larder, study, utility, wet room and hallway. The first floor has a bathroom and 4 double bedrooms, 2 of which are en-suite each having a separate dressing room. The 4-bed dwelling is c.310sq.m. floor-space (gross external), c.245sq.m. floor-space (net internal). (For comparison the Office National Statistics suggested equivalent = c. 97 - 124 sq.m and David Wilson Homes 4-bed = c.147 sq.m.). There are serious concerns about the size, scale and mass of the dwelling proposed as it will be significantly larger than the more traditional farmhouses found in the area and would be more prominent a feature in the landscape than needs to be. The agent has stated that the size of the dwelling is justified on the basis that part of the dwelling is required for ancillary agricultural space. However, given the internal layout stated above, it is difficult to see how this has been achieved and in particular the requirements of Policy OC1 that the proposed accommodation should be commensurate with the established functional need for that accommodation in that location. These considerations do not sit well with the reason why rural-workers dwellings are allowed in the open countryside particularly in relation to affordability for such workers over the longer-term not just the immediate need.

The requirement of Policy NH13 that, *An analysis of the constraints and opportunities of the site and its surroundings have informed the principles of design and how the detailed design responds positively to its neighbours and the local context* does not appear to have been undertaken as the submission is silent on this matter. When it is viewed from the B3188 to the west, whilst the hedgerow provides some screening, glimpse views of the dwelling will be visible in the landscape due to its height (9m). From higher ground in certain locations to the north-east (e.g. Dobles Cottage, Tolland), the dwelling would be visible and due to its scale, massing and large areas of glazing, particularly at first floor level is considered to be unduly incongruous in the landscape.

Ecology

Policy NH6: Nature Conservation and the Protection and Enhancement of Biodiversity

There is no evidence of protected species and their habitats in close proximity to the site that would be affected by the proposed development.

Access

The access to the site is existing, serving the existing livestock units. Visibility onto the B3188 is acceptable.

Conclusion

The proposed development is not considered to satisfy the requirements of Policy OC1 in that there exists suitable accommodation to fulfill the functional need of the unit. Further the size, scale and massing of the dwelling is excessive and would be unduly obtrusive and as such it would be contrary to the requirements of the Framework and Policies OC1, NH5 and NH13 of the Local Plan.

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



Application No 3/02/18/004
 Erection of agricultural workers
 dwelling Chilcombe Park Farm,
 Gandstone Cross to Parks Lane,
 Brompton Ralph, Taunton, TA4
 2RS

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



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Application No:	3/07/18/014
Parish	Crowcombe
Application Type	Listed Building Consent
Case Officer:	Elizabeth Peeks
Grid Ref	Easting: 313822 Northing: 136789
Applicant	MR A TROLLOPE-BELLOW
Proposal	Reroof the main roof in clay double roman tiles and the rear extensions in natural slate.
Location	1 and 2 Rose Cottages, Crowcombe Road, Crowcombe
Reason for referral to Committee	The applicant is an elected Member.

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A3) DRNO 218.03 - 001 REV B SITE AND LOCATION PLANS

(A3) DRNO 218.03 - 002 REV A FLOOR PLANS AND SECTION

(A3) DRNO 218.03 - 004 REV A ROOF PLANS

CREATION "MAXIMA" CLAY DOUBLE ROMAN TILE

PASSARO GREY 100 NATURAL SLATE

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

Proposal

It is proposed to reroof the two properties with clay double roman tiles on the main roof and replace the manmade slates and corrugated fibre cement sheeting on the single storey rear extensions with natural slate. The two roof lights are to be replaced with metal framed roof lights.

Site Description

1 and 2 Rose Cottages are two rendered Grade II listed buildings located on the main road that runs through Crowcombe and are adjacent to The Carew Arms, a Grade II listed building. The properties have small front gardens that are bounded by a low stone wall. The access to The Carew Arms car park runs along the side of 1 Rose Cottages.

There are double roman tiles on the front elevations of the cottages with manmade slates on the rear elevation, both on the main roof and the single storey extensions. There is corrugated fibre cement sheeting on one of the single storey extensions on 2 Rose Cottages.

Other small cottages within the village have either tiles, thatch or slates on the roof.

Relevant Planning History

There is no relevant planning history.

Consultation Responses

Crowcombe Parish Council - Crowcombe Parish Council has met to discuss this application and have no objection to the application.

Representations Received

None received.

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH1	Historic Environment
NH2	Management of Heritage Assets

Determining issues and considerations

As 1 and 2 Rose Cottages are Grade II listed buildings 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.

It is known that the cottages were originally thatched but over time the roof covering has been changed to tiles and slate. The slate being man made is not considered to be historic fabric and the double roman tiles are a common tile used in the area. It was suggested that slate would be acceptable on the roof prior to the application being submitted as this is a material found in Crowcombe and on small cottages such as Rose Cottages. The applicant has however proposed clay double roman tiles for the main roof. As this material is already found on the properties it is considered that this type of tile is acceptable and will not adversely affect the character or significance of the buildings. The use of natural slate to replace the man made slate and corrugated fibre cement sheeting is an enhancement and is welcomed. The double roman tiles to the front will also be replaced as these tiles have deteriorated. The two roof lights on the rear of 2 Rose Cottages are to be reused.

The NPPF states that where a development proposal would lead to less than substantial harm to the significance of the listed building (as in this case) this harm should be weighed against the public benefits of the proposal including ensuring the optimum viable use for the building. It is considered that the public benefit of the proposal is the replacement of manmade slate and corrugated fibre cement sheeting with natural slate on the rear of the property will enhance the appearance of the cottages. The proposal is in accordance with local plan policies and the NPPF and as such, it is recommended that listed building consent be granted.

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



Application No 3/07/18/014
 Replacement of roof tiles/slates
 1 & 2 Rose Cottages,
 Crowcombe Road, Crowcombe



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

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Application No:	3/07/18/016
Parish	Crowcombe
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 312921 Northing: 134263
Applicant	Mr & Mrs Andrew Flatt
Proposal	Demolition of dwelling house to be replaced by erection of dwelling house with garage block and swimming pool building
Location	Rexton Gorse, Broad Oak Hill, Crowcombe, TA4 4BP
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 begun within three years of the date of this permission.

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

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

- (A0) DRNO 123 Rev B, Proposed First & Second floor plans
- (A0) DRNO 124 Rev C, Proposed Basement & Roof Plans
- (A0) DRNO 125 Rev B, Proposed Elevations
- (A0) DRNO 18333-BT2 Arboricultural Site Plan
- (A1) DRNO 126 Rev D, Proposed Elevations
- (A1) DRNO 131 Details
- (A1) DRNO 132 Rev A, Proposed Block Plan
- (A3) DRNO 127 Perspective View 1
- (A3) DRNO 128 Perspective View 2
- (A3) DRNO 129 Perspective View 3
- (A3) DRNO 130 Perspective View 4
- (A3) DRNO LA/01 Proposed Illustrative Garden Layout
- (A0) DRNO 121 Rev D, Proposed Site Plan
- (A0) DRNO 122 Rev D, Proposed Ground floor Plan
- (A1) DRNO 120 Rev A, Site Boundary

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

- 3 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Jh ecology's submitted report, dated December 2018 and a bat hibernation survey and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for bats and birds
 4. Details of any outside lighting

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

Reason: To protect and accommodate wildlife.

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. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority, which positively informed the design/nature of the submitted scheme. No substantive issues were raised by consultees through the application process. For the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

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.

Bats are known to use the building(s) as identified in jh Ecology's report, dated December 2018. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

A European Protected species licence is required to develop the site.

Proposal

Demolition of a 2.5 storey 9-bed dwelling house, with basement, stable garage and outbuildings and replacement with a 2.5 storey 'L' shaped 8-bed dwelling house with basement attached garage block and swimming pool building, in a Georgian/Regency Classical Style.

It is to be constructed on the existing hillside with the higher ground to the west and lower ground to the east, with a fall of approximately 4.5m across the 60m of the application site. There is also a fall of 3.4m on the site from south to north.

Construction materials comprise of the following;

Walls:- Stone Ashlar and rubble, Lime render and Waney edge boarding.

Roofs:- Slate, plain clay tiles and metal roofing.

Windows:- Timber sash and flush casements and metal framed

Doors:- Timber, metal and glazed doors.

Rainwater goods:- metal

The parking and turning area is to be located in an area to the rear of the house on the south elevation.

Site Description

The existing site is located within the hamlet of Crowcombe Heathfield close to Crowcombe Heathfield Station. The site is not in a designated conservation area and the building is not listed.

The current dwelling is located on Broad Oak Hill Road, and is a large detached brick built house clad in tiles in an Arts and Crafts Style. Set within extensive grounds the site is surrounded by a designated County Wildlife Site and Broad Oak

Woods.

The area immediately surrounding the house comprised of formal landscaped gardens to the north east. There are also several outbuildings to the north including a generator and store building, stables and a shed (all constructed in red brick) and an additional long wooden shed.

The house was constructed in 1924 and has remained virtually unchanged since then and is now showing significant signs of deterioration, including leaking roofs, crumbling corner stone bricks and the fletton brick plinths and general pointing and lack of modern utility services.

The formal gardens are completely neglected and the applicants currently have a grant from the forestry commission to clear the bracken and rhododendrons in the wooded area of the site (north), to bring it back to its original condition.

The edge of the Quantock Hills Area of Outstanding Natural Beauty (AONB) is over one mile (1,7km) from the site.

Relevant Planning History

None. (not to be confused with Rexton Gorse Cottage).

Consultation Responses

Crowcombe Parish Council –

Crowcombe Parish Council met at Rexton gorse to view the planning application for the demolition of the existing property and building of a new property. The Parish council decided that they could not support this application. The Council members were shown around the property and understood the reasons given for the demolition but felt there was a justified reason to retain the building for its design and construction. The PC enquired whether the Conversation Department had been approached or contacted about the imminent demolition of the property(pending planning approval). This was to see if there was any Conservational reason to retain the property even though there was no heritage reason. The PC felt that a property of this nature should be preserved as there are few examples in this area of 'Arts & Crafts' style.

Highways Development Control - Standing Advice.

Environment Agency - No comments received

Wessex Water Authority - Wessex Water has no objections to this application and can advise the following information for the applicant:

The Planning Application

The applicant has indicated that foul sewerage will be disposed of via a package treatment plant.

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 soakaway.

Applying for new drainage and water supply connections

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

The proposal is some distance from the nearest public foul sewer. The planning authority will need to be satisfied with your private package treatment plant arrangements which will be subject to building regulations.

Wessex Water is required to maintain a minimum water pressure of 15m and we cannot guarantee any increase in pressure above this level, internal water fittings must be designed accordingly.

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

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located.

Biodiversity and Landscaping Officer -

Biodiversity

Jh ecology carried out an Ecological Appraisal of the site dated December 2018.

Findings were as follows

Designated sites - Thirteen Local wildlife sites occur within 2km of the site, two of which actually bound the residential curtilage of the application site. (Binford Wood and Crowcombe Heathfield).

Bats - The surveyor examined six buildings on site, the main house, the stables, the garage, the pump house, the log store and the woodland outbuilding.

Bat survey work undertaken identified the following roosts for eight species of bat on site

- Barbastelle maternity colony utilising a range of crevices within the weatherboard covering to the west elevation of the house.
- Brown long eared bat maternity colony roosting in the roof of the house
- Common pipistrelle, possibly maternity colony, in the roof of the house, small numbers in the garage weatherboard and roof of the pump house
- Greater horseshoe occasional night roost

- Lesser horseshoe maternity colony roosting in the cellar of the house and roof void of the stables and night roost in the pump house
- Myotis species occasional summer day roost in the garage
- Serotine roosts used by small numbers in the roof of the house and weatherboard/wall top of the garage
- Soprano pipistrelle roosts in the roof and weatherboard of the house, roof of stables and roof and weatherboard of the garage.

A hibernation survey between December to February is required to confirm presence (or otherwise) of hibernating lesser horseshoe and barbastelle bats.

A European Protected species licence is required to develop the site.

The surveyor suggest a range of mitigation including several bat boxes, several bat lofts and an undercroft for crevice dwelling hibernating bats.

The inspection of the ten trees to be removed, with the exception of a birch tree, found most of the trees to be of low value to bats. This tree should be inspected. If a bat roost is discovered then a licence will be required to fell the tree.

The site is surrounded by extensive woodland, not subject to light pollution that would deter light sensitive species of bat such as barbastelle, brown long eared and horseshoe bats. It is well connected to suitable off site habitat including woodland, mature trees, parkland, agricultural fields and tree lined watercourses.

New lighting connected with the development will need to be sensitively designed.

Due to the high conservation significance of the roost, I agree that a minimum of five years post works monitoring is likely to be required.

The new garage and pool house and the outbuilding should be constructed and the woodland outbuilding should be enhanced ahead of demolition of the stable and the existing house.

Birds - Habitats within the site provide suitable nesting and foraging habitat for a range of birds. Clearance works should take place outside of the bird nesting season.

Two barn owl pellets and splash marks were found in the roof void of the house.

I support the erection of bird boxes on site.

Amphibians - The pond within the site was considered to provide negligible habitat for amphibians. The current proposal includes a new pond to the south of the new house

Reptiles - The regular management of the grassland suggests that the site has low potential for reptiles

Badger - The surveyor found no evidence of entrance holes which may suggest a sett. A mammal path was noted to the rear of the woodland building.

Dormice - The woodland within the site could provide potential habitat for dormice, although it lacked diversity of plant species and the under storey was predominately rhododendron.

If dormice or their nests are found during further survey work then an EPS licence would be required from Natural England prior to clearance works. I support the recommendation to erect nest boxes onto trees /and or new buildings and to install an outdoor barn owl box onto a tree.

I suggest the following condition;

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Jh ecology's submitted report, dated December 2018 and a bat hibernation survey and include:

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

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

Reason: To protect and accommodate wildlife.

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.

Bats are known to use the building(s) as identified in jh Ecology's report, dated December 2018. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010

(as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

Landscape

I have no landscape objections to this application.

Representations Received

None

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the 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
NH1	Historic Environment
NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement
NH13	Securing high standards of design
CC6	Water Management
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car

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

T/8	Residential Car Parking
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Determining issues and considerations

The pertinent issues and consideration of the submission are as follows;

Principle of development

This site is located in an open countryside location. The current lawful use of the site is residential. The West Somerset Local Plan does not contain any policies that specifically relate to replacement dwellings, but it is generally accepted in planning practice that the principle to replace existing dwellings (that have not been abandoned) is generally accepted in countryside locations as it would not result in any increase in the number of residential properties.

The existing vacant dwelling has not been used for some time and is uneconomical to repair.

Impacts on the character and appearance of the area

The new large replacement dwelling within a generous sized plot will have some impacts on the character and appearance of the area, in terms of the design and style of the new house.

The proposal is to replace the existing collection of buildings with a larger more integrated set of buildings that are physically linked. Whilst the overall floorspace to be created will be substantially greater than existing the overall mass and height of the new structure will not be significantly increased in appearance due to the improved use of space and the relationship of the various components.

The proposed materials are acceptable and the site is more than capable of providing space for the replacement dwelling. It is also noted that in The Avenue, nearby there are a range of building sizes and styles and a similar large sized replacement dwelling.

Additional information submitted from the applicant and their agent, confirming that a feasibility study to explore potential options for the extension and refurbishment of the current house and it was concluded that significant intervention in the form of considerable works to the poor condition of the existing house. Such works would be more costly than new build works for a similar structure and would not be financially viable. Works to alter the layout of the current house would also be compromised resulting in a change to the character of the building. Therefore, the classical formal style of the replacement dwelling was developed which offers the potential to sit well into the unique site and landscape and increase interaction with it.

It is noted that the site is not within a designated conservation area and the building itself, although an example of an Arts & Crafts Style is not listed and could be removed and/or significantly altered without the need for planning consent.. It is

noted that the local Parish Council have objected to the replacement dwelling due to wish to preserving the current house as there are few 'Arts and Crafts' styled houses in the area. However, as the property is not a designated heritage asset, it would be difficult to sustain an objection to it's loss.

The applicant is intending to re-instate the formal gardens to the house and it is considered that the proposal accords with local planning policies SC1, NH1, NH5, NH6 and NH13 of the West Somerset Local Plan to 2032 and to retained policy TW/1 of the West Somerset District Plan 2006.

Biodiversity

Comments from the Councils Biodiversity Officer can be seen above in this report and it is noted that there are several species of bats in and around the site.

The applicant has submitted an ecology report prepared by Jh ecology, dated December 2018 and a bat hibernation survey which has been appraised and both a wildlife condition and an informative are appended to this decision to protect wildlife.

Impacts on residential amenity

The site is set in its own extensive grounds and the nearest neighbours are located some 440m away to the south east on higher wooded ground.

No comments have been received from members of the community and it is considered that there will be no impacts on residential amenity as a result of this development. The proposal therefore accords with local policy NH1 and NH13 of the West Somerset Local Plan to 2032.

Highway safety

The site is accessed from Broad Oak Lane which is a 3 classified un-numbered road, through an existing field gate and a short drive to the main house.

There is currently parking outside the front (northern elevation) of the house and this redevelopment will see the parking and turning area being moved from the access to the south behind the new house.

Comments of Standing Advice have been returned from Highways and it is considered that there will be ample parking and turning at the site as well as the required storage for bicycles in the proposed garaging/outbuildings. In this regard the submitted details propose 12 car parking spaces (an increase of 2 on the current parking) and 8 cycle spaces.

The proposal therefore accords with policy TR2 of the West Somerset Local Plan to 2032 and also retained policy T/8 of the West Somerset District Local Plan 2006.

Flood risk/drainage

The site is not located in a designated floodable area and therefore no Flood Risk Assessment is required. Any surface water is to be disposed of via soakaway in the extensive grounds.

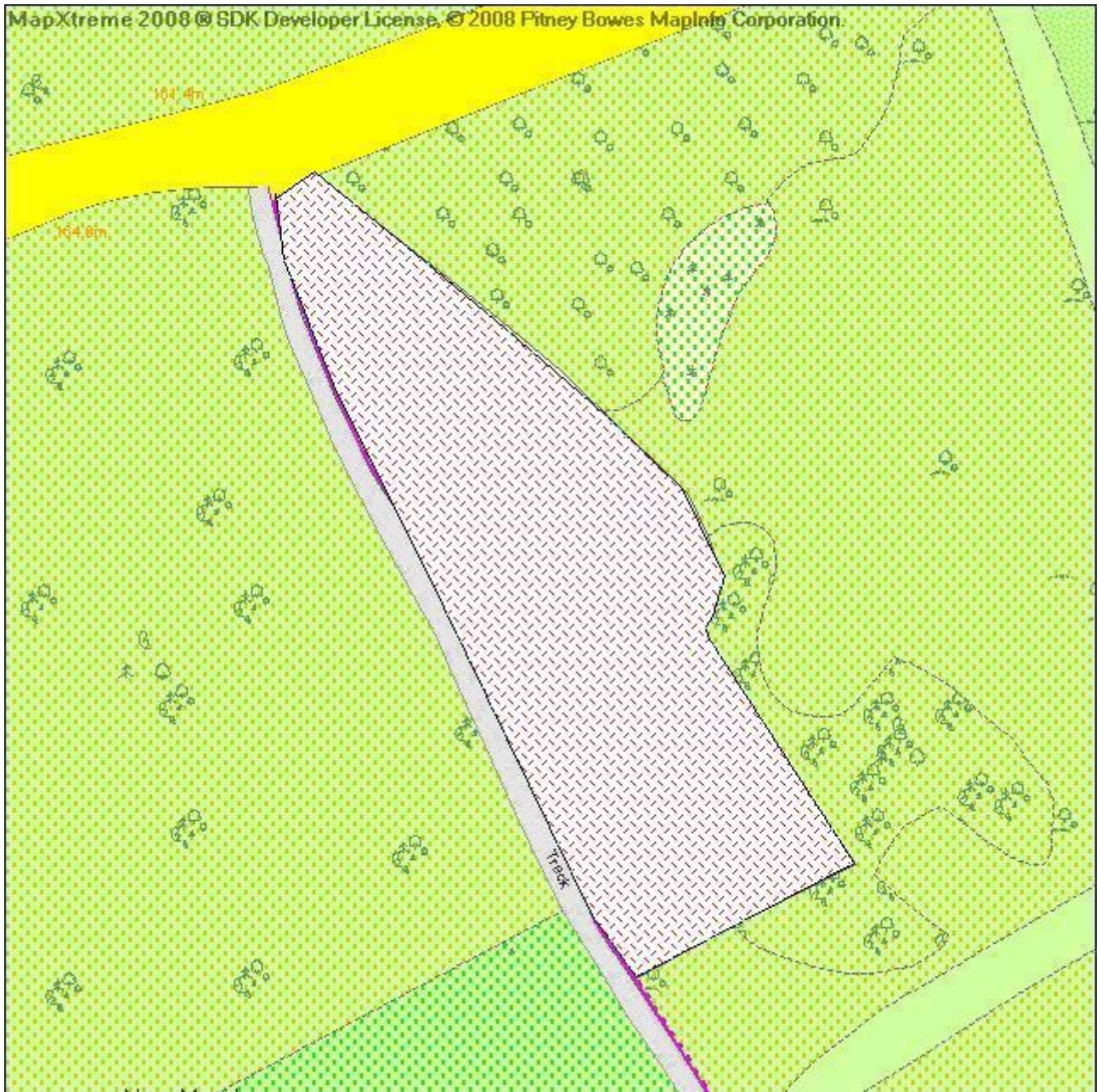
Foul sewage is to be disposed of via a package treatment plant.

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

Conclusion

The erection of a replacement dwelling in a countryside location is accepted as it is considered that the existing dwelling has not been abandoned and that it would be uneconomical to repair. The proposed replacement dwelling would not have a significant adverse impact on the character of the area and where there is an absence of any conflict with the development plan or harm, the proposals should be supported.

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



Application No 3/07/18/016
 Demolition of dwelling house to be
 replaced by erection of dwelling
 house with garage block and
 swimming pool building
 Rexton Gorse
 Broad Oak Hill
 Crowcombe
 TA4 4BP
 Planning Manager
 West Somerset Council,
 West Somerset House
 Killick Way
 Williton TA4 4QA



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Easting: _____ Scale: 1:1250
 Northing: _____

Application No:	3/21/18/081
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Sue Keal
Grid Ref	Easting: 297187 Northing: 146626
Applicant	Mrs MacLean
Proposal	Installation of sculpture pole with 2 downward pointing projecting lights
Location	The Esplanade, Minehead
Reason for referral to Committee	The recommendation is contrary to the views of the Town Council.

Recommendation

Recommended decision: Refuse

Reasons for refusal:

The proposed erection of a single pole with two downlighting projection units, would lead to additional visual clutter in this area of The Esplanade when added to the recent addition of the new art installations and this will be accentuated by lighting the sculpture.

Whilst it is understood that the sculpture is proposed to be part of a larger project to help improve tourism to Minehead it is considered that the additional visual clutter created does not outweigh the harm to the character and appearance to this part of the Conservation Area and is therefore not in accordance with local plan policies NH1 and NH2 of the West Somerset Local Plan to 2032, retained policy TO/2 and Section 16 of the National Planning Policy Framework.

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. Pre-application discussion and correspondence took place between the applicant and the Local Planning Authority. During the course of pre-application discussions the applicant was informed that, in the view of the local planning authority, the proposal was considered to be unacceptable in principle because it was contrary to the strategic policies within the

Development Plan / policies within the National Planning Policy Framework, as such the applicant was advised that it was likely that should an application be submitted it would be refused. Despite this advice the applicant choose to submit the application. The concerns raised during the pre-application discussions/ correspondence remain and, for the avoidance of doubt, were reiterated to the applicant during the course of the application.

The development would not improve the environmental conditions of the area.

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

2 This decision relates to Drawing Numbers:

A1) DRWG NO DRNO 3031.108.2 Jubilee plaza light feature and sculpture - details

(A1) DRWG NO 3031.108.1 REV A Jubilee plaza light feature and sculpture - location plan

Proposal

It is proposed to install a 5m high metal sculpture pole with 2 downward pointing projecting lights that are fixed to the top of the pole to project a wave pattern onto the ground at night. The aluminium pole base has a diameter of 150mm and the head diameter will be 76mm and would be fixed to the current tarmaced surface. The projected wave pattern would be projected through the light fittings onto the ground with a surface area of approximately 2.5m diameter.

Also fixed to the pole is a sculpture of two metal 'eel' features, winding down the pole in a double helix shape. The eels are approximately 2m long and include detail such as fins, scales, eyes and mouth. The pole is proposed to be sited to the north western of the series of 8 gabion art display structures and north east of the concrete letter seats (spelling Minehead).

Site Description

There is an existing open air gallery comprising of 8 gabion baskets that are sited on tarmaced land on an area of open space between Jubilee Gardens Cafe and the adjoining shelters and the gabions which form a ring around the Wessex Water's pumping station cabinet. The proposed pole would be sited to the north east of the gabion ring on The Esplanade. The site area is approximately 750sqm (which includes the pumping station and seating area containing the individual letters 'Minehead').

To the east of the proposal site is the Millennium clock tower as well as the beach front to the north. The site is within the Wellington Square Conservation Area and is also located within Flood Zone 3.

The site does not have vehicular access and is a pedestrian area of the Esplanade opposite the West Somerset Railway. It is noted that this area has previously evolved into a motorbike parking area which has at times obstructed the pedestrian walkway/pavement.

Relevant Planning History

The Esplanade has a long and varied history. The most relevant are;

3/21/91/109 - Renovate and change roofs of 3 shelters and erect 1 new shelter. Granted on 03/6/91.

3/21/98/098 - Enhancement of seafront - paving, lighting, street furniture, new car park & associated ramps. Granted on 22/7/98.

3/21/11/017 - Erection of a clock tower to a height of 8.50m. Granted on 4/4/2011.

3/21/14/068 - Erection of a clock tower to a height of 5.90m (amended scheme to 3/21/11/017). Granted on 29/8/14.

3/21/17/109 - Change of use of part of shelter to form retail unit and retail storage area. Granted on 05/01/18.

3/21/17/113 - Concurrent applications for interpretation panels on the Esplanade. Granted 31/1/18

3/21/17/114 - Change of use of land and erection of 8 gabion baskets to form an open air exhibition. Granted 31/1/18

Consultation Responses

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

Highways Development Control - This application seeks consent for the erection of a sculpture pole with 2 No downward pointing projecting lights on the Esplanade in Minehead.

1. Highway safety

This is a desktop study of the information provided. No site inspection has been carried out in relation the proposed works.

It is assumed that SCC would grant consent under s144 of the Highways Act 1980. As such the District Council (in terms of CDM is the client) and has appointed a designer. Presumably, they (the District Council and designer) retain such CDM roles and associated paperwork throughout the life of the structure.

It is noted that in the s144 legislation it states that the Highway Authority may give

their consent on such terms as they see fit. Suggested terms include removal / reinstatement and reasonable costs associated.

The SCC Infrastructure Improvements Group should review the conditions attached to a standard s144 notice to ensure they are inclusive of Road Safety Audit and CDM requirements.

It is difficult to adequately assess the potential impact of illuminated projection on the roads approaching the structure until it is installed. It is further recommended that stages of audit, as defined in HD19/03, be applied to the proposed structure.

In the spirit of co-operation, SCC should provide any pre-construction information (e.g. underground apparatus) that we have available, but it is assumed that the designer will undertake the appropriate stats enquiries and ensure the contractor has the relevant health and safety information prior to the commencement of construction.

It is expected that the designer will ensure the client is aware of their CDM responsibilities; the design should take account of pre-construction information and the principals of prevention, with consideration for H&S risks.

Whilst the Highway Authority does not have a CDM duty holder role, we would expect to be notified of any risks and would need to consider how we secure such information to ensure it is accessible to maintenance operatives etc in the future.

Problem

Location The Esplanade, Minehead

Summary Driver distraction

The lighting of the proposed sculpture may present a distraction to motorists.

The proposed location for the feature appears to be aligned to westbound traffic on the Esplanade. Westbound traffic is travelling around a left-hand bend with a defined uncontrolled pedestrian crossing point. Light distraction may result in vehicle/pedestrian conflict. The sketch below indicates sight lines of approaching traffic; the pedestrian uncontrolled crossing and the approximate location of the feature.

It is assumed that the projection is on to the ground. The projection of light should not impact on approaching motorists.

Recommendation

The lighting designer should ensure that the lighting design does not cause an unnecessary distraction to motorists.

2. Highway lighting

The proposal should not affect the lighting onto the carriageway as the projector is a fixed colour and highly focused beam of light.

Consideration will need to be given to the power supply to the units; it will either need a mini pillar to house the isolation point and metered supply.

The designer will need to ensure the wiring of the unit is to the correct wiring regulations.

For clarity, SCC will not be accepting these units for maintenance and will not accept any responsibility for them. The maintenance and energy charges will all need to be funded by another party. Somerset County Council do not maintain any architectural or decorative lighting.

3. Structures

Please provide details of the sculpture, loading, pole details and foundation details, preferably with suppliers calculations justifying the design.

Considering the above comments, the Highways Authority has no objection to the principle of the development.

Should the Local Planning Authority be minded to grant consent the Highways Authority recommend the following condition be attached:

- Prior to the erection of the sculpture pole full details of the sculpture, loading, pole details and foundation details, with suppliers calculations, shall be provided to and approved in writing by the Local Planning Authority.

In the event of permission being granted I would recommend that the following notice is attached to the Planning Certificate:

The applicant will be required to secure a licence from the Highway Authority for works on or adjacent to the highway necessary as part of this development, and they are advised to contact Somerset County Council at least four weeks before starting such works.

Conservation Officer - The metal sculpture is proposed to be sited near the junction of The Esplanade, The Avenue and Warren Road on the open space area that accommodates two shelters, seating, a clock and more recently the art installations together with other items of street furniture. A number of buildings at Minehead Railway Station are Grade II listed buildings and The Beach Hotel, 1-4 The Esplanade together with the former bandstand (The Jubilee Café building) are buildings of local interest. These are, according to the Conservation Appraisal, "Buildings of modest quality, which although not meriting listing, are valued for their contribution to the local scene or for their local historical association." The sculpture would also be located within Wellington Square Conservation Area

The character of this area was one of an open area that was and is used for people to congregate either to sit and while the time away, to eat or to meet others. This was recognised by a Planning Inspector on an appeal against the refusal for the siting of a mobile unit (3/21/00/55) on this area. The appeal was dismissed as whilst recognising that there was an accumulation of street furniture the site was part of an

attractive well defined space and marks the transition between fast food outlets (eg the ice cream kiosk and the café in the railway carriage and other buildings) and amusement arcades which characterise the approach to Butlins and the more restrained atmosphere of the The Avenue and The Esplanade with their traditional Victorian buildings.

The area is now more cluttered than it was due to the addition of the new art installations, which, on reflection it is considered that these do not preserve the character of this part of the Conservation Area. The addition of the eel sculpture with down lighting will add further visual clutter and this will be accentuated by lighting the sculpture.

In addition why were eels chosen as these fish are common throughout the country whereas Minehead is known for its breeding grounds of Herring for example. More detail about this can be found in a recent edition of the West Somerset Free Press. The types of fish that are generally caught around Minehead include mullet, bass , sole, rays, smoothounds and cod. Should a sculpture be erected perhaps a fish that is more relevant to Minehead would be appropriate.

In conclusion I consider that whilst it is understood that the sculpture is proposed to be part of a larger project to help improve tourism to Minehead it is considered that this does not outweigh the harm to the character and appearance to this part of the Conservation Area and is therefore not in accordance with local plan policies NH1 and NH2. The sculpture however will not adversely affect the setting of the nearby listed buildings due to the location and distance between the buildings and the listed buildings.

Economic Regeneration and Tourism - No comments received.

Representations Received

None received.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
MD1	Minehead Development
NH1	Historic Environment
NH2	Management of Heritage Assets
NH13	Securing high standards of design
CC2	Flood Risk Management
EC1	Widening and strengthening the local economy
EC8	Tourism in settlements

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

TO/2	Tourism Development in Minehead
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Determining issues and considerations

The main issues and considerations in the determination of this application are;

- Principle
- Impacts on the character and appearance of the area
- Impacts on residential amenity
- Flooding
- Highway Safety

Principle

The proposed development is to be located within the built development limits of Minehead on The Esplanade, opposite the West Somerset Railway Station. The site is within a designated flood zone and within the designated Wellington Square Conservation Area. The two most relevant local plan policies are SC1 and MD1. SC1 states that development will be concentrated in the main area of Minehead/Alcombe and rural centres and the development is to be on a scale generally proportionate to the role and function of Minehead. Policy MD1 states that development must support and strengthen the settlement's role as a main service and employment centre particularly in terms of the diversity and quality of its historic and natural environment, sustain and enhance the historic environment and maintain and enhance Minehead's attractiveness as a tourist destination.

It is considered that the erection of one 5m pole with a the pair of light projectors and incorporating two eels complies with policy SC1 but does not completely comply with MD1 in relation to sustaining and enhancing the historic environment for the reasons discussed in the next section.

Impacts on the character and appearance of the area

The applicant has submitted a Heritage Assessment to accompany this proposal which reiterates that development within a designated Conservation Area must consider the following;

New development or the change of use in conservation areas, should maintain an areas social and economic functions, however, the development must contribute to the preservation or enhancement of an area's character and conserve all the main elements of architectural and historic importance. It is therefore aimed to retain features other than buildings and structures upon which the designated status is based including trees, hedges, walls, fences, open areas, ground surfaces and historic road patterns.

The current character of the Esplanade has already changed considerably with the recent structures, gabion baskets (art displays), insertion of steel shells into the surface of the Esplanade along the millennium mile, the addition of a millennium wall plaque, millennium clock tower and several non-illuminated lectern and wall mounted interpretation panels, all of which have the benefit of previous planning permissions. The site therefore already has significant cumulative clutter when the aforementioned is added to the Victorian shelters, trees, phone box, letter box and refuse bin and utility cabinets.

Comments received from the Council's Conservation Officer can be seen above in this report. It is considered that the character of this part of the seafront was an open area for people to congregate and that a previous appeal was made for the siting of a mobile unit in the same area in 2000. However, since then several developments have the benefit of planning permission and the site is now cluttered in appearance especially with the addition of the recent art installations, which on reflection, do not preserve the character of this part of the conservation area.

There are a number of buildings in the area such as the Minehead Station that are Grade II listed buildings. The Beach Hotel, 1-4 The Esplanade and the former bandstand (Jubilee Cafe), and the Victorian shelters are buildings of local interest as defined in the Conservation Area Appraisal in 2003.

It is noted that the proposal seeks permission for the erection of a single pole with a pair of downward projecting lights which are to project a wave pattern of approximately 2.5m and would light this area of The Esplanade. The addition of the eel sculpture with down lighting is considered to add further to the visual clutter and be accentuated by lighting the sculpture.

The Agent, has explained the rationale of the development and states that conger eels are regularly caught in the area. The lighting would light a poorly lit area, the lighting being more important than the sculpture which could be removed from the scheme if required. The Agent agrees that the area is increasingly cluttered with the introduction of the gabions (thought to be temporary elements), and that as part of the future public realm resurfacing works the gabions would be taken down and

when rebuilt, 2 of the gabions would need to be relocated as they are restricting access to the Wessex Water equipment. The Agent's preference would be to relocate the gabions off from the Promenade (the small public car park behind Channel Adventure was suggested). These alternatives have been raised for the planning committee to consider should they be minded to approve the application.

It is concluded that whilst this single development is part of a large public realm project to help improve tourism to Minehead, it does not outweigh the harm to the character and appearance to this part of the Conservation Area which does not preserve or enhance the conservation area due to additional visual clutter and is therefore not in accordance with local plan policies NH1 and NH2. The sculpture however will not adversely affect the setting of the nearby listed buildings due to the location and distance between the buildings and the listed buildings

Impacts on residential amenity

No comments have been received from members of the local community on this proposal. It is also noted that Minehead Town Council can see no material planning reason to refuse this application.

In terms of residential amenity, the light projection from this single pole is not considered to impact on residential amenity due to the distances involved to the nearest residential properties along the Esplanade or The Beach Hotel and the angle of the projected light.

Flooding

The whole of seafront area is located within flood zone 3 due to tidal flooding.

The Agent has submitted a flood risk assessment (FRA) in support of this proposal. This report also considers other future proposed changes to the Public Realm which may affect flood protection issues. However, in this instance consideration is limited to the erection of this sculpture pole which is to be fixed to the current surface of The Esplanade.

The specified Flood Mitigation Notes within the FRA confirm that;

1. The existing levels and drainage feature across the site are to remain and all surface water discharged as per existing arrangements.
2. Robust water resilient material (marine grade stainless steel) is to be used for the new street furniture (including this pole).
3. The Environment Agency has been consulted during the design process regarding the relationship of the new proposals to the existing sea wall.
4. All new electrical installations are to be run off of existing power sources and

have been fully designed by qualified electrical sub-consultants and in conjunction with the input and approval of West Somerset Councils DLO maintenance team who have the responsibility for the maintenance of the electrical equipment along the Promenade.

5. The new planting areas will introduce a small area of permeable surface as compared to the existing situation, otherwise there is little change.

The flood risk assessment, confirms that surface water drainage will be as the existing arrangements and no foul drainage is required for this development. It is therefore accepted that although fixed to the ground, this new sculpture pole will not have a significant impact on surface water or general flooding events. It is considered that the development accords with local policy CC2 of the West Somerset Local Plan to 2032.

Highway Safety

A detailed response has been received from the Highway Authority on this proposal, whose comments have considered highway safety, highway lighting and structures. They have no objections to the principle of the development and suggest imposing a condition and informative notes to any approval. The condition requests full details of the sculpture, loading and foundation details, and the note advises that a licence would be required for works on or adjacent to the highway.

As there are no highway safety issues the development it is considered that this aspect of the proposal is acceptable.

Conclusion

This scheme centres on the erection of one sculpture pole in order to light this area of the promenade as part of a larger Public Realm improvement plan. It is noted that if the pole was no more than 4m in height it would be permitted development. It is important however, to consider that the site is located within a designated Conservation Area which was originally designed for its open space, the convergence of various parts of the town and the visual open appearance of the area and surrounding structures.

It is accepted that previous planning permissions have already meant an increase in the cumulative clutter in this small but prominent area and in order to satisfy all of the relevant local and national policies along with the comments returned from the Council's Conservation Officer, the principle consideration is the balance of conserving and enhancing the historic environment with a desire to improve the appeal to attract tourist to the area and the economy of the town of Minehead. It is considered that the desire to improve the appeal to attract tourists to the area and the economy of Minehead does not outweigh the harm found to the character and appearance to this part of the Conservation Area and is therefore not in accordance with local plan policies NH1 and NH2 of the West Somerset Local Plan to 2032, saved policy TO/2 of the West Somerset District Council Local Plan 2006 and

section 16 of the national Planning Policy Framework. It is therefore recommended that the application is refused.

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>
3/01/18/007	Combe Hayes, Taunton Road, Bicknoller, Taunton, TA4 4EH	Outline application with all matters reserved, except for means of access, for the erection of 2 No. dwellings	12/02/2019	Refuse	JALO
3/02/18/010	Bedrock Barn, Brompton Ralph to Gandstone Cross, Brompton Ralph, TA4 2RT	Change of use of annexe to holiday let (retention of works already undertaken)	23/01/2019	Grant	ANP
3/10/18/008	Coppers, Dunster, Minehead, TA24 6PS	Erection of single storey side extension	07/02/2019	Grant	SW
3/10/18/009	Station House, Lower Marsh Lane, Dunster, Minehead, TA24 6PJ	Erection of a two storey side extension, single storey lean-to rear extension and alterations to roof	11/02/2019	Grant	SW
3/18/18/008	Corner Close, Hilltop Lane, Kilve, Bridgwater, TA5 1SR	Erection of two storey extension on the south west elevation and single storey extension on the north east elevation plus rooflights on the north-west elevation	28/01/2019	Grant	SW
3/21/16/110	Dunster Lodge, Manor Road, Alcombe, Minehead, TA24 6EW	Application for a Lawful Development Certificate for the existing biomass boiler	15/02/2019	Withdrawn by Applicant	MC
3/21/18/077	The Old Sweet Shop, 22 Vicarage Road, Minehead, TA24 5RP	Replacement of double doors (to include double glazed units) and secondary glazing to two windows.	28/01/2019	Grant	EP
3/21/18/085	Inverell, 9 Blenheim Road, Minehead	Change of use of basement office into 1 No. flat	28/01/2019	Refuse	SK
3/21/18/087	13 Woodcombe Cottages, Woodcombe Lane, Minehead, TA24 8SE	Erection of a single storey extension on the north-east elevation and porch on the south-west elevation	23/01/2019	Grant	SW
3/21/18/088	6 Elm Grove, Alcombe, Minehead, TA24 6AA	Erection of single storey side and rear extensions	25/01/2019	Grant	SW
3/21/18/089	19 Tregonwell Road, Minehead, TA24 5DU	Erection of a replacement single storey rear extension with replacement timber decking	25/01/2019	Grant	SW
3/21/18/091	8 Station Terrace, Minehead, TA24 5BD	Erection of a rear single storey extension	11/02/2019	Grant	SW
3/21/19/001	Old Lantern, 2 Church Steps, Minehead, TA24 5JS	Removal of rotten wooden garden gate, to be replaced by gate of same dimensions in mild steel	06/02/2019	Grant	BM
3/21/19/002	Old Lantern, 2 Church Steps, Minehead, TA24 5JS	Removal of rotten wooden garden gate, to be replaced by gate of same dimensions in mild steel	06/02/2019	Grant	BM
3/31/18/011	Pightle, 9 Lower Vellow, Stogumber, Taunton, TA4 4LS	Change of use of land to domestic and erection of garage with home office over	24/01/2019	Grant	SW

<u>CaseFullRef</u>	<u>LocAddress1</u>	<u>Proposal</u>	<u>DcnDate</u>	<u>Description</u>	<u>CaseOfficer</u>
3/32/18/039	Building to the north of Head Weir House, Wick, Stolford, Stogursey	Change of use and conversion of barn from stables and holiday let to 8 No. letting rooms (resubmission of 3/32/18/020)	25/01/2019	Refuse	ALAW
3/37/18/033	Land to the north of Belmont, 51 Brendon Road, Watchet, TA23 0AX	Erection of a dwelling with detached garage and associated works in the garden to the north	25/01/2019	Grant	ANP
3/39/18/032	18 Bridge Street, Williton, Taunton, TA4 4NR	Erection of a garage	14/02/2019	Grant	SW
ABD/01/18/00	Newton Farm, Newton Lane, Bicknoller, TA4 4EU	Prior approval for proposed change of use of agricultural building to dwelling house (Class C3) and associated building operations	25/01/2019	Prior approval is required and refused	JALO