

<b>Application No:</b>	<a href="#">3/21/20/031</a>
<b>Parish</b>	Minehead
<b>Application Type</b>	Full Planning Permission
<b>Case Officer:</b>	Alex Lawrey
<b>Grid Ref</b>	Easting: 296891    Northing: 147037
<b>Applicant</b>	Ms Emily Morris
<b>Proposal</b>	Erection of 1 No. 1 bedroom detached holiday chalet with associated vehicle parking
<b>Location</b>	Land to the west of Northmoor Cottage, North Hill Road, Minehead, TA24 5SF
<b>Reason for referral to Committee</b>	

## Recommendation

Recommended decision: Grant

### Recommended Conditions

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

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

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

(A1) DrNo 2081/200 PROPOSED PLANS & ELEVATIONS

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

- 3 Prior to the construction of the building above foundations level samples or written/online details of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

- 4 Prior to occupation or use of the building, 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 ensure the adequate provision of drainage infrastructure.

- 5 No removal of hedgerows, trees or shrubs or demolition of 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 demolition 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. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy NH6 of the West Somerset Local Plan

- 6 Prior to construction of the chalet above foundations 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 policy NH6 of the West Somerset Local Plan

- 7 The following will be mounted upon the chalet:
  - a) A Beaumaris Woodstone maxi bat box or similar will be mounted under the apex of the west elevation and maintained thereafter.
  - b) Two Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high and away from windows on the north elevation and maintained thereafter.Photographs of the installed features will be submitted to the Local Planning Authority prior to first occupation of the chalet

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

- 8 (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

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

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

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

- 9
- i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
  - ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
  - iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

Reason for pre-commencement: any works could impact on root systems and cause damage to adjacent trees

- 10 The chalet shall be occupied for tourism purposes only.

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

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

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

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure shall be added to the building or erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of

planning permission.

Reason: To prevent development which could harm the character and appearance of the area.

## **Informative notes to applicant**

### **STATEMENT OF POSITIVE WORKING**

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

## **Proposal**

Erection of a one-bedroom holiday chalet with associated vehicular parking.

The chalet would be one-and-half storey, clad in timber with a kitchen/diner, bathroom and bedroom on the ground floor and a mezzanine providing a lounge above, also featuring a verandah to the front elevation. Parking would be provided away from the chalet near to the entrance to the site.

## **Site Description**

The site is part of land associated with Northmoor Cottage although not contiguous to it as the plot is on the opposite side of the road. The wider plot includes a tarmaced vehicular access, disused stable block, greenhouses and an open barn. Much of the land is wooded. It is on a brow of North Hill, Minehead and close to the edge of the Exmoor National Park and the Higher Town Conservation Area is located slightly below the wider site. The area proposed for siting the holiday chalet is in a natural channel between two earthen banks and currently has the remains of a small outbuilding with an extant concrete base and low walls. There is a large (public) television mast to the north of the site and located within the land in the same ownership (blue line).

## **Relevant Planning History**

- 3/21/82/120 - formation of riding establishment - refused - 10/12/1982
- 3/21/83/165 - formation of riding establishment - refused - 15/08/1983
- 3/21/85/282 - Change of Use of Agricultural Buildings to Stables to Form Riding Establishment - Granted - 24/12/1985

- 3/21/99/273 - Erection of bungalow - Refused - 20/01/2000

## Consultation Responses

*Minehead Town Council* - recommends refusal - overdevelopment of a site on the edge of the town and near to National Park

*Highways Development Control* - standing advice

*Wessex Water Authority* - no objections, noted that sewerage will be disposed of via septic tank and surface water via soakaway

*Economic Regeneration and Tourism* - no comments received

*Landscape* - no comments received

*SCC - Ecologist* - The application site lies approximately 700m , as the crow flies, of the Exmoor Heaths SAC. However, given the magnitude of the proposed development it is considered highly unlikely that any increased leisure use of habitat within the SAC would result from visitors to the chalet. Therefore it is not considered necessary to carry out a Habitats Regulations Assessment of the application.

Culver Cliff Local Wildlife Site lies approximately 50m to the south and west of the application site. However, there is no public right of way access to the woodland. Conditions for removal of hedges outside of birds nesting season, lighting design for bats and for provision of bat boxes and bird nesting boxes will be required

## Representations Received

Four letters of objection have been received, the points noted are:

- Could be a prelude to further development and barn could be demolished
- Will impact negatively on tourism
- Outside development limits to Minehead so contrary to policy SC1
- Roads are narrow and it is a no-through-road with no turning areas
- Will be reliant on private cars so contrary to TR2
- The land is agricultural
- Previous applications have been refused at the site

Three neutral comments have been received, raising concerns about potential for future development, lack of any proposed landscaping, non-inclusion in the SHLAA, past refusals of planning permission, makes no contribution to Minehead as a tourist destination, proximity to Exmoor National Park and the North Hill Conservation Area, and poorly sited parking area

The Minehead Conservation Society also objected sending in two letters, and in the first letter commenting that the applicant has been 'insensitive' by submitting the application for 'purely commercial gain' during 'this time of huge uncertainty' (presumably referring to the Corona Virus lockdown), that there is no indication if it is a full or outline application, no justification has been provided, questioning what in planning terms differentiates a house from a holiday let, there is a risk that it could be extended or become a permanent dwelling or a second home, it is agricultural land and should be rented out for this use, it is close to the North Hill application which was recently refused (referring possibly the application at Beacon Road), the wildlife survey is wrong to suggest that biodiversity at the site is limited, there are too many

tourist related lets in Minehead, it is the wrong site for any development, and it is a 'commercial venture' benefiting no one other than the applicant. And in the second letter it is stated that the site is outside of permitted development limits to Minehead, it is "not in the adopted local plan as being in the SHLAA", it is close to Exmoor NP and the submitted documentation does not mention previous refusals at the site

## **Planning Policy Context**

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

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

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

EC8	Tourism in settlements
SC1	Hierarchy of settlements
NH13	Securing high standards of design
NH14	Nationally designated landscape areas

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

EC8	Tourism in settlements
SC1	Hierarchy of settlements
NH13	Securing high standards of design
NH14	Nationally designated landscape areas

## **Determining issues and considerations**

The main issues are the principle of development, tourist development and use, design and materials, amenity, traffic impacts, access and parking, landscape impacts, tree protection and biodiversity, proximity to the National Park and Conservation Area, and drainage.

### **Principle of development**

The application is for a new holiday chalet to be constructed at a site right on the

edge of the existing built-development limits to Minehead. The site is considered to be within the limits to the town and extant buildings such as the stable block and barn are shown on the 2016 Local Plan to 2032 accompanying map. Whilst the plot is not contiguous to the host dwelling at Northmoor Cottage as it is located on the opposite side of the road the proposed development area for the chalet is located 48m west from Northmoor Cottage, which meets the 50m allowance beyond the existing built-up area stipulated in policy SC1.4, so the application is therefore considered to be in compliance with policy SC1 in regards to developments within recognised settlements. Policy EC8 'Tourism in Settlements' is of relevance and includes reference to "the emphasised promotion of Minehead as a centre for visiting Exmoor and an increased profile for outdoor pursuits". Support for such application is conditional upon meeting criteria related to amenity, traffic impacts and access. In principle the development is considered to accord with adopted Local Plan policies.

### **Tourist development and use**

The site is located very close to Exmoor National Park (approximately 80m to the north) and well placed for tourists wishing to access the moors by foot. The wider site also has good views over Minehead and the Bristol Channel and it is acknowledged that it would be an attractive site for limited tourist development. The current lawful use of the land is likely to be agricultural although equestrian elements including a stable block have been subject to planning approval in the past so it is likely that much of the land shown within the blue line was in equestrian use at some point in the past. The wider plot is relatively modest and would have little viable potential for use as commercial grazing land so a change of use is not considered to be of significant detriment to the availability of suitable pasture land in the locality. As such it is considered that the change of use of land is acceptable and that the provision of a small-scale tourist chalet would not act as barrier to continuing agricultural activities beyond the plot's limits. Whilst a tourist let is considered to accord with policies SC1 and EC8 use of the chalet should be set by planning condition to be limited to tourist uses only as a full-time residential property would have markedly different impacts and be likely to require a distinct curtilage, and open up potential for peripheral developments such as outbuildings, domestication of land towards the creation of garden areas, erection of boundary fences and/or walls, and so forth. Accordingly any permission granted must include an appropriately worded condition to this effect.

### **Design and materials**

The proposed design is for a simple chalet building to be clad in timber with timber shingle roofing. It would feature a verandah to the front elevation and internally a double-height ceiling to the kitchen/diner on the ground floor with a mezzanine level providing for an upper floor lounge area. The design is considered acceptable and materials, subject to approval of details to be set by planning condition are appropriate to the edge of settlement, semi-forested context. That said it is considered that the design is acceptable as proposed and any changes would need to be approved with planning permission as extensions or changes to the fenestration, or dormer windows and the like and features such as boundary walls, could have a very negative impact on the site and wider area. It is therefore considered appropriate to restrict permitted development rights by an all-encompassing planning condition.

## **Amenity**

There are no residential properties which would be overlooked or be directly impacted by the proposed chalet building so there are not considered to be any amenity impacts from the proposal.

## **Traffic, access and parking**

The proposal would create a one-bedroom chalet so traffic impacts are considered to be unlikely to be severe given the scale of the accommodation. Access would be as existing which is a reasonably wide access to the public highway. Whilst the public road itself is narrow and terminates shortly after the edge of the plot, it is considered that at the scale of use proposed traffic impacts would not warrant grounds to refuse the application. The road is very lightly trafficked and highways authority have not objected to the proposed development. Parking would be provided just inside the plot and close to the existing parking and hard standing area to the front of the stable block with space for two cars although overspill using the hard standing area to the front of the stables could also easily be provided. There is also sufficient space to turn cars off-road and the proposed development is not considered to be detrimental to highway safety or to create significant risks in terms of on-street parking due to the modest size of the proposed chalet.

## **Landscape impacts, Exmoor National Park and the North Hill Conservation Area**

The proposed chalet would be sited within a recessed area of land past one of the brows of North Hill, which is within the blue line of the plot, and would be almost completely screened from public receptors. There may be some extremely limited views into the site from above, further up the hill however there are many trees surrounding the development area and it would very well be masked from main public receptors so visual impacts would be at worst negligible. Impacts on the character of the landscape are also considered to be minor and do not represent a reason to refuse the application. Equally the development is not considered to have any significant impacts on the National Park, despite its proximity to the site -about 80 metres distance- as no views into the site from footpaths are possible. The land proposed for development is enclosed to the northside by a steep bank with land beyond that at a much higher level so the building would fit into a recess and only the upper part of the roof slope/ridge could be visible, even with this due to topography and existing trees and other flora, views are likely to be very limited if possible at all. It is therefore considered that the proximity to Exmoor National Park does not represent a reason to refuse the application.

The boundaries to the Higher Town Conservation Area are located approximately 50 metres south-west of the site, further down the North Hill road. Views into the site from lower down the hill, again due to topography, would be almost non-existent for the proposed chalet. There is no direct line-of-sight view from the road called 'North Hill' into the area proposed for the chalet. The proposed parking area would be visible from directly outside it but this would be seen in the context of the adjacent stable block and hard standing/parking area so would present little visible difference to the extant site. However some minor soft landscaping works would enhance the site and a condition will be attached to any permission granted to this effect. Impacts on the designated heritage area and any listed buildings within it are considered to



be negligible as there would be no visual impacts from the chalet and the parking area is further up the hill away from the Conservation Area.

### **Trees and biodiversity**

The site has an abundance of trees although it appears that root protection zones and canopy spreads are slightly outside the area which would need to be dug out for foundations and part of the foundations would utilise the existing concrete base to a derelict outbuilding. Having taken (verbal) advice from the SWT Tree officer it has been agreed that condition will be appended to any permission granted requiring details for a tree protection plan prior to commencement. The site has some biodiversity potential and the County ecologist has not objected to the scheme but has recommended conditions for a lighting design for bats, seasonal removal of hedgerows and inclusion of bat and bird boxes, which would form part of any permission granted. Due to the relatively minimal intervention into the existing site necessary to construct the development it is not considered that the development would represent significant harm to existing biodiversity at the site.

### **Drainage**

The proposal cites the use of a septic tank for foul sewerage disposal and soakaways for surface water. No further details have been supplied so a condition for this will be attached to any permission granted.

### **Other matters**

The Minehead Town Council planning committee have objected to the proposal due to perceived 'overdevelopment' and proximity to the National Park, these issues are addressed above. Two letters of objection from the Minehead Conservation Society have also been received, details are summarised above. Several letters of representation have been received including four direct objections to the proposal. It is therefore under SWT's scheme of delegation, a requirement that the application be determined at the next available planning committee. The comments received in the letters of representation have been addressed throughout this report.

### **Conclusion**

The application is considered to be a modest holiday chalet in a site which whilst sensitive is well screened by existing tree and flora, and hidden by the topography with a natural recessed area ideally suited to erect a small-scale chalet which would be visually unobtrusive. The land is within 50 metres of the edge of the contiguous built-up area of Minehead so within acceptable development limits as per policy SC1. Policy EC8 supports tourist development within settlements so the application is considered to be compliant with adopted Local plan policies. Therefore subject to conditions cited above the application is recommended for approval.

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



