

Application No:	3/21/20/104
Parish	Minehead
Application Type	Full Planning Permission
Case Officer:	Briony Waterman
Grid Ref	Easting: 296986 Northing: 146526
Applicant	Mr Julian Bloys
Proposal	Demolition of workshop and erection of 1 No. detached dwelling with associated works
Location	Workshop, Quay Lane, Minehead, TA24 5QU

Recommendation

Recommended decision: Grant

Recommended Conditions

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

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

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

(A3)DrNo 2107/200 Proposed Site Plans
(A1)DrNo 2107/201B Proposed Floor Plans
(A1)DrNo 2107/202A Proposed Elevations

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

- 3 Prior to the construction of the building 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 thereafter maintained as such.

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

- 4 Works to the front of the building shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to

go ahead; or

b) a preliminary bird and bat roost assessment from the licensed ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interests of the strict protection of European protected species and in accordance with policy NH6 of the West Somerset Local Plan.

- 5 The parking spaces hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

- 6 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 or gates shall be added to the building or erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

- 7 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 the 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 prevent pollution to the land and water environment and to protect the amenities of local residents and occupiers

- 8 The following will be integrated into the design of the proposal
- 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 and maintained thereafter.
 - A) 1x Schwegler 1SP Sparrow terrace or similar will be mounted directly under the eaves and away from windows on the north or eastern

elevation and maintained thereafter.

- B) A bee brick will be built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling and maintained thereafter.

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

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.

- 9 Prior to first occupation of the development hereby permitted the provision of facilities for the charging of electric vehicles shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing sustainable development.

Informative notes to applicant

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

The proposed development appears to be wholly contained within land belonging to, or within the control of, the applicant. But for the avoidance of doubt, the above Decision Notice relates only to planning permission and does not give any consents, tacit or otherwise for building works to transgress boundaries, or any indemnity for damages inadvertently caused to neighbouring property as a result of its implementation.

- The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
- The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Proposal

Permission is sought for the demolition of workshop and attached single garage and the erection of 1no. detached dwelling. The proposal will result in a two bedroom red brick faced property with clay roof tiles the doors are to be timber with UPVC windows. The ground floor footprint of the proposed building is approximately 6.5m² larger than the existing workshop and garage. There are two proposed parking spaces to the front of the dwelling with bin storage. The location of the proposed bike store to the east of the site is within a right of access to a neighbouring property and as such amended plans show the removal of the fence to allow for the turning and right of access with the bike store against the wall to the east of the site to enable the maintenance of the garage. The proposed dwelling would result in the height of the front part of the site, the workshop, being raised by approximately 40cm and the single storey garage being raised to two storey height resulting in an increase of approximately 2.7m

Site Description

The workshop to be demolished is a brick built building with a tiled pitched roof, there are garage doors and a window at first floor level fronting the lane the garage to be demolished is single storey with a corrugated sheet roof. Access is from Quay Lane which lies to the north of the Wellington Square Conservation Area. The access also serves a garage which is not part of the proposal site. This area of Minehead is characterised by small plots which have been subject to conversion of former stables and garages which abut the lane.

Relevant Planning History

No relevant planning history.

Consultation Responses

Minehead Town Council - Objects

1. Overdevelopment of the area
2. Narrow access
3. Questionable boundaries and right of access

Highways Development Control - standing advice

SCC - *Ecologist* - Holding objection, pending further information in the form of a Preliminary Bat Roost and Breeding Bird Assessment.

Further bat surveys of the application site were carried out in July 2021 by Quantock Ecology results were as follows:

Bats:

- The building was assessed as low potential although further surveys indicated no bats were recorded roosting within the building.

Birds

- No evidence of breeding birds was recorded in or on the building during the survey.

Following further consultation with the Ecologist the following comments were received:

No Objection subject to inclusion of specified condition (to ensure biodiversity enhancement) and informative (legal protection afforded to bats and birds).

Wessex Water Authority - no objection

Representations Received

There have been seven letters of objection making the following comments (summarised):

- dominate and overshadow the amenity space of Greenwood
- located on boundary with eaves overhanging our property
- windows in the roof overlook
- over development of the site
- no amenity space apart from a balcony
- access and parking arrangements are sub-standard and not practical
- well used lane serving 20 dwellings
- site levels should have been shown to show extent of overlooking
- construction would lead to chaos
- construction vehicles could block emergency services
- questions over boundaries and right of access
- application close to Conservation area
- supply from Wessex water is poor due to low pressure
- parking on the lane is a problem
- discrepancies on drawings is new over existing footprint

There has been one letter making a comment on the covenant on the site that allows for access to the garage for parking.

Habitats Regulations Assessment

Due to the location of the proposal it is considered that a HRA is not required as the site does not fall within the catchment area for the Somerset Levels and Moors

Ramsar site.

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC2	Housing Provision
MD1	Minehead Development
CF2	Planning for healthy communities
CC5	Water Efficiency
NH13	Securing high standards of design
T/8	Residential Car Parking
TR2	Reducing reliance on the private car
EC5	Safeguarding existing employment uses
NH6	Nature conservation & biodiversity protection & enhancement

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

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Determining issues and considerations

The main considerations in determining this application are the principle of development, impact upon residential amenity and highways safety.

Principle of development

Policy SC1 states that "new development will be concentrated in the district's main centre of Minehead". The proposed site is located along Quay Lane within the centre of Minehead and is therefore the proposed development is considered acceptable in principle.

Impact upon residential amenity

The existing workshop is approximately 5.4m tall with a garage door and window facing Quay Lane, the proposed building will be slightly taller at 5.8m and the garage door will be replaced by a window. The existing single storey garage is to be replaced with a two storey part to the dwelling. The windows created on the north, south and west elevation are high level rooflights positioned higher than 1.7m, it is considered that the impact of any overlooking from these will be minimal. The inclusion of French doors at first floor leading to the balcony on the east elevation looks towards the gable end and two rooflights on the property to the east. It is considered that there is sufficient distance between the properties that there would not be significant harm from overlooking. The area is a residential area and it is considered that the inclusion of a further dwelling on the site of a former workshop would not result in a significant impact on noise creation or other disturbances to the neighbouring properties.

It is noted that the proposed dwelling has little in terms of outdoor amenity space apart from a balcony with outside seating below. The need to provide a right of access to the garages on the site reduce the amount of land available to provide this. The use of the balcony and rooflights allows for natural light into the dwelling and the proposal is considered to meet the requirements of policy NH13 (Securing High Standards of Design). However the site is in close proximity to Blenheim gardens, a communal park. The properties along Quay Lane and Blenheim Mews are characterised by small plots with little available outside space.

Loss of employment use

The proposal will result in the loss of an employment site. However it is considered that due to the location of the site and the nature of the surrounding area it is considered that this type of activity is no longer appropriate in this location and the proposal would result in a reduction in undesirable transport movements, which complies with the requirements of Policy EC5 - Safeguarding employment uses.

Impact upon highway safety

There is an existing access serving the site and garages which is approximately 6.7m wide, the wall to the west is to be lowered to increase the visibility. Two parking spaces are proposed for the dwelling each meeting the requirements set out in the Highways Standing Advice guidance. As the site is an existing workshop it is

considered that there would not be a significant increase in vehicle movements to and from the site and is therefore considered to not have a significant impact upon highway safety or upon other road users. The lane is narrow and serves the properties along Quay Lane and Blenheim Mews.

Character

The proposed development sits to the north of the Wellington Square Conservation Area, as such due regard should be given to the impact the proposal may have upon the setting of this designated area. The use of brick and clay tiles will be in keeping with the other properties in the area and is not considered to cause significant harm to the setting of the adjacent conservation area. The area is characterised by small plots that were former stables or garages which abut the highway along Quay Lane and Blenheim Mews.

Ecology

Comments from the ecologist raise concerns over the use of the crevices by bats and birds identifying the site as having at least low level potential to support roosting bats and birds. As such there was a holding objection on the proposal until a preliminary bat and bird roost survey had been undertaken. As part of the application the agent has submitted a wildlife survey which found no evidence of any protected species. A further survey has since been undertaken and further comments sought from the ecologist which states that the building was assessed as low potential, however further surveys have indicated no bat were recorded roosting within the building and there was no evidence of breeding birds in or on the building during the survey. The Ecologist has raised no objection to the proposed development subject to a condition and an informative being imposed.

Comments Received

Comments received from Minehead Town Council and neighbours state it is overdevelopment of the area. However it is considered that there is sufficient space to allow for the dwelling and associated works with the north of Quay Lane being characterised by this type of development. The access is approximately 6.7m wide and is considered appropriate for the development. Comments with regard to right of access is a civil matter that cannot be taken into consideration in the determination of this application.

Further comments raise concerns with regard to overlooking, which have been covered above and concluded that due to the high level windows, there is no significant loss of privacy, or overbearing to the neighbouring property. The raising of the workshop roof by approximately 40cm is not considered to have a significant impact upon overbearing on the neighbouring properties. The raising of the single storey garage to two storey will look towards the gable end of the property to the east and the garden of the properties to the north, it is therefore considered that this would not have an overbearing impact upon the amenity of the neighbouring properties. The agent has confirmed the ridge height of the proposed dwelling will be approximately 5.5m measured from the highest part of the site.

A comment has been raised over problems of parking in the lane, however, as the development proposes two parking spaces within the site it is considered that this development would not exacerbate the situation.

Conclusion

It is noted that the proposed site is a constrained site and that concerns over overdevelopment have been raised. However, it is considered that this part of Minehead is characterised by small plot developments that adjoin the highway. The dwelling meets the standards of design in the use of materials and the layout which allows natural light into the dwelling. There is space within the site for parking, bin and bike storage whilst allowing the permitted rights of access to the garages outside the applicants ownership.

It is therefore recommended that planning permission be granted.

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



