

SWT Planning Committee

Thursday, 4th February, 2021,
1.00 pm

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white on a teal background with a white swoosh.

[SWT VIRTUAL MEETING WEBCAST LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Dixie Darch, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Committee on the 14 January 2021.

(Pages 5 - 8)

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair 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 who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

Temporary measures during the Coronavirus Pandemic

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

- | | |
|---|-----------------|
| 5. 14/20/0053 | (Pages 9 - 12) |
| Conversion of garage with raising of roof and insertion of first floor for use as a home office and ancillary accommodation at Barnoaks, Worthy Lane, Creech St Michael | |
| 6. 3/21/20/093 | (Pages 13 - 30) |
| Erection of a temporary building to accommodate performance stage and seating for a period of up to 3 years at Butlins, Somerwest World, Warren Road, Minehead | |
| 7. 25/20/0018 | (Pages 31 - 44) |
| Conversion of outbuilding to 1 No. detached dwelling within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren (resubmission of 25/19/0023) | |
| 8. Latest appeals and decisions received | (Pages 45 - 50) |
| 9. Committee update sheet | (Pages 51 - 54) |



JAMES HASSETT
CHIEF EXECUTIVE

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting 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.

Following Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will be live webcasting our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting](#) website.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will be answered by the Portfolio Holder or followed up with a written response.

Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: governance@somersetwestandtaunton.gov.uk

SWT Planning Committee - 14 January 2021 held via Zoom Video Conference

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Mark Blaker, Dixie Darch, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Officers: Rebecca Miller (Principal Planning Specialist), Martin Evans (Shape Legal Partnership), Jeremy Guise (Planning Specialist), Chris Mitchell (Planning Specialist), Maureen Pearce (Conservation Officer) and Tracey Meadows (Democracy and Governance)

Also Present: Councillor Norman Cavill

(The meeting commenced at 1.00 pm)

117. Minutes of the previous meeting of the Planning Committee

(Minutes of the meeting of the Planning Committee held on 10 December 2020, circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 10 December 2020 be confirmed as a correct record.

Proposed by Councillor Hill, seconded by Councillor Lithgow

The **Motion** was carried.

118. Declarations of Interest or Lobbying

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Item No	Description of Interest	Reason	Action Taken
All Cllrs declaration	Item No. 7	Correspondence from Agent and Applicant	Personal	Spoke and Voted
Cllr C Palmer	Item No's 5&6	Chair of Minehead Town Council's Planning Committee. Discretion 'not fettered'	Personal	Spoke and Voted
Cllr R Tully	Item No. 7	Ward Member for West	Personal	Spoke and Voted

		Monkton and Member of West Monkton PC. Discretion 'not fettered'		
--	--	--	--	--

119. **Public Participation**

Application No.	Name	Position	Stance
48/20/0041	Mr & Mrs Jones	Applicants	in favour
48/20/0041	Cllr Cavill	Ward Member	In favour

120. **48/20/0041**

Erection of first floor extension at Walford Lodge, Bridgwater Road, West Monkton, Taunton

Due to technical issues the order of the agenda was reorganised. Application 48/20/0041 was presented first

Comments by members of the public included:

- The applicants were keen to ensure that the development would not affect the character of the original lodge house and the local area;
- Advice received from qualified heritage consultant stated that the lodge could not be regarded as a curtilage listed building;
- The extension would only be viewed once you passed the lodge;
- Creating visual separation and differentiating the colours between the lodge and the extension would enhance the prominence of the lodge and enable it to be seen in its original form;
- The proposal would result in no conflict with the NPPF of the Local Plan Policies;
- Neighbours and the Parish Council were happy to support the application;
- The building was a huge asset for the village;
- The development ensures long term sustainability for the building;

Comments by members included:

- Concerns with the visual impact of the development;
- The development should be sympathetic to the lodge;
- The development changes the concept and historic value of the existing building;
- The development dominates the existing building;
- Concerns that the development would lose the historic value of the building;
- The development would enhance the area;

- The original Mansion house was now flats. The development would be a natural progression to the lodge;

Councillor Hill proposed and Councillor Morgan seconded a motion for the application to be **REFUSED** as per Officer Recommendation.

The motion was carried.

121. **3/21/20/081**

Change of use from B1a to C3a, Market House, The Parade, Minehead

Application 3/21/20/081 and 3/21/20/082LB were presented together and voted on separately

Comments from Members included:

- Concerns with the lack of parking in the area;
- The location of the kitchen would need to change as damage by cooking would cause damage to the barrel vaulted former Council Chamber;
- The development needed to be energy efficient and viable;
- The clock tower needed to be restored to its former glory as it changed the look of the tower;
- Concerns with local transport infrastructure;

Councillor Morgan left the meeting at 2pm and returned at 2.35pm

Councillor Hill proposed and Councillor Habgood seconded a motion that permission be **GRANTED** as per Officer Recommendation.

The motion was carried.

122. **3/21/20/082 LB**

Internal and external alterations to form 1 No. dwelling. Market House, The Parade, Minehead

Councillor Hill proposed and Councillor Habgood seconded a motion for Listed Building Consent to be **GRANTED** as per Officer Recommendation;

The motion was carried.

123. **Latest appeals and decisions received**

Latest appeals and decisions received noted.

(The Meeting ended at 3.05 pm)

14/20/0053

MRS E HOLLANDS

Conversion of garage with raising of roof and insertion of first floor for use as a home office and ancillary accommodation at Barnoaks, Worthy Lane, Creech St Michael

Location: BARNOAKS, WORTHY LANE, CREECH ST MICHAEL, TAUNTON,
TA3 5EF

Grid Reference: 327775.126385

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed first floor extension by means of its scale and massing results in a detrimental visual impact upon the character and appearance of the local landscape and therefore is contrary to Policy DM1 of the Taunton Deane Core Strategy and policies D5 of the Taunton Site Allocations and Development Management Plan and National Planning Policy Framework.
- 2 The proposed first floor extension by its design and massing is not subservient to this dwelling house and therefore is contrary to policies DM1 (c) of the Taunton Deane Core Strategy and D5 (A) and (D6 (B) of the Taunton Site Allocations and Development Management Plan and National Planning Policy Framework.

Recommended Conditions (if applicable)

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

The proposal is for the conversion of existing garage to home office with a first floor extension to provide playroom and store above. The first floor extension would be built with timber clad walls, timber windows and tiled roof.

Site Description

The site is located to the north east of Creech St Michael and south Creech Heathfield with access taken from Worthy Lane via Creech Heathfield Road. The site consists of dwelling house with an existing garage to the south west corner of the site with access onto Worthy Lane.

Relevant Planning History

14/20/0019 – Raising the gable roof to the rear, erection of dormer and balcony on the west elevation and two dormer windows on the south elevation plus construction of front boundary wall at Barnoaks – Conditional Approval

Consultation Responses

CREECH ST MICHAEL PARISH COUNCIL - If the LPA's decision is to grant approval, CSM PC request that Permitted Development rights are removed by a Condition to ensure the building is not extended, and that planning control over subsequent use or sale as a separate building be imposed.

SC - TRANSPORT DEVELOPMENT GROUP - Standing Advice

Habitats Regulations Assessment

N/A

Representations Received

There have been 6 letters of representation supporting the application received stating:

- The repair of the garage would be an improvement to the property and local area;
- The use of the building is acceptable.

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP8 - Environment,
DM1 - General requirements,
D5 - Extensions to dwellings,
D6 - Ancillary accommodation,

Local finance considerations

Community Infrastructure Levy

The proposal is not liable for CIL.

Determining issues and considerations

The determining factors for consideration are the affects on the amenity of neighbours, the appearance of the development and the impact on the street scene.

The proposed conversion and alterations of the garage is unacceptable by means of its scale and massing with the addition of first floor to the building would result in a visually harmful impact upon the local landscape character. Neighbouring properties benefit in having single storey low roof garages or stores forward of the main dwelling houses and adjacent to Worthy Lane. The addition of a first floor results in a visually dominating building forward of the principle dwelling house and is out of keeping with neighbouring properties and the local landscape character.

The proposed building would not appear to be subservient to the host dwelling house being located forward of the principle elevation of the host dwelling house and would be out of keeping with the character and appearance of the local area. Further concern would be raised that the building would be tantamount to the creation of an independent dwelling house. Officers would raise an objection to the insufficient space to support a separate dwelling house and with its close relationship to the host dwelling would not be compliant with Local Plan policies.

The proposed development would not be ancillary to the main dwelling house as set forward of the site and therefore fails to comply with Policy D6 (Ancillary Accommodation) where it clearly sets out

The conversion of an appropriate building within the curtilage of a dwelling for ancillary accommodation will be permitted. The erection of a new building within the curtilage of a dwelling for ancillary accommodation will not be permitted unless:

- A. *The proposal would be less damaging to the character of the main dwelling or the surroundings than an extension or conversion which meets the need;*
- B. *It would be close enough to the main dwelling to maintain a functional relationship;*
- C. *It does not harm the residential amenity of other dwellings;*
- D. *It does not unacceptably prejudice the future amenities, parking, turning space and other services of the main dwelling; and*
- E. *It does not harm the form and character of the main dwelling and is*

subservient to it in scale and design.

The application has not demonstrated that the proposal would comply with Policy D6 and officers have noted there is sufficient space on the site for the placement of either an extension to the existing dwelling house or erection of single storey separate building to the side or rear of the property to comply with Policy D6 (Ancillary Accommodation).

Conclusion

The proposed first floor extension to the garage would result in a visually unacceptable building by means of its massing that would have adverse impact upon the character and appearance of the local area and is not subservient to the dwelling house and as such would not be contrary to Policy DM1 (General Development) of the Taunton Deane Core Strategy and policy D5 (Extension to dwellings) and D6 (Ancillary Accommodation) of the Taunton Site Allocations and Development Management Plan.

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

Contact Officer: Mr C Mitchell

Application No:	3/21/20/093
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	Easting: 298455 Northing: 145984
Applicant	Walsingham Planning
Proposal	Erection of a temporary building to accommodate performance stage and seating for a period of up to 3 years
Location	Butlins, Somerwest World, Warren Road, Minehead, TA24 5SH

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The use of the land for housing the temporary stage shall cease after three years after the issuing of the decision notice, and the stage dismantled and removed from the site and the land returned to its former condition.

Reason: In accordance with the description of development and submitted documentation, and in accordance with good planning practice

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

(A1) DrNo 2015-WOO-MIN-00-DR-A-001 Rev D Site Plan
 (A1) DrNo 2015-WOO-MIN-00-DR-A-100 Rev E Block Plan
 (A1) DrNo 2015-WOO-MIN-00-DR-A-101 Rev A Roof Plan
 (A1) DrNo 2015-WOO-MIN-00-DR-A-102 Rev A Floor Plan
 (A1) DrNo 2015-WOO-MIN-00-DR-A-104 Rev A OPS plan
 (A1) DrNo 2015-WOO-MIN-00-DR-A-105 Rev B Licensing Plan
 (A1) DrNo 2015-WOO-MIN-00-DR-A-106 Rev A Existing Block Plan
 (A1) DrNo 2015-WOO-MIN-00-DR-A-107 Rev B Location Plan
 (A1) DrNo 2015-WOO-MIN-00-DR-A-400 Rev A Side Elevations
 (A1) DrNo 2015-WOO-MIN-00-DR-A-401 Rev A Front Elevation
 (A1) DrNo 2015-WOO-MIN-00-DR-A-402 Rev B Facade Elevation
 (A1) DrNo 2015-WOO-MIN-ZZ-DR-A-300 Rev B Sections
 (A3) DrNo AP02 Site Location Plan

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

- 3 Prior to commencement of the development, 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 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 and ensure the adequate provision of drainage infrastructure.

- 4 The use hereby permitted of the temporary stage shall not take place except between the hours of 10.00 and 23.00 on all days.

Reason: In the interests of amenity and in accordance with policy SC1.4.E of the adopted West Somerset Local Plan to 2032

- 5 Prior to the commercial use of the development hereby permitted the applicants shall submit a Noise Monitoring Plan with details of independent monitoring of noise emitted from the temporary stage and a plan showing locations of the monitoring stations which shall be located along the boundaries to the site nearest to residential properties, to be annotated as Noise Sensitive Premises (NSPs). Once approved in writing by the Local Planning Authority the measures detailed shall be adhered to for lifetime of the development.

The Noise Monitoring Plan will demonstrate that the level of music noise emitted from the site at the NSPs shall generally not be audible when the stage is in operation between 10.00am and 23.00pm Monday to Sunday, and shall not exceed 5dB expressed in terms of an A-Weighted, 15 Min Leq above background noise levels at any time, as measured on the boundaries of the site at the locations of monitoring points (NSPs) shown in the Noise Monitoring Plan, which shall be available to the Local Planning Authority for inspection, when requested.

Reason: In the interests of amenity and in accordance with policy SC1.4.E of the adopted West Somerset Local Plan to 2032

- 6 Public Address system
The applicant shall install a sound amplification system (PA system) that will have a noise limiter (with control of noise as separate frequencies) with a sound limiting device. All amplified entertainment taking place in the Venue shall use this system, and no other PA system shall be used at the venue.

Reason: Reason: In the interests of amenity and in accordance with policy SC1.4.E of the adopted West Somerset Local Plan to 2032

- 7 Additional Mitigation
Details of all complaints about noise received by the applicant shall be recorded and these, along with details of the response from the applicant, shall be made available to the Local Planning Authority. If investigations by the LPA find the noise is causing unreasonable disturbance to neighbouring premises the applicant shall provide a scheme of mitigation, to be agreed by the LPA, and

subsequently implemented by the applicant.

Reason: Reason: In the interests of amenity and in accordance with policy SC1.4.E of the adopted West Somerset Local Plan to 2032

8 Plant Noise.

Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary.

Mon-Fri 08:00 hrs to 18:00 hrs

Sat 08:00 hrs to 13:00 hrs

At all other times noise emissions shall not be audible when so measured.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

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

Reason: Reason: In the interests of amenity and in accordance with policy SC1.4.E of the adopted West Somerset Local Plan to 2032

- 9 Hedgerows, trees, shrubs bordering all aspects of the land and the lake on the northwest side of the site shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats such as near the lake. These sensitive habitats will be marked off by heras fencing throughout the development. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy NH6 of the West Somerset Local Plan

- 10 The new wildflower meadow beds shown on plan Block Plan 2015-WOO-MIN-00-DR-A-100 E shall be dug and planted before commencement of the commercial use of the temporary stage. The wildflower meadows shall be retained in the approved locations and maintained as per approved details in perpetuity, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure no net loss of biodiversity and in accordance with government guidance contained in the NPPF and policy NH6 of the West Somerset Local Plan

- 11 A plan detailing the locations of biodiversity enhancement measures as set out below (Biodiversity Enhancement and Mitigation Plan - BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the first phase of development. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEMP shall include the following:

- A) Three Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter
B) Three Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

2

The Environment Agency recommend that the applicants visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, and precious items to safety. Flood

warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit

<https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

A site wide emergency and evacuation plan should also be considered/updated to include the new building.

Proposal

Erection of a temporary building to accommodate performance stage and seating for a period of up to 3 years

Site Description

Flat, open green area bordered by trees to the eastern side of the Butlins entertainment complex

Relevant Planning History

- 3/21/20/046 - variation of condition 4 of planning permission 3/21/19/098 (drainage details) - granted - 30/10/2020
- 3/21/19/098 - Placement of 98no. caravans on new bases for exclusive use by staff (Butlins team) for Non-Permanent on-site residential purposes - granted - 24/03/2020
- 3/21/19/022 - 120no. 'bunkabin' units of temporary staff accommodation - granted - 07/07/2019
- 3/21/19/025 - prior notification for demolition of 17no. two storey staff residential blocks - PARG - 18/04/2019
- 3/21/13/039 - 'West Lakes' residential holiday accommodation including parking - granted - 2013

(extensive planning history at the site)

Consultation Responses

Minehead Town Council - The town council objects: Damaging to local residents' mental health; Lack of Public Conveniences in the facility, or nearby; Insufficient provisions for social distancing within the facility as configured; Lack of ventilation provision, especially given the requirements in light of Covid-19; Lack of adequate soundproofing, especially in the case of warm conditions exaggerated by the lack of ventilation. Minehead Town Council requests that this application is put to the SWT Planning Committee.

Highways Development Control - standing advice

Wessex Water Authority - no comments received

Environment Agency - does not object to the development, recommended informative regarding flood risk warning system

Landscape - no comments received

SCC - Ecologist - Initial comments required submission of photos to assess impacts at the site. After having reviewed the photos commented that the ecologist was satisfied that due to the state of the amenity grassland, and now knowing that no vegetation will be removed as a result of this temporary performance stage, provided that conditions are in place

There are a number of potentially sensitive habitats onsite or near the site including, tree's, hedges, shrubs and the lake on the northwest side of the site. Therefore a condition for tree protection measures will be required.

To compensate for the net loss of grassland during the three year period, conditions are required for: 3no. 2m by 2m wildflower meadows; and for a Biodiversity Enhancement and Mitigation Plan (BEMP) with 3no. Nest Boxes and 3no. Bird Box to be mounted on trees

Economic Regeneration and Tourism - no comments received

Harbour Master (Minehead) - no comments received

Avon & Somerset Police - no comments received

SWT Environmental Health -

The proposed structure is made from wall panels (with some areas of glazing) and a fabric roof. The report says that the doors will be closed during performances. However, the material to be used is not as solid as that of a permanent building and so will not contain noise as well as the existing purpose built indoor structures on the site (i.e., Reds and Centre Stage - but not the Skyline)

The information on the proposed uses of the venue show a variety of activities, and times of use, although it seems it is likely that the venue will be in use for most of the day and evenings during school holidays and weekends, and there could be live music.

As it is likely that concerts are going to be louder than family entertainment, and live bands can bring their own amplification equipment, I would recommend that the venue is not used for any concerts. However, it is not clear how this could be defined as family entertainment could include music.

The Assessment states that the Venue will have an in-house PA system with sound limiters. This is a good way to control noise levels at a venue. With a well installed and operated PA system with a noise limiter it should be possible to hold events and to keep the music to a level that will not disturb nearby neighbours. This could mean that there may be constraints on the level of noise inside the venue, however, if, as stated by the applicant, the venue is to be used for family entertainment, the noise levels inside the venue should not need to be loud, and certainly not as loud

as the 100dB used in the noise assessment.

I would recommend that a condition is used to ensure that any entertainment can only use an in-house system, with a sound limiter with frequency control to ensure bass levels can be restricted separately. This will avoid the problem of having performers using their own amplification system which will not be linked to the sound limiters.

Restrictions should be put on the hours of use of the venue, with finish time of 23:00 at the latest (assuming noise levels can be reduced to acceptable levels)

The current Premises Licence for Butlins has restrictions on times and number of events at the venues on the site. This is a new venue and I am aware that the applicant will be applying to the Council vary the Premises Licence to include this venue.

Re Noise level criteria

The Code of Practice for Environmental Noise from Concert does suggest some criteria for noise levels to try and minimise any disturbance caused by concerts and music events. The suggested criteria of 5dB over the background level is for venues having events up to 30 days a year. However, the proposed venue will have entertainment on more than 30 days.

The assessment in the report used a daytime background noise level of 40dB that was a level averaged over the daytime period. From the graph in the Noise Assessment the background noise levels dropped in the late afternoon to the low 30s dB and again, after 20:30 to below 30dB. This is when there is most likely to be entertainment at the Venue (and probably the loudest entertainment).

Therefore, if the music level is set so that it does not exceed 5dB over the background level averaged over the daytime (40dB) any music noise levels could be 15dB or more over the background levels in the evening. The Code of Practice guidance criteria is for a 15minute measurement period, therefore, any levels for music at the venue should be set to reflect the background levels at the time of the event, not an average background level over the whole day.

Music at 5dB over background at nearby properties would be audible in the gardens, and maybe inside. The information provided on the use of the venue suggests that it could be in use all day and evening during the summer, and afternoons and evenings during other holidays and weekends. This means that if levels were at 5dB over background levels for all of this time, it may result in neighbours being able to hear the music in their gardens all day and evening for several weeks at a time.

While the criteria in the Code of Practice may be "accepted levels for music" in many cases, that is probably because it's the only guidance for this type of activity; but it is more applicable to concerts/events (up to 30 a year) rather than for permanent entertainment venues; and it is just guidance.

Therefore, if a noise level criteria is to be given for this site (either as a planning

condition or part of a noise management plan) it should be more stringent than the one from the Code of Practice. I would recommend that the 5dB over background is seen as the absolute maximum level for music noise, and that the applicant should aim to ensure that the music noise levels are set lower than this so that they do not disturb nearby residents. The 5dB over background level should be the exception not the rule.

Any criteria used should also reflect the fact that the background noise levels in the area are likely to be a lot lower in the evenings than during the day. This should be taken into account when setting up the sound limiter on the PA system.

Re Noise monitoring or existing venues

The noise level criteria mentioned in the report (from the Code of Practice) are used as the basis for noise level criteria for various venues at Butlins in the Noise Management Plan (NMP) that accompanies the Premises Licence for the site.

It would be useful if the applicant could provide details of any monitoring of noise levels at the site (and by nearby residential properties) to see how they compare to the criteria in the NMP. It is not clear whether these criteria have been properly tested, as the indoor venues where they are applied seem to be well sound proofed. It could be that the music noise levels are not getting close to being 5dB over background levels. Therefore, if the new venue does have levels at or near to 5dB over background, it could be different to the current situation.

It is recommended that the applicant puts in place a plan to monitor noise from the new venue, along with a process for dealing with complaints that are received from members of the public.

Re Plant noise

The Noise Assessment calculated that the plant noise level at noise sensitive receptors will be 39dBA. While this is (just) below the measured daytime background level, that is the background level as an average over the day, not the quieter levels in the evenings. As the plant is likely to be operating in the evenings how does this compare to background levels at these times? If the background levels in the evenings are 10dB or more lower than the "daytime" averaged background level, the noise level from the plant could be 10db or more over the background levels, which. BS4142 states that "A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context".

The report did confirm that it was a conservative estimate of noise levels, and the additional information said that further monitoring could be carried out and mitigation measures taken to meet the requirements in BS4142. I would recommend that a condition is used to provide a limit for noise levels from the plant at the venue (see below). (Monitoring noise from fixed plant is a lot more straightforward than noise from music, which can be very varied).

Recommendation is for conditions for:

Public Address system; Noise Monitoring; Additional Mitigation; Plant Noise.

Somerset County Council - Flooding and Drainage - verbal comments that the LLFA are not objecting to the scheme but will require detail of the drainage scheme

Habitats Regulations Assessment

Not required, not in catchment area

Representations Received

9no. letters of objection were received, the main points raised were:

- It is for gross financial gain
- less than 300m from properties on the warren
- noise 7 days a week for three years
- second entertainment complex in addition to the Skyline
- no wheelchair access
- does not abide by covid regulations and distances between audience members are too short
- no toilets
- no ventilation
- bass frequencies travel and are intrusive
- temporary stage used last summer caused many noise problems
- Soundproofing will only work if doors/windows are kept closed
- The topography of Minehead acts like an auditorium encasing sound so it will impact on other local businesses
- The noise reduction works as proposed is unsubstantiated
- Lack of assurances concerning noise pollution incidences
- Three year lifespan needs a robust condition
- Planning statement references to sustainable development are not correct

One letter of support was received noting that the complex is a major direct and indirect employer in the town and that its' possible closure would significantly impact on the town's sustainability

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

CF1	Maximising access to recreational facilities
CF2	Planning for healthy communities
EC1	Widening and strengthening the local economy
MD1	Minehead Development
EC8	Tourism in settlements
SC1	Hierarchy of settlements

Determining issues and considerations

The main issues are the principle of development, design and visual impacts, access, noise, amenity, Covid safety, flood risk and drainage, and biodiversity

Principle of development

This application is for a temporary stage to be erected and operational for a maximum period of three years at the Butlins site in Minehead. Butlins is a pre-existing tourist venue and entertainment complex located along the seafront in Minehead and close to the golf course on the eastern edge of the town. The proposed development has arisen as a result of severe restrictions on the operation of the complex during the ongoing Covid 19 pandemic. The cover letter from the agents notes that "during 2020 with closures of all of their resorts, staff on furlough (with no resort facing redundancy for Covid related reasons) and many guests disappointed by the postponement or cancellation of their holidays" the Minehead facility had to operate at a maximum of circa 3,300 guests, a significant reduction on their usual capacity of circa 7,400 guests. When the venue was able to open in the summer of 2020, at reduced capacity, some outdoor entertainment was provided through the provision of an outdoor stage, however this stage was removed in September 2020 as it was not suitable during inclement weather and the current application seeks to provide a temporary but covered area for a range of entertainment options, including 'family entertainment' and some live music.

As the site is within the development limits to Minehead spatial strategy policies SC1 and MD1 apply, as do policies related to tourism, leisure and the economy, notably EC1 'Widening and Strengthening the Local Economy', EC8 'Tourism in Settlements', CF1 'Maximising Access to Health, Sport, Recreation and Cultural Facilities'. EC1 supports 'proposals which make the West Somerset economy stronger and more diverse', provided that 'the development proposed would not have an adverse impact on the amenity of existing neighbouring uses'. Policy EC8 notes that tourist development 'which increases the range of open air and wet weather attractions/activities within existing settlements will be encouraged subject to an appropriate location for the use proposed and appropriate proposals for the

management of parking, amenity impact[s], and accessibility'. Policy CF1 supports the 'provision of new, and improvement of existing, health, sport, recreation and cultural facilities.... where this helps to strengthen and or enhance a balanced range of provision for local communities and visiting tourists.'

The proposed development meets the criteria to increase the provision of wet weather attractions/activities (albeit on a temporary basis) and would enhance the provision of recreation and cultural facilities for visiting tourists and strengthen the local employment base, which is extremely reliant on Butlins as the major employer in the town (and knock-on economic impacts from external services related to the Butlins site). There is therefore robust 'in principle' policy support for the proposals subject to an evaluation of design, amenity impacts, access and other matters.

Design and visual impacts

The proposed design is for a 65m by 40m enclosed stage, with side walls in Kingspan grey panels and roof in white PVC fabric roof. The design is functional and contemporary and would be seen and visually read in the context of existing buildings within the wider Butlins complex. The site is an open field with mature trees and setback from the public highway. The visual and street-scene impacts would be limited and are considered acceptable within the context of a pre-existing leisure complex.

Noise and amenity impacts

The central issue in regards to the current application is the potential impacts on residential amenity through unwarranted noise pollution. The proposed venue has been designed to minimise noise leakage and internally contain the sound through measures such as acoustic-baffling wall panels and through the use of a bespoke PA system (public-address or amplification system) and attendant PA speakers, and by employing in-house sound engineers to control audio output. The planning authority is largely reliant on input from colleagues in SWT's environmental health department for a technical evaluation, who will additionally have oversight of the operation of the proposed development (should it be consented) and will be working in co-ordination with colleagues in SWT's licensing department.

SWT Environmental Health have noted that

"...as there are residential properties in the area there is the potential for noise from the venue to disturb nearby residents.

Some information has been provided with the application, including

- Noise Impact Assessment 004. January 2021. Max Fordham LLP
- Specification for Kingspan wall panels
- Details of the ventilation plant
- Planning Statement and plans and elevations
- Design and Access Statement, November 2020. WOO Architects
- Planned Activity Usage, January 2021
- Additional information provided by email from Acoustic Consultant via Agent. 20 January 2021

The application form does not give any of the hours of opening, however, the

Planned Activity Usage document gives opening times, including Peak Summer 10am - 11pm and non-school holidays Midday - 11pm, and live music weekends 2pm - 11pm. This document also gives examples of the types of use including family shows and live bands/playback artists; for the Live Music Weekends it says there will be "interactive experience - not late night DJ based experience".

The Design and Access Statement says that the "The project objective is to provide a temporary venue to enable performances to take place with additional space to accommodate the relevant social distancing guidelines", and that the venue will be used for "family entertainment".

The Noise Impact Assessment provides details of the venue and also states that the proposed use is for "family entertainment", however, a later paragraph states that "The majority of pop music events are to take place in existing Butlins venues", which implies that some concerts may be held in the new venue.

The Noise Assessment refers to the Code of Practice on Environmental Noise Control at Concerts (Noise Council 1990). This document includes noise level criteria that could be used to minimise disturbance from concerts. The criteria depend on the number of events that are taking place at a venue. The Noise Assessment refers to the criteria

"For indoor venues used for up to about 30 events per calendar year an MNL not exceeding the background noise by more than 5dBA over a fifteen minute period is recommended for events finishing no later than 2300 hours."

The Assessment says that the venue will be used more than 30 times a year, but that as the events will be "entertainment shows" and have lower noise levels this criteria would be "a suitably conservative approach".

The Code of Practice also makes recommendations for noise criteria for low frequency noise (as this can cause disturbance even when the other noise level criteria are being met)

"A level of up to 70dB in either of the 63Hz or 125Hz octave frequency band is satisfactory; a level of 80dB or more in either of those octave frequency bands causes significant disturbance."

The Assessment recommends using these criteria as the basis of the noise assessment.

The Assessment gives details of noise monitoring carried out at the site to determine background noise levels (a daytime level and a night time level). Estimates were then made of the level of noise from music inside the venue, and then calculations carried out to determine the music noise level at the nearby noise sensitive receptors (in this case residential properties). The calculation used information on the level of noise attenuation provided by the walls of the venue and corrections for distance. These levels are then compared to the background level at the residential properties.

The Assessment found that with internal music levels of 100dB (concert level), the

predicted music noise levels at the nearest properties to the east were 4dB over the daytime background level, and below background levels at Seaward Way. It also estimated that the low frequencies will be no more than 57dB, which is below the 70dB suggested in the Code of Practice.

As referenced within the Noise Impact Assessment, the levels measured during the survey are not indicative of the typical variations across a 24-hour period you would expect to see, due to the reduced activity related to the lockdown. It would therefore not be representative to assign representative background levels for particular time periods based off this data. If required, measurements of background noise will be retaken once the site is operational, and time-period-specific representative levels will be derived from these measurements.

The Assessment says that an electronic limiter is to be included within PA design, which will be configured such that music noise levels produced by the system may not exceed a given level. The speakers have been designed to direct sound away from the roof and glazed areas and there will be two rows of delay speakers in the venue which will reduce the sound levels required from the speakers to ensure sufficient levels at the rear of the venue. It states that:

Once the system has been calibrated, measurements will be made of the noise during use of the venue indicative of worst-case usage (in this case a live music performance). If the levels of noise produced by the completed structure are found to exceed the noise level limits required by the CoP at the most affected NSR, the electronic limiter system will be recalibrated to ensure that the noise limits are met.

Plant noise.

The new venue will have 2 air handling units, and 45 air conditioning outdoor units. It is stated that these will only operate during the hours of occupation, as well as a period to warm space before use, and so will only be used "during the daytime hours (07:00 - 23:00)". The report uses the noise data from the technical specification of the units, calculates the noise level at the nearest premises and (in line with British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound) adds a penalty of 2dB due to tonality, and suggests a "rating level" of 39dB at the nearest properties. It says that based on BS4142, and a background noise level of 40dB, this would be described as an indication of low impact.

The report says that this is a conservative estimate, as it assumes that the sound from all of the plant is emanating from the closest point of the venue to the nearest sensitive receptor, when in reality it will be distributed more evenly. The additional information states that "if any mitigation is required to meet the requirements of BS4142 for the evening period it will be taken".

The summary of the report says that the measurements were compared to a worst-case prediction of maximum levels of music noise at the façade of the noise sensitive receiver, and that there will be additional noise attenuation that was not included in the assessment. It says that

- The nature or character of noise produced by the site is not anticipated to change significantly as a result of the introduction of the temporary venue.

And concludes that

- It is therefore judged that there is low likelihood of negative impact from music from the proposed venue at the nearest residential receivers to the East and West.

- The plant noise associated with the proposed venue falls into the category which BS 4142:2014 describes as an indication of low impact."

Therefore in light of the comments above the environmental health specialist has not objected the development and has recommended conditions for use of an in-house PA system with frequency control (to remove/restrict bass frequencies and limit audio impacts outside of the venue), noise monitoring at stations on the peripheries of the site nearest to residential properties, additional mitigation measures if required and maximum noise levels for associated plant (mainly the ventilation/heating system). The proposed conditions have been discussed between planning officers and specialist colleagues in environmental health and drafted to ensure that they do not depart from the extant Noise Management Plan for Butlins in Minehead, which is an iterative document (it is evolving over time), and which has regulatory force in regards to the relevant environmental legislation and licensing arrangements. The conditions would set unenforceable limits on noise produced by the proposed venue, with a means of measuring compliance and for the LPA to provide appropriate checks on compliance (in coordination with specialist colleagues in SWT Environmental Health department). The conditions are considered to be robust and sufficient to ensure that the venue could operate without causing significant noise impacts on local residents with a guideline figure of 1dB (decibel) above mean background noise levels cited and a maximum exceptional noise level of 5dB above background noise levels. As conditions would ensure that the venue used an in-house PA and sound system it would be relatively easy to make appropriate adjustments to the sound to restrict any noise pollution, particularly from any wayward frequencies such as low bass noise or shrill treble frequencies which could carry beyond the site. It is therefore considered that subject to the stated conditions the development is acceptable from the view point of amenity and would have several robust conditions in place to address any perceived breaches of planning control.

Covid 19 issues

The proposed design includes a flow system through the venue and in terms of pedestrian/wheelchair user access which would be one way and allow for multiple points of entry/egress. Additionally areas have been designated internally for family groups to occupy with social-distancing maintained. In so far as planning guidance and decisions can impact on Covid preparedness and safety the application has demonstrated that the proposed venue is likely to be capable of conforming to relevant guidance, although as this is subject to regular changes this can only be given as advisory at the time of this report (late January 2021, during a national lockdown). Other legislative regimes and organisations would be responsible for allowing use of the venue, notably licensing, environmental health and the police, and in respect of up-to-date guidance and regulations from central government. The submitted documentation includes a Covid management plan and drawing showing social-distancing for seating and flows through the building. The venue has been designed with a bespoke heating and ventilation system. The planning authority cannot comment on whether this would be sufficient to allay concerns regarding Covid 19 safety, that would be dependent upon the approach taken by central government to restrictions on the use of indoor venues when current lockdown

restrictions end. In planning terms this is as far as can be achieved through the planning system and is acceptable, with the caveat that others bodies, principally being central government, will make final decisions about the operation of live venues generally.

Access

Vehicular access and parking would remain the same as existing but it is noted that the resort is very unlikely to be able to run at full capacity in current circumstances. All attendees at the proposed venue would be Butlins 'guests' and it is not considered that there would be any adverse impacts on parking or highway safety. The highways authority have raised no objections.

The proposed temporary stage would be accessible to audience members in wheelchairs and disabled-accessible toilets are included on submitted drawings to be positioned outside of the internal area. The proposal is therefore in conformity with policy CF1.

Drainage and flood risk

The proposed development includes a Flood Risk Assessment and outline drainage strategy. The Environment Agency has commented that they would expect finished floor levels to be 300mm above existing ground levels and use of appropriate safety features such as barriers and raised electrical fittings. They have not requested any conditions but have noted that the applicants should discuss matters with Building Control. It is considered that the development will achieve a 300mm uplift above existing ground levels and that no conditions are needed in this respect. The Environment Agency have further advised that the applicants make use of the flood warning system. It is understood that the Butlins operators are already signed up to use this system.

The outline drainage strategy is considered acceptable however final details will be required for approval prior to commencement of the development and will be set by condition accordingly. It is understood that the LLFA have been in communication with the applicant's drainage engineers and are negotiating required specifications for the surface water attenuation scheme. As the application only includes outline details of the drainage strategy a prior to commencement condition for drainage details will be required

Biodiversity

The County Ecologist made initial comments requesting further information about possible tree removal. The agent has confirmed that no trees will be removed. The County ecologist has not objected to the scheme but has requested a condition for bird boxes to be sited near to the development site, for ecological mitigation in the form of 3no. 2mx2m wildflower meadows and for tree protection measures. Conditions have been slightly amended from those as drafted by the County ecologist to ensure that they meet NPPG requirements in terms of being proportionate, relevant to planning, enforceable, reasonable and necessary to the granting of planning permission.

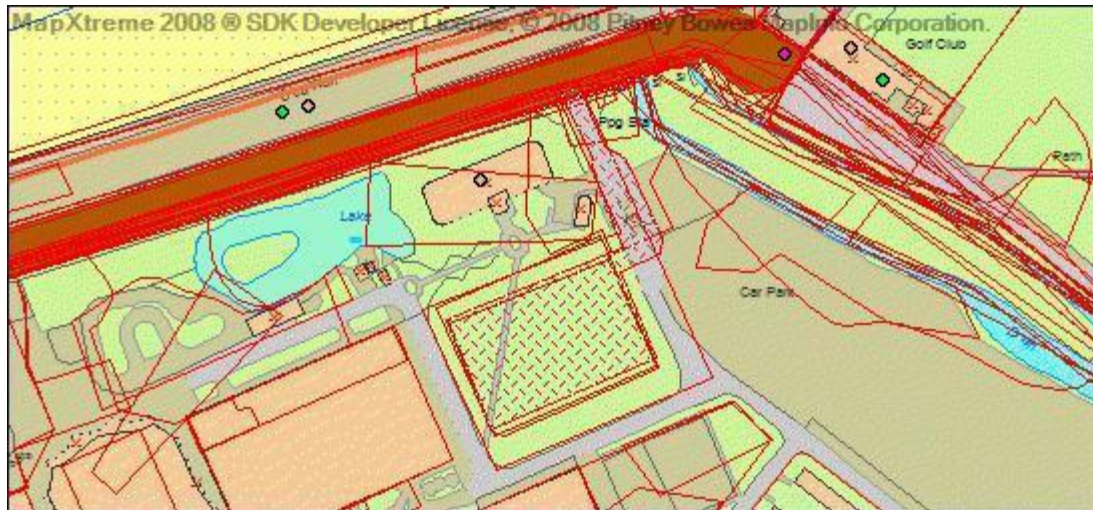
Other matters

The town council have objected to the proposed development citing concerns including those about noise and amenity impacts, ventilation Covid 19 safety, provision of toilets and impacts on the mental health of local residents. They have further requested that the item is brought before the SWT planning committee. Nine letters of objection have been recieved from local residents. the main issues raised are in relation to potential noise impacts and amenity, with several letters raising matters related to the use of a tempoary outdoor stage in the summer of 2020. Concerns are noted and the LPA have aimed to address noise issues as thoroughly as possible in coordination with colleagues in Environmental Health and licensing who also have oversight functions in relation to the general operation of the wider Butlins site and the specifics of this proposed development. The use of conditions for monitoring sound and setting a maximum limit with monitoring points located very near to residential receptors should provide a robust means of both monitoring sound levels, and, if necessary, enforcing against any breaches. One letter of support was recieved from a local resident noting the economic benefits that the Butlins site brings to Minehead.

Conclusion

The proposed development is supported in principle and it is acknowledged that the application has provided significant means to address noise and amenity concerns, through a variety of measures. The development would be subject to condiitons for its commercial timespan, use of an in-house PA and for noise monitoring amongst others so in regards to objections it is considered that noise impacts would be minimal and that there woudl robust means of ensuring compliance with planning conditions. The proposed development would be of significant economic benefit to the town and is therefore recommended for approval.

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



25/20/0018

MRS S HUNT

Conversion of outbuilding to 1 No. detached dwelling within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren (resubmission of 25/19/0023)

Location: PEN ELM, MINEHEAD ROAD, NORTON FITZWARREN, TAUNTON,
TA2 6PD

Grid Reference: 319573.126966

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The application fails to demonstrate the sequential approach set out in policy DM2, and in particular DM2. part 7.b for Development in the Countryside. The proposal is considered therefore to be contrary to policy DM2. part 7.b of the Core Strategy. The proposal as submitted relates to the conversion of an existing stable block to an open market residential dwelling and is therefore considered to be tantamount to a new dwelling in an unsustainable location contrary to policy SP1 of the Core Strategy and policy SB1 of the Site Allocations and Development Management Plan.
- 2 The proposed development would adversely impact upon the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in the area where they are already excessive. In the absence of technical information demonstrating the level of phosphates generated by the development, it is not possible to produce a Habitat Regulations Assessment or put in place the measures necessary to off-set the impact. As such the proposal is contrary to Policies C8, Environment, and DM1, general requirements, of the adopted Core Strategy and Paras. 175-177 of the NPPF.

Recommended Conditions (if applicable)

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

The proposal is for the conversion of an outbuilding within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren (resubmission of 25/19/0023)

Site Description

The proposed development is on land associated with Pen Elm, which is a large detached, previously extended residential property on the A358 road going north from Taunton to Minehead. The outbuilding/stable block is located approximately 25m to the north of the dwelling and has a range of outbuildings to the west including a recently approved and constructed workshop. There are trees to the road boundary and small copses to the south and north. Several other plots of land are associated with the property. The access on to site is from a classified highway (A358).

Relevant Planning History

25/19/0023 - Conversion of stables to 1 No. detached dwelling within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren - Refused and dismissed at appeal

25/18/0019 - Erection of detached triple garage and replacement conservatory roof with balcony above - CA

25/18/0023 - Erection of an agricultural storage building, with workshop, and 2 No. polytunnels - CA

25/18/0032 - Conversion of outbuilding into annexe - CA

Consultation Responses

NORTON FITZWARREN PARISH COUNCIL - No objection

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to comments previously submitted.

- No objection in principal but requests plans to show two-way traffic flow and visibility splays.

WESSEX WATER - No Objections but request a note to application regarding connection(s)

ECOLOGIST - Confirmed in December that **‘The nutrient issue from wastewater affecting the Somerset Levels and Moors Ramsar, requiring a Habitats Regulations Assessment, still has to be resolved.’** Further information was submitted in January 2021, however the ecologist has yet to confirm if it is acceptable.

Councillor Sully - Support

- The main planning policy which I believe is of conflicting interpretation is DM2.
- Parish Council raised no objection
- There have been numerous letters of support from local neighbours.

Habitats Regulations Assessment

The agent has submitted further information recently, regarding a proposed package treatment plant and TUV range finder. This information is still being considered by the ecologist.

As the proposal is recommended for refusal, it was considered expedient to include a HRA refusal reason in the report, as no Habitats Regulations Assessment has been submitted.

Representations Received

1 x Neutral reply

No objection what-so-ever to the proposed development

4 x Support

- Would like to show my support for the application to make use of the building on their land
- Would like to support this application and see an old building put to good use
- Please record my support for this case
- Did not originally reply to consultation as believed it was a duplicate application
- The applicant has explained that it is only trying to separate it officially from the main dwelling so its becomes a stand along property
- Do not understand why this application is required as it has already been approved to be a converted livable property
- The property and garden had been left for many years unattended which cause problems as the garden backs on to neighbours
- The applicants have improved the area with tree planting and screening and conversion of the building will also enhance the view.

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP8 - Environment,

Relevant policies of the development plan are listed below.

SP1 - Sustainable Development Locations

CP1 - Climate Change

CP8 - Environment

DM1 - General Requirements

DM2 - Development in the Countryside

A1 - Parking Requirements

SB1 - Settlement Boundaries

National Planning Policy Framework - paragraph 79

79. Planning policies and decisions should avoid the development of isolated homes

in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or**
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable. The proposed dwelling measures approx. 133sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £16,750.00. With index linking this increases to approximately £23,500.00.

Determining issues and considerations

The Principle of Development

The proposal relates to a site outside of any defined settlement boundary and within a countryside location as defined by Policy SP1 and therefore the principle of development will be subject to the proposal successfully addressing Policies SB1 which requires further assessment against policies CP1, CP8 and DM2.

Policy SP1 defines sustainable development locations and clearly states that 'outside of the settlements identified above, proposal will be treated as being within Open Countryside'. The location for this proposal is not identified within SP1 as a major or minor rural centre, nor it is one of the villages listed that retain settlement boundaries and have no further allocations made though the site allocations and development management DPD, but some scope for small scale proposals. The proposal is therefore considered to be in the open countryside.

Policy SB1 seeks to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in the Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:

- A It accords with a specific development plan policy or proposal; or
 - B Is necessary to meet a requirement of environmental or other legislation; and
- In all cases, is designed and sited to minimise landscape and other impacts.

The proposal is for the conversion of an existing outbuilding/stable to an open-market dwelling in a countryside location. The only public footpath that would link the site to the petrol station/Marks and Spencer shop and Cross Keys pub (closest facilities) is on the opposite side of the highway, the busy A358. This lack of public footpath further reinforces the countryside location of the site. It is considered that in having to cross the highway (A358) in order to access the public footpath, and then cross the highway again in order to access the petrol station/Marks and Spencer shop and/or the Cross Keys public house, would be dangerous for pedestrians and vehicles alike. The proposal is therefore considered to be unacceptable under policy SB1 in terms of its countryside location outside of any defined settlement boundary and as the proposal does not accord with points A and/or B above.

Policy CP1 deals with Climate Change and requires that 'development proposals should result in a sustainable environment and will be required to demonstrate that the issue of climate change has been addressed by:

a 'Reducing the need to travel through locational decisions and where appropriate, providing a mix of uses'

The proposal as submitted is considered to be contrary to policies CP1 due to its unsustainable location.

Policy CP8 outlines this authority's aims of protecting the environment from development in locations outside of settlement boundaries. The proposal is for the conversion of an existing outbuilding/stable to an open-market, detached dwelling in a countryside location. Policy CP 8 states 'Unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. Development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. Development outside of settlement boundaries will be permitted where it will:

- be in accordance with national, regional and local policies for development within rural areas (including those for protected Natura 2000 and Ramsar sites); and
- be appropriate in terms of scale, siting and design; and
- protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements; and
- protect, conserve or enhance the interests of natural and historic assets; and
- not exacerbate, and where possible improve the quality, quantity and availability of the water resource, reduce flood risk (fluvial and surface water); and
- protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and expand the biodiversity of the Plan Area; and
- provide for any necessary mitigation measures.

The proposal is considered to comply with the above, as it is an existing building considered to be appropriate in terms of scale, siting and design which has and would have if converted to residential accommodation, no adverse impact upon the rural location.

The outbuilding which is the subject of this application, has an extent consent for its conversion to an annexe (25/18/0032) for use with Pen Elm, the host dwelling. This consent is yet to be implemented. For this particular proposal to convert the outbuilding to residential dwelling, policy DM2 - Development in the Countryside, will need to be given full consideration. At the time of the site visit the outbuilding was not in use, conversion works were yet to start and the building appeared to be in poor condition.

Policy DM2 takes a sequential approach to development in the countryside as set out below, with the 7th consideration being the conversion of existing buildings:-

Policy DM 2 -Development in the countryside

Outside of defined settlement limits the following uses will be supported:

1. Community uses
2. Class B Business Use
3. Holiday and Tourism
4. Agriculture, forestry and related
5. Replacement Dwellings
6. Affordable Housing
- 7. Conversion of existing buildings.**
8. Development for essential utilities infrastructure.

A second level of consideration, a sequential approach, is taken when considering the conversion of an existing building as detailed below:-

7. Conversion of existing buildings

- a. the building must be of a permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension.
- b. a sequential approach must be followed in the following priority:
 - i. Community uses;
 - ii. Class B business uses;
 - iii. Other employment generating uses;
 - iv. Holiday and tourism;
 - v. Affordable, farm or forestry dwellings;
 - vi. Community housing;
 - vii. In exceptional circumstances, conversion to other residential**

use;

It is accepted that the outbuilding is acceptable in terms of being 'a permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension' as set out in DM2.7 (a).

In terms of (b) a sequential approach is adopted which the agent has addressed as follows:-

(i) Community Use - The Planning statement states that *'the Parish have not indicated at any stage that there is a community need for the building. Furthermore, given that the village of Norton Fitzwarren already benefits from a number of existing community facilities, including a village hall, there is not considered to be a need for any further community uses within this area, particularly as the application site is situated almost 1 mile from the centre of the village.'*

It is accepted that the countryside location is not suited to a community use.

(ii) Class B Business use - The Planning Statement confirmed "*Within the previous application (LPA ref. 25/19/0023), the officer considered that it would be reasonable to submit details as to why the outbuilding could not be put to a Class B Business Use. In requesting this, reference was given to a recently erected workshop building (approved under permission LPA ref. 25/18/0023), which is situated around 15m to the west of the application site.*

However, the above-mentioned 'workshop' building is not within a B Class use. The use of the workshop is instead ancillary to the domestic use of the wider site, being used by the owners of Pen Elm to facilitate their hobby related to the restoration of classic cars and small-scale carpentry. This building was constructed on a former tennis court and falls within the same planning unit as the principal dwelling known as Pen Elm. A B Class Business use of the building within the centre of a site that is used wholly for domestic purposes and will continue to be used as such would be incompatible with its adjoining uses and therefore inappropriate development in planning terms."

The Planning Statement further states '*the site does not form part of an existing farming or other rural based enterprise*'. These statements are at odds with the workshop buildings planning consent which was for 'Erection of an agricultural storage building, with workshop, and 2 No. polytunnels' (Planning application 25/18/0023) to be used '*primarily for the storage of agricultural machinery, tools, equipment and animal feed in association with the management of the adjoining agricultural land.*' The 'workshop' building is large (18m x 9m) and it is located to the north-west of the dwelling (Pen Elm) and the west of the outbuilding/former stable block, with its own driveway and has a garage located close to the access from the highway. The land to the rear of the outbuilding that is the subject of this planning application, is the agricultural land for which the storage building was required. As the workshop is not consented to be wholly 'domestic' it is considered reasonable that the outbuilding/stable block be considered for a business use in association with the workshop/agricultural building. The outbuilding/stable block is located centrally within the plot, but with the dwelling approximately 25m to the south, the 'workshop' approximately 15m to the west and agricultural land to its rear, it is considered to be sufficiently removed from the residential dwelling to allow for its consideration for an appropriate Class B business uses which allows for **'B1 Business – Uses which can be carried out in a residential area without detriment to its amenity. This class is formed of three parts:**

B1(a) Offices - Other than a use within Class A2 (see above)

B1(b) Research and development of products or processes

B1(c) Industrial processes'

The outbuilding therefore should be considered for a B1 Business use.

(iii) Other employment generating uses - No details of the buildings possible use as 'Other employment generating uses' have been submitted. The outbuilding could therefore be suitable for another employment use not considered by the agent

(iv) Holiday and Tourism. The agent has referred to paragraph 6.19 of the Core Strategy. This paragraph states that "*Policy DM2 therefore limits holiday accommodation in permanent structures to the reuse of existing buildings associated*

with farm and other rural based services such as pubs and shops, to help sustain and provide economic diversification for existing enterprises without the visual impact of a new build'. The agent has stated that the application site is 'wholly within a private residential use' and does not form part of an existing farm or other rural based enterprise. This would appear to be at odds with the need for an agricultural building submitted under planning application 25/18/0023 where it is noted that the application form refers to the existing use of the site as 'Agricultural and residential use'.

When the previous application (25/19/0023) was considered by the Planning Inspectorate, the appeal decision stated under paragraph 8 that:-

8. There is no evidence before me that the appellant has demonstrated the building is unsuitable for all other listed uses under Policy DM2 Paragraph 7, with the appeal statement responding only to the Council's query concerning a potential Class B Use. In the absence of such information, it is clear that the sequential approach required by CS Policy DM2 has not been complied with. Consequently, I find that it has not been demonstrated that the appeal site is suitably located for a new dwelling.

This makes it clear that all other uses as set out under policy DM2 paragraph 7 need to be considered.

The agent has however been provided with additional guidance regarding the need to provide information as to why the building cannot be used for holiday accommodation, and this guidance has been further extended by the guidance provided by our Planning Policy team, as shown below:-.

Paragraph 6.19, is explaining the stance on new build - particularly in relation to the impact on established enterprises and the need to help sustain and provide economic diversification. The sentence referenced in its entirety reads:

"Policy DM2 therefore limits holiday accommodation in permanent structures to the reuse of existing buildings associated with farm and other rural services such as pubs and shops, to help sustain and provide economic diversification for existing enterprises without the visual impact of new build."

This sentence is to be read in relation to proposals that come forward associated with farm and other rural services, that holiday accommodation must be limited to the reuse of existing buildings (rather than new), so as to help support economic diversification of existing enterprises (and also address local environmental quality). Whilst paragraph 6.19 is talking about holiday and tourism proposals specifically in relation to farming and rural enterprises, it is not to be read that policy DM2 therefore excludes holiday and tourism enterprises coming forward for other existing buildings outside defined settlement limits.

As the policy explains, in the particular instance that a proposal comes forward in a farming/rural enterprise context, it needs to be compatible with that activity. The policy is not excluding other buildings outside of defined settlement limits for holiday and tourism purposes.

The agent has requested if the Council has any evidence of a need for additional holiday accommodation within the immediate vicinity of the application site, and the case officer has confirmed that they are unaware of any evidence the Council may have to indicate there is an identified need for holiday accommodation and that it is able to confirm that the Economic Development team have supported other applications for holiday accommodation within the district. It is a matter for the agent to provide information relating to the possible use of the outbuilding/former stable block under '(iii) holiday and tourism' and the request for information to address this issue was repeated.

The outbuilding should therefore be considered for holiday and tourism uses as set out in the sequential approach undertaken by DM2.7 (iv) for which no information has been submitted, although further information and guidance has been provided to the agent by the planning policy team

(v) Affordable, farm or forestry dwelling - The planning statement has not submitted any information as to why the outbuilding could not be converted to provide an affordable dwelling to meet an identified local need under part (v). The site however is a small agricultural holding of 0.5 hectares and therefore it is accepted that it would be unable to support the need for an additional dwelling on this site.

(vi) Community housing - It is accepted that as proposed, the amount of accommodation would exceed that stated as acceptable under paragraph 6.17. Community housing "conversions for such use must be modest in terms of size and detail of conversion".

(vii) Conversion to other residential uses - The planning statement refers to the appeal decision made under 25/19/0023 - Conversion of stables to 1 No. detached dwelling within the domestic garden of Pen Elm. That proposal and appeal was assessed as submitted and not as *'subdivision of the existing dwelling to create a separate dwelling with domestic outbuilding'* as suggested by the agent in paragraph 3.21 of the submitted planning statement. In that appeal the agent put forward the subdivision proposal under paragraph 79 of the National Planning Policy Framework however the Inspector agreed that the proposal **'would not, despite both party's view in this regard, result in an isolated home in the countryside in terms of paragraph 79 of the National Framework (NPPF). Accordingly, this paragraph of the Framework is not a material consideration in this appeal'**, (appeal APP/W3330/W/20/3245967 dated 22 June 2020). The agent has confirmed that *'..... we do not agree with the outcome of the appeal decision associated with the site at Pen Elm. To the contrary, we retain the view that paragraph 79 (d) is a highly relevant material consideration, which supports the subdivision of the outbuilding the subject of this application to a separate dwelling. To ignore this important national planning policy provision simply because the site has been deemed to not be isolated (in the true meaning of the word) fails to comply with the wider aims and aspirations of national planning policy in general. It is respectfully requested, therefore, that regard be given to this highly relevant material consideration in the determination of the proposal the subject of this application'*.

This local planning authority has accepted the view of the Planning Inspectorate that paragraph 79 of the NPPF is not a material consideration for this proposal. The agent/applicant can of course challenge the decision in the High Court if they think the Planning Inspectorate made a legal mistake.

It is accepted that subject to meeting the relevant planning policies, the building is apparently suitable for conversion in terms of its size and structure, hence the previous consent for its use as an annexe (25/18/0032). This proposal is however for a new dwelling in a countryside location, separate from Pen Elm, and therefore the proposal is required to submit information in terms of the sequential approach that this authority takes to development in the countryside. As there is a lack of submitted details in terms of the sequential approach the proposal is considered to have failed to address the sequential approach taken for new development in the countryside, as from the submitted information the building appears to be suitable for uses outlined in policy DM2.2, 2.3 and 7.(b) ii,iii,iv, v prior to its consideration under DM2.7 (b)vii.

Habitats Regulations Assessment Matters

The Council is committed to development only taking place if it is sustainable development that includes relevant environmental protections. Somerset West and Taunton Council (SWT) has recently declared an ecological emergency complementing the climate emergency declaration made in February 2019.

The quality of the natural environment in our area is of a particularly high standard. Parts of the district fall within the Somerset Levels and Moors. Within this area various locations are of national and internationally significance for wildlife. Thus the Somerset Levels and Moors are designated as a Special Protection Area (SPA) under the Habitat Regulations 2017 and listed as a Ramsar Site under the Ramsar Convention.

We have recently received a letter from Natural England about the high levels of phosphates in the Somerset Levels and Moors. The same letter has also been sent to the other Local Planning Authorities in Somerset.

In light of a court Judgement (known as Dutch N), Natural England have advised SWT that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Assessment (HRA).

The types of development include new residential units such as proposed by this application.

The agent has submitted information regarding this issue, however the county ecologist is yet to confirm if the most recent information, submitted January 2021, is considered acceptable in dealing with the HRA matter. The latest comments from the ecologist was in December 2020, when it was confirmed that *'The nutrient issue from wastewater affecting the Somerset Levels and Moors Ramsar, requiring a Habitats Regulations Assessment, still has to be resolved.'*

As this matter still needs to be addressed a reason for refusal on HRA matters has been included.

Highway Matters

The Highway Authority have referred the local planning authority to their previous comments , made under 25/19/0023 which concluded that *"Taking the above*

comments into account the Highways Authority does not object to the principal of the proposal in this application, however, the Highway Authority would need to see the drawings as mentioned above to allow a positive and supportive response to be given."

No such plans were submitted as part of this application, with the agent, focused upon the highway authority's comment '*confirmed that there would be no significant or severe impact on the highway network*'. A plan has however been submitted for the visibility splays but not for the two-way traffic. As the proposal was to be recommended for refusal the highway issues have not been pursued, as it was considered unreasonable.

Other Matters

The Planning Statement has referred to other applications that they consider to be similar to that proposed, within the district, however each planning application is assessed on its own merits. The local planning authority aims to be consistent in its approach to planning applications therefore these comments have been noted. The most relevant planning history for this site is a proposal for a single, detached, open market dwelling is 25/19/0023 and its subsequent appeal decision issued 22nd June 2020. If the applicant and their agent wishes to pursue their discord regarding the planning Inspectorates decision on 25/19/0023, they can challenge the decision in the High Court if they think the Planning Inspectorate made a legal mistake.

The ward member has supported the proposal due to the Parish Councils comments and those of the neighbours. The Parish Council comment of 'No objection' is taken as a neutral response neither supporting or objecting to the proposal.

1 letter of '*No objection*', which is taken as a neutral response in the same way as the Parish Councils comments, has been received along with 3 letters stating 'support' for the proposal but providing no details of why the proposal is supported. 1 letter of support was made when the neighbour realised that this was not a duplicate planning application. That neighbour also expressed surprise that planning consent was required for the building when it already has consent to be converted to living accommodation. The reason for this application is to allow the building once converted to be an open market dwelling, separated from the host dwelling, Pen Elm. At present the building has consent for conversion to annexe accommodation (25/20/0032) with a condition restricting the occupation:-

The annexe building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as Pen Elm.

Reason: To prevent the annexe building from being occupied / used / sold separately to the main dwelling.

This would, once converted, allow for members of the family to occupy the building as ancillary accommodation, however it prevents the building being an open market dwelling available to all. This condition was imposed due to the countryside location, and is a standard planning condition used in applications of this type.

The supporter also stated that they supported the proposal as the property and garden had been left unattended for many years and that the applicants have

improved the area with tree planting and screening and that conversion of the building will also enhance their view. If this application is approved however, the site would no longer be under the applicants control.

The agent has also recently raised two appeal sites:- Bagley Road and Gatchell Farm.

Under the locality of Gatchell Farm application which was a proposal for the demolition of agricultural building with the erection of 1 No. detached dwelling with detached double garage and associated works, the inspector commented that *'However, the locality is subject to significant future change in that the appeal site lies very close to the designated boundary of the proposed south-western expansion of Taunton as envisaged in Policy SS7 of the Council's Core Strategy (CS) and Policy TAU1 of Site Allocations and Development Management Plan (DMP). An outline planning application for a mixed development including approximately 2000 dwellings based on the designation awaits determination.'* Pen Elm is not adjacent to any such extension of the village of Norton Fitzwarren.

The Bagley Road planning appeal gave a view of the inspectors view of policy DM2. That proposal related to an Outline Application with all matters reserved, except for means of access, for the erection of up to 205 dwellings and up to 60 apartments with care (Class C2), with public open space, landscaping, sustainable drainage system and vehicular access points from Exeter Road rather than a proposal to convert a former stable block to open market housing. It is therefore considered that, the appeal decision has no weight on this proposal, particularly when considered with the Inspectors comments under the appeal of the previous application on Pen Elm (25/19/0023).

The Inspector stated in paragraph 10 of the appeal decision on 25/19/0023 :-

"10. In light of my findings, I conclude that the location of the appeal site is not suitable for a new dwelling because of the conflict with CS Policy DM2, and the spatial strategy underpinning Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan December 2016 and Policy SP1 of the CS. These seek, among other things, to control development in the countryside and focus development on the most accessible and sustainable locations and seek to ensure a sustainable approach to development. These policies are broadly consistent with the Framework which seeks to ensure that: sufficient land of the right type is available in the right places and at the right time to support growth; that homes are provided with accessible services, and, the number and length of journeys needed for employment, shopping, leisure, education and other activities are minimised. Accordingly, they are given full weight in my consideration of this case."

The Planning Inspectorate has therefore already considered the locality of the site and found it to be an unsustainable location in conflict with policy DM2 of the Core Strategy. As previously stated policy DM2 of the core strategy applies to this site and paragraph 7 of that policy needs to be fully addressed in terms of the sequential approach in order to be successful.

Conclusion

It is noted that the consented use as a residential annexe in connection with Pen

Elm as the host dwelling, granted under planning application 25/18/0032 has not been implemented and that this consent is still extant. If this consent is implemented it would allow for the applicant to provide ancillary, but fully self-contained living accommodation for use in connection with Pen Elm e.g relative, employee etc. At present the use of the outbuilding in planning terms is still considered to be a stable block with storage.

The agents view of the proposals compliance with paragraph 79 of the NPPF was previously considered by the Planning Inspectorate under the appeal of planning application 25/19/0023 where the Inspectorate clearly stated the proposal to converted the outbuilding, then called 'stables' to 1 No. detached dwelling within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren **'would not, despite both party's views in this regard, result in an isolated home in the countryside in terms of paragraph 79 of the National Planning Policy Framework (Framework).'** Accordingly, this paragraph of the Framework is not a material consideration in this appeal.' As this appeal decision is dated 22 June 2020, and with no changes to this paragraph within the NPPF, it is considered that the definitive answer on this site and its proposal for an open-market dwelling under paragraph 79 of the NPPF has been fully addressed

The proposal need to meet the requirements of the Habitats Regulations Assessment. The county ecologist has yet to confirm if the information submitted in January 2021 is acceptable, therefore a refusal reason regarding the HRA issue has been included for the avoidance of doubt.

The outstanding issues highlighted above regarding policy DM2 should have been addressed, however they remain outstanding. The recommendation is to refuse the application due to its non-compliance with policies SB1, CP1 and DM2 of the adopted Core Strategy.

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

Contact Officer: Denise Todd

APPEALS RECEIVED – 4 FEBRUARY 2021

Site: THE CROFT, YALLANDS HILL, MONKTON HEATHFIELD,
TAUNTON, TA2 8NA

Proposal: Erection of fencing to the front of The Croft, Yallands Hill, Monkton Heathfield (retention of works already undertaken)

Application number: 48/20/0026

Appeal reference: APP/W3330/D/20/3262948

Decision: Delegated Decision – Refused

Enforcement Appeal:

APPEAL DECISIONS – 4 FEBRUARY 2021

Site: LILLESDON BARN, LILLESDON LANE, NORTH CURRY, TAUNTON, TA3 6BY

Proposal: Erection of a single storey extension to the west elevation of Lillesdon Barn, Lillesdon Lane, North Curry

Application number: 24/20/0035

Reason for refusal: Appeal - Allowed

Original Decision: Delegate Decision – Refusal



The Planning Inspectorate

Appeal Decision

Site visit made on 21 December 2020 **by A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/W3330/D/20/3262628 Lillesdon Barn, Lillesdon Lane, North Curry, Taunton TA3 6BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Nick and Jane Crompton against the decision of Somerset West and Taunton Council.
 - The application Ref 24/20/0035, dated 28 July 2020, was refused by notice dated 13 October 2020.
 - The development proposed is single storey extension to west elevation within courtyard.
-

Decision

1. The appeal is allowed, and planning permission is granted for single storey extension to west elevation within courtyard at Lillesdon Barn, Lillesdon Lane, North Curry, Taunton TA3 6BY, in accordance with the terms of the application, Ref 24/20/0035, dated 28 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development shall be carried out in strict accordance with the following submitted plans: PA101, PA102, PA201, PA203, PA204, PA301, PA302, PA303 and PA304.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted match those used in the existing building.

Preliminary Matters and Main Issue

2. On 1 April 2019 West Somerset Council merged with Taunton Deane Borough Council to become Somerset West and Taunton Council. The development plans for the merged local planning authority remain in place for the former area of Taunton Deane Borough Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved Taunton Deane Borough Council.
3. The appellant suggests that the building is not listed, as it was converted to a dwelling through a Class Q prior notification, which would not have been allowed if the building was listed. Provision 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) defines a listed building as a building included in the list and any object or structure fixed to the building, or any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948.
4. Information before me relating to this matter is very limited. The Council's officer report does not refer to the original permission to convert the building into a dwelling and makes no comment about when the building was converted or why it is considered to satisfy the provision of 1(5) of the LBCA. However, I note that an application for both planning permission and listed building consent for the proposal was submitted by the appellants, and that the Council has determined the proposal on the basis that the building is listed. I also note that the proposal was subject to pre-application discussion with the Council's conservation officer.
5. At my visit to the site I saw that the historic barns are physically close to Lillesdon Farmhouse, which is to the south, and that the farmhouse is accessed from a track alongside the barns, which strengthens their physical relationship. The farmhouse and barns can be seen in the same view from the highway. Furthermore, I could see no other historic farmhouses in close proximity which could have been associated with the barns.
6. Therefore, without any evidence that could lead me to take a contrary view, I consider it reasonable for me to determine this appeal on the basis that the appeal building is listed, by virtue of its historic association with Lillesdon Farmhouse. The main issue is therefore the effect of the proposal upon the significance of the grade II listed building.

Reasons

7. Section 66(1) of the LBCA requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
8. Lillesdon Farmhouse is a grade II listed dwelling dating from the 16th – 17th century, with subsequent alterations. The appeal building is part of a range of historic agricultural barns to the north of the farmhouse that are laid out to enclose a yard. The significance of the barns is derived from their traditional form and materials, as well as

the way they illustrate the historic use of the farmstead and aid our understanding of how the site would have functioned in the past.

9. The proposal would see a modest extension added within the yard. It would have a simple linear form, parallel and attached to a length of the existing barn with a matching hipped roof, but lower in height and much shorter in length. It would follow the same treatment of the existing west elevation of this part of the building, with simple full height hardwood glazing. The larger forms of the original building would surround the extension and would remain the dominant built form enclosing the yard area. The proposal would not be visible from beyond the yard and would thus not harm the interrelationship between the barns and the farmhouse.
10. In summary, the extension would not cause harm to the character of the listed building. The proposal would thus preserve the special interest of the listed building, in accordance with the requirements of the LBCA and paragraph 193 of the National Planning Policy Framework (the Framework), which states that great weight should be given to the conservation of heritage assets. It would also accord with Policies CP8 and DM1 of the Taunton Deane Core Strategy 2011 – 2028 and Policy D5 of the Taunton Deane Adopted Site Allocations and

Development Management Plan, which together seek to ensure that development proposals do not harm the historic environment or the appearance and character of any building.

Conditions

11. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty and a condition to ensure that the materials of the extension match those used in the existing building.
12. I do not consider it necessary to also impose the condition suggested by the Council to require the submission of samples of materials. The plans quite clearly specify a simple palette of materials to match the existing building. Materials to be introduced could all be clearly referenced to the same material used on the existing building.

Conclusion

13. For the reasons above, the appeal should be allowed.

A Tucker

INSPECTOR

PLANNING COMMITTEE AMENDMENT SHEET

Agenda Item: 7

Application number: 25/20/0018

Amended Description N/A

Amended Recommendation N/A

Amended Conditions N/A

Amended Consultation Responses

From Somerset County Council – Ecologist

RE: 25/20/0018 - Pen Elm, Norton Fitzwarren

This consultation response should be recorded as a: **Holding objection, pending further information**

With regards to the package treatment plant for this application we have currently only received submissions outlining the construction specification of the tank itself and the certificate of efficiency dated July 2013. I draw particular note to 40.7% phosphate efficiency of 5.8 mg/l.

We would require specific information into where the package treatment plant is proposed to be discharged before we could proceed further. For example, is the intention to discharge straight to a watercourse or straight down to ground?

If the intention is for the discharge to be directly connected to a watercourse we would need to undertake a calculation of phosphate concentrations to inform the requirement of any suitable mitigation.

If the intention is for the discharge to go down to ground, such as a field, we would need to know if the field is hydrologically connected to any nearby watercourses which further connect to the RAMSAR site. If so, the calculation will be required. However, If the field is not hydrologically connected we would still need to undertake screening for likely significant effect by the means of satisfying points 'a-g' under the proposed thresholds of the interim guidance (please find attached).

As a further note we would require information on the exact habitat types present on the land if the discharge is straight to ground. This information would be used as part of the calculation in determining suitable mitigation if required.

Following recent discussions with Natural England we been provided with details of a package treatment plant manufacturer in which they currently approve of believing they meet the required standards through tested efficiency rates. Please find further details in the link below.

<https://www.kingspan.com/gb/en-gb/products/wastewater-treatment/domestic-sewage-treatment-plants/klargest-biodisc-domestic-sewage-treatment-plant>

Notwithstanding the potential nutrient loading issues associated within this application please see ecological details below.

A Bat and Bird Survey of the application site was carried out in November 2020 by ge consulting.

Bats:

No evidence of bats was recorded within the survey area and the buildings generally offered negligible bat roosting potential.

Birds:

Numerous old swallow and house martin nests were recorded within the building and the vegetation along the side of the building provided suitable nesting habitats for other species.

Recommendations

To comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain, please attach the following conditions to the planning permission if granted.

Bats

Due to the opportunistic behaviour of some bat species, including pipistrelles, along with the site's location set within habitats that will support bats, please attach the following informative to any planning permission granted:

- The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

Due the presence of suitable foraging and commuting habitat and features of ecological value surrounding the site the proposals should avoid external lighting of the boundaries of the site, therefore please attach the following condition:

- Prior to construction above damp-proof course level, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning

Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Birds

As nesting birds are likely to use vegetation on site the following will be conditioned:

- No removal of vegetation or works to the buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to the building commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Biodiversity Enhancement (Net Gain)

As compensation and enhancement measures, and in accordance with National Planning Policy Framework (NPPF) and draft Environment Bill, please apply the following conditions to any planning permission granted.

- The following will be integrated into the design of the proposal:
 - A) Provision will be made for nesting swallows, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the wall, and with the provision of artificial two artificial nest cups within.
 - B) Two Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation.

- C) Two Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
- D) Garden fencing between properties will feature small mammal holes at the base of the fence, keeping to the minimum size of 13x13cm, to allow hedgehogs to move freely between the properties and surrounding landscape.

Plans and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first occupation.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

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

CONTACT OFFICER: Denise Todd