

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - WEST

Tuesday, 19 March 2024 at 2.00 pm

John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE

To: The members of the Planning Committee - West

Chair: Councillor Simon Coles
Vice-chair: Councillor Derek Perry

Councillor Norman Cavill	Councillor Caroline Ellis
Councillor Habib Farbahi	Councillor Andy Hadley
Councillor Ross Henley	Councillor Steven Pugsley
Councillor Mike Rigby	Councillor Andy Sully
Councillor Sarah Wakefield	Councillor Rosemary Woods
Councillor Gwil Wren	

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticserviceswest@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **12noon on Monday, 18 March 2024**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by (the Proper Officer) on Friday, 8 March 2024

AGENDA

Planning Committee - West - 2.00 pm Tuesday, 19 March 2024

Public Guidance Notes for Planning Committees (Agenda Annexe)
(Pages 7 - 10)

Councillor Reminder for Declaring Interests (Agenda Annexe) (Pages 11 - 14)

Webcast link to view the meeting

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Meeting ID: 363 150 009 778

Passcode: LA5pTc

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1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 15 - 22)

To approve the minutes from the previous meeting.

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Public Question Time

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 submitted any questions or statements, please note, a three minute time limit applies to each speaker.

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticservicesteam@somerset.gov.uk by 5pm on Wednesday 13 March 2024.

5 Planning Application 3/26/24/002 - The Blue Anchor, Cleeve Hill, Watchet, TA24 6JP (Pages 23 - 34)

To consider an application for the change of use of owners accommodation to holiday apartment with conversion of garage and pub function room to owners apartment (retention of part works already undertaken) at The Blue Anchor, Cleeve Hill, Watchet, TA24 6JP.

6 Planning Application 23/23/0040/LB - Little Fort, St Michaels Hill, Milverton, TA4 1JS (Pages 35 - 50)

To consider an application for the installation of 18 No. solar panels on the south facing roof of Little Fort, St Michaels Hill, Milverton.

7 Planning Application 3/21/23/088 - Land off Seaward Way, Minehead (Pages 51 - 72)

To consider an application for the variation of Condition No. 02 (approved plans) and Condition No. 14 (ball stop netting) of application 3/21/21/015 at Land off Seaward Way, Minehead.

8 Appeal Decisions (for information) (Pages 73 - 78)

Other Information:

Exclusion of the Press and Public for any discussion regarding exempt information

The Press and Public will be excluded from the meeting when a report or appendix on this agenda has been classed as confidential, or if the Committee wish to receive confidential legal advice at the meeting. If the Planning Committee wish to discuss information in Closed Session then the Committee will asked to agree the following resolution to exclude the press and public:

Exclusion of the Press and Public

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Or for any other reason as stated in the agenda or at the meeting)

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

The Applicant or Agent, Parish, Town or City Council, Division Members and objectors or supporters are able to address the Planning Committee. **All speakers need to register – please see details on the next page.**

The order of speaking will be:-

- Those speaking to object to the proposal - maximum of 5 speakers of 3 minutes each
- Those speaking in support of the proposal - maximum of 5 speakers of 3 minutes each
- Parish, Town or City Council(s) - 3 minutes each
- Councillors of Somerset Council (non-Committee members) - 3 minutes each
- The applicant or their agent - 3 minutes

Public speaking will be timed and the Chair will be responsible for bringing the speech to a close. The speaker/s will be allowed to address the Committee during their registered slot only and will not be allowed to provide further clarification. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative speaking to object or support the proposal should be nominated to present the views of a group.

The Chair can exercise their discretion in consultation with the Legal Adviser and this maybe, for example, it maybe that comments are derogatory in which case the Chair will exercise discretion to prevent the speaker from continuing, or if balance was required in terms of speakers for and against or to make a specific point, to allow a further speaker.

Comments should be limited to relevant planning issues. There are limits to the range of issues that can be taken into account when considering planning applications.

Although not an exhaustive list, these might include:

- Government planning policy and guidance
- Planning legislation
- The suitability of the site for development
- Conflict with any planning policies such as the relevant Development Plan – which are available for inspection on the Council's website
- Adopted Neighbourhood Plans
- Supplementary Planning Documents (SPD)

- Previous planning applications and decisions
- Design, appearance, layout issues and relationship with the surrounding area.
- Living conditions such as privacy, noise and odour.
- Highway safety and traffic issues
- Biodiversity and ecology
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that are not usually relevant will vary with each application, but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations or other laws.

How do I register to speak at Planning Committee?

A request to speak must be made to the Council's Democratic Services team no later than 12 noon on the working day before the Committee meeting by email to democraticserviceswest@somerset.gov.uk . For those speaking to object or support the proposal, the speaking slots will be allocated on a first come first served basis. If there are numerous members of the public wishing to speak in one slot it is advisable to make arrangements for one person to make a statement on behalf of all. The meetings are hybrid and you can speak either in person at the meeting or virtually. If you wish to speak at the meeting virtually please inform Democratic Services so that they can advise you of the details. If you have registered to speak, the Chairman will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you cannot present documents in any form to the Committee Members at the meeting – this includes photographs and presentations (including Powerpoint presentations).

How do I know what time an application will be heard?

If you have registered to speak in person, we recommend arriving at the meeting venue about 15 minutes before the start time. If joining virtually, please consider joining the meeting a few minutes early to ensure your technology is working correctly - you may have to wait in a lobby until being admitted to the meeting. It is not possible to estimate the exact time an application will be heard.

What if my Division Member does not sit on the Planning Committee?

If your local Councillor is not a member of the Planning Committee, he or she can still address the meeting to outline any concerns or points of support. However, they will not be permitted to take part in the main debate, to make or second a proposal or to vote on any item.

Presentation of planning applications

The Planning Officer will present the case to the Committee explaining the factual matters and any salient points which need to be drawn out with the use of a visual presentation. It is important to note that the Planning Officer is not an advocate for either the applicant or any third parties but will make an impartial recommendation based on the merits of the proposal and any relevant material considerations.

The role of Officers during the debate of an application

When an application is considered at Planning Committee, it is the Officers' role to explain why they have concluded that permission should be approved or refused and answer any questions that Members may have. Whilst the Committee has to reach its own decision bearing in mind the Officer advice, report and recommendation, the Lead Planning Officer and Council Solicitor in particular have a professional obligation to ensure that a lawful and unambiguous decision is made in accordance with the Council's Development Plan, planning legislation, regulations and case law. This means, in the event that a contrary decision is sought, they will need to explain the implications of doing so. This can sometimes mean that Officers need to advise and guide Members as to planning policy, what are or are not material considerations, what

legally can or cannot be considered or given weight and the likely outcome of any subsequent appeal or judicial review.

Officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Members and there should always be scope for Members to express a different view from Officers. However, any decision by the Committee must be based on proper planning reasons as part of the overall aim to ensure that a lawful and unambiguous decision is made. Where this is contrary to that recommended within the Officer report, the Lead Planning Officer and Council Lawyer will advise Members in making that decision.

Recording of the Meeting

Please note that this meeting will be recorded, and the recording will be made available on the Council's website and/or on YouTube. 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 use of the sound recording for access via the website or for training purposes.

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public – providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings, No filming or recording may take place when the press and public are excluded for that part of the meeting.



Councillor reminder for declaring interests

The [Members Code of Conduct](#) deals with declaration of interests and participation at meetings.

Non participation in case of Disclosable Pecuniary Interest

Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests*, you **must** disclose the interest, **must not** participate in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest,' you do not have to disclose the nature of the interest, just that you have an interest. A dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests**, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'directly relating' to financial interest or well-being

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests 'affecting' financial interests or well-being

Where a matter arises at a meeting which affects –

- a) your own financial interest or well-being;
- b) a financial interest or well-being of a relative or close associate; or
- c) a financial interest or wellbeing of a body included under Other Registrable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the division affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest,

you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

If your Non-Registrable Interest relates to –

- 1) an unpaid directorship on a company owned by your authority or
- 2) another local authority of which you are a member,

subject to your declaring that interest, you are able to take part in any discussion and vote on the matter.

*1. **Employment:** any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.

2. **Sponsorship:** any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your council.

3. **Contracts:** any current contract between your council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.

4. **Land:** any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from (excluding a licence to occupy land for less than a month).

5. **Corporate tenancies:** any tenancy between your council and a body in which you or your partner are a partner, director, or shareholder.

6. **Securities:** any beneficial interest in any shares or other securities of any description in a body held by you or your or your partner if the body has a place of business or land in your council's area, and: the total value of the securities held is over £25,000, or you or your partner hold more than one hundredth of the total issued share capital of the body, or if the body has more than one class of shares you or your partner hold more one hundredth of the issued share capital of that class.

**a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body exercising functions of a public nature directed to charitable purposes or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union, of which you are a member or in a position of general control or management.

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Minutes of a Meeting of the Planning Committee - West held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Monday, 19 February 2024 at 2.00 pm

Present:

Cllr Simon Coles (Chair)
Cllr Derek Perry (Vice-Chair)

Cllr Norman Cavill	Cllr Andy Hadley
Cllr Ross Henley	Cllr Steven Pugsley
Cllr Mike Rigby	Cllr Sarah Wakefield
Cllr Rosemary Woods	Cllr Gwil Wren

Other Members present remotely:

Cllr Tony Lock

71 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Habib Farbahi, Caroline Ellis and Andy Sully.

72 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - West held on 23 January 2024 be confirmed as a correct record.

73 Declarations of Interest - Agenda Item 3

Councillors Mike Rigby, Derek Perry and Ross Henley all declared non-registerable interests in respect of agenda items 8 (38/22/0344) and agenda item 9 (3823/0103/LB), as the applicant was known to them.

74 Public Question Time - Agenda Item 4

No members of the public had registered to speak.

75 Tree Preservation Order - 2 Jeffreys Way, Taunton - Agenda Item 5

The Planning Officer presented the application and Members noting that the Eucalyptus tree had now been pruned successfully to the satisfaction of the objectors and without complaint from the owners believed that it was appropriate to confirm the order.

Resolved:

To confirm Somerset Council (Taunton No.1) Tree Preservation Order SC(West)5, 2023, 2 Jeffreys Way, Taunton.

(Voting: unanimous in favour)

76 Planning Application 20/23/0045 - 19-20 Mill Meadow, Parsonage Lane, Kingston St Mary, TA2 8HL - Agenda Item 6

The Planning Officer introduced the application to the Committee with the assistance of a PowerPoint presentation and highlighted that, following an appeal decision made the previous week, the first reason for refusal was no longer defensible.

The Legal Officer clarified that, on an appeal decision for an application in Creech St Michael the Inspector had concluded that the former Taunton Deane area no longer had a 5 year housing land supply. As a result, the LPA was now in the 'tilted balance' situation. NPPF Paragraph 11(d) states, that where the LPA does not have a 5 year housing land supply the Committee should only refuse a planning application if the harm significantly and demonstrably outweighs the benefits of the proposal. Consequently, as stated by the Planning Officer, the first refusal reason on policy grounds had been withdrawn from the Officer's Recommendation and the only reason for refusal now recommended was on the basis that the development did not meet the minimum space standards.

The Committee was addressed by the Parish Council, three Supporters, the Agent, and the Division Member, who all in favour of the application. One speaker, a RICS surveyor, stated that they had measured both buildings and that Plot 19 (a 2-bed house) and Plot 20 (a 3-bed house) both exceeded the minimum space requirements.

The Committee discussed the application and whilst there were some concerns the

over the conversion of holiday accommodation to domestic dwellings, it was commented that these were not isolated properties, being within the curtilage of the settled area, and that new housing, supported by the community, would make a difference to the Village.

In response to questions over the provision of affordable housing the Housing & Enabling Officer confirmed that a financial contribution was their preferred option and the amount had been generated using the Taunton Deane affordable homes housing calculator.

In response to questions the Planning Officer explained that she made the space calculations using the plan and scale provided by the Applicant and today was the first time she had been made aware of any other measurements having been made.

With the only reason for refusal being on compliance with the minimum space standards, it was proposed by Councillor Rigby and seconded by Councillor Hadley to grant delegated authority to planning officers to approve the application, subject to the properties' compliance with the minimum space standards, once they had been physically measured by a planning officer, and the prior completion of a S106 agreement to secure a financial contribution towards affordable housing. Officers were also granted delegated authority to impose appropriate planning conditions on the grant of the permission.

Resolved:

That delegated authority to approve planning application 20/23/0045 for the variation of wording to Condition No. 03 of application 20/06/0039 (Condition No. 01 of appeal decision - holiday occupancy) to allow full residential use of Plots 19 and 20 Mill Meadow, Parsonage Lane, Kingston St Mary be given to the Service Manager Planning West, subject to the dwellings satisfying the minimum space standards and the prior completion of a S106 agreement to secure a financial contribution towards affordable housing. That delegated authority also be given to the Service Manager Planning West to impose appropriate planning conditions on the grant of the said permission.

(voting: 6 in favour, 1 against, 2 abstentions)

Councillor Norman Cavill joined the meeting.

77 Planning Application 20/23/0044 - 15-18 Mill Meadow, Parsonage Lane, Kingston St Mary, TA2 8HL - Agenda Item 7

The Planning Officer presented the application and explained that, as per the previous application, as the LPA was currently in a 'tilted balance' situation the application was now recommended for approval.

The Committee was addressed by the Parish Council, two Supporters and the Agent all speaking in favour of the application. It was highlighted that it had been the Parish Council who had approached the Applicant regarding the change from holiday to domestic dwellings and that there was a suitable footpath into the village.

Members discussed the application and acknowledged that without any reasons for refusal it was appropriate to grant permission in accordance with the revised Officer Recommendation. This was proposed by Councillor Pugsley and seconded by Councillor Hadley.

Resolved:

That planning application 20/23/0044 for the Removal of Condition No. 05 (holiday occupancy) of application 20/05/0005 on Plots 15 to 18 Mill Meadow, Parsonage Lane, Kingston St Mary be APPROVED subject to and the prior completion of a S106 agreement to secure a financial contribution towards affordable housing and that delegated authority be given to the Service Manager Planning West to impose appropriate planning conditions on the grant of the said permission .

(voting: 5 in favour, 1 against, 4 abstentions)

The Committee adjourned at 3.15pm for a comfort break and Councillors Mike Rigby, Derek Perry and Ross Henley, having declared a non-registerable interest on the following two agenda items, left the room.

78 Planning Application 38/22/0344 - Weir Lodge, 83 Staplegrove Road, Taunton, TA1 1DN - Agenda Item 8

The Planning Officer presented the application and explained that at their 17 October 2023 meeting the Committee had resolved to defer the application with delegated authority being given to officers to grant permission subject to a suitable phosphate solution being found. The application was now back before the Committee because, although the Applicant was arranging phosphate credits through a third party, an agreement to secure the same had not yet been completed.

The Legal Advisor confirmed that an overarching legal was in the process of being finalised with the phosphate credit provider.

Two people including the agent spoke in support of the application commenting that there had been no changes to the application's planning merit and that a certificate for phosphate credits should be obtained within the next few weeks.

Members noting that they had previously granted permission subject to a phosphate solution being found, which was now imminent, felt that it was appropriate delegate approval to officers to grant permission subject to a phosphate solution being secured and the imposition of appropriate planning conditions. It was proposed by Councillor Coles and seconded by Councillor Pugsley.

Resolved:

That delegated authority be given to the Service Manager Planning West to APPROVE planning application 38/22/0344 for the demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton subject to the resolution of the phosphate issue and the imposition of appropriate planning conditions.

(voting: 6 in favour, 1 abstention)

79 Planning Application 38/23/0103/LB - Weir Lodge, 83 Staplegrove Road, Taunton, TA1 1DN - Agenda Item 9

The Planning Officer presented the application and the Committee heard from one speaker in support of the application.

Members discussed the application and felt that the replacement of the existing outbuilding with the proposed dwelling would be an improvement and that the application caused less than substantial harm. Consequently, it was proposed by Councillor Hadley and seconded by Councillor Pugsley to grant listed building consent once that the parallel application for planning permission had been granted.

Resolved:

That application 38/23/0103/LB for listed building consent for the Demolition of outbuilding and erection of a 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton (resubmission of 38/22/0345LB) be APPROVED once application 38/22/0344 has been granted permission.

(voting: unanimous in favour)

Councillors Mike Rigby, Derek Perry and Ross Henley re-joined the meeting.

80 Planning Application 24/22/0053 - Land to the northwest of 32 Greenway, North Curry - Agenda Item 10

The Planning Officer presented the application with the use of a PowerPoint presentation.

The Parish Council addressed the Committee highlighting their concerns that on an adjacent plot there had been an unauthorised Gypsy encampment and that the granting of this application may set a precedent.

The Applicant explained that the proposal was for the siting of two glamping pods and for grazing for horses. They had relocated the access onto Greenway rather than Oxen, to allay some of concerns raised.

Members, whilst acknowledging the concerns of the Parish Council, felt that there were no particular grounds for refusal and it was proposed by Councillor Pugsley and seconded by Councillor Cavill to grant permission in accordance with Officers' Recommendation.

Resolved:

That planning application 24/22/0053 for the change of use of equestrian land to tourism with siting of 2 No. glamping pods with amenity space, parking and EV points on land to the northwest of 32 Greenway, North Curry (resubmission of 24/22/0014) be APPROVED subject to the conditions listed in the Agenda report.

(voting: 8 in favour, 2 abstentions)

81 Planning Application 38/23/0409 - 10 Greenway Road, Taunton, TA2 6LB - Agenda Item 11

The Planning Officer presented the application with the use of a presentation and highlighted that this application was before the committee because the Applicant was married to a member of Council staff.

In response to questions it was confirmed that:

- The hours of operation for the dog grooming business would be conditioned to 8.30am to 5.30pm Monday to Saturday and at no time on Sundays, Bank Holidays or other Public Holidays.
- Whilst dog noise could not be conditioned it was considered that the bricks and mortar construction would provide reasonable sound buffering.

Consequently, it was proposed by Councillor Rigby and seconded by Councillor Pugsley to grant permission in accordance with Officers' Recommendation.

Resolved:

That planning application 38/23/0409 for the change of use of residential garage into dog grooming salon at 10 Greenway Road, Taunton be APPROVED subject to the conditions listed in the Agenda report.

(voting: unanimous in favour)

82 Appeal Decisions (for information) - Agenda Item 12

The Committee noted the appeal decision.

In respect of the 'tilted balance' position in the former Taunton Deane area, it was explained that each year the Council's housing land supply was reviewed. This was due to be done shortly, but given the Creech St Michael appeal decision, the review would now be expedited. As there were now more phosphate solutions available, Officers believed that when the review was re-done the Council would be able to demonstrate a 5 year housing land supply in the former Taunton Deane area.

(The meeting ended at 4.33 pm)

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CHAIR

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Application Details	
Application Reference Number:	3/26/24/002
Application Type:	Full Planning Permission
Earliest decision date:	29 February 2024
Expiry Date	03 April 2024
Extension of Time Date	NA
Decision Level	Committee
Description:	Change of use of owners accommodation to holiday apartment with conversion of garage and pub function room to owners apartment (retention of part works already undertaken)
Site Address:	The Blue Anchor, Cleeve Hill, Watchet, TA24 6JP
Parish:	26
Conservation Area:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	NA
National Landscape (AONB):	NA
Case Officer:	Briony Waterman
Agent:	Mr Adam Elston,
Applicant:	Ms Strom
Committee Date:	19th March 2024
Reason for reporting application to Committee	Applicant is related to an elected member of the Council.

1. Recommendation

1.1 That permission be GRANTED subject to conditions

2. Executive Summary of key reasons for recommendation

2.1 The proposal is considered to comply with policies CC3 – Coastal Change Management Area, OC1, Open countryside Development and EC9 Tourism outside settlements of the West Somerset Local Plan and is considered to not have a significant impact upon the visual or residential amenity of the area. A condition has been included to ensure that the holiday apartment is used solely for holiday use and the managers accommodation to be used in connection with the premises to ensure there the requirements of policy are met.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

3.1.1 Time limit

3.1.2 Drawing numbers

- 3.1.3 Restrictions on PD
- 3.1.4 Holiday use only.
- 3.1.5 Managers use only

3.2 Informatives (full text in appendix 1)

3.2.1 Proactive Statement

3.3 Obligations
n/a

4. Proposed development, site and surroundings

4.1 Details of proposal

Change of use of owner's accommodation to holiday apartment with conversion of garage and pub function room to owner's apartment (retention of part works already undertaken).

The holiday apartment will contain 6 bedrooms, 4 bathrooms, a lounge, dining room and kitchen. Whilst the managers accommodation will contain a kitchen/dinning room and 4 bedrooms.

4.2 Sites and surroundings

Anchors Drop, formerly the Blue Anchor is a two storey pub located adjacent to the B3191 with a car park to the south east. The pub abuts directly onto the highway with access onto the site to the southeast. There is a beer garden to the northwest and the rear of the pub overlooking the sea. The site lies outside any defined settlement limits, as such it is within the open countryside, and it is also within the Coastal Change Management Area.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/26/23/005	Installation of solar panels on static caravans (resubmission of 3/26/22/013)	Grant	03/08/2023
3/26/22/013	Installation of solar panels on main building and static caravans along with ground mounted solar panels in the north-western garden area	Refuse - committee overturn	20/04/2023
3/26/08/25	Erection of two detached bungalows with attached garages	Refused	13/11/2008
3/26/07/018	Permission for 2 existing caravans on the road side of the top field. Allowed at appeal for the temporary accommodation of seasonal staff, limited to a period of 5 years	Refused	17/09/2007
3/26/06/008	Beer Garden	Grant	02/06/2006

3/26/02/038	Coast protection scheme	Withdrawn	15/01/2003
3/26/87/033	Conversion of amusement area into three holiday flats	Grant	01/10/1987
3/26/84/037	Domestic Dwelling	Refuse	09/11/1984
3/26/83/069	Coast protection wall	Grant	10/02/1984
3/26/78/033	Conversion of existing hotel bedrooms to 3 holiday lets	Grant	05/06/1979
3/26/78/011	First floor extension of existing games room	Grant	04/05/1978
3/26/74/036	Games room, staff accommodation and new car park	Grant	29/12/1974

6. Environmental Impact Assessment

NA

7. Habitats Regulations Assessment

The site lies outside the Somerset Levels and Moors RAMSAR Catchment Area and therefore a HRA is not required.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 08 February 2024

8.2 Date of revised consultation (if applicable): NA

8.3 Press Date: NA

8.4 Site Notice Date: A site notice was posted out to the applicant on the 08/02/2024.

8.5 Consultees the following were consulted:

Consultee	Comment	Officer Comment
Old Cleeve Parish Council	Remain neutral on the proposal with the following observations: May need an application under building regs Adequate fire separation and sound insulation must be provided between the units, this is not clear from the plans	Comments are noted, however the comments relate to building control and not planning. The site plan indicates the extent of the site for the conversion.

	Site plan does not indicate the caravans	
Highways Development Control	No comments received at time of writing	
SCC - Ecologist	Having reviewed the above application, the plans/ and or photographs indicate the area of the existing building/area where the proposed development is due to be constructed to be negligible for ecological features. Development can continue.	Noted
Wessex Water Authority	No comments received	
Planning Enforcement	No comments received	
Landscape	No landscape objections.	
Economic Regeneration and Tourism	No comments received	

8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

No letters have been received.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises comprise the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree

the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

SD1	Presumption in favour of sustainable development
CC3	Coastal Change Management Area
OC1	Open Countryside development
EC9	Tourism outside settlements

Neighbourhood Plans:

NA

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

National Planning Policy Framework

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

Due to the location of the proposal, outside any defined settlement limits policy OC1 (opens countryside development) is considered relevant. This policy states "*in exceptional circumstances development may be permitted where this is beneficial for the community and local economy*". The proposal is considered to be beneficial to the local economy as it utilises vacant space to enable the letting of a self-contained holiday unit which complements the existing tourism provision and therefore acceptable in terms of policy OC1.

Due to the location of the proposal, policy CC3: Coastal Change Management Area is also considered relevant. This policy states that:

"Development within the coastal change management areas, as defined on the policies map, will be limited to temporary, tourism-related development.

No development will be permitted within parts of the coastal change management area which are vulnerable to rapid coastal erosion.

Exceptionally, where the use of such development locations are necessary for sustainable development may be permitted where they would be protected by new or existing sea defences which are to be maintained in the long term."

Policy EC9: Tourism outside of settlements states that "*Tourism outside settlements will only be supported where it can be demonstrated that:*

- *The proposed location is essential to the business and that it could not be located elsewhere, and;*
- *It does not adversely affect the vitality and viability of the neighbouring settlements, and;*
- *It complements existing tourism service and facility provision in neighbouring settlements and surrounding area without generating new unsustainable transport patterns.*

The proposal includes tourist development in a location which already lends itself to holiday lets, given the current use of the site and the surroundings. The site is in an area protected by recently reinforced sea defences. As such the proposal is considered acceptable in principle. Given the above it is considered the conversion of the managers accommodation to holiday lets and the change of use of garage and function room to owners accommodation is considered to comply with policy.

10.1.2 Visual amenity

The proposal does not result in any external changes to the building and as such it is considered that the proposal would not have an impact upon the visual amenity of the area.

10.1.3 Residential amenity

It is considered that given the current use of the site for holiday accommodation and the location, a detached building on the other side of the B3191 with the neighbouring properties being to the northwest and south east on the southern side, that the proposal would not exacerbate the existing site arrangement. It is therefore considered that there would not be an adverse impact upon the residential amenity of the area.

10.1.4 Highways

The development is served by a large carpark which will provide sufficient parking and turning for users of the pub, the holiday lets and the owner's accommodation. The development will be served by an existing access, and the proposal is not considered to result in a significant intensification of the use and therefore is considered not to adversely impact on the highway network.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

NA

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

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:

(A4) Flood Map for Planning
(A2) DrNo 2239.4/100 Existing Site Plans
(A1) DrNo 2239.4/101 Existing Plans & Elevations
(A2) DrNo 2239.4/200 Proposed Site Plans
(A1) DrNo 2239.4/201 Proposed Plans & Elevations

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

- 3 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 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 ensure that the proposed development does not harm the character and appearance of the area.

- 4 The holiday lets shall be occupied for tourism purposes only.

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

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of the individual holiday lets 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.

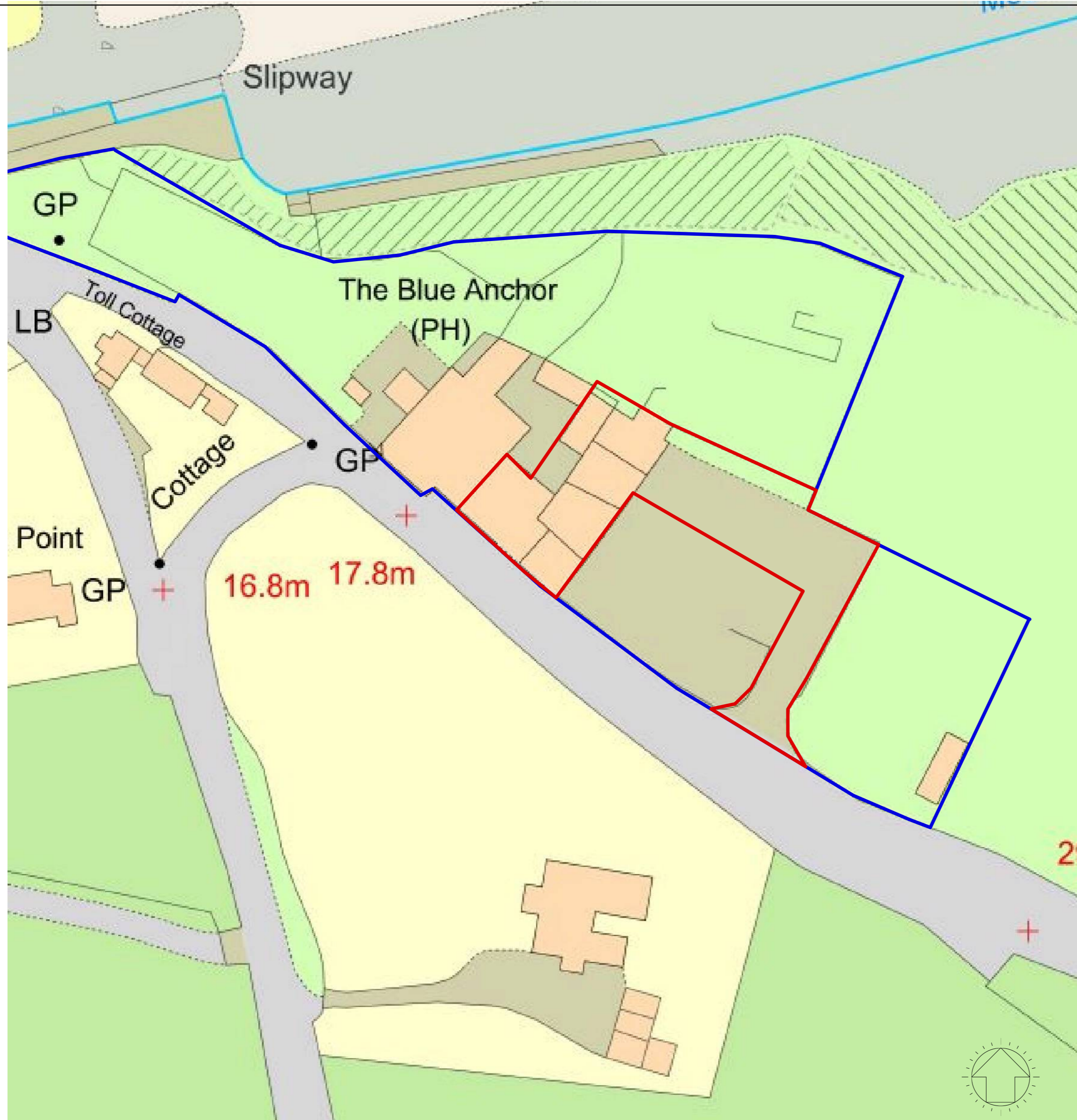
5. The managers accommodation hereby permitted shall only be used in connection with the business known as "Anchors Dop" and shall be occupied by those involved with the running of the business.

Reason: To prevent the occupation of the accommodation as an independent dwelling which would be contrary to policy.

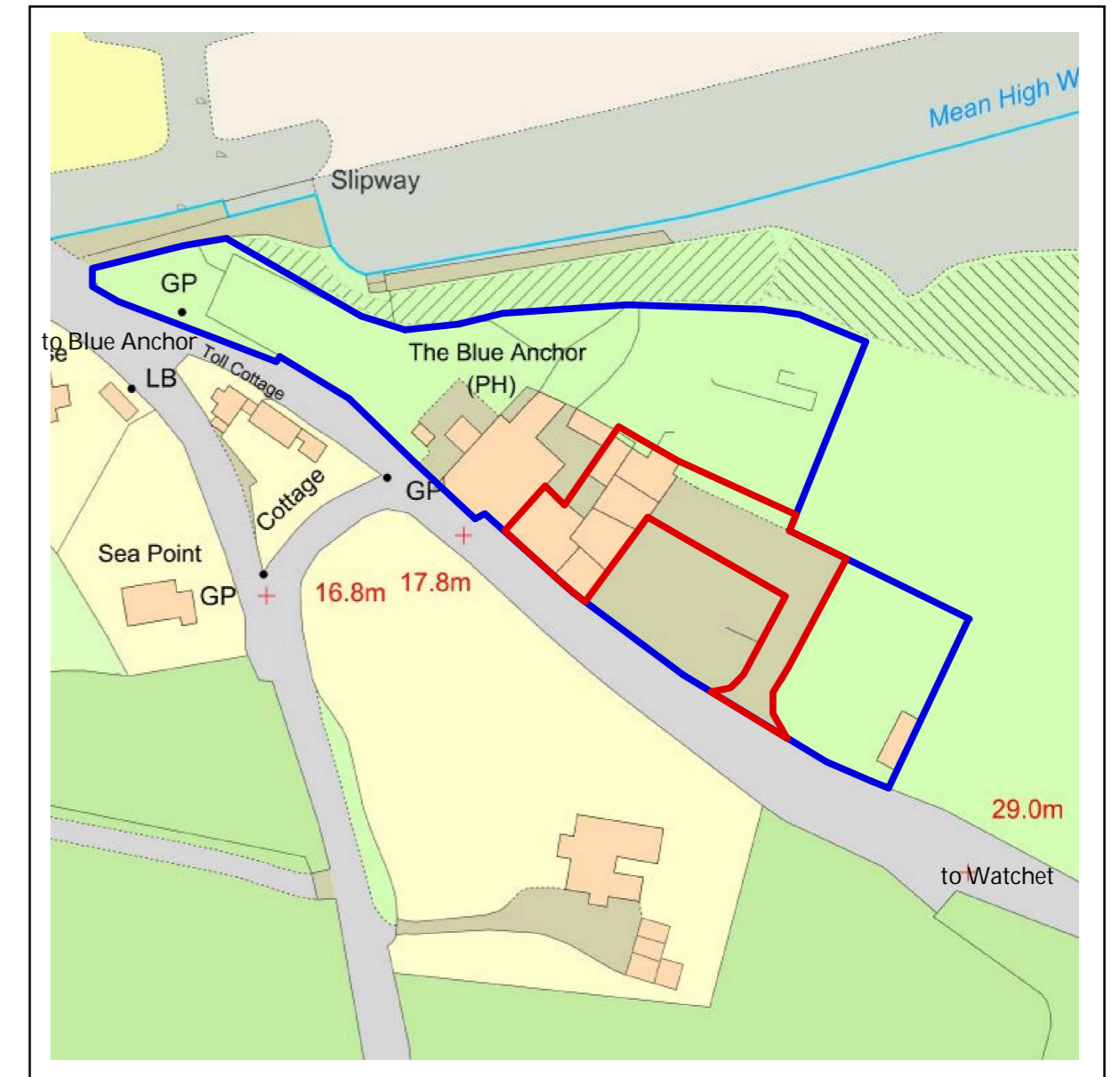
Notes to applicant.

In accordance with paragraph 38 of the National Planning Policy Framework 2023 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

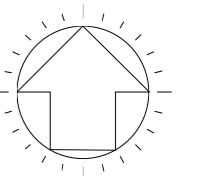
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Site Block Plan @ 1:500



Site Location Plan @ 1:1250



Title:	Blue Anchor Pub, Blue Anchor	Blake House 12 Bampton Street Minehead Somerset TA24 5TT 01643705275 07813164587 design@architecturalstudio.co.uk www.architecturalstudio.co.uk
Drawing:	Existing Site Plans	
Number:	2239.4/100	
Date:	Jan 2024	
Scale:	1:500 & 1:1250 @ A2	
Drawn By:	AGE	
		

The contractor is to check all dimensions on site before commencing work to his/her own satisfaction. Do not scale from drawings unless for the purposes of Town and Country Planning Act. The copyright of this drawing belongs to Architectural Studio. It may not be altered, reproduced or issued without prior written agreement.

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Application Details	
Application Reference Number:	23/23/0040/LB
Application Type:	Listed Building Consent
Earliest decision date:	30 January 2024
Expiry Date	18 January 2024
Extension of Time Date	19 March 2024
Decision Level	Planning Committee
Description:	Installation of 18 No. solar panels on the south facing roof of Little Fort, St Michaels Hill, Milverton
Site Address:	LITTLE FORT, ST MICHAELS HILL, MILVERTON, WIVELISCOMBE, TAUNTON, TA4 1JS
Parish:	23
Conservation Area:	Milverton Conservation Area
Somerset Levels and Moors RAMSAR Catchment Area:	No
National Landscape:	No
Case Officer:	Kerry Kerr-Peterson
Agent:	N/A
Applicant:	Mr D Woodland
Committee Date:	19 March 2024
Reason for reporting application to Committee	Officer recommendation is not in agreement with the Member view

1. Recommendation

1.1 That Listed Building Consent is REFUSED

2. Executive Summary of key reasons for Refusal

2.1 The proposals would be highly visible and would harm the following elements of the historic environment:

- The setting of the Grade I Church of St Michael as the proposed panels would be visible in a key view from Fore Street, north, towards the Church.
- The character and appearance on the Milverton Conservation Area as the proposed panels would be within a key composition view along Fore Street, in both directions; and
- The setting of the Grade II Listed Building of Little Fort/Lancaster House, as the proposed panels would be located on a prominent, highway-facing elevation.

The Council has worked pro-actively to assist with the desired reduction in carbon footprint of the Listed building and suggest an alternative, more acceptable, form of the proposal. However, the applicant was not receptive to the negotiations.

The application does not contain clear and convincing justification that the current form of the proposal is the only method of achieving a reduction in carbon emissions. As a result, it is not considered that the harm to the heritage assets, which could be avoided, would be outweighed by the benefits of the scheme, which would be largely private rather than public. No evidence has been provided to the contrary.

Therefore, the proposals would not conserve, sustain, or enhance these heritage assets, their setting or the character and appearance of the Milverton Conservation Area and would be detrimental to their significance. Also, the application has not adequately assessed the significance of the heritage assets or harm to them (NPPF – para. 200 & 201).

The proposal is therefore contrary to: Section 16, 66 & 72 of the Planning (Listed Building and Conservation Area) Act, 1990; Chapter 14 & 16 of NPPF and Policy SD1; and CP1 & CP8 of the Taunton Deane Core Strategy 2011-2028.

3. Planning Obligations and conditions

N/A

3.2 Informatives

Refusal (with attempted negotiations)

3.2.1 Proactive Statement

A visit to the application site and its surroundings was undertaken by the Council's Conservation Officer on 14 December 2023. During the site visit alternative positions for the solar panels were discussed. It was suggested by the Conservation Officer that a ground mounted array, located in the garden to the north-west of the property would be, in principle, a more acceptable option. However, the applicant was not receptive to the suggestion of an alternative scheme.

4. Proposed development, site and surroundings

4.1 Details of proposal

Installation of 18 No. solar panels on the south facing roof of Little Fort. The panels would be black in appearance with black fittings and rise 8cm above the existing slate roof. The dimensions of each panel would be 1.8m long x 1.1m wide with a total roof coverage of c. 35.6m² and extra weight of c. 240kg.

4.2 Site and surroundings

4.2.1 Designations & Constraints

The application site is the Grade II Listed Little Fort (National Heritage List for England (NHLE) List Entry Ref. 1060556, listed 25 June 1956).

The development site is located within the Milverton Conservation Area. The following heritage assets are in proximity to the site and have the potential to be indirectly impacted by the proposals through the alteration to their setting: Grade I Listed Church of St Michael (NHLE 1060554), located c. 60m to the north of the application site; Grade II Lancaster House (formerly The Fort - NHLE 1060556) adjoining the application site to the east; and the south side of Fore Street, located c. 40m to the south, comprises a row of historic buildings which are non-designated heritage assets, identified in the Milverton Conservation Area Appraisal and on the Somerset Historic Environment Record.

4.2.2 Understanding Heritage Significance - Key Features

Milverton Conservation Area - the Conservation Area Appraisal outlines the following key points:

- The historic form and spatial character of the settlement has not been greatly obscured by modern development.
- There remains a very close and tangible connection between the village and surrounding rural landscape.
- It contains a high proportion of listed buildings, covering a broad age range, many with early cores and later facades.
- The area is particularly notable for the use of red sandstone.
- The church tower forms a focal point of views from both inside and outside the Conservation Area.
- Various visual compositions of high quality are provided by the building and street layout.
- Given the nature of the topography and the urban structure, development is spread over a relatively wide area, while the centre remains fairly open.
- Roof pitches, predominantly of slate, sit generally at around forty-five degrees and form a noticeable aspect of building design with the Conservation Area.

Church of St Michael - the key architectural and historic features of interest include:

- The earliest part of the Church, the base of the tower, dates to the C13 but most of the building is C14 & C15 and a phase of restoration works was undertaken in 1849-50.
- The Church is of red sandstone, random rubble construction with Ham stone dressings and slate roofs.
- The plan has a four-bay nave and aisles, the latter of which have been extended.
- There is a C14, south porch and a west tower with crenelated parapet.

- Many of the interior features date to the C19 restoration but there is a notably fine collection of C16 bench ends and some late C15 - early C16 carvings have been incorporated into an early C20 screen.
- The Church also houses a circular Norman font.

Little Fort & Lancaster House - the key architectural and historic features of interest include:

- Little Fort is part of a building which is now divided into two properties (Little Fort and The Fort, now Lancaster House).
- It is likely to have been the original manor house of Milverton comprising a relatively high status, two storey house, on a west-east alignment.
- The main house probably originally consisted of a central hall with service end and cross wings, stair turrets and rear corridor with porch.
- Its name derives from its C13 owner, William de la Fortes.
- Little Fort represents the late - C16 remaining section of a larger building, the eastern end of which was demolished in the C17 and replaced with a substantial building with a U-shaped plan.
- Little Fort was subsequently incorporated into this house, possibly functioning as the service range.
- In c.1560 the house was inherited by the Lancaster family from Basingstoke, and it passed, by marriage, to a William Rose in 1680.
- A lean-to at the west end was replaced with a two-storey extension, approved under planning refs. 23/05/0043 & 23/05/0044/LB.
- The interior was extensively renovated in c. 1835 and in the 1950s.
- Stonework in the rear elevation of the west range may provide evidence for an earlier building on the site.
- Architectural details of interest include a late C16 timber window in the rear elevation, several C17 windows, a C17 roof structure and deep chamfered beams in the west room.
- At the north-west corner of the range is a former stair tower.
- One of the first-floor rooms, has a late C16, 4-centred arch fireplace with roll mouldings and set within the wall above are three cartouches of decorative plasterwork.

Non-designated assets on the South side of Fore Street - the key architectural and historic features of interest include:

- The densely lined buildings on Fore Street are known to have earlier origins

than is suggested by the Georgian frontages.

- They comprise two/two and a half storey, three or four bay frontages with the occasional cart entrance and a ground floor shop window at the Post Office.
- These buildings have undergone a moderate degree of alterations - many of the roofs are artificial slate, the chimneys have either been removed or reduced in height and some windows have been replaced with UPVC. However, some brick chimney stacks survive, as well as some historic timber sashes and aluminium, leaded casements.

4.2.3 Understanding Heritage Significance - Setting

Located on the south side of St Michael's Hill, Little Fort has a prominent, elevated position at the centre of the village and Conservation Area. The south elevation of the building forms a prominent element of the views in both directions along the western end of Fore Street and northwards from Fore Street, in views towards the Church of St Michael, where the church tower appears nestled behind the rooflines of Little Fort and Lancaster House. Fore Street is densely lined on the south side with historic buildings that face north onto the street, towards the Church and Little Fort. A terraced garden area is present to the south of the application site, surrounded by red sandstone walls. The terraces contain several mature trees. These are mostly fruit trees which are positioned on the lower terrace. When these trees are in full leaf during the summer months, the south elevation and roofline of Little Fort remains visible from Fore Street.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
23/07/0038/LB	INTERNAL AND EXTERNAL ALTERATIONS TO SUMMERHOUSE AT LITTLE FORT, ST. MICHAELS HILL, MILVERTON (REVISED APPLICATION)	Conditional Approval	29 November 2007
23/05/0044/LB	ERECTION OF TWO STOREY EXTENSION AND DEMOLITION OF SINGLE STOREY LEAN-TO, LITTLE FORT, ST MICHAELS HILL, MILVERTON.	Conditional Approval	15 December 2005
23/05/0043	ERECTION OF TWO STOREY EXTENSION AND DEMOLITION OF SINGLE STOREY LEAN-TO, LITTLE FORT, ST MICHAELS HILL, MILVERTON.	Conditional Approval	16 December 2005
23/05/0035/LB	INTERNAL AND EXTERNAL ALTERATIONS AT LITTLE FORT, MILVERTON.	Conditional Approval	03 November 2005
23/05/0005	RETENTION AND ERECTION OF WOVEN REED PANELS FIXED	Temporary Approval	07 April 2005

	TO IRON RAILINGS, LITTLE FORT, ST MICHAEL'S HILL, MILVERTON		
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6. Environmental Impact Assessment

N/A

7. Habitats Regulations Assessment

Nutrient neutrality is unaffected.

8. Consultation and Representations

8.1 Date of consultation: 23 November 2023

8.2 Press Date: 30 November 2023

8.3 Site Notice Date: 29 November 2023

8.4 Statutory Consultees the following were consulted:

Consultee	Comment (summarised)	Officer Comment
MILVERTON PARISH COUNCIL	<p>Support.</p> <ul style="list-style-type: none"> • Compliance with the climate change objective of the Taunton Deane Core Strategy, to reduce the carbon footprint. • No harm to the appearance of the area or adverse impact on the visual amenity. • The wish (and need) to encourage a reduction in carbon footprint should outweigh appearance considerations, unless there is a significant effect, and the proposal would not result in such an adverse effect. • Solar panels are increasingly a common feature on roofs. 	<ul style="list-style-type: none"> • The site visit identified that the proposed solar panels are in a prominent location on the listed building, facing the highway and in localised views within the Conservation Area. • Historic England Advice Notes and Guidance (see section 13 below) state how historic buildings can be upgraded and renewable's incorporated, to assist with tackling climate change. However, the proposals have not been compiled in line with the relevant advice and guidance to minimise harm.

	<ul style="list-style-type: none"> • The appearance is minimised by the use of black panels. 	<ul style="list-style-type: none"> • The benefits of a renewable scheme could be sort through an alternative, less harmful form, such as a ground mounted array that would be more acceptable from a heritage harm perspective. • Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification (NPPF – para. 206).
CLLR G WREN	<p>Support.</p> <ul style="list-style-type: none"> • Old houses will become increasingly redundant and irrelevant if they cannot contribute to the fight against climate change. 	As above.
CLLR D MANSELL	<p>Support.</p> <ul style="list-style-type: none"> • The panels are in a largely hidden position and their appearance will not detract from the building. • The panels are in keeping with the historic building and are a suitable installation. • The layout and type of panels proposed will have minimal impact on the listed building. • The system design and panel selection follows 	As above.

	<p>Historic England guidance.</p> <ul style="list-style-type: none"> • There is considerable benefit from the renewable energy that will be generated by the panels for use on site and feeding into the grid, which will assist in addressing the climate emergency declared by the council. 	
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8.5 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement on the 23 November 2023.

1 letter has been received making the following comments:

Material Planning Considerations	
Objections	Officer comment
None	None
Support	Officer comment
<p>K Trevelyan (summarised) –</p> <ul style="list-style-type: none"> • Given the climate emergency it is incumbent on individuals and communities to reduce our carbon emissions with urgency. • The appearance of Listed buildings, albeit that they are of historical and architectural value, are NOT as important as the lives of human beings. • The panels will not be detrimental to the appearance of Little Fort. 	<ul style="list-style-type: none"> • During the decision-making process, Local Planning Authorities have a regard to conserve, sustain and enhance heritage assets and their setting, as well as the preservation of local character and appearance. • The more important the heritage asset, the greater the weight should be (NPPF – para. 205) and the Grade I listed Church and Conservation Area are heritage assets of highest importance.

9. Relevant Planning Legislation

Planning (Listed Buildings and Conservation Areas) Act, 1990 - Section 16 & 72

Applications for listed building consent must be determined in accordance with Section 16 & 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant listed building consent, the Local

Planning Authority 'shall have special regard to the desirability of preserving or enhancing the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 72 relates to Conservation Area and requires that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

10. Relevant Planning Policies

National Planning Policy Framework (2023)

- Chapter 14 'Meeting the challenge of climate change, flooding and coastal change' and
- Chapter 16 'Conserving and enhancing the historic environment'

Taunton Deane Borough Core Strategy 2011-2028

Policies:

- SD1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- DM5 - USE OF RESOURCES AND SUSTAINABLE DESIGN
- CP 1 - CLIMATE CHANGE
- CP 8 - ENVIRONMENT

Supplementary Planning Documents

- District Wide Design Guide, December 2021 - Section 5.16.
- Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate and Ecology Emergency (March 2022).

Relevant Government Guidance

Adapting historic homes for energy efficiency: a review of the barriers (Jan. 2024).

Relevant Historic England Guidance

- Technical Conservation Guidance and Research (Feb. 2024).
- Energy Efficiency and Historic Buildings - Solar Electric (Photovoltaics) (Oct. 2018).
- Climate Change and Historic Building Adaptation (forthcoming)

11. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

11.1 Climate Change

Strategic Objective 1 (Climate Change) of the Taunton Deane Core Strategy 2011-2028 indicates that Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects. Although this needs to be balanced with other material matters.

Additionally, during the decision-making process, Local Planning Authorities have a regard to conserve, sustain and enhance heritage assets and their setting, as well as the preservation of the local character and appearance of Conservation Areas.

The Council is sensitive to the, albeit limited, positive climate credentials of the proposals. However, as the desired solar panels could be implemented in a less harmful form, the benefits of the proposals would not outweigh the unnecessary harm. .

11.2 Heritage

Summary of Heritage Significance (NPPF – para. 201)

See Section 4.2.2 above for a summary of the heritage significance of the assets affected by the proposals, as required in NPPF – para. 201.

Assessment of Harm

Key Findings –

- Little Fort is situated in an elevated position on the south side of St Michael's Hill, within the historic core of the village and Conservation Area of Milverton.
- It forms a prominent element of views in both directions along the western half of Fore Street, and in views from Fore Street towards the Church of St Michael, remaining visible in the summer months when the near-by trees are in full leaf.

Therefore, the proposals would be harmful to the following elements of the historic environment:

- The setting of the Grade I Church of St Michael, as the proposed solar panels would be visible in a key view from Fore Street, towards the Church.
- The character and appearance on the Milverton Conservation Area, as the panels would be within a key composition view along Fore Street, in both directions and
- The setting of the Grade II Listed Building of Little Fort/Lancaster House, as the panels would be located on a prominent, highway-facing elevation of the listed building.

In relation to NPPF, the level of harm would be less than substantial but at the high end of the scale of less than substantial harm. This constitutes real harm.

As outlined above, the Council has worked pro-actively, in providing an alternative, less harmful option to the applicant to help to achieve their carbon reduction aspirations. However, they were not receptive to the Council's proactive approach.

When considering the proposals in relation to the relevant heritage legislation, planning policies and guidance –

- It is not sympathetic to install solar panels on the elevation of a listed building that is most commonly viewed (Historic England, 2018).
- The proposals would not conserve, sustain, or enhance the setting of the affected heritage assets (NPPF – para 195 & 196).
- The application does not contain clear and convincing justification for the harm or that the current form of the proposals is the only option for achieving a reduction in carbon emissions (NPPF – para. 206).
- The avoidable harm of the scheme upon the setting, and therefore the significance of the heritage assets, would not be outweighed by the public benefits of the scheme, as the benefits are largely private rather than public (NPPF – para 208). No evidence to the contrary has been included in the application.

This is contrary to:

- Section 16, 66 & 72 of the Planning (Listed Building and Conservation Area) Act, 1990.
- Chapter 14 & 16 of NPPF and
- Policy SD1, CP1 & CP8 of the Taunton Deane Core Strategy 2011-2028.

Planning case law exists in line with this recommendation, such as - APP/F1230/E/11/2163116 & 17 – Baglake Farm, Litton Cheney, Dorchester, Dorset, DT2 9AD (2012) and APP/Y2430/W/3035803 – Mill House, Butt Lane, Wymondham, Leicestershire, LE14 2BU (2015).

15. Local Finance Considerations

15.1 Community Infrastructure Levy

N/A

16. Planning balance and conclusion

12.1 The balance of the climate positive credentials of the scheme has been weighed against the requirement in legislation to conserve, sustain and enhance heritage assets and their setting, as well the public benefits of the proposals, which is found to be limited, and could be achieved in a less harmful form.

Therefore, it has been found that the public benefits of this scheme would not outweigh the harm to the above mentioned heritage assets.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that listed building consent is refused.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Reasons for refusal

- 1 The proposed solar panels by reason of their position and scale would be highly visible from public land and would harm the setting of listed buildings and the character and appearance of Milverton Conservation Area. In particular, the setting of the Grade I Church of St Michael as they would be visible in a key view from Fore Street, north, towards the Church; the setting of the Grade II Listed Building of Little Fort/Lancaster House, as they would be located on a prominent, highway-facing elevation; and the character and appearance on the Milverton Conservation Area as they would be within a key composition view along Fore Street, in both directions.

Therefore, the proposals would not conserve, sustain, or enhance these heritage assets, their setting or the character and appearance of the Milverton Conservation Area and the harm is not outweighed by the environmental benefits of the scheme.

The proposal is therefore contrary to: Section 16, 66 & 72 of the Planning (Listed Building and Conservation Area) Act, 1990; Chapter 14 & 16 of NPPF and Policies SD1, CP1 & CP8 of the Taunton Deane Core Strategy 2011-2028.

Notes to applicant.

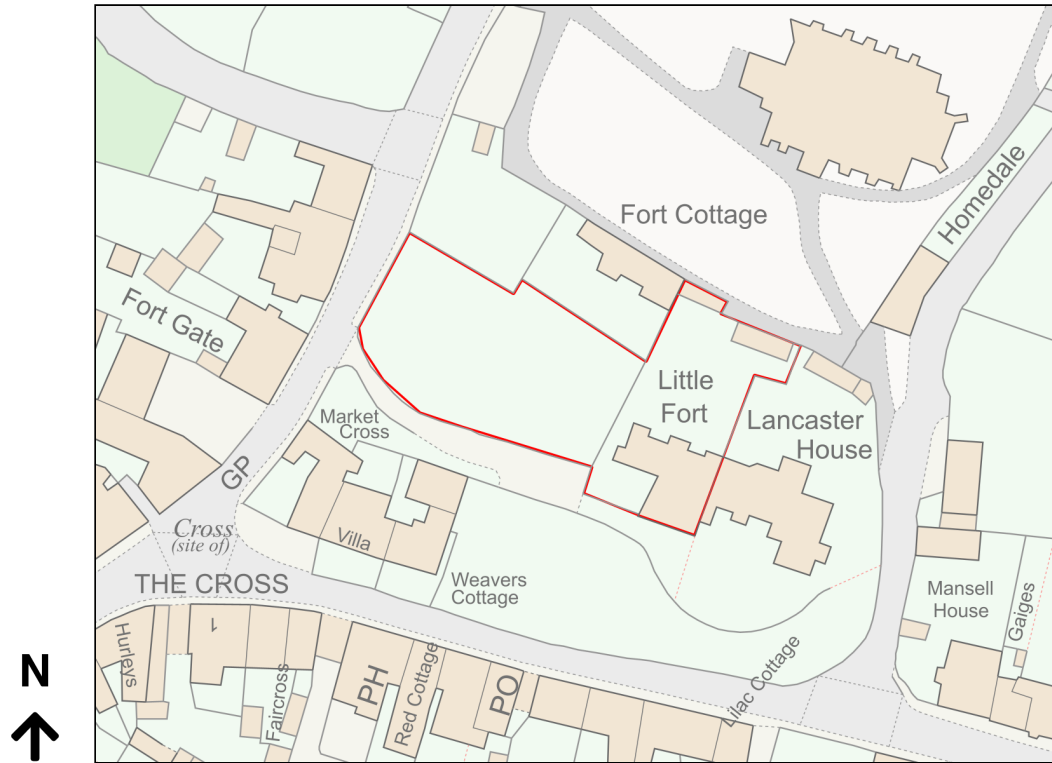
- 1 The Council has worked pro-actively to suggest an alternative, more acceptable, form of the proposal. However, the applicant was not receptive to the negotiations. Therefore, as the proposal is not considered to be the only method of achieving a reduction in carbon emissions, it is not considered that the harm to the heritage assets, which could be avoided, would be outweighed.

Location Plan

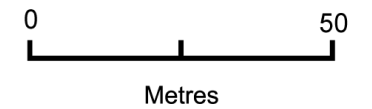
Site Address: Little Fort, St Michaels Hill, Milverton, Taunton, TA4 1JS

Date Produced: 11-Nov-2023

Scale: 1:1250 @A4



Planning Portal Reference: PP-12305379v1



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Application Details	
Application Reference Number:	3/21/23/088
Application Type:	Variation of conditions
Earliest decision date:	23 November 2023
Expiry Date	26 January 2024
Extension of Time Date	
Decision Level	Planning Committee
Description:	Variation of Condition No. 02 (approved plans) and Condition No. 14 (ball stop netting) of application 3/21/21/015
Site Address:	Land off Seaward Way, Minehead
Parish:	21
Conservation Area:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	NA
National Landscape (AONB):	NA
Case Officer:	Russell Williams
Agent:	Mr T Lewis,
Applicant:	MRS W LEWIS
Committee Date:	19 March 2024
Reason for reporting application to Committee	The application is made by Somerset Council for its own development.

1. Recommendation

1.1 That permission be GRANTED

2. Executive Summary of key reasons for recommendation

2.1 Officers have concluded that the proposed variations will address issues with the approved ball protection fencing being difficult to enforce and causing delays to the occupation of the development. The amended ball protection fencing will ensure that public safety is not compromised and there will be no significant harm to visual or residential amenity in the area as a result of the amendments.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

The conditions from planning permission reference 3/21/21/015 have been carried over to this Section 73 approval, with the exception of Condition 02 which has had the approved plans list amended and Condition 14, which has had its wording amended to reflect new details.

3.2 Informatives (full text in appendix 1)

- Proactive Statement

3.3 Obligations

NA

4. Proposed development, site and surroundings

4.1 Details of proposal

The application is made under Section 73 of the Town & Country Planning Act 1990 and proposes the variation of planning conditions previously imposed upon Decision Notice 3/21/21/015.

The original planning permission was granted on 14th July 2021 for the erection of 54 low carbon homes comprising 33 flats and 21 houses/bungalows on land to the south of Seaward Way, Minehead. The development has subsequently commenced and is nearing completion.

This application seeks to vary condition 02 and 14 of the original planning permission. The variations relate solely to the re-positioning of approved ball stopping protection in the form of rebound mesh fencing, which as approved would be located on Third Party Land. This was the result of an oversight on the original planning permission.

Despite attempts to deliver the fencing in the approved position, it has not been possible for the applicant to agree a position whereby Condition 14 can be complied with. As such, there is a need to reposition the protective ball stopping fencing within the application site and red line area, which is simply by moving it to the opposite side of the boundary fencing.

The proposal is to vary condition 02 to replace the approved protective fencing plan with an amended plan showing the new position.

Condition 14 will be amended to update the reference to the associated report, position of the fencing and date for installation.

4.2 Sites and surroundings

The application site is a regular shaped piece of land located to the south of Seaward Way (A39) at the eastern entrance to Minehead. It is approximately 1.2ha in size, although the rhyne drainage system that runs around the southern and eastern periphery of the site limits the developable part of the site to approximately 0.85ha. The site is relatively flat. A new access road, Rainbow Way, has been provided off Lutterell Way to the south-western corner of the site. This links, via a small roundabout, to a junction onto Seaward Way.

The surrounding area is of mixed character. Butlins holiday camp occupies a large site on the opposite (northern) side of Seaward Way; Sandpiper Close and Little Plover Close, part of an established residential area, are located to the south and

private sports facilities belonging to West Somerset Community College (secondary school) are to the south-west. The wider area, beyond the new commercial buildings, contains the Minehead Community Hospital and Premier Inn. Tesco's, Morrisons and Lidl supermarket stores are located to the north.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/21/21/015	Erection of 54 low carbon homes comprising 33 flats and 21 houses/bungalows on land to the south of Seaward Way, Minehead	Grant	14/07/2022
3/21/22/011	Variation to wording of condition 21	Grant	20/04/2022
NMA/21/23/007	Application for a Non-Material Amendment to application 3/21/21/015 for amendments to the roof scape and omission of brise soleil to blocks of flats 07, 08 and 09	Grant	15/12/2023

6. Environmental Impact Assessment

NA

7. Habitats Regulations Assessment

NA

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 27 October 2023

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 02 November 2023

8.4 Site Notice Date: NA

8.5 Consultees the following were consulted:

Consultee	Comment	Officer Comment
Minehead Town Council	The Committee could see no material planning reason to refuse this application.	Noted

Highways Development Control	No observation	Noted
Environmental Health Team	No comments received.	Noted
Leisure Development	No comments received	Noted
Landscape	No comments received	Noted
Sport England	<p>We have consulted with the England and Wales Cricket Board due to the specialist nature of application.</p> <p>This was their response:</p> <p><i>The Labosport Report dated 18/3/2021 recommends a minimum ball stop netting solution of 62m in length and 4m high to the North. However, to remove all risk, they indicated a height of 5m.</i></p> <p><i>In considering these recommendations and the applicants proposals as set out in 'Revised Boundary Treatment Plan 0001/A and the Planning Statement, the ECB supports the applicants proposal of a 63m in length and 4.8m high in addition to a further 3.6m high net as set out in the Planning Statement.</i></p> <p>Therefore, Sport England raises no objection.</p>	Noted. Considered within the report.

8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

1 letter has been received making the following comments (summarised):

- The proposed height does not seem anywhere near high enough to protect the new properties.
- Minehead first team play in a good standard of cricket and the fear is with some

quality batsman who can hit the ball a long way we will see the ball sailing over this fence.

- Whilst the building works have been taking place we often see balls from all teams clearing the current fence
- Having played at and visited other grounds where protective nets have been installed we see the height of these nets being a lot higher than what is proposed.
- Appreciate that who ever occupies the properties wouldn't want an ugly net at the bottom of the garden but in the summer months I think they would like some protection from hard cricket balls.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC2	Housing Provision
SC3	Appropriate mix of housing types and tenures
SC4	Affordable Housing
NH13	Securing high standards of design
CC2	Flood Risk Management
ID1	Infrastructure delivery
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car

Neighbourhood Plans:

No Neighbourhood Plan

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

National Planning Policy Framework

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The application site is under construction and nearing completion following the grant of permission 3/21/21/015. The principle of the development is therefore established.

The primary consideration for this application is the impact of changing the positioning and height of the boundary fencing upon public safety, the appearance of the area and residential amenity.

10.1.2 Public Safety

The original planning application was supported by a specialist report prepared by Labosport which considered the safety implications of siting residential properties and associated gardens along the southern boundary of the application site, which adjoins Minehead Cricket Club (MCC) sports field. This was the result of concern being raised by MCC and the public over the possibility of cricket balls clearing the boundary fence, resulting in safety issues for neighbouring residents.

The application therefore seeks to vary condition 14 of application 3/21/21/015 which states:

There shall be no occupation of any dwelling hereby approved until ball stop netting in the location and form recommended in the Labosport Technical Report dated 18th March 2021 has been erected.

Reason: To prevent cricket balls causing injury to people in the development or damage to property.

The 2021 Labosport report assessed the distance between the cricket wicket and houses/gardens, ball speed, flight etc. The analysis uses a cricket ball trajectory model that has been developed by Labosport, in collaboration with the England Cricket Board (ECB). Sport England have been consulted and they do not object to the proposals. As part of their consultation, Sport England consulted the ECB, the governing body for cricket in England and Wales. The ECB support the recommendations set out in the Labosport report.

The 2021 report concluded that for safety reasons, a 4.0m ball protection mesh

fence should be installed along a 62m length the southern boundary of the application site, along the boundaries of Plots 1-10. As noted above, the fence was indicated on the approved plan to be located within the cricket field, outside the red line area of the application site. As such, it cannot be delivered without Third Party Landowner agreement which has not been forthcoming.

The proposal seeks to move the ball protection fencing within the red line area to address this previous oversight. The application is supported by an updated Labosport report recommends that a 4m high fence will remove the majority of the risk and a 5m high fence removes all risks. The application proposes to erect a 4.8m high fence to the rear of Plots 1-6 and 3.6m to the rear of Plots 7-10. The reason for reducing the height for Plots 7-10 relates to the angle at which the gardens sit to the cricket square and the increased distance between the hitting point and rear garden boundary.

It has previously been determined by the local planning authority that protective fencing at a height of 4.0m to the southern boundary of the application site will provide suitable protection for public safety and residents of the dwellings located closest to the cricket ground. The proposed amendment largely increases the fencing height and the lower height to Plots 7-10 is justified given the increased distance from the cricket square.

Having regard to the above, it is considered that the amendment to the position and height of the protective ball fencing is acceptable and will not result in any increased harm to public safety. The amendment to the list of approved plans is therefore supported as is an amendment to the wording of condition 14 to reflect the new Labosport advice.

10.1.2 The impact on visual and residential

As noted above, fencing has already been approved along the southern boundary of the application site and the relocation of the fence line is less than 2.0m.

The increased height and new position for the fencing is not considered to result in any significant change to the visual impact of fencing in this position when compared to the previously approved scheme.

Regarding residential amenity, the fencing will undoubtedly impact upon the enjoyment of gardens and outlook from habitable rooms serving Plots 1 -10, however, the increased height and new position of the fencing will not give rise to any increased harm compared to the approved scheme.

The proposals are considered to be acceptable in regard to the impact of the fencing on visual and residential amenity and the amended proposals comply with Local Plan Policy NH13.

10.1.3 Any other matters

The proposed development has been assessed as not giving rise to any material harm upon biodiversity, flood risk, highway safety or heritage assets in the area and

is considered to be acceptable in this regard.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

NA

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Recommended Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 3/21/21/015 dated 14th July 2021.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of unimplemented planning permissions and having regard to the Planning Practice Guidance advice that an application under Section 73 of the Town and Country Planning Act 1990 cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

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

- (A1) DrNo 901-03B Landscape proposals
- (A1) DrNo ES17.71 DrNo 01.03 Rev.P3 Kerbing & Surface Layout
- (A1) DrNo ES17.71 DrNo 02.02 Rev.P7 Highway Site levels Sheet 2
- (A1) DrNo ES17.71 DrNo 02.15 Rev.P3 Section 38 Adoption Layout
- (A1) DrNo ES17.71 DrNo 03.02 Rev.P6 Drainage Plan Sheet 2
- (A1) DrNo ES17.71 DrNo 03.16 Rev.P1 Surface Water Catchment Overall Plan
- (A1) DrNo ES17.71 DrNo 60.00 Rev.P4 Proposed Rhyne Layout & Cross Sections
- (A1) DrNo ES17.71 DrNo 06.10 Rev.P3 Cut & Fill Layout Residential
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-005 Rev. P07 Site Access Plan
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-010 Rev. P09 Site Plan GFL
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-015 Rev. P08 Site Plan 1FL
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-020 Rev. P07 Site Roof Plan
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-025 Rev. P08 Site Plan Parking
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-030 Rev. P02 Site Plan Boundary Treatment
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-001 Rev. P01 Existing Site Plan
- (A1) DrNo2231-MAL-ZZ-ZZ-DR-A-100-100 Rev. P05 Elevations -Blocks
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-105 Rev. P06 Elevations Flats
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-130 Rev. P06 Site Sections
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-140 Rev. P06 Site Sections
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-180 Rev. P06 3D ORTHO SW
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-185 Rev. P06 3D ORTHO NE
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-190 Rev. P06 3D ORTHO NW
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-195 Rev. P06 3D ORTHO SE
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8EL Rev. P05 Block 7&8 Elevations
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK7-8PL Rev. P05 Block 7&8 Plans
- (A1) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK9 Rev. P05 Block 9 Flats
- (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-100-110 Rev.P05 Materials Board
- (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK01-PL Rev. P0 3 Block 01- Houses 1-2
- (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK02-PL Rev. P03 Block 02 – Houses 3-6
- (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 03 – Houses 7-10
- (A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK03-PL Rev. P03 Block 04 - Houses 11-

12

(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK05-PL Rev. P04 Block 05 Houses 14-16
(A2) DrNo 2231-MAL-ZZ-ZZ-DR-A-BLK06-PL(P05) Block 06 - Houses 17 – 21

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

- 3 No development shall be commenced, until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SUDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2021) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with the NPPF.

- 4 No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

- 5 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Expedite FRA ref: ES17.71 Revision 2 dated January 2021 and in particular, the following mitigation measures detailed within the FRA:

1. Finished floor levels for the proposed affordable homes shall be set no lower than 7.425 Metres above Ordnance Datum (AOD).
2. Provision of safe pedestrian routes as a minimum into and out of the site, built no lower than 6.47mAOD, to an area outside the tidal flood risk area shall be provided/demonstrated.

The flood risk mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To reduce the risk of tidal flooding to the proposed development and future occupants over the lifetime of the development and to ensure safe access and egress from and to the site in the event of any flooding incident.

- 6 Prior to the first occupation of any of the dwellings hereby approved, the applicant shall prepare and submit for written approval, a Flood Warning and Evacuation Plan for the site. A copy of the Flood Warning and Evacuation Plan shall be provided to each household prior to the commencement of their tenancy / transfer of ownership. The Flood Warning and Evacuation Plan shall be reviewed every 5 years and households informed of any changes/updates.

Reason: The site is located in Flood Zone 3, where there is a high probability of flooding during the lifetime of the dwellings. The Local Planning Authority wishes to ensure that adequate warning and evacuation measures are in place in the event of a flood, in accordance with Policy CC2, Flood Risk Management, of the Somerset West Local Plan to 2032 and paragraph 163 of the NPPF.

- 7 If the solar panels hereby approved cease to produce electricity, they shall be safely removed and disposed of within 3 months of them permanently ceasing electricity generation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the long term appearance of the building within the urban landscape.

- 8 Prior to the construction of the buildings, samples of the materials to be used in the construction of the external surfaces of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such at all times thereafter.

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

- 9 Prior to the first occupation of any of the dwellings, the applicant shall submit a green travel plan to the Local Planning Authority. The green travel plan shall set out in detail the measures to be adopted to encourage the use of sustainable transport (walking, cycling, public transport, car sharing etc.). Written approval of the Local Planning Authority shall be secured before first occupation. It shall subsequently be implemented in accordance with the approved plan.

Reason: To promote sustainable transport, as an alternative to reliance on the private motor car, in accordance with Policy TR2 (Reducing reliance on the private motor car) of the West Somerset Local Plan to 2032.

- 10 (i) The landscaping/planting scheme shown on the submitted plan, DRNO 901 03B (Landscape), shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be

approved in writing by the Local Planning Authority.

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

- 11 Prior to the commencement of development, the applicant shall investigate the history and current condition of the site, to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

(c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Reason for pre-commencement: It is necessary to fully investigate the potential for contamination before the site is disturbed by development works.

- 12 The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwellings hereby permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate bin storage facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

- 13 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard

Green Ecology's Ecological Appraisal dated June 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the bats, nesting birds and reptiles
4. Arrangements to secure the presence of an Ecological Clerk of works on site
5. Measures to prevent pollution of the ditch

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

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

- 14 The ball stop netting shall be erected in accordance with the recommendations set out within the Labosport Technical Report (dated 2nd August 2023) before 3rd May 2024. Thereafter the ball stop netting shall be maintained in perpetuity, in a suitable condition with any damage to the netting being repaired/replaced on a like for like basis.

Reason: To prevent cricket balls causing injury to people in the development or damage to property.

- 15 No part of the development hereby permitted shall be occupied until the access works have been carried out generally in accordance with a design and specification that shall first have been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Local Highway Authority.

Reason: To ensure a safe access is provided.

- 16 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall first have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: To ensure surface water does not impede traffic movement and in the interest of highway safety.

- 17 The gradients of the proposed drives to the dwellings hereby permitted, shall not be steeper than 1 in 10 and shall be permanently retained at that gradient

thereafter at all times.

Reason: To ensure gradients are satisfactory and useable.

- 18 In the interests of sustainable development, none of the dwelling units hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage walking and cycling as an alternative mode of transport to the private car.

- 19 Prior to first occupation of the development hereby permitted, 126 covered cycle spaces (70 communal) and 11 motor cycle parking spaces, shall be provided, in accordance with the details submitted and they shall then be maintained for cycle/ motorcycle parking throughout the duration of the use, unless otherwise agreed in in writing by the Local Planning Authority.

Reason: To ensure provision is made for motorcyclists.

- 20 Prior to first occupation of the development hereby permitted, access to appropriate electric vehicle charging points will need to be available to all dwellings through charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that infrastructure is provided and in place to support the use of electric vehicles in order to contribute towards the sustainability of the development and mitigate the impact of climate change.

- 21 The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture, shall be constructed and laid out in accordance with details to be approved in writing by the Local Planning Authority prior to first occupation of any dwelling unit on the site. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. These highway items shall be implemented entirely in accordance with the approved plans and provided before the first occupation of any dwelling unit on the site.

Reason: To ensure that the proposed roads, footpaths and all ancillary highway requirements are provided to a satisfactory standard that can lead to their adoption by the Highway Authority.

- 22 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it

is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure satisfactory roads and footpaths are provided.

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

Reason: To ensure that the construction process does not result in deposits of waste on the public highway.

- 24 No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

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

Reason: To ensure that the impact of the development upon neighbours is minimised.

- 25 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working

- practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones etc.;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [*including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)*];
 - h) Use of protective fences, exclusion barriers and warning signs; and
 - i) The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure appropriate protection and mitigation for European and UK protected species, especially the UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

- 26 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the first dwelling. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organization responsible for implementation of the plan; and
 - h) On-going monitoring and remedial measures.

The Landscape and Ecological Management Plan (LEMP) shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met), how contingencies and/or remedial action will

be identified, agreed and implemented, so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with West Somerset Local Plan to 2032: Policy NH6 (nature conservation and the protection and enhancement of biodiversity).

27 A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by the Local Planning Authority, prior to occupation of the first dwelling. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation. The content of the BEP shall include the following:

- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation on 5x dwellings;
- a) A cluster of 3x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north or northeastern facing elevation on 5x dwellings;
- b) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation on 3x dwellings;
- c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 3x dwellings;
- d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation on 5x dwellings;
- e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site; and
- f) 2x hibernacula log piles as a resting place for reptiles and or amphibians constructed on the south eastern boundary.

The approved features shall remain in place to serve biodiversity at all times 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.

28 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, and location on the site of the affordable housing provision to be made;

- ii. the timing of the construction of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing thereby approved shall meet the definition of affordable housing in the National Planning Policy Framework 2019 or any future guidance that replaces it, in perpetuity.

Reason: To ensure that the scheme is built as 100% affordable housing, with reference to the provisions of Policy SC4 (Affordable Housing) and Policy ID1 (Infrastructure Delivery) of the adopted West Somerset Local Plan to 2032.

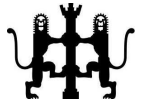
- 29 A Travel Plan detailing measures to encourage the use of sustainable modes of transport, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling hereby approved. The provisions and associated fees of the Travel Plan shall be fully adhered to in accordance with the timetable contained therein, unless, otherwise varied in writing by the Local Planning Authority.

Reason: To promote sustainable travel and mitigate the impacts of climate change upon the environment, in accordance with the provisions of Policy TR1 (Access to and from West Somerset) of the adopted West Somerset to 2032.

Notes to applicant.

- 1 In accordance with paragraph 38 of the National Planning Policy Framework 2023 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

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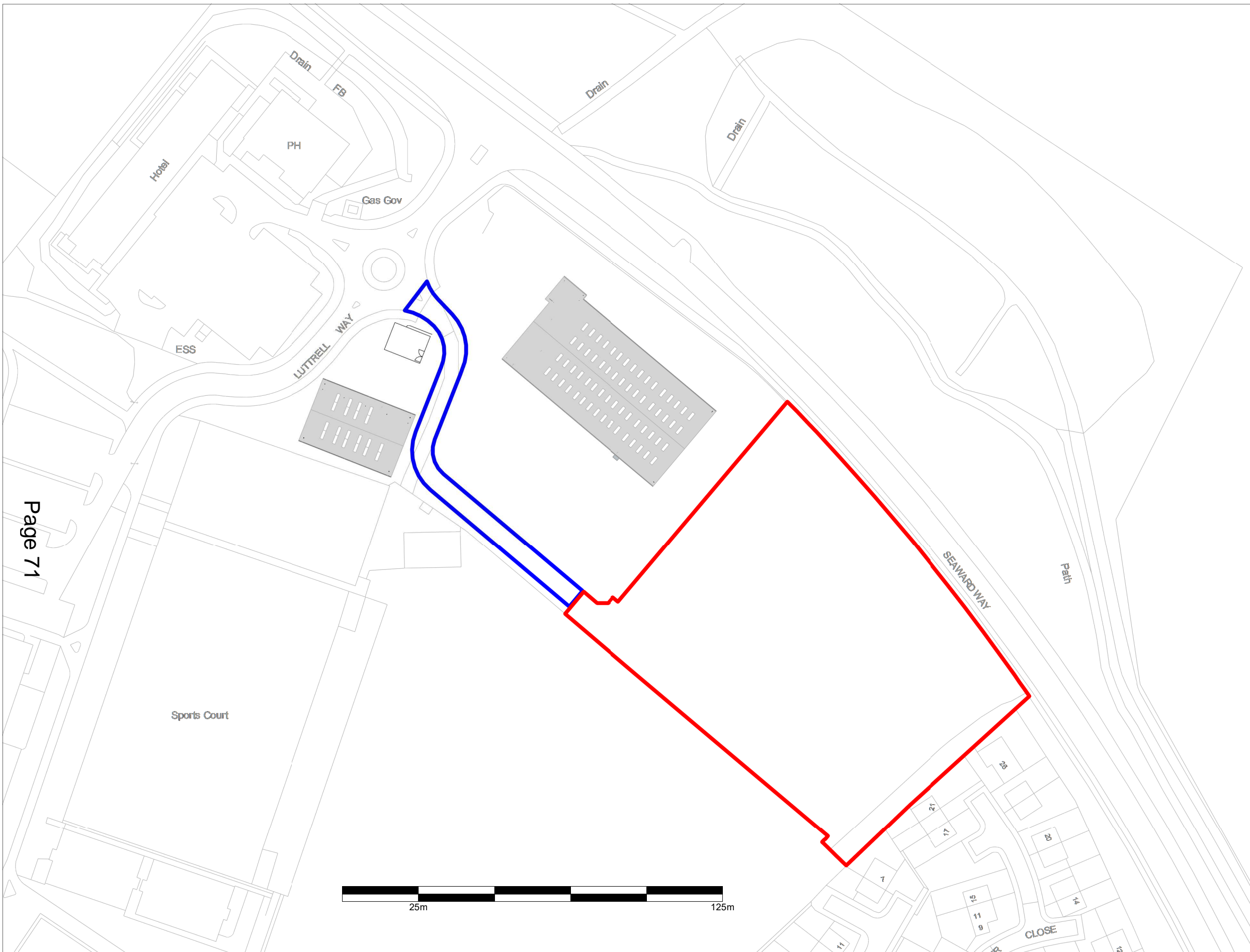


09.10.2020

PWJ

Approver

Rev	Date	Note	By
P01	16.01.2021	Planning Submission	PWJ



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Project	Seaward Way Residential
Client	SW&T
Sheet	Site Location Plan

2231-MAL-ZZ-ZZ-DR-A-100-000	
Drawn by: Author	Checked by: Checker

Revision	Status	Scale @ Size
P01	S2 FOR INFORMATION	1 : 1250 @ A3

ALL dimensions and levels to be checked on site and any discrepancies reported before work commences - if in doubt, ASK. This drawing is © Copyright Mitchell Architects.

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APPEAL DECISIONS

PLANNING COMMITTEE WEST

TUESDAY 19 MARCH 2024

Application No:	3/38/22/004
Address:	St Audries Bay Holiday Club, Track to St Audries Bay Holiday Camp, West Quantoxhead, TA4 4DY
Description:	Change of use of 1 No. bungalow and 2 No. lodges to residential use and removal of potential residential use of 19 No. lodges
Application Decision:	Delegated
Appeal Decision:	Dismissed



Appeal Decision

Site visit made on 20 February 2024 by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **05 March 2024**

Appeal Ref: APP/W3330/W/23/3317258 St Audries Bay Holiday Club, Track to St Audries Bay Holiday Camp, West Quantoxhead, Somerset TA4 4DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr James Randle, St Audries Bay Holiday Club against the decision of Somerset Council.
- The application Ref 3/38/22/004, dated 6 April 2022, was refused by notice dated 24 August 2022.
- The development proposed is Change of Use of 1no. Bungalow and 2 no. Lodges to residential use and removal of potential residential use of 19no lodges.

Decision

1. The appeal is dismissed.

Preliminary Matter

1. The appeal was submitted against the decision of Somerset West and Taunton Council. Since the submission of the appeal, Somerset West and Taunton Council have merged with other Councils to form Somerset Council. As a result, I have referred to Somerset Council in the banner heading above.

Main Issue

2. The main issue for the appeal is whether the bungalow and 2 lodges (the 3 units) are in a suitable location for unfettered residential development having regard to the local development strategy.

Reasons

3. Policy OC1 of the West Somerset Local Plan to 2032 (November 2016) (LP) sets out the strategy for development in the open countryside. It defines the countryside as land not adjacent or in close proximity to the major settlements, primary and secondary villages. The policy states that development is not generally appropriate in the open countryside other than in exceptional circumstances where it is beneficial to the community and local economy.
4. Policy OC1 further states that development in the open countryside will only be permitted where it is for an essential worker, comprises the conversion of buildings for employment, tourism or live-work development, comprises newbuild to benefit existing employment, meets an ongoing need for affordable housing, or is an affordable housing exception scheme. Other types of residential development not covered under Policy OD1 of the LP, are therefore directed to the major settlements and villages that would provide better access to a greater range of services and facilities and reduce journey numbers.
5. The appeal site is located within the countryside a significant distance from the closest settlements. Walking or cycling to these settlements would necessitate the use of a busy A-road with limited designated footways and limited street lighting. In light of the limited footways and lighting and given that access to a wide range of services and facilities requires journeys of time and length, the appeal site is not in an accessible location served by a range of services and facilities with reliance on the car increasing journey numbers.
6. While I appreciate that the existing occupiers of the 3 units may also rely on the use of the car, as the occupation of the units is tied to management of the holiday park, there are wider benefits from their location on the site and their occupation does not necessitate travel by car to the main place of work thereby reducing journey numbers. While I acknowledge that the existing occupiers of the 3 units could remain on site if planning permission is granted, it would also be possible

for the 3 units to be sold and be occupied by others that would not have a connection to the holiday park.

7. In light of the above, and as the appeal is not for an essential worker, is unrelated to tourism, would not benefit employment, is not for affordable housing and I have not been provided with compelling evidence of any benefit to the community and local economy, the proposal is contrary to Policy OC1 of the LP.
8. The appellant has drawn attention to two key points to Policy SD1 of the LP. However, they are not directly relevant to the proposal given that they relate to the presumption in favour of sustainable development with regard to circumstances where there are no relevant development plan policies, or the policies are out-of-date. In this instance, Policy OD1 is a relevant policy and neither party has provided me with evidence demonstrating that the policy is out-of-date.
9. Given that the 3 units already exist, any support from the proposal for the vitality of the rural community or support for services in nearby villages as detailed in paragraph 83 of the National Planning Policy Framework (the Framework) would be very limited.
10. In conclusion, the appeal site is not an appropriate location for unfettered housing, with particular regard to the local development strategy. As such, the proposal is contrary to Policy OC1 of the LP and the Framework that promotes sustainable transport, promotes opportunities for walking, cycling and public transport use and to limit the need to travel. I give this conflict significant weight.

Other Considerations

12. There is no dispute between the main parties that the grant of planning permission for the 19 caravan bases and associated works in 2015¹ (the lodges) allows for the unrestricted occupation of the 19 lodges currently on that part of the holiday park. I have no reason to disagree.
13. As a result, the appellant states that there would be a benefit from the proposal owing to the offer of relinquishing the occupation of the 19 lodges as unrestricted residential accommodation. The appellant offers to achieve this via an appropriate legal agreement that would retrospectively apply restrictive occupancy control on the 19 lodges/caravan bases.
14. However, the 19 lodges are currently being used as holiday accommodation. Given this and given that the lodges have limited private outdoor space, are positioned in close proximity to each other and are located within the wider holiday park, this significantly limits their attractiveness and the likelihood of their use as unrestricted permanent residential accommodation. Moreover, the location of the site divorced from a range of services and facilities off a narrow lane serving the holiday park further reduces the likelihood and their attractiveness. In light of this, and in the absence of compelling evidence to the contrary, I am not convinced that there is a reasonable prospect of the occupancy of the 19 lodges as unrestricted permanent residential accommodation being anything other than a theoretical possibility.

15. While the relinquishing of the occupation of the 19 lodges as unrestricted residential accommodation could in theory result in a reduction in journeys in a location reliant upon the use of the car, in light of the above, and in the absence of a suitable mechanism in place to secure this, I give it very limited weight.

¹ 3/38/14/005

16. Moreover, as I have found above that there is no reasonable prospect of the caravans being occupied as unrestricted permanent residential accommodation, it follows that an appropriate legal mechanism would be unlikely to result in a reduction in travel that would make the proposal acceptable in planning terms. For the same reason and given that the 19 lodges are located a considerable distance from the 3 units with only an indirect relationship to them by virtue of the occupiers of the 3 units managing the wider holiday park, I do not find the relinquishing of the occupation of the 19 lodges as unrestricted accommodation directly related to the proposal for the 3 units. Additionally, I do not find the removal of the restriction on the 3 units, replaced by the imposition of restrictions on a far greater number of units fairly and reasonably related in scale and kind. As a result, the proposal would fail to meet the three tests for planning obligations as set out in Regulation 122(2) of the Community

Infrastructure Levy Regulations 2010 and in paragraph 57 of the Framework.

17. Any desire of the occupants of the 3 units to sell the holiday park and to remain on site are personal matters of very limited weight. In any case, as mentioned above, there would be nothing stopping the occupants selling the properties in the future to people unrelated to the holiday park. Furthermore, relinquishing manager/staff accommodation could simply result in the need for further accommodation in the future.

Conclusion

18. For the reasons given above I conclude that the proposal conflicts with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal should be dismissed.

C Rose
INSPECTOR

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