



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 28TH JULY 2004 AT 17:00.

(RESERVE DATE : MONDAY 2ND AUGUST 2004 AT 17:00)

AGENDA

1. Apologies
2. Minutes
3. Public Question Time
4. BISHOPS LYDEARD REPORT ITEMS
06/2004/013 - DEMOLITION OF SOME EXISTING BUILDINGS, REPAIR, REFURBISHMENT AND CONVERSION OF RETAINED EXISTING BUILDINGS INTO 25 SELF-CONTAINED DWELLINGS, RESTORATION OF PARKLAND AND ERECTION OF 45 DWELLINGS, SANDHILL PARK, BISHOPS LYDEARD;
06/2004/014LB - DEMOLITION OF PARTS AND CONVERSION OF RETAINED BUILDINGS INTO 25 DWELLINGS, SANDHILL PARK, BISHOPS LYDEARD.
5. NORTON FITZWARREN REPORT ITEM
25/2002/018 - REDEVELOPMENT COMPRISING EMPLOYMENT AND RESIDENTIAL DEVELOPMENT, PART CONSTRUCTION OF NORTON FITZWARREN RELIEF ROAD, PROVISION OF OTHER INFRASTRUCTURE AND SERVICES, STRUCTURAL LANDSCAPING AND OPEN SPACE PROVISION, TAUNTON TRADING ESTATE, NORTON FITZWARREN.
6. STOKE ST GREGORY - 36/2004/011
REMOVAL OF CONDITION 04 (36/2002/030) RESTRICTING THE USE OF GARAGE ANCILLARY TO THE FARM HOUSE AT LOVELLS FARM, STOKE ST GREGORY.
7. STOKE ST GREGORY - 36/2004/012
CHANGE OF USE OF HOLIDAY UNIT TO FORM PRIVATE DWELLING AT LOVELLS FARM, DARK LANE, STOKE ST GREGORY.
8. WEST BUCKLAND - 46/2004/022
ERECTION OF SINGLE STOREY EXTENSION TO LINK GARAGE TO HOUSE (AMENDED SCHEME) AND ERECTION OF PORCH, THE OLD PIGGERY, GERBESTONE MANOR, WELLINGTON
9. Planning Appeals - Appeals received / decisions / forthcoming hearings and inquiries.

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

21 July 2004

TEA FOR COUNCILLORS WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM NO.2

Planning Committee Members:-

Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillor Beaven
Councillor Bowrah
Councillor Miss Cavill
Councillor Croad
Councillor Denington
Councillor Floyd
Councillor Govier
Councillor Guerrier
Councillor Henley
Councillor Hindley
Councillor House
Councillor Phillips
Councillor Mrs Smith
Councillor Stuart-Thorn
Councillor Vail
Councillor Wedderkopp

Planning Committee - 7 July 2004

Present: Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Beaven, Bowrah, Croad, Denington, Floyd, Guerrier, Hindley,
House, Phillips, Mrs Smith, Stuart-Thorn, Vail and Wedderkopp.

Officers: Mr N T Noall (Head of Development), Mr T Burton (Area Planning Officer
(East)), Mr J Hamer (Area Planning Officer (West)), Mrs J M Jackson (Senior
Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm).

(Councillors Bowrah and Beaven arrived at the meeting at 5.04 pm and 5.08 pm respectively)

70. Apologies

Councillors Miss Cavill, Govier and Henley

71. Minutes

The minutes of the meeting held on 16 June 2004 were taken as read and were signed.

72. Applications for Planning Permission

The Committee received the report of the Chief Planning Officer on applications for planning permission and it was RESOLVED that they be dealt with as follows:-

- (1) That the **detailed plans be approved** for the under mentioned development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

43/2004/052

Erection of two detached dwellings and formation of vehicular access thereto, land at east of Windyridge, Payton Road, Westford, Wellington.

Conditions

- (a) Floor levels shall be set at least 600mm above the 1:100 year (1% probability) flood level of 61.1m Above Ordnance Datum, giving a finished floor level of not less than 62.2m Above Ordnance Datum;
- (b) C926B - remediation investigation/certificate;
- (c) Prior to the commencement of development, the line of the existing culvert covering the site shall be determined and full details submitted of the treatment of this and surface water disposal.
(Notes to applicant:- (1) N118 - disabled access; (2) N112 - energy conservation; (3) N114 - meter boxes; (4) N115 - water conservation;

- (5) N024 - development in accordance with the approved plans;
- (6) N051B - health and safety; (7) N067 - conditions; (8) N048A - remediation strategy; (9) With regard to condition (c), if soakaways are to be used, they should be constructed in accordance with Building Research Digest 365 (September 1991)).

Reason for approving the detailed plans:-

The proposal was for two dwellings within the settlement limits of Westford where outline planning permission was still extant and where new development was permitted in accordance with Taunton Deane Local Plan Revised Deposit Policy H1. The proposal was considered to have an acceptable impact on the highway and neighbouring amenity in accordance with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1.

- (2) That **planning permission be granted** for the under mentioned developments, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

20/2004/011

Erection of detached dwelling and garage at land north of Grange Lodge, Kingston St Mary.

Conditions

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C112 - details of guttering, downpipes and disposal of rainwater;
- (d) C201 - landscaping;
- (e) C206A - existing and proposed levels;
- (f) C207 - existing trees to be retained;
- (g) C208A - protection of trees to be retained;
- (h) No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority;
- (i) C209 - protection of hedges to be retained;
- (j) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (k) The proposed access shall be constructed in accordance with details shown on the submitted plan, Drawing No 2632/4 revision A, and shall be available for use before occupation of the dwelling hereby approved;
- (l) The proposed access over the first 4.5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (m) The gradient of the proposed access shall not be steeper than 1 in 10.

- (n) 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 have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use;
- (o) The existing access shall be stopped up and its use permanently abandoned within one month of the new access hereby permitted being first brought into use;
- (p) Before the access hereby permitted is first brought into use, the turning spaces shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times;
- (q) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access, and extending to points on the nearside carriageway edge 90m either side of the access. Such visibility splays shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (r) C307 - access - gates set back;
- (s) The garage hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of a motor vehicle(s) for domestic purposes only;
- (t) P011 - no windows on the north west elevation;
- (u) C901B - archaeological access;
- (v) P001A - no extensions;
- (w) C010A - drainage - not commenced until percolation test approved.
(Notes to applicant:- (1) N118 - disabled access; (2) N112 - energy conservation; (3) N114 - meter boxes; (4) N040A - drainage/water; (5) N115 - water conservation; (6) Applicant was advised to contact Wessex Water in respect of the proximity to the apparatus adjoining the property; (7) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (8) N061A - Section 184 Permit).

Reason for granting planning permission:-

The proposal was considered to be in accordance with Taunton Deane Local Plan Revised Deposit Policy EN15.

Reason for granting planning permission contrary to the recommendation of the Chief Planning Officer:-

The Committee was of the view that the erection of a dwelling on this site would not affect the character of the Kingston St Mary Conservation Area.

35/2004/007

Removal of condition 03 attached to planning permission 35/2001/005, barn at Stawley Wood Farm, Stawley.

Condition

The building the subject of the condition shall be used as an amenity centre for the holiday lets or as a pottery/gallery only, and for no other use without the prior approval of the Local Planning Authority.

Reason for granting planning permission:-

The proposal was not considered to be likely to result in any unacceptable loss of amenity for neighbouring residential properties and was not likely to result in a significant increase in traffic generation and was therefore in compliance with Taunton Deane Local Plan Revised Deposit Policy S1.

38/2004/214

Extension of kitchen extract ductwork at the Coal Orchard, 30 Bridge Street, Taunton.

Conditions

- (a) C001 - time limit;
- (b) C102A - materials;
- (c) Prior to the commencement of any works, details of the colour of the ductwork shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) Odours arising from cooking shall not be detectable at the façade of any residential or other odour sensitive premises;
- (e) Noise from any air extraction system shall not exceed background noise levels by more than 3dB(A) for a two minute Leq at any time when measured at the façade of residential or other noise sensitive premises;
- (f) Equipment shall be installed to effectively suppress and disperse fumes and/or smell produced by cooking and food preparation, and the equipment shall be operated for so long as the use continues. Details of the equipment shall be submitted to, and approved in writing by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority. Such approved equipment shall thereafter be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions;
- (g) The extraction equipment installed shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if, at any time, the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.
(Note to applicant:- N024 - development in accordance with the approved plans).

Reason for granting planning permission:-

It was considered that the proposal would not lead to noise or odour nuisance for nearby properties, nor would the ductwork significantly harm the visual amenities of the locality. Therefore, the scheme accorded with Policy S1 of the Taunton Deane Local Plan Revised Deposit.

52/2004/017

Erection of 1.8m high fence at 3 Stone Close, Comeytrowe

Conditions

- (a) C001 - time limit;
- (b) C102A - materials.

(Notes to applicant:- (1) N024 - development in accordance with the approved plans; (2) Applicant was advised that the provision of further fencing to the front of the dwelling would be likely to be unacceptable due to the open plan character of the area).

Reason for granting planning permission:-

It was considered that the proposal would not significantly harm the appearance of the street scene or the open plan character of the area and as such, it accorded with Taunton Deane Local Plan Revised Deposit Policy S1.

- (3) That **planning permission be refused** for the under-mentioned developments, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

10/2004/008

Removal of condition 2 of planning permission 10/2000/022 to allow garage to be used for residential accommodation at Ford Barton, Moor Lane, Churchinford.

Reason

The proposed development results in the loss of garaging which will increase pressure to provide alternative provision elsewhere on the site which would have a detrimental impact upon the character of this rural location, contrary to the provisions of Policy S8 of the Taunton Deane Local Plan Revised Deposit.

(Councillor Phillips declared a personal interest in the following two applications which related to Trenchard Park Gardens, Norton Fitzwarren).

25/2004/006

Erection of one bedroomed units for special needs accommodation in several one or two storey buildings, in association with Trenchard House, Trenchard Park Gardens, Norton Fitzwarren.

Reasons for refusal

- (a) The proposal will result in a risk that crime and associated anti-social behaviour within the locality will increase and also give rise to a justifiable public perception of such risk which would be harmful to the level of amenity which the occupiers of properties in the area should reasonably expect to enjoy. The proposal will therefore be in conflict with the aims of Section 17 of the Crime and Disorder Act 1998 (Taunton Deane Local Plan Revised Deposit Policy S1(E));

- (b) The site is located within an area of open countryside and it has not been demonstrated to the satisfaction of the Local Planning Authority that there is a clear and justifiable need for the accommodation that would be provided in the proposed extension (Taunton Deane Local Plan Revised Deposit Policy S8);
- (c) The proposed development will be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the proposed development derives direct access from a National Primary Route/County Route and an overriding special need or benefit has not been substantiated for the proposed development on this specific site (Somerset and Exmoor National Park Joint Structure Plan Review Policy 49).

25/2004/007

Erection of extensions to form additional special needs accommodation and charge of use of property to special needs at Trenchard House (formerly known as Courtlands) and Meadow Court, Trenchard Park Gardens, Norton Fitzwarren.

Reasons

- (a) The proposal will result in a risk that crime and associated anti-social behaviour within the locality will increase and also give rise to a justifiable public perception of such risk which would be harmful to the level of amenity which the occupiers of properties in the area should reasonably expect to enjoy. The proposal will therefore be in conflict with the aims of Section 17 of the Crime and Disorder Act 1998 (Taunton Deane Local Plan Revised Deposit Policies S1(E), H4b(B) and H4b(C));
- (b) The site is located within an area of open countryside and it has not been demonstrated to the satisfaction of the Local Planning Authority that there is a clear and justifiable need for the accommodation that would be provided in the proposed extension (Taunton Deane Local Plan Revised Deposit Policy S8).

Also RESOLVED that enforcement action be taken to ensure compliance with the permitted use of the premises as an hotel or bed and breakfast accommodation; such action not to become effective until 1 April 2005.

34/2004/025

Erection of conservatory to side (east) elevation of 14A Mallory Close, Taunton.

Reason

It is considered that the proposed conservatory, by reason of its size, design and siting, would be undesirably intrusive in the street scene and would detract from the visual amenities of the area. Therefore, the proposal is considered to be contrary to Policies S1(D), S2(A) and H19 of the Taunton Deane Local Plan Revised Deposit and Policy WD/HO/12(A) of the West Deane Local Plan.

49/2004/022

Erection of dwelling and garage with alterations to drive, land at Hartswell House, Wiveliscombe

Reason

The development of this site, as proposed, would adversely affect the setting of the adjacent property which is a Grade II Listed Building by reason of its siting and, as such, is contrary to Policy WD/EC/18 of the West Deane Local Plan, Policy EN17 of the Taunton Deane Local Plan Revised Deposit and Policy 9 of the Somerset and Exmoor Joint Structure Plan Review.

49/2004/026

Erection of basement room within new terrace and retaining wall and new porch, Greenway Farm, Wiveliscombe.

Reasons

- (a) The development of this site, as proposed, would adversely affect the setting of the listed building and detract from the architectural and historic character by reason of its siting, design and appearance.
- (b) Development of this site, as proposed, would introduce an alien feature which unbalances the approach to the house and belies the designed element of the retaining wall, detrimental to the setting of the principal listed building, contrary to Taunton Deane Local Plan Revised Deposit Policies EN17, EN18, S1 and S2.

49/2004/027LB

External alterations including erection of new porch, re-roofing to existing porch, new terrace and retaining wall with room below, extension to existing driveway, Greenway Farm, Wiveliscombe (amended scheme).

Reasons

- (a) The development of this site, as proposed, would adversely affect the setting of the listed building and detract from the architectural and historic character by reason of its siting, design and appearance.
- (b) Development of this site, as proposed, would introduce an alien feature which unbalances the approach to the house and belies the designed element of the retaining wall, detrimental to the setting of the principal listed building, contrary to Taunton Deane Local Plan Revised Deposit Policies EN17 and EN18.

- (4) That the following application be **deferred** for the reason stated:-

38/2004/198

Erection of single storey extension and erection of garage, 20 Feversham Way, Taunton.

Reason

To obtain further advice from the County Highway Authority.

(5) That the following application be **withdrawn**:-

29/2004/004

Erection of two storey rear extension at Laburnum Cottage, Bishopswood.

73. Erection of 10 dwellings for the elderly and disabled (in lieu of the 12 dwellings approved under planning permission no. 42/1999/010) within the walled garden at Gatchell House, Honiton Road, Trull (42/2004/019)

Reported this application.

RESOLVED that subject to the receipt of further revised drawings and the observations of the Fire Officer thereon, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C112 - details of guttering, downpipes and disposal of rainwater;
- (d) C113 - details of structure and colour of mortar;
- (e) C201 - landscaping;
- (f) C205 - hard landscaping;
- (g) C206A - existing and proposed levels;
- (h) No dwelling hereby approved shall be occupied until all access works approved under planning permission reference 42/2003/049 are completed to the satisfaction of the Local Planning Authority.
(Notes to applicant:- (1) N051B - health and safety; (2) N040A - drainage/water; (3) N052 - fire safety; (4) N024 - development in accordance with the approved plans; (5) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800 hours; Saturdays 0800 - 1300 hours. At all other times, including public holidays, there shall be no noisy works).

Reason for planning permission, if granted:-

The proposal respected the character and appearance of Gatchell House and its walled garden and would not have any adverse impact on the surrounding area. The proposal therefore accorded with Policies EN15 and H1 of the Taunton Deane Local Plan Revised Deposit.

74. Change of use of agricultural buildings to commercial storage (Class B8) at Willowfields, Stathe Road, Burrowbridge (51/2004/004)

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Parrett Consortium of Drainage Boards, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C901 - personal permission;
- (c) The site shall not be floodlit unless details indicating height, intensity of light and manufacturer's specification of any floodlights are submitted to, and approved in writing by, the Local Planning Authority before their installation;
- (d) C920 - no amplified music;
- (e) P006 - no fencing;
- (f) C703 - restricted use - site to a specific use;
- (g) C708 - restricted use - no storage except where stated;
- (h) C716 - prohibited working hours.

(Notes to applicant:- (1) Applicant was advised that the proposed development is situated within 250m of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and, where appropriate, remediate against the possibility of gas migration affecting the development site; (2) Applicant was advised that the site is protected from flooding from the River Parrett by embanked defences to the north. However, the moor sometimes floods in extreme circumstances and there is a chance that these premises could flood during a particularly severe event, or if the embanked defence were to fail; (3) Applicant was advised that there is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This could be agreed at the detailed design stage with Wessex Water prior to the commencement of any works on site.

Reason for planning permission, if granted:-

The proposed use on the restricted basis proposed would not harm residential amenity or prejudice highway safety. The development therefore accorded with the requirements of Policy EC3 of the Taunton Deane Local Plan Revised Deposit.

(Councillors Wedderkopp, Mrs Smith and Croad left the meeting at 6.05 pm, 8.01 pm and 8.03 pm respectively).

(The meeting ended at 8.12 pm).

06/2004/013

GRADECLEAR LTD

DEMOLITION OF SOME EXISTING BUILDINGS, REPAIR, REFURBISHMENT AND CONVERSION OF RETAINED EXISTING BUILDINGS INTO 25 SELF-CONTAINED DWELLINGS, RESTORATION OF THE PARKLAND AND ERECTION OF 45 DWELLINGS, SANDHILL PARK, BISHOPS LYDEARD AS AMENDED BY DRAWING NOS. 02/55/105C, 211B, 222F, 224C, 225B AND 415A RECEIVED ON 1ST JULY, 2004, LETTER DATED 12TH JULY, 2004 WITH ACCOMPANYING LANDSCAPE PROPOSALS DRAWING NOS. 127/1A AND 127/02A AND DRAWING NOS. 102A, 401B, 403A, 404B, B06B, B08B, 411B, 413B, 414B, 416B AND 417B

15560/29820

FULL

1.0 **RECOMMENDATION**

Subject to the views of the Secretary of State under the Departure Procedures and the applicant entering into a Section 106 Planning Agreement to provide for the following:-

1. Bonds - 2 No. bonds will be provided by Gradeclear:-
 - (i) A "repair bond" to cover the cost of the repair of the external fabric, including the roof and remedying damage caused to the interior by damp penetration, dry rot and timber infestation treatment to the Mansion House including the Orangery but not the walled gardens or other existing outbuildings (called "The Mansion House") in the sum of £750K.
 - (ii) A "conversion bond" as a contribution to cover the cost of the conversion of the Mansion House in the sum of £1 million.
 - (iii) The bonds would be exclusive of each other, i.e. with no overlap.
 - (iv) Both bonds would be reducing term bonds, the trigger point for reduction in bond value to be agreed with the Council, e.g. the certified completion of works to the roof would be one trigger point for the "repair bond"; the certified completion of first fix works would be one trigger point for the "conversion bond"
 - (v) Certification of staged practical completion of works would be undertaken by an appointed surveyor (at

Gradeclear's cost) and would be subject to a standard disputes procedure.

- (vi) The "repair bond" would be put in place upon commencement of works of repair. The "conversion bond" would be put in place upon commencement of works for conversion.
 - (vii) Both bonds would run for a period of five years from commencement of works (repair and conversion) to the Mansion House unless the works were completed beforehand. If the works of repair and conversion were not completed within five years then the Council would be able to utilise the balance of the bond monies to complete the works.
 - (viii) Not more than 7 No. (plots 26 - 33) new build housing units will be occupied before the approved works of repair/conversion to the Mansion House have commenced.
2. Contractor - (Mansion House) - Gradeclear will agree to consult the Council about the choice of contractor (main contractor) to be appointed to carry out the works of repair and conversion to the Mansion House - the Council's agreement not to be unreasonably withheld.

The Management Agreement (Mansion House and converted outbuildings) - Gradeclear will prepare and enter into a Management Agreement relating to the Mansion House, converted outbuildings, the immediate curtilage of both and the two walled gardens (including the walls) such Agreement to be agreed by the Borough Council in consultation with English Heritage both acting reasonably. The management and maintenance works contained within the Management Agreement will be financed by contributions from occupiers of the Mansion House and converted outbuildings and the apartments ... (but not the new-build housing). The Management Agreement will prescribe an appropriate financing structure, scope of management responsibilities particularly for communal areas and communal facilities; specify a quality standard of materials to be used reasonably consistent with the heritage asset and set the frequency of maintenance and repairs.

The Management Agreement (Mansion House and converted outbuildings) is to be agreed with the Council in consultation with English Heritage both acting reasonably before the first unit within the Mansion House or converted outbuildings is occupied.

- . The Management Agreement (Mansion House and converted outbuildings) is to enure in perpetuity, i.e. for 80 years.
4. Management Agreement (new-build) - Gradeclear will prepare and enter into a Management Agreement for the maintenance of the immediate surrounds of the newbuild housing (i.e. that part north of the northernmost walled garden). The content of the Agreement would be similar to the Management Agreement (Mansion House etc) but will not involve any heritage assets and will refer mainly to the maintenance of trees and incidental open space and the access drive between the existing drive (south east of the Mansion House) and the new build houses.
5. The Management Agreement (new build) will be financed from contributions from the occupiers of all the new build houses.
6. The Management Agreement (new build) is to be agreed with the Council before the first new build unit is occupied such agreement not to be unnecessarily withheld.
7. The Management Agreement (new build) is to enure in perpetuity i.e. for 80 years.
8. Restoration of "rest of parkland" (including pleasure grounds) - this area is defined as all that part of the parkland outside the immediate curtilage of the Mansion House, converted outbuildings and new build housing.
9. Gradeclear will undertake to complete the works for the restoration of the pleasure grounds, as approved, within two years of the first occupation of any apartment or new build dwelling.
10. Gradeclear will undertake to complete the works for the restoration of the remainder of the parkland, as approved, within three years of the first occupation of any apartment or new build dwelling.
11. Management Agreement for "rest of parkland" (including pleasure grounds) - Gradeclear will prepare and enter into a Management Agreement for the long term maintenance of the rest of the parkland (including the pleasure grounds) including annual works, cleaning, upkeep of driveway and footpaths, upkeep of lakes etc and the Agreement will contain the scope of annual works together with a quality standard of materials to be used reasonably consistent with the heritage asset.
12. These works of maintenance will be financed by:-

- (i) annual contributions from occupiers of the Mansion House/converted buildings and the new-build units (say £150 p.a. at current values)
 - (ii) It is explicitly acknowledged that within this Management Agreement the outer parkland will include appropriate animal grazing and woodland management regimes the net income from which will be applied by Gradeclear (together with the annual contribution by residents) to the future maintenance of the rest of parkland including the pleasure grounds.
 - (iii) Gradeclear will undertake to use its reasonable endeavours to obtain appropriate Government or other grants (subject to there being a net gain of income) for the upkeep/management/husbandry of the rest of parkland and to apply such income to its maintenance in accordance with the Management Agreement.
13. Both the annual contribution by residents and the grazing rental income will be linked to an appropriate cost index.
 14. Gradeclear will provide the Council with a copy of the Annual Report and Accounts of the Management Company each year.
 15. The Management Agreement for the rest of parkland including the pleasure grounds is to be agreed with the Council in consultation with English Heritage before the first new-build unit is occupied such agreement not to be unreasonably withheld.
 16. The Management Agreement is to enure in perpetuity i.e. for 80 years.
 17. Any changes to the Management Agreement for the rest of the parkland (including the pleasure grounds) (other than index linking of charges) must be agreed by the Council beforehand in consultation with English Heritage such agreement not to be unreasonably withheld.
 18. Removal of hospital buildings - Gradeclear will undertake to demolish; remove the material arising and make good the site of the existing hospital buildings to the west of the Mansion House in accordance with details to be submitted to and approved by the Council and those works will be implemented before any apartment or new build dwelling is occupied.
 19. Prior to the commencement of works, detailed specifications indicating the extent and standard of the retention, conversion and landscape restoration shall be submitted for approval by the Local Planning Authority, and these specifications shall be adhered to throughout the development.

permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced. Such schemes shall be implemented in accordance with an approved programme and details.
- 02 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 (E) and EN28.
- 03 Before any works hereby permitted are commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
- 03 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 04 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority. Natural materials shall be used for the roofs of the proposed new dwellings. A sample panel of brick and render shall be erected on site prior to approval.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 05 The external surfaces of the buildings to be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.
- 05 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Revised Deposit Policy H9(B)(i).
- 06 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 06 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).

- 07 Details of the structure and colour of the mortar to be used in the brickwork (stonework) shall be submitted to and approved by the Local Planning Authority before the development commences.
- 07 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 08 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within a period of time or a phased programme agreed with the Local Planning Authority before commencement of the development. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 08 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 09 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 10 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 10 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN7.
- 11 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of

construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.

11 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Revised Deposit Policy EN7.

12 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.

12 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

13 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

13 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

14 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

14 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.

15 The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. 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.

15 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

16 Prior to the commencement of development a scheme and programme of works as necessary for the driveway and adjacent footway, together with details of the future maintenance arrangements (for the drive and estate road) shall be submitted to and approved in writing by the Local Planning Authority. The necessary works shall be carried out in accordance with the

approved details prior to the occupation of any of the dwellings hereby permitted, and shall thereafter be maintained in accordance with the agreed programme.

16 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

17 None of the dwellings hereby permitted, shall be occupied until a footway has been provided between the site access, and the entrance to the Greenway estate, in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of said authority.

17 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

18 There shall be no vehicular access to the site other than from South Drive and Station Road.

18 Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjoining highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

19 The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the dwellings which they are to serve are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

19 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.

20 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.

20 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2(A).

21 The new doors and windows indicated on the approved plans shall be made of timber only and no other materials unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material.

21 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.

22 All services shall be placed underground.

22 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(F).

- 23 Detailed drawings indicating height, design, intensity of light and manufacturer's specification of any external lighting in non-private areas shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced.
- 23 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN36.
- 24 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be

carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).

24 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).

25 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) there shall be no addition or extension to the dwelling(s) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

25 Reason: The Local Planning Authority is not satisfied that the dwelling(s) could be extended without detriment to the amenities of the area or the existing dwelling in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and H19.

26 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

26 Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.

27 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority

27 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2 (A).

28 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no doors or windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.

28 Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and to preserve the design and external

- appearance of the building(s) in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2.
- 29 Details of the appearance of any sub-stations for utility provision shall be submitted to and approved in writing by the Local Planning Authority.
- 29 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 30 Before the development hereby permitted is commenced details of the security fencing to any building materials compound shall be submitted to and approved by the Local Planning Authority and such fencing shall be provided to the satisfaction of the Local Planning Authority within one month of the commencement of the development and thereafter maintained until the completion of development on the site.
- 30 Reason: In the interests of the protection of the public in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 31 The mitigation measures for protected species and other wildlife, set out in the submitted 'Report on Ecological Survey' shall be carried out as part of the development.
- 31 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies EN4 and EN4(A).
- 32 The windows hereby permitted shall be recessed in the wall to match the existing window recesses.
- 32 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 33 Prior to commissioning, specific details of windows and external doors, including finished treatment, shall be submitted to and approved in writing by the Local Planning Authority.
- 33 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 34 There shall be no bell casts to the proposed rendered areas.
- 34 Reason: To maintain the character of the listed building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 35 Provision shall be made for combined radio and TV aerial facilities to serve the development hereby permitted and no external radio or TV aerial shall be fixed on any individual residential property or flat or other unit of living accommodation.
- 35 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy C14.

Notes to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.

- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 04 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 05 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.
- 06 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 07 Your attention is drawn to the Listed Building Consent relating to this property numbered 06/2004/014LB
- 08 The dwellings to be erected should be built of good quality materials in view of the location of the site adjacent to a Listed Building.
- 09 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 10 With regard to Condition 02, you should use the principles of sustainable drainage methods (SUDs) as set out in the attached notes.

- 11 You are advised that a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA) in Bristol in respect of the protected species on the site.
- 12 Noise emission from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800. Saturdays 0800 - 1300. All other times including public holidays - no noisy working. The developer should ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition.
- 13 The following advice is provided by the Somerset Fire Brigade:-
1. Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. 2. Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. 3. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards."
- 14 The following informatives are requested by the Environment Agency:- (a) The Agency recommends that because of the need to protect and safeguard the environmental qualities of the site, and the scale and likely programme of construction, the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds, and the control and removal of spoil and wastes. (b) This Agency must be notified immediately of any incident likely to cause pollution.
- 15 You are advised to contact Wessex Water (01225 526000) with regard to connection to their infrastructure.

06/2004/014LB

GRADECLEAR LTD

DEMOLITION OF PARTS AND CONVERSION OF RETAINED BUILDINGS INTO 25 DWELLINGS, SANDHILL PARK, BISHOPS LYDEARD, AS AMENDED BY DRAWINGS NOS. 02/55/105C, 221B, 222F, 224C, 225B, 401A, 404A, 408A, 411A, 413A, 414A, 415A, 416A AND 417A RECEIVED ON 1ST JULY 2004.

15560/29820

LISTED BUILDING CONSENT

1.0 **RECOMMENDATION**

Consent be GRANTED subject to the following conditions:-

- 01 The works for which consent is hereby granted shall be begun within five years from the date of this consent.
- 01 Reason: In accordance with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990.
- 02 The surfaces of the works for which consent is hereby granted shall be of materials as indicated in the application form and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To safeguard the appearance of the building and the visual amenities of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D), S2(A) and EN18(D).
- 03 Prior to the works of demolition and conversion, for which consent is hereby granted, is commenced, a photographic record and measured survey of those elements of the historic complex to be demolished, removed or compromised, shall be submitted to and approved in writing by the Local Planning Authority.
- 03 Reason: To ensure appropriate information is secured to enable an agreed programme of repairs in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 04 The external surfaces of those parts of the building to be retained following the consent to demolish shall be repaired or renewed with salvaged materials from the building demolished, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.
- 04 Reason: To ensure that the proposed development does not have an adverse effect on the appearance of the original building in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D), S2(A) and EN18(D).
- 05 Prior to the works for which consent is hereby granted is commenced, specific details of the means of venting recovered

- roofs, and enclosed bathrooms/ensuites, shall be submitted to and approved in writing by the Local Planning Authority.
- 05 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 06 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, specific details of the means by which fire separation and sound transmission measures are to be accommodated, shall be submitted to and approved in writing by the Local Planning Authority.
- 06 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 07 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, a schedule of repairs on a room by room basis, shall be submitted to and approved in writing by the Local Planning Authority.
- 07 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 08 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, a schedule of existing doors/linings/architraves, which are to be relocated, shall be submitted to and approved in writing by the Local Planning Authority.
- 08 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 09 All additional doors, linings and architraves, required as part of the approved conversion works to the mansion, shall accurately match those details appropriate to the relevant order of the building, specific details of which shall first be approved in writing by the Local Planning Authority
- 09 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 10 No damp proofing methods shall be installed in the mansion complex, unless prior written approval is first given by the Local Planning Authority.
- 10 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 11 Where partitions are removed the work shall be made good to match the original.
- 11 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 12 Where new partitions are constructed they shall be scribed around, not cut into the existing cornices, skirtings or other features.

- 12 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 13 Rooms with cornices, moulded skirtings etc which are to be divided shall have new lengths of cornice, and skirtings to match existing unless otherwise agreed in writing by the Local Planning Authority.
- 13 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 14 Prior to the commissioning, specific details of new staircases, the ensembles to Unit 6, kitchen fittings to Units 5 and 6, the rear glazed making good (including fire surrounds) to reopened fireplaces in the mansion, shall be submitted to and approved in writing by the Local Planning Authority.
- 14 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 15 Prior to the commissioning specific details of all windows, doors (internal and external), staircases, skirtings and architraves, including finished treatments for the converted outbuildings, shall be submitted to and approved in writing by the Local Planning Authority.
- 15 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 16 Rooflights shall be flush fitting.
- 16 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 17 Before any structural works are undertaken precise details of the methods, materials to be employed and areas affected shall be submitted to and approved in writing by the Local Planning Authority.
- 17 Reason: To ensure minimal disturbance to the fabric of the building and appropriate structural repairs in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 18 Details of all new works such as damp proofing, heating, lighting, plumbing, shall be approved in writing by the Local Planning Authority by before such installation commences.
- 18 Reason: To ensure details appropriate to the character of the Listed Building in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.

2.0 **APPLICANT**

Gradeclear Ltd

3.0 **PROPOSALS**

(i) 06/2004/013

DEMOLITION OF SOME EXISTING BUILDINGS, REPAIR, REFURBISHMENT AND CONVERSION OF RETAINED EXISTING BUILDINGS INTO 25 SELF-CONTAINED DWELLINGS, RESTORATION OF THE PARKLAND AND ERECTION OF 45 DWELLINGS, SANDHILL PARK, BISHOPS LYDEARD

(ii) 06/2004/014LB

DEMOLITION OF PARTS AND CONVERSION OF RETAINED BUILDINGS INTO 25 DWELLINGS, SANDHILL PARK, BISHOPS LYDEARD

The application was accompanied by:_

- (i) An Economic Development Appraisal prepared by Quantity Surveyors. This document has been prepared in association with English Heritage and their Quantity Surveyor;
- (ii) An Historic Landscape Appraisal and Landscape Survey, which have also been prepared in close consultation with English Heritage;
- (iii) A Statement on Transportation;
- (iv) A Concept Statement;
- (v) A Planning Statement; and
- (vi) A Schedule of Works of Refurbishment of the existing fabric of the mansion/house.

The comprehensive package of proposals also provide for the demolition of the complex of former hospital buildings to the west of the Mansion and the reinstatement of the remainder of the pleasure grounds and parkland setting of the listed building.

Because of the condition of the Mansion, the basis of the application is that significant financial resources will be required to secure renovation. The package of proposals has been prepared in consultation with English Heritage and seeks to comply with their guidelines "Enabling Development and the Conservation of Heritage

Assets". The application is therefore comprehensive and includes the whole of the parkland as well as the listed Mansion and its outbuildings, and is seen by the applicants as constituting the minimum enabling development to secure the restoration of the heritage assets at Sandhill Park.

The application is for full permission and provides for the conversion of the Mansion House (including the orangery) to 18 one and two bedroom apartments, the outbuildings to 7 one, two and three bedroom houses and 45 one, two three and four bedroom houses to the north of the former kitchen gardens. All of the new dwellings will be of two storey construction.

The development proposals provide for the following:-

Mansion

- (i) Comprehensive restoration of internal and external fabric;
- (ii) Specialist restoration of plaster work;
- (iii) Restoration of staircase to original position;
- (iv) The orangery restored and converted to a dwelling unit;
- (v) Demolition of recent alterations on the north side;
- (vi) Roof covering totally replaced; and
- (vii) Kitchen garden walls repaired, paths restored and fountain repaired.

Outbuildings

- (i) Blocked window and door openings restored;
- (ii) Tin roof replaced with natural materials; and
- (iii) Quadrangle of buildings completed.

Former Hospital Buildings

- (i) Demolish and remove all buildings;
- (ii) Re-contour area and reclaim to parkland and lawns; and
- (iii) Restore views between the Mansion and the parkland and vice versa.

New Dwellings

- (i) Located north of the kitchen gardens;
- (ii) Remove unauthorised tipped material; and
- (iii) Considered minimum new development to enable restoration.

Parkland

- (i) Comprehensive restoration;
- (ii) Lake de-silted;
- (iii) Fencing removed/replaced as appropriate;

- (iv) Incongruous 20th Century items removed;
- (v) Replacement planting to 19th Century design;
- (vi) Selective consolidation of relics;
- (vii) Managed grazing regime; and
- (viii) Comprehensive tree inspection and surgery.

Pleasure Gardens

- (i) Restoration of and management of the ornamental woodland (American gardens) north west of Mansion house;
- (ii) Comprehensive tree inspection and surgery;
- (iii) Replacement and additional tree planting (some exotic species);
- (iv) Planting to northern boundary connecting east and west sides of pleasure grounds providing containment to new development; and
- (v) Paths reinstated.

The proposal will involve the retention of 2,343 sq m in footprint of the existing buildings, principally the Mansion and its associated buildings and the demolition of 3,219 sq m footprint of existing buildings, which are mainly 20th Century hospital buildings. The tennis court and tarmaced area on the eastern side of the Mansion are to be removed and an area of tree planting on a slightly raised grassed area is to be provided to screen a new car parking area immediately behind.

It is proposed that there be an area of managed gardens around the Mansion, stables, barn and new dwellings, which will be separated from the rest of the parkland by metal parkland fencing and cattle grids, minimising the need for fencing in the rest of the park, but allowing general access as well as grazing for livestock to continue.

The proposal includes building 2,683 sq m in footprint of new building to the north of the existing walled gardens as enabling development in a layout and style that reflects the form and scale of the restored existing buildings already to the north of the main house. These buildings are partly in an area where existing buildings are being demolished and where historically there was a further enclosure and small buildings. Much of the area was covered with fill from the demolition of buildings that existed before the development of Lethbridge Park to a depth of 1.5 m above its original level. It is now proposed to reinstate this area back to its original levels and to create a backdrop of tree planting that existed between the American garden and the group of trees that abut Lethbridge Park. These proposed new dwelling are to be in the form and style of simple agrarian buildings, taking precedent not only from the existing restored buildings immediately adjacent to it but also from other similar buildings in the locality.

The restoration of the historic parkland is a key objective of the proposal. Because a large part of the original park is no longer in the

applicant's control, it is impossible to recreate some parts of the original parkland. However with the proposed removal of the 20th Century hospital buildings to the south west of the mansion house, all of this area becomes available for parkland restoration and is seen by the applicants as creating considerable gains to the landscape as well as the setting of the listed Mansion. The original OS maps show the South Drive as unfenced with grazing animals able to pass over the drive in a continuous field and it is proposed to recreate this again with cattle grids at the northern and southern ends of the drive. A new metal parkland fence running down the western side of the American garden and sweeping around the southern side of the Mansion will recreate the 19th Century separation of the more managed land immediately around the house and the grazing in the open parkland beyond. The parkland is depleted of mature tree stock and most of the planting in the 20th Century has been inappropriate in its setting. It is therefore proposed to remove some trees and plant new trees elsewhere.

4.0 **THE SITE**

Sandhill Park comprises the Mansion together with its outbuildings, sitting in parkland landscape. The Mansion is listed Grade II* but is in deteriorating condition and is included on the Buildings at Risk Register prepared by English Heritage. There are walled gardens and ranges of outbuildings.

The last substantial use of the building was as a hospital, which closed in 1992. Since then the buildings have passed through several ownerships and the Mansion was used unsuccessfully as a fire museum. Some of the former hospital buildings to the west of the Mansion have been used for short lease offices with access across the front of the Mansion House.

5.0 **RELEVANT PLANNING HISTORY**

There have been a large number of planning applications related to Sandhill Park, not all of which are directly relevant to the current application. The following are of relevance to the current application:-

06/1990/012 Change of use of former offices to private conference/lecture room facilities, Sandhill Park Hospital, Bishops Lydeard. No objection raised June 1990. this permission related to the front part of the Mansion.

06/1990/016 Change of use of the Old School as private nursing school for 20 children, Sandhill Park Hospital, Bishops Lydeard. Full permission granted June 1990. This permission related to one of the former hospital buildings to the west of the Mansion.

06/1991/036 Change of use of Mansion and outbuildings into national fire museum, relocation of RDA facility and residential development at Sandhill Park, Bishops Lydeard. Application withdrawn February 1995.

06/1991/037 Change of use of Mansion and outbuildings to form museum, residential development of 50 houses (scheme B) and development of an equestrian centre, former Sandhill Park Hospital, Bishops Lydeard, Application refused May 1992.

06/1992/011LB Change of use of Mansion and outbuildings to museum, including internal alterations, Sandhill Park, Bishops Lydeard. Consent granted June 1992.

06/1992/012 Change of use of Mansion and outbuildings to museum, Sandhill Park, Bishops Lydeard. Full permission granted May 1992.

06/1992/017 Change of use of former ancillary hospital buildings to business use (class B1A and B1B) Sandhill Park, Bishops Lydeard. Full permission granted January 1993.

06/1993/005 Change of use of Mansion and outbuildings to national fire museum, relocation of Riding for the Disabled facility and erection of 50 two storey dwellings and garages, Sandhill Park, Bishops Lydeard. Permission refused May 1993. Subsequent Appeal dismissed January 1994.

06/1993/014 Residential development of two-storey dwellings and garages on approximately 0.5 ha and relocation of riding for the disabled facility on land at Sandhill Park, Bishops Lydeard, Application withdrawn.

06/1994/004 Change of use of Mansion and outbuildings to museum, formation of museum car park, relocation of riding for the disabled centre and residential development comprising 50 two-storey dwellings and garages on land at Sandhill Park, Bishops Lydeard. Outline permission granted January 1995

06/1995/020 Change of use from hospital building to office accommodation, School House, Sandhill Park Hospital, Bishops Lydeard. Full permission granted July 1995.

06/1997/020 Erection of 50 No. detached houses, including access road, enabling site works, etc. Sandhill Park, Bishops Lydeard. Reserve matters approved December 1997. This application was the submission of details following permission 06/1994/004 and comprises the current Lethbridge Park development.

06/1998/005 Conversion of premises from museum to office (B1), Sandhill Park Mansion, Sandhill Park, Bishops Lydeard. Permission refused July 1998. Subsequent appeal withdrawn.

06/1998/043 Conversion of premises from museum to offices (B1), Sandhill Park Mansion, Sandhill Park, Bishops Lydeard. Full permission granted April 2003.

06/1999/006 Conversion of outbuildings to form three dwellings, stable block and storage barn, Sandhill Park, Bishops Lydeard. Application withdrawn.

06/1999/007LB Conversion of outbuildings to form three dwellings, stable block and storage barn, Sandhill Park, Bishops Lydeard, Application withdrawn.

06/2003/015 Demolition of outbuildings, conversion of buildings into 24 dwellings and erection of 46 dwellings, Sandhill Park, Bishops Lydeard. Application withdrawn.

06/2003/016LB Demolition of part and conversion of retained buildings into 24 dwellings, Sandhill Park, Bishops Lydeard. Application withdrawn.

6.0 **RELEVANT PLANNING POLICY**

Regional Planning Guidance for the South West (RPG10)

Policy SS19 Rural Areas

Policy EN1 Landscape and biodiversity

Policy EN3 The Historic Environment

Local authorities and other agencies in their plans, policies and proposals should:

- afford the highest level of protection to historic and archaeological areas, sites and monuments of international, national and regional importance;
- indicate that new development should preserve or enhance historic buildings and conservation areas and important archaeological features and their settings, having regard to the advice in PPG15 and PPG16;
- indicate that policies and programmes should work towards rescuing buildings and monuments at risk;
- encourage the restoration and appropriate re-use of buildings of historic and architectural value and take a particularly active role in bringing about their restoration where this would help bring about urban regeneration;
- take account of the landscape context and setting of buildings and settlements; of building materials; and of the patterns of fields, hedgerows and walls that distinguish one area from another.

Policy EN4 Quality in the Built Environment

Policy H03 Affordable housing

Policy H05 Previously developed land and buildings

Policy H06 Mix of housing types and densities

Policy TRAN 1 Reducing the need to travel

Policy TRAN 5 Demand management

Policy TRAN 7 The rural areas

Policy TRAN 10 Walking, cycling and public transport

Somerset and Exmoor National Park Joint Structure Plan Review

POLICY STR1 SUSTAINABLE DEVELOPMENT

Development in Somerset and the Exmoor National Park should:

- be of high quality, good design and reflect local distinctiveness;
- develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking;
- minimise the use of non renewable resources;
- conserve biodiversity and environmental assets, particularly nationally and internationally designated areas;
- ensure access to housing, employment and services;
- give priority to the continued use of previously developed land and buildings;
- enable access for people with disabilities

POLICY STR3 Rural Centres and Villages

POLICY STR6

DEVELOPMENT OUTSIDE TOWNS, RURAL CENTRES AND VILLAGES

Development outside Towns, Rural Centres and Villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

POLICY 1 Nature Conservation

POLICY 5 Landscape Character

POLICY 9

THE BUILT HISTORIC ENVIRONMENT

The setting, local distinctiveness and variety of buildings and structures of architectural or historic interest should be maintained and where possible be enhanced. The character or appearance of Conservation Areas should be preserved or enhanced.

POLICY 33 Provision for Housing

POLICY 35 Affordable Housing

POLICY 39

TRANSPORT AND DEVELOPMENT

Proposals for development should be considered having regard to:

- the management of demand for transport;
- achieving a shift in transport modes to alternatives to the private car and lorry wherever possible; and
- the need for improvements to transport infrastructure.

POLICY 42 Walking

POLICY 44 Cycling

POLICY 45 Bus

POLICY 46 Rail Operation

POLICY 49 Transport Requirements of New Development

**Somerset and Exmoor National Park Joint Structure Plan
Alteration – Deposit Draft**

POLICY STR1 SUSTAINABLE DEVELOPMENT

Development in Somerset and the Exmoor National Park should:

- be of high quality, good design and reflect local distinctiveness;
- have regard to the need to enhance and maintain the role and function of each settlement in relation to its hinterland, and the need to promote self-containment:

- develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking;
- minimise the use of non renewable resources;
- conserve biodiversity and environmental assets, particularly nationally and internationally designated areas;
- ensure access to housing, employment and services;
- take a sequential approach to the location of new development, giving priority to the continued use of previously developed land and buildings in the Exmoor National Park generally, and within or well-related to existing settlements outside the National Park, in accordance with the requirements set out in Government guidance: and
- enable access for people with disabilities.

In the Exmoor National Park, development should accord with the requirements set out in policies STR 6B (Exmoor National Park) and 33 (Provision for housing).

STR2 Approach to the Spatial Strategy

POLICY 1 Nature Conservation

POLICY 5 Landscape Character

POLICY 9

THE BUILT HISTORIC ENVIRONMENT

The setting, local distinctiveness and variety of buildings and structures of architectural or historic interest should be maintained and where possible appropriate be enhanced. The character ~~or~~ and appearance of Conservation Areas should be ~~preserved~~ conserved or enhanced.

POLICY 33 Provision for Housing

POLICY 35 Housing Need

POLICY 40 Settlement Transport Strategies

POLICY 42 Walking and Cycling

POLICY 45 Bus

POLICY 46 Rail Operation

POLICY 48

ACCESS AND PARKING

Developments which would generate significant transport movements should be located where provision may be made for access by walking, cycling and public transport. The level of parking provision in settlements should reflect their functions, the potential for the use of alternatives to the private car and the need to prevent harmful competitive provision of parking.

The level of car parking provision associated with new development should be minimised having regard to the need for access and the availability of alternatives to the private car and the availability of alternative public parking.

- ~~• first, take account of the potential for access and provide for alternatives to the private car, and then;~~
- ~~• should be no more than is necessary to enable development to proceed.~~

POLICY 49 Transport and Development

West Deane Local Plan

WD/SP/2 OUTSIDE DEFINED SETTLEMENT LIMITS, DEVELOPMENT WILL NOT BE PERMITTED UNLESS IT IS FOR THE PURPOSES OF AGRICULTURE OR FORESTRY OR ACCORDS WITH A SPECIFIC DEVELOPMENT PLAN POLICY OR PROPOSAL.

WD/SP/3 OUTSIDE THE DEFINED LIMITS OF SETTLEMENTS, THE CHANGE OF USE OF BUILDINGS FOR SMALL SCALE INDUSTRIAL, WAREHOUSING, COMMERCIAL, TOURIST AND RECREATIONAL RELATED USES WILL BE PERMITTED WHERE:-

- THE BUILDING IS OF A SUITABLE SIZE FOR THE PROPOSED USE;
- THE BUILDING IS STRUCTURALLY SOUND, AND CAPABLE OF CONVERSION WITHOUT SIGNIFICANT REBUILDING;
- THE APPEARANCE, STRUCTURE AND SURROUNDINGS OF THE BUILDING WOULD NOT BE MATERIALLY HARMED;
- THE CONVERTED BUILDING AND NEW USE WOULD BE COMPATIBLE WITH THE LANDSCAPE, CHARACTER, NATURE

CONSERVATION AND HISTORIC HERITAGE OF THE AREA;

- (E) THERE WOULD BE NO HARM TO HIGHWAY SAFETY AND THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES; AND.
- (F) ADEQUATE ARRANGEMENTS CAN BE MADE FOR THE PROVISION OF SERVICES.

WD/SP/4 OUTSIDE THE DEFINED LIMITS OF SETTLEMENTS, THE CONVERSION OF BUILDINGS TO RESIDENTIAL USE WILL ONLY BE PERMITTED WHERE THE CRITERIA OF POLICY WD/SP/3 ARE MET AND WHERE IT WOULD NOT HARM:

- (A) THE RURAL CHARACTER OF THE AREA; AND
- (B) THE HISTORIC OR ARCHITECTURAL QUALITIES OF THE BUILDING.

WD/HO/7 Design and Layout of New Housing Development

WD/HO/8 Removal of Permitted Development Rights

WD/RT/2 SANDHILL PARK IS ALLOCATED FOR RECREATION AND TOURISM. A RANGE OF COMPLEMENTARY RECREATION AND TOURIST DEVELOPMENTS WILL BE ENCOURAGED WHICH:-

- (A) CONFORM GENERALLY WITH DEVELOPMENT PLAN POLICIES FOR THE COUNTRYSIDE;
- (B) RESPECT THE CHARACTER AND SETTING OF THE GRADE II* LISTED BUILDING AND ITS OPEN, PARKLAND SETTING;
- (C) RESPECT THE LANDSCAPE, HISTORICAL ENVIRONMENT AND NATURAL HISTORY OF THE AREA;
- (D) ENSURE ADEQUATE HIGHWAYS AND UTILITY SERVICING ARRANGEMENTS; AND
- (E) PROMOTE SOCIAL AND ECONOMIC BENEFITS TO THE LOCAL POPULATION.

THE BOROUGH COUNCIL WILL NOT PERMIT DEVELOPMENT WHICH WOULD DETRACT FROM THESE AIMS. WHERE IT CAN BE DEMONSTRATED

THAT AN APPROPRIATE RECREATIONAL OR TOURIST DEVELOPMENT COULD NOT OTHERWISE BE ACHIEVED, THE LOCAL PLANNING AUTHORITY MAY BE PREPARED TO ACCEPT A MODEST AMOUNT OF OTHER USES WHERE THIS CAN GUARANTEE THE PROVISION OF SUITABLE SIGNIFICANT RECREATION AND TOURISM DEVELOPMENT.

WD/EC/1 Nature Conservation

WD/EC/2 Protected Species

WD/EC/16 Special Landscape Areas

WD/EC/18 THE ALTERATION OR CONVERSION OF A LISTED BUILDING WILL NORMALLY ONLY BE PERMITTED WHERE THE FOLLOWING CRITERIA ARE MET:-

- (A) THE INTERNAL AND EXTERNAL FABRIC CONSIDERED IMPORTANT TO THE HISTORICAL INTEGRITY, STRUCTURE, CHARACTER, APPEARANCE AND SETTING OF THE BUILDING ARE NOT MATERIALLY AFFECTED. WHEREVER POSSIBLE, FIXED INTERIOR FEATURES OF INTEREST SHOULD BE RESPECTED AND LEFT IN SITU;
- (B) THE PROVISION OF PARKING SPACES DOES NOT ADVERSELY AFFECT THE SETTING AND APPEARANCE OF THE BUILDING;
- (C) THE SUB-DIVISION OF ANY SURROUNDING GARDEN OR OPEN SPACE DOES NOT ADVERSELY AFFECT THE SETTING AND HISTORIC CHARACTER OF THE BUILDING;
- (D) WHERE THE BUILDING'S INTERNAL SPACE IS JUDGED TO BE IMPORTANT TO ITS CHARACTER, THIS SPACE IS PRESERVED; AND
- (E) THE MATERIALS USED IN THE CONVERSION DO NOT ADVERSELY AFFECT ITS CHARACTER OR APPEARANCE. THERE WILL BE A PRESUMPTION IN FAVOUR OF THE USE OF NATURAL MATERIALS WHICH REFLECT THOSE OF THE BUILDING OR ITS PERIOD.

WD/EC/31 LANDSCAPING

Taunton Deane Local Revised Deposit (including Proposed Modifications)

S1 Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case:

- (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact;
- (B) the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car;
- (C) the proposal will not lead to harm to protected wildlife species or their habitats;
- (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
- (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use;
- (G) the safety of any occupants or users will not be at risk from ground instability; and
- (H) the site will be served by utility services necessary for the development proposed.

S2 Development must be of a good design. Its scale, density, height, massing, form, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible:

- (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved;
- (B) incorporate existing site features of environmental importance;
- (C) reinforce nature conservation interest;
- (D) minimise the creation of waste in construction and incorporate recycled and waste materials;
- (E) include measures to reduce crime;

- (F) minimise adverse impact on the environment, and existing land uses likely to be affected; ~~and~~
- (G) include facilities to encourage recycling;
- (H) make full and effective use of the site; ~~and~~
- (I) subject to negotiation with developers, incorporate public art;
- (J) include measures to promote energy efficiency.

S6 Rural Centre

S8 Outside defined settlement limits, ~~development~~ new building will not be permitted unless it ~~protects~~ maintains or enhances the environmental quality and landscape character of the area and

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific Development Plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement. New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable:-
 - (E) avoid breaking the skyline;
 - (F) make maximum use of existing screening;
 - (G) relate well to existing buildings; and
 - (H) use colours and materials which harmonise with the landscape. ~~and~~
 - ~~(I) be of a reasonably necessary size to meet the need.~~

H9 Outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless;

- (A) the building proposed to be converted is of permanent and substantial construction and:
 - (1) is in keeping with its surroundings;
 - (2) has a size and structure suitable for conversion without major significant rebuilding or significant alteration or extension and alteration;
 - (3) is unlikely to attract a suitable business re-use; and

- (4) is sited near a public road with convenient access by foot, cycle or public transport to a settlement;
- (B) and the proposal:
 - (1) will not harm the architectural or historic qualities of the building; ~~and~~
 - (2) does not involve the creation of a residential curtilage which would harm the rural character of the area; and
 - (3) will not lead to a dispersal of activity on such a scale as to prejudice town and village vitality.

H12 Affordable housing with general market housing.

EC6 Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.

- ~~(A) in accordance with a Specific Local Plan proposal; or~~
- ~~(B) an existing industry which is causing environmental or other problems would thereby be relocated to a more suitable site in the area; or~~
- ~~(C) other clear advantages would occur which outweigh the economic disadvantages; or~~
- ~~(D) in the case of an existing or previously developed employment site, there is no likelihood of a viable employment use or redevelopment.~~

EC6 Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.

- ~~(A) in accordance with a Specific Local Plan proposal; or~~
- ~~(B) an existing industry which is causing environmental or other problems would thereby be relocated to a more suitable site in the area; or~~
- ~~(C) other clear advantages would occur which outweigh the economic disadvantages; or~~
- ~~(D) in the case of an existing or previously developed employment site, there is no likelihood of a viable employment use or redevelopment.~~

M3a Residential development will be permitted provided that off-street parking is provided in convenient locations capable of natural surveillance or otherwise secure according to the following standards per dwelling;

- ~~(A) affordable dwellings; from 0-2 spaces for cars and 1 or more spaces for bicycles;~~
- ~~(B) sheltered accommodation for the elderly; from 0-1 spaces for cars;~~
- ~~(C) residential caravans and chalets; 0-2 spaces for cars and 1 or more spaces for bicycles;~~
- ~~(D) dwellings with 4 or more bedrooms;~~
 - ~~(i) within the Taunton Central Area; from 0-2 spaces for cars and 2 or more spaces for bicycles;~~
 - ~~(ii) elsewhere; from 1-2 spaces for cars and 2 or more spaces for bicycles;~~
- ~~(E) other dwellings;~~
 - ~~(i) within the Taunton Central Area; from 0-2 spaces for cars and 1 or more spaces for bicycles;~~
 - ~~(ii) elsewhere; 1-2 spaces for cars and 1 or more spaces for bicycles.~~

In order to promote sustainable travel, and to reduce the amount of land taken for development, the Borough Council will consider the need for residential car parking against the following criteria:

- Impact upon urban design
- The location of the development, and its accessibility to employment opportunities and services

T39 cycling

C4 Standards of provision of recreational open space.

EN3 Local Wildlife and Geological Interests

EN4 Wildlife in buildings to be converted or demolished.

EN4a Protected species.

EN5 Protection of trees, woodland, orchards and hedgerows.

EN8 Tree planting

EN13 Landscape Character Areas

EN17 Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted.

EN18 The change of use, alteration, conversion or extension of a Listed Building will not be permitted unless:

- (A) the internal and external fabric of the building including its architectural and historic features would be preserved, leaving them in situ where possible;
- (B) the building's internal space would be retained where this is important to its character or historic integrity;
- (C) no subdivision of a garden or other open space would occur, where this would harm the building's character, setting and historic integrity;
- (D) the design, materials and building methods used are sympathetic to the age, character and appearance of the building. Natural materials reflecting those in the original building should be used, where possible;
- (E) any extension is sufficiently limited in scale so as not to dominate the original building or adversely affect its appearance.

EN20 Recording of listed buildings affected by development and salvage off important building materials.

EN21 Parks and Gardens of special historic interest.

7.0 **RELEVANT GENERAL GOVERNMENT POLICY GUIDANCE**

PPG1 - General Policy and Principles

Paragraphs 4 – 7 Sustainable development

Paragraphs 13 – 20 Design

Paragraph 24 Planning for housing

Paragraph 28 Rural areas

Paragraph 32 Just as well-designed, new development can enhance the existing environment, it is fundamental to the Government's policies for environmental stewardship that there should be effective protection for the historic environment. Those aspects of our past which have been identified as being of historic importance are to be valued and protected for their own sake, as a central part of our cultural heritage. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and

appearance of our towns, villages and countryside. Their continued use is important if they are to contribute fully to the life of our communities.

Paragraphs 36 – 38 Planning obligations and conditions

Paragraph 40 The plan led system

Paragraphs 50/55/56 Other material considerations

Paragraph A1 – A7 Handling of design issues.

PPG 3 - Housing

Paragraphs 9 – 11 Creating mixed communities – influencing the type and size of housing

Paragraph 38 Determining planning applications

Paragraph 41 Re-using buildings/conversions

Paragraph 42 Reallocating employment and other land to housing

Paragraph 46 Creating sustainable residential environments.

Paragraph 52 & 53 Greening the residential environment

Paragraph 54 – 56 Designing for quality

Paragraph 57/58 Making the best use of land

Paragraph 59 Local authority requirements for car parking, especially off-street car parking, are also a significant determinant of the amount of land required for new housing.

Paragraph 60 Car parking standards for housing have become increasingly demanding and have been applied too rigidly, often as minimum standards. Developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off-street parking when there is no need, particularly in urban areas where public transport is available or where there is a demand for car-free housing. Parking policies should be framed with good design in mind, recognising that car ownership varies with income, age, household type, and the type of housing and its location. They should not be expressed as minimum standards.

Paragraph 61 Local authorities should revise their parking standards to allow for significantly lower levels of off-street parking provision, particularly for developments:

- in locations, such as town centres, where services are readily accessible by walking, cycling or public transport;
- which provide housing for elderly people, students and single people where the demand for car parking is likely to be less than for family housing; and
- involving the conversion of housing or non-residential buildings where off-street parking is less likely to be successfully designed into the scheme.

Paragraph 62 Car parking standards that result, on average, in development with more than 1.5 off-street car parking spaces per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential environments. Policies which would result in higher levels of off-street parking, especially in urban areas, should not be adopted.

Paragraph 63/64 Rejecting poor design

Paragraph 65/66 Developing outside urban areas.

PPG7 - The Countryside – Environmental Quality and Economic and Social Development.

Paragraphs 1.3 – 1.5 Sustainable development

Paragraphs 2.11 – 2.13 Achieving good quality development.

Paragraphs 3.14 – 3.16 Re-use of buildings

Paragraph 3.21 New house building and other new development in the open countryside, away from established settlements or from areas allocated for development in development plans, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not by itself a good argument; it could be repeated too often. Isolated new houses in the countryside require special justification - for example, where they are essential to enable farm or forestry workers to live

at or near their place of work. Advice on the special considerations which may arise in relation to agricultural and forestry dwellings is given in Annex I. An isolated new house in the countryside may also exceptionally be justified if it is clearly of the highest quality, is truly outstanding in terms of its architecture and landscape design, and would significantly enhance its immediate setting and wider surroundings. Proposals for such development would need to demonstrate that proper account had been taken of the defining characteristics of the local area, including local or regional building traditions and materials. This means that each generation would have the opportunity to add to the tradition of the Country House which has done so much to enhance the English countryside. Sensitive infilling of small gaps within small groups of houses or minor extensions to groups may also be acceptable though much would depend on the character of the surroundings and the number of such groups in the area.

Paragraph 4.13 Historic sites

Draft PPG7 - Sustainable Development in Rural Areas

Paragraphs 3 – 5 Location of development

Paragraph 11 Housing

Paragraphs 18 – 20 Re-use of buildings in the countryside.

PPG 3 - Transport

Paragraphs 4 – 6 Objectives

Paragraphs 12 – 17 Housing

Paragraphs 28 – 30 Design, Safety and Mix of Uses

Paragraphs 40 – 44 Rural areas.

Paragraphs 49 – 55 Parking

Paragraphs 75 – 77 Walking

Paragraphs 78 – 80 Cycling

PPG15 - Planning and the Historic Environment

Paragraph 1.1 It is fundamental to the Government's policies for environmental stewardship that there should be

effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.

Paragraph 1.5 Conservation can itself play a key part in promoting economic prosperity by ensuring that an area offers attractive living and working conditions which will encourage inward investment - environmental quality is increasingly a key factor in many commercial decisions. The historic environment is of particular importance for tourism and leisure, and Government policy encourages the growth and development of tourism in response to the market so long as this is compatible with proper long-term conservation. Further advice on tourist aspects of conservation is given in *PPG 21* and the English Tourist Board's publication *Maintaining the Balance*.

Paragraph 1.6 Stewardship: the role of local authorities

Paragraphs 2.11 – 2.15 Development control.

Paragraph 2.16 Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their

surroundings, e.g. by new traffic routes, car parks, or other development.

Paragraph 2.26 The wider historic landscape

Paragraph 3.3 The importance which the Government attaches to the protection of the historic environment was explained in paragraphs 1.1-1.7 above. Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and an irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out, against the criteria set out in this section, for alteration or demolition. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

Paragraph 3.4 Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Paragraph 3.5 The issues that are generally relevant to the consideration of all listed building consent applications are:

- i. the importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms ('historic interest' is further explained in paragraph 6.11);

- ii. the particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (e.g. interiors) may come to light after the building's inclusion in the list;
- iii. the building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby;
- iv. the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

Paragraph 3.6

The grading of a building in the statutory lists is clearly a material consideration for the exercise of listed building control. Grades I and II* identify the outstanding architectural or historic interest of a small proportion (about 6%) of all listed buildings. These buildings are of particularly great importance to the nation's built heritage: their significance will generally be beyond dispute. But it should be emphasised that the statutory controls apply equally to all listed buildings, irrespective of grade; and since Grade II includes about 94% of all listed buildings, representing a major element in the historic quality of our towns, villages and countryside, failure to give careful scrutiny to proposals for their alteration or demolition could lead to widespread damage to the historic environment.

Paragraph 3.8

Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future

of listed buildings or buildings in conservation areas is in question.

Paragraph 3.12 – 3.15 Alterations and extensions

Enabling Development and the Conversion of Heritage Assets (June 2001)

Enabling development is development that is contrary to established planning policy national or local – but which is occasionally permitted because it brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused. It is often associated with proposals for residential development to support the repair of a country house.

This document was prepared by English Heritage as a Policy Statement and Practical Guide to Assessment of Enabling Developments. This advocates a presumption against enabling development unless it meets specified criteria, the most important of which is that the sum of benefits clearly outweighs the disbenefits not only to the historic asset or its setting, but to any other relevant planning interests. It was intended to amplify and reinforce the well established guidance set out in PPG15. The statement applies to development which is contrary to established planning policy.

The following are the criteria which English Heritage consider should be met:-

- The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting
- The proposal avoids detrimental fragmentation of management of the heritage asset
- The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose
- The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid
- Sufficient financial assistance is not available from any other source
- It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits
- The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (i.e. the disbenefits) of providing the enabling development

If it is decided that a scheme of enabling development meets all these criteria, English Heritage believes that planning permission should only be granted if:-

- The impact of the development is precisely defined at the outset, normally through the granting of full rather than outline planning permission;
- The achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in DOE Circular 01/97, Planning obligations;
- The heritage asset is repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
- The planning authority closely monitors implementation, if necessary acting promptly to ensure a satisfactory outcome.

8.0 **REPRESENTATIONS**

County Highway Authority

“The site lies outside the recognised development boundary limits of Bishops Lydeard and Ash Priors, where it is remote from adequate services and facilities. The nearest convenience store and primary school is in the centre of Bishops Lydeard approximately 2.5 km from the site, and the nearest retail centres are Taunton/Wellington. It is these towns that also provide the main employment, entertainment and retail facilities. Secondary education opportunities exist in Wiveliscombe some 12 km from the site.

At the end of the access road, the site is served by a very limited bus service, offering at most two trips into/out of Taunton on a Tuesday and Friday, and a single trip into/out of Wellington on a Thursday. From the centre of the village (2-2.5 km distance) there is an hourly service between Minehead and Taunton, Monday to Saturday.

This means that any residents of the proposed dwellings will be primarily dependant on private vehicles for their daily needs. This is contrary to advice contained within RPGIO, PPG13, and the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review. This therefore comprises unsustainable development in terms of transport policy.

It is largely a matter for the Planning Authority to determine the suitability of the existing buildings for conversion to dwellings, however in light of the additional new build dwellings that are proposed, this application will receive recommendation of refusal for the following reason:-

The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motor vehicle and comprises unsustainable development which is contrary to advice contained within PPG13, RPGIO and the provisions of Policy STR and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Notwithstanding the above comments, there does not appear to have been a full Transport Assessment submitted with this application, and the Highway Authority deem this necessary to fully assess the impact of this application on the local highway network.

It should also be noted that the details submitted with the planning application for the internal road layout are insufficient to determine the suitability of the drive as a means of access to the proposed development. Details of how these dwellings are to be accessed, how the development is to access the highway, and the necessary improvements to the drive should be provided in order to fully determine the impact of this application. If these details are not forthcoming and/or acceptable, then further reasons for refusal will be submitted. This information was requested at the last submission number 06/04/015, but as yet does not appear to have been incorporated with the application.

Should any of the requested information be submitted, I shall be happy to review it and comment on the highway implications accordingly.”

Further discussions have taken place between the applicants’ highways consultants and the County Highway Authority and the following further observations have been received:-

“The comments made with regard to this application in April 2004, are still relevant at this time. The Highway Authority still wishes to object to this proposal on the grounds that it constitutes unsustainable development in terms of transport policy. This response to the amended plans should be read in conjunction with the formal response to the above planning application dated 2 April 2004.

It is my understanding that you as a Planning Authority are minded to recommend the approval of this application in order to secure the renovation of the existing 'mansion', contrary to the Highway Authority concerns. If this is the case, it is essential that the detail of the proposal is acceptable in terms of highway safety.

The submitted plans show a total of 70 dwellings on site, with 93 car parking spaces. In this unsustainable location, it is reasonable to expect a high level of car dependency, and two spaces per unit may be more appropriate. Whilst 70 dwellings are shown on the layout

drawing, the application and supporting statement refers to 73. The total number of units should be clarified in order to correctly assess the application.

The supporting statement indicates that the replacement of the existing permitted office space on site with residential dwellings will generate a comparable level of traffic generation. Whilst this is accepted as an accurate assessment of the potential of the site, it is noted that not all of the buildings are to be converted, and that the remaining buildings do not appear on any of the submitted survey drawings. It is assumed that these are to be demolished, and that they will not come forward at any time in the future for conversion or development, as this would be wholly unacceptable. The existing access onto Greenway Road is substandard in terms of visibility, and any increase in use is unacceptable and to the detriment of highway safety.

Whilst the Advanced Payments Code will apply to the setting out of the new street, I believe through discussions that is unlikely to connect to the existing highway, however the proposed estate road should be constructed to a suitable standard. The existing private drive is not constructed (or illuminated) to a standard that is suitable to serve the level of use proposed, and will need significant improvement/reconstruction to make it acceptable. It is also imperative that there is an adequate footway and that two-way vehicle flow is maintained throughout the length of the drive. If it is proposed that this drive and the estate road will remain private, there will need to be a maintenance agreement in place to overcome any future requirements.

The introduction of residential dwellings in this location, (whilst comparable in terms of vehicle numbers) will encourage a different type of vehicle movement to the site, and increase pedestrian and cycle movements to/from the site. It is therefore necessary to provide a footway between the site access and the existing footway at the junction the Greenway estate. This is essential in the interests of highway safety, to facilitate the additional pedestrians that will be generated by the development proposed. It should also be noted that there are public footpaths running around and through the site. The County Council Rights of Way Officer has expressed a desire to link these routes through the site, and have them designated as public footpaths. This should be taken into consideration.

Notwithstanding the recommendation of refusal that this application has received, should you be minded to grant permission, I would request that the following conditions be attached to the consent:

1. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed

and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. 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.

2. Prior to the commencement of development a scheme and programme of works as necessary for the driveway and adjacent footway, together with details of the future maintenance arrangements (for the drive and estate road) shall be submitted to and approved in writing by the Local Planning Authority. The necessary works shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted, and shall thereafter be maintained in accordance with the agreed programme.
3. None of the dwellings hereby permitted, shall be occupied until a footway has been provided between the site access, and the entrance to the Greenway estate, in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of said authority.”

Somerset County Right of Way Group

“I have previously looked at plans for development at Sandhill Park in conjunction with Helen Vittery, one of the SCC Development Control officers. I am writing from the SCC Rights of Way group and our interest is in the potential rights of way link which would be available upon development of the site.

I understand that a previous preliminary enquiry and the current application causes problems, from a highway point of view, with the standard of access from the road in view of the number of units. However, it is possible that despite highway objections the planning officers or members might be minded to give consent to the application. In case this happens I would like to make some suggestions which from a rights of way viewpoint and that of pedestrian safety would be relevant.

Currently the South Drive which is the existing vehicular access to Sandhill House has no public rights.

Currently people living in, and pedestrian visitors to the Lethbridge Park estate, only have access to the village and its associated services via the footpath running through and to the west and south of the estate, T4/33, and then its link with the Whisky Trail footpath (T4/12). This comes out onto the A358 and crosses it where there are high traffic speeds and poor visibility.

If the current access road presently serving the Sandhill House is not adopted then at least a footpath dedication along its length would achieve a safer and better surfaced pedestrian link to the village using the underpass beneath the A358.

If there is a possibility that consent might be given for development to this site without benefit of an adopted road running along South Drive then I would be grateful to be able to discuss with you possible improvements which could be achieved to the pedestrian links.”

County Education Officer

“I set out below the County Council's response (education contribution required). Accordingly, please consider this as an objection to the application because of a lack of education provision in the local area. You should note that we have been assisted in making this response by Mrs Julie Higginbottom BA(Hons) BTP MRTPI of M Baker (Property Services) Ltd of Exeter - Tel: 01392 433912/ 257200 and both or either of us will be prepared to meet with you should you wish to discuss the County Council's views on this matter.

This response has been guided by the advice set out in the relevant Government Guidance Notes, Circular 1/97 - Planning Obligations, Somerset and Exmoor Joint Structure Plan, the Taunton Deane Local Plan and the West Deane Local Plan.

Paragraph B12 of Circular 1/97 makes it clear that developers may reasonably be expected to pay for or contribute towards the cost of infrastructure which would not have been necessary but for the development. This development will have an impact upon the following schools:-

- Bishops Lydeard VC Primary School, which would be the local catchment area school covering the area of this proposed housing developments - insufficient permanent classroom accommodation exists within the existing school to absorb any extra pupils. Bishops Lydeard School has a capacity for 240 pupils but one classroom is temporary and there is only permanent capacity for 210 pupils. There are 225 pupils on roll as at the beginning of the new school year Sept 2003, the School Organisation Plan (SOP) extract herewith forecasts 217 next Sept 2004 and 206 by Sept 2007. Then there will be only 4 vacant places.

The 70 dwellings may be expected to result in an additional 14 pupils. A S.106 financial contribution is therefore sought for the extra number of 10 pupils equivalent to onethird of the cost of a new classroom, (assuming no particular planning problems) is currently £118,000 including associated circulation spaces,

storage and toilets plus 15% professional fees - £135,200 of which the contribution would be £45,233 (£646 per dwelling).

- Cotford St Luke - This new school has a capacity for 120 pupils, a planning application has been submitted for a new fifth classroom extension. However this will only cater for the present new expanding village and there will be no vacant accommodation.

As the proposal (in its current form) is for the creation of 70 dwellings, the developer should also be required to pay for or contribute towards the cost of infrastructure to accommodate the Secondary School-aged pupils generated by the development, which cannot be accommodated in the existing permanent classroom accommodation.

The SOP shows a capacity for 755 pupils but this has subsequently been recalculated to meet revised DfES Government criteria with a reduced capacity for only 705 pupils. There were 744 as at Sept 2003 with 747 forecast by 2007 - hence an insufficiency of places. A contribution of £161,000 per classroom with more specific accommodation including fees, not £53,666 based on one-third of a class for 10 pupils based on 210 dwellings per class of 30 pupils (£766 per dwelling). Total contribution therefore £98,899 (£1,412 per dwelling), to be subject to an inflation provision, timing of payment, any phasing which might be agreed and consideration of affordable housing.

I would, therefore, advise the developers or their agents to contact this department to initiate discussions concerning the required contributions by way of a S106 agreement for education purposes.

I reserve the right to reconsider this view should the proposal not proceed in the current form and in the event of any subsequent application being made on this site which would alter the dwelling mix or numbers on this site.”

County Archaeologist

There are limited or no archaeological implications to the proposal, so therefore have no objections on archaeological grounds.

Environment Agency

“The Agency OBJECTS to the proposed development, as submitted, on the following grounds:

We recommend that your Council should defer consideration of this application until sufficient details are provided by the applicant in accordance with PPG25 Development and Flood Risk.

This is a full application, and there appears to be no reference whatsoever in the documentation supplied as to the disposal of surface water or the possible effects on watercourses downstream. The only comment seems to be that surface water will go to 'mains', which is not a sufficient description. A drainage strategy and details must be prepared and submitted as part of the planning application, as required by PPG25.

Further information is required on the drainage systems, and how clean and dirty systems will be treated. Separation of clean and dirty water would be preferred to prevent overloading the sewage treatment works in heavy rain events.

In the event of the Agency's objection being overcome, the following informatives and recommendations should be included in the Decision Notice.

Wessex Water should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows generated as a result of the development, without causing pollution.

During construction the following comments apply:-

The Agency recommends that because of the need to protect and safeguard the environmental qualities of the site, and the scale and likely programme of construction, the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds, and the control and removal of spoil and wastes.

This Agency must be notified immediately of any incident likely to cause pollution.

The Agency would further comment as follows:-

Sandhill Park is a County Wildlife Site and the Somerset Wildlife Trust should be consulted about this proposal.

There are a number of otter records from Balliphants Pond. Otters are fully protected by law, and any proposal to manage this water body should be developed in consultation with the Somerset Otter Group.

We would recommend that the advice of the Trust should be used when restoration of the historic parkland is being planned.”

Following this response the applicant confirmed that the area of building and hardstanding to be removed is greater than that proposed. Therefore it would be expected that surface water run-off would be less than existing. Soakaways are intended to be provided to the proposed new development to the north of the existing buildings. The existing listed buildings have a working surface water system. There are two lakes which have silted up and which it is intended to restore. If necessary these can be used for surface water attenuation if required. Foul drainage from the whole development, both new and existing, is proposed to run via a new drain across the parkland in a southerly direction to connect up to a new sewer recently installed running from Lethbridge Park to the east to the sewerage treatment plant maintained by Wessex Water. As a consequence the Agency have confirmed that they are now in a position to withdraw their previous objection.

Wessex Water

“The proposed development is not located within a Wessex Water sewered area.

As there are no existing public surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways or discharging to a watercourse. The latter will require approval from the Environment Agency). Your Council should be satisfied with any suitable arrangement for the disposal of surface water and foul flows.

Our records indicate that the development immediately to the north is served by Section 104 sewers, details of which have not yet been added to the public sewer map. Further details of the Section 104 sewers should be obtained from the developer.

The existing water supply distribution system in the vicinity has capacity to meet the expected demand arising from the development proposed, subject to the acceptance of conditions, which must be discussed with the Development Engineer, Peter George. The point of connection can be agreed at detail design stage.

Wessex Water requires connections to be made to its network at a point where capacity exists to meet the additional demand. An adequately sized main is the 180 MDPE main that feeds the

Wessex Water requires connections to be made to its network at a; meet the additional demand. An adequately sized main is the 180 MDPE main that feeds the Lethbridge Park Estate. Access to the site is likely to require a short length of off site connecting main.”

Chief Fire Officer

“1. Means of Escape

1.1 Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

2. Access for Appliances

2.1 Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

3. Water Supplies

3.1 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Somerset Environmental Records Centre

“SSSIs/NNRs/County Wildlife Sites(CWS)/County Geological Sites (CGS) recorded at the application site:

Ref. No.	Status	Name of Site	Description
ST12/122	CWS	Sandhill Park Estate	Parkland with an important assemblage of veteran trees

SSSIs/NNRs/County Wildlife Sites (CWS) recorded within 1 km of the application site:

Ref. No.	Status	Name of Site	Description
ST12/002	CWS	Denbury Wood	Ancient Semi-natural broadleaved woodland
ST12/015	CWS	Ash Priors Common	Mosaic of unimproved acid and neutral grassland, scrub and semi-natural broadleaved woodland
ST13/035	CWS	Ashwood	Ancient Semi-natural broadleaved woodland site with old quarries

CGS recorded within 1 km search radius but not relevant to this consultation:- Yes. ST12/500

Badgers recorded at the application site:- Yes

Other legally protected species at the application site:- Yes

Badgers recorded within 1 km of the application site:- Yes
Other legally protected species within 1 km of the application site:- Yes.

English Heritage

“Thank you for consulting English Heritage on these applications, I apologise for the delay in providing a written response but as you will be aware the proposal raises complex issues on which I have had to take detailed advice from colleagues in order to provide you with an initial view from English Heritage.

My previous letter of 25th April was in relation to an earlier development scheme for this site which was subsequently withdrawn. At that time it was not clear whether that application was intended to be enabling development or not and there were significant gaps in our knowledge, both in relation to the history of the site and to the financial factors affecting it. In the time since that application has been withdrawn it has become clear that any proposal for new development on the site is considered by your Authority to be contrary to local plan policies for building in open countryside. Such an application would therefore need to be justified as an exception to policy by some means of planning gain. In that context English Heritage's policy on enabling development and the conservation of heritage assets becomes applicable since the applicants are arguing that consent should be granted in order to fund major repairs to Sandhill Park Mansion and restoration of what remains of its designed landscape.

The mansion at Sandhill Park is recognised as being an eighteenth century country house which is of national historic and architectural importance. Following its purchase by Somerset County Council in 1919 and consequent conversion to hospital use the site has had a very chequered history, resulting in it being left empty and deteriorating following the failure of its purported museum in 1998. The building is included in English Heritage's Buildings at Risk Register and as such its beneficial reuse and repair is a high priority for this organisation. Given the recent past history of the house and the way that its setting has already been compromised we believe that a return to single residential use is now unlikely and other options have to be considered.

We would not, therefore, rule out a scheme for residential subdivision as long as it did not compromise the inherent character of the historic building. The most significant element of Sandhill House is the original eighteenth century core and it is particularly important that the principal rooms of this part of the building are not unsympathetically subdivided. We are pleased that negotiations with the applicant have now resulted in a scheme which avoids that problem and provides a layout which still allows the historic plan form to be clearly legible. Despite concerns expressed by some others, we consider the conversion of the eighteenth century part of the house to seven residential units not to be over-intensive. The relocation of the principal staircase to the rear of

that range is something that we have previously discussed and feel is of overall benefit to the planning of the building. We have also accepted an element of demolition and more intensive conversion to rear additions which are of lower historic value. Whilst the treatment of the resulting rear elevation is generally quite logical the one element we would query is the glazed screen which seems of questionable function and rather obtrusive design. We would suggest that the architects considers the essential function of this element and produce a larger scale drawing so that we can assess it further. We have also discussed other minor amendments to the listed building layout for which we expect amended plans in due course.

The conversion of the stable block to residential use is already the subject of a planning approval and we see no reason to object to the conversion of the barn behind it. That brings us, therefore, to the controversial issue of the new build houses and the basis of a scheme for enabling development. Whilst the previous proposals had taken account of the need to repair Sandhill House they had not fundamentally addressed the restoration of the parkland and had, in fact, chosen one of the most sensitive areas of landscape for proposed development merely on the basis of pre-existing buildings in that location. English Heritage has already indicated that it does not consider the straightforward replacement of the remaining twentieth century hospital buildings with new housing on the same site to be a sufficient justification in itself for development. In fact the disadvantages of such an approach are clearly demonstrated in Lethbridge Park.

We have therefore stated that we would expect to see significant heritage gain for the grade II* listed building and its setting in order to be able to support the principal of further new development on the site. An historically-based restoration of the surviving areas of historic designed landscape, following on from removal of the twentieth century buildings, is something that we believe to be a worthwhile objective for Sandhill and one whose costs could be supported in an enabling development application. In relation to this we have encouraged the applicant to commission research on this historic landscape in order to gain a greater understanding of its evolution and significance and its sensitivity to further development. That document has now been produced and is, we believe, very helpful in identifying the historical significance of the designed landscape and of key restoration objectives for it. The documentary research that has been undertaken in conjunction with a site assessment of what remains at Sandhill supports English Heritage's view that this is a significant historic landscape which is both worthy and capable of restoration, albeit with an acceptance that certain elements of it have been compromised. We now have a greater understanding of the areas of highest visual and historical importance within the park and this information has been used by the applicants to inform the location of their proposed development. We are satisfied that this proposal is the result of an informed process

of site selection and represents the least damaging site for the setting of the grade II* listed building.

The layout and form of the new dwellings has evolved following discussion on site at which it was agreed that a relatively high density would be desirable to limit the footprint and visibility of the development and relate it better to the existing complex of buildings, The design has been amended somewhat to take account of comments that we have previously made and is, we believe, an advance on that previously submitted. There is, however, still room for improvement and we have discussed some minor amendments which could help the buildings relate better to the site. The use of materials which are appropriate to this location will be as Crucial to the success of these buildings as their actual design and this needs careful consideration. We would expect discussions on some of the finer details of design and materials to continue as the scheme evolves and conditions on site become clearer.

In terms of the financial justification for the development English Heritage is fully aware of the need for this to be rigorously scrutinized and has, in fact, commissioned its own independent advice on this case, taking into account all relevant financial factors including the existence of a Section 106 Agreement which related to an earlier consent. The conclusion of that exercise is that there is a legitimate financial case for enabling development at Sandhill Park, which is likely to be in the order of the 51,000 sq. ft new build which forms the subject of this application. The repair costs for the mansion have been assessed by English Heritage's Quantity Surveyor and are considered to be valid subject to approval of a final specification which would provide assurance about quality of materials and repair methods to be employed, Our Regional Landscape Architect has analysed the landscape costings and requested some further clarification on specific items which he feels may have been estimated either too high or too low. He considers that these items are likely to balance each other out but we would expect more comprehensive landscape restoration proposals to be prepared in order to satisfy ourselves on this important element of the scheme. As you know a meeting is currently being set up in order to discuss these issues in more detail.

Something which has not been discussed in detail in relation to Sandhill is the possibility of grant aid being available either for the repair of the house or restoration of the landscape. It might be asked why, if the building features on English Heritage's own Buildings At Risk Register, we are not grant-aiding its repair. Our response would have to be that English Heritage funds are increasingly limited and unfortunately inclusion on our Register alone is no guarantee of financial assistance since other criteria are then applied, such as whether a building is capable of a beneficial use. In the current financial climate it is unlikely that Sandhill would be afforded the

highest priority for grant aid and such assistance could not be guaranteed,

In relation to the landscape restoration there is possibly a question as to whether funding could be made available from a source such as DEFRA's Countryside Stewardship scheme. This has in the past offered assistance to restoration projects involving some of the elements that will be undertaken at Sandhill. There are a number of reasons why we feel that such a scheme would be unlikely to provide any significant source of funding at Sandhill, including the connection of the landscape restoration to a planning application and the current uncertainty about the criteria for agri-environmental grant schemes under the new system. However, it might be something which your Authority considers should be investigated by the applicant to rule out alternative sources of funding,

To conclude English Heritage's response at this stage, therefore, I can confirm that we are now considerably more comfortable with the principal of enabling development at Sandhill Park than when I wrote my previous letter. Subject to the provisos that I have raised in relation to the landscape restoration and funding being addressed we believe that a case for enabling development could be supported at Sandhill on the basis of the significant benefits that it could bring to the grade II* listed building and its setting. We therefore consider that negotiations should continue on some of the detailed aspects of this scheme in order to achieve a much needed long-term sustainable solution for the site for which there currently seems no alternative prospect.”

The following further response has now been received:-

“Sandhill Park is of particular concern to English Heritage as a country house of national significance which is on our Buildings At Risk Register and whose setting has been severely compromised by previous development. The house is surrounded by a designed landscape which is now in a degraded condition but is in itself of considerable historical significance. That significance has been described by the landscape architect consultants who have been researching and assessing the site and I hope that a copy of that assessment of significance has been forwarded to your authority. Because of the combined significance of the house and landscape we would support a comprehensive approach to the restoration of both elements and that is what we consider this application would achieve.

As you know English Heritage has commissioned independent advice on the financial justification for the enabling development in this application and we largely consider that a reasonable case has been made for the level of development proposed given the extent of conservation gain to the house and its setting. There are still matters of detail to be confirmed in relation to the detail of restoration and repair works to the house and grounds but we are satisfied with the overall

costings put forward by the applicant. The queries raised by the Council's valuer in relation to the finances have been addressed by English Heritage's consultant, whose response I have already forwarded to you.

There is one issue raised in our previous letter, however, on which the applicant has not yet responded, and that is the question of the availability of countryside stewardship funding for elements of the landscape restoration works. We still consider it unlikely that this funding method would be available for items like the demolition of the old hospital buildings – which are a crucial element of the scheme to English Heritage- but it is still for the applicant to demonstrate that all other funding options have been explored.

Some revisions have now been made to the design of the new dwellings and, whilst they still remain contemporary in appearance, with the use of careful detailing and high quality materials they should not, in our view, have an adverse impact on the setting of the listed building. The unit we were most concerned about, which was located between the house and stables has now been omitted. Since the applicants have not submitted a revised financial appraisal we assume that there is no significant change to the financial appraisal but that may be something that the Council wishes to verify.

The conversion of the house is acceptable in principle to English Heritage although a detailed specification will be required and careful attention needed for the installation of bathrooms and kitchens to avoid incremental erosion of historic character.

Should the Council be minded to grant consent then a rigorous legal agreement will be needed to secure the heritage benefits that this scheme offers. In this respect we would strongly advise the Council to consult Section 7 of English Heritage's *Policy Statement and Practical Guide to Assessment on Enabling Development and the Conservation of Heritage Assets* and we would be happy to assist with aspects of this process such as the approval of a detailed landscape restoration plan and specification of repairs to Sandhill House.”

The Georgian Group

“1) The proposed residential development

The Group's earlier letter stated our concern that in light of the Lethbridge Park development to the east of the main house, any future proposals must seek to preserve and enhance what remains of the landscape setting of the listed building. We therefore welcome the discussions that have taken place in the intervening period between your authority, English Heritage and the applicant to assess the need for enabling development and the mitigation of the impact of this on the setting of the house.

The Group particularly welcomes the independent financial assessment commissioned by English Heritage and understand that this has established a case for some new development on the site. On the assumption that your authority is satisfied that the level of development proposed in the current application complies with the findings of this report, the Group would not wish to register an objection to the scale of the new development.

The Group also welcomes the production of a detailed historic landscape assessment. This confirms our initial thoughts on site that the positioning of any further development to the north of the main house, beyond the walled gardens but avoiding the higher ground, would be less damaging than the location to the west originally proposed. The removal of the hospital buildings from this area and its re-landscaping should improve the setting of the house.

The landscape appraisal contains recommendations for the restoration and improvement of the various elements of the historic landscape. Some landscaping proposals have been included in the application and we understand that discussions regarding these are on-going. In view of the damage limitation that the site requires, the Group would urge that any grant of consent is conditional upon the implementation of these appropriate landscape restoration measures. We also understand that a proportion of the development is required to finance the landscaping and re-planting of elements of the scheme. The Group believes this approach is fully justified and that the impact of the existing and proposed developments must be mitigated as far as is possible.

The Group remains concerned by the design of the proposed dwellings. Although the arrangement of the new build around a series of courtyards was felt to be appropriate, the quality of design was not considered sufficient for development in the setting of a Grade II* listed building.

The Group also has concerns about the scale of the proposed new dwelling numbered 26 & 27. In view of the necessity of preserving and enhancing the setting of the main house as far as possible the Group is concerned that the height of this building is too tall given its proximity to the house. Although a neighbouring existing twentieth century addition to the house would be removed, this is only a single storey in height and more subservient to the main house.

2) The conversion of the main house

Unfortunately the Group has not been able to obtain copies of the proposed floor plans of the historic building, however if any of our earlier concerns have not been addressed by the current scheme, perhaps they may be taken into consideration.

To conclude, the Group does not wish to object to the level of development proposed on the assumption it is concurrent with that found to be justifiable by the independent assessment. However, any grant of consent must be subject to a water-tight Section 106 agreement for the restoration and re-planting of the landscape, the restoration of the fabric of the listed building and include a clause restricting any further development on the site. We would also recommend that amendments are sought for the design of the new dwellings, and should these be forthcoming we would welcome the opportunity to comment further.”

The comments relate to the initially submitted plans. These have been subsequently amended largely overcoming their concerns.

Landscape Officer (Wildlife)

“SERC has detailed the habitat types within the parkland site in Parklands Consortium Ltd's Historic Landscape Appraisal and has made reference to Somerset and UK target Biodiversity Action habitats and species being fully considered in any management proposals, (p36 para 2)

SWT's letter 13th April 2004, gives a more detailed indication of some of the species on site - within the parkland and buildings I believe that a copy of this letter has been sent to the developer which should give them a clearer idea of the protected species on site bats, badgers and possible others and SWT has been sent a copy of the Survey to comment on.

SWT's recommendations and SERC's evaluation must be followed up with the developers to produce a management plan for agreement and subsequent implementation through a Section 106 agreement

Note: Ash Common, a Local Nature Reserve and designated CWS, is close by and there should be opportunities to enhance links between Sandhill Park and the Common to benefit wildlife as part of the management plan.“

Landscape Officer (Landscape Setting)

“Overall I consider the impact of the restoration of the parkland, removal of the existing office buildings to the west of the mansion and reuse of the walled garden outweigh the impact of the proposed new residential buildings. The landscape research is of a high quality and backs up the above concept.

The details of the landscape proposals and management of the parkland need to be provided in more detail, at least 1:500 and 1:200 and carefully tied into the future maintenance of the parkland through appropriate S.106 Agreement and not left as a reserved matter.”

“I can confirm that the submitted drawings and reports are of sufficient detail and quality to be confident of a good parkland restoration and housing scheme, subject to final details of housing layout, materials, tree types etc.”

Conservation Officer

“Whilst the new housing associated with this scheme is to be regretted in principle, Sandhill Park, the Mansion, associated outbuildings/walled gardens and parkland, is a significant heritage asset, worthy of preservation/restoration. All parties have been engaged in protracted negotiations with regard to the detailed aspects of the conversion element and English Heritage’s expertise in the difficult area of enabling development, has been invaluable.

I am aware of the planning policies pertaining to the site, which conflict with the current proposals. I am also aware of the contributions which would normally apply in such circumstances. This said, I am clearly of the opinion that the preservation/restoration of this heritage asset, should be considered of paramount importance in this case. I would also add that, this scheme is the only ‘realistic’ one to have come forward since the museum failed, the Mansion was not appropriately conserved and Lethbridge Park was constructed. In respect of the latter, I believe the ‘agreed’ heads, of the essential Section 106, will satisfactorily secure the appropriate preservation/restoration of this important site. I therefore support the scheme as a whole, subject to conditions and a Section 106.”

Rights of Way Officer

“I presume that this particular development is within the bounds of the existing boundary and therefore footpath will not be affected.”

“There should be concrete proposals for a link between the centre of the new development and Ash Priors on an overall basis so that piecemeal development misses this important access link. The actual location would not be material, only that there should be one especially to the north of Ash Priors viz the church.”

Housing Officer

“We would be looking for 32% of the total build to be social housing use. Therefore 22 units. These should be 6 x 2 bed houses, 5 x 3 bed houses and 1 x 4 bed houses. The remaining 10 should be in the form of a commuted sum.”

Forward Plan

“In my view the only way in which this proposal can be justified on policy grounds is if it is considered to be essential to the delivery of conservation benefits (restoration and maintenance of the Listed Buildings and parkland), and that these are of such significance as to outweigh the considerable sustainability-related objections to the proposal. Furthermore, it is important in this context for the Council to ensure, through the submission and proper professional evaluation of financial information, that the scale of enabling housing development proposed is the minimum to make the overall development viable.”

“In its main features, the application is very similar to application 06/2003/015 on which the following comments were made:-

The application site falls within the area covered by the adopted West Deane Local Plan (WDLP). It must therefore be considered against the policies of that plan, the emerging Taunton Deane Local Plan (TDLP) and the Somerset and Exmoor National Park Joint Structure Plan Review (SP).

As the site is located beyond the limits of any settlement, as defined within the WDLP or the TDLP, it is subject to policies relating to development in the open countryside, as well as any general policies applying to the type of development proposed.

Planning policy at all levels advises that development in such areas should be strictly controlled, with PPG 7 stating at paragraph 2.3 that "the guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment". It goes on to state that "New development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources. Building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled". This general approach is reflected in SP policy STR6, WDLP policy WD/SP/2 and TDLP policy S8.

One of the exceptions to the strict control outlined above relates to the re-use and adaptation of existing buildings in the countryside. Guidance on this is set out in paragraphs 3.14 -3.17 of PPG 7, WDLP policies WD/SP/3 & 4 and TDLP policies H9 & EC3. The thrust of all of these is that there is a strong preference for the re-use of existing buildings for uses which will create employment and benefit the rural economy.

As this proposal involves residential development, including the redevelopment of existing buildings from which businesses are being evicted, I consider it to be fundamentally in conflict with established planning policy.

Several further factors also count against the proposal:-

- Allowing the conversion and partial loss of the existing buildings to residential use, contrary to policy, would create an undesirable precedent that could be followed elsewhere.
- The number of new dwellings involved, especially when seen in the context of those already built to the east of the mansion, would result in the suburbanisation of the parkland surrounding it and also impact visually on the wider countryside.
- New housing in this location would be contrary to one of the key principles of sustainable development, which is the need to ensure that development minimises the need to travel and that where movement is necessary, journey lengths are minimised and the potential to walk, cycle or use public transport is maximised. New dwellings would each generate a significant number of movements every day, as their occupants travel to jobs, schools, shops and various other facilities, all of which are located at some distance. Most of these trips would be made by car, in view of the distances involved, the nature of the routes between, and the absence of accessible public transport. In contrast, whilst people and visitors to any employment uses on the site would undoubtedly generate journeys by car, there should be considerably fewer of these. Furthermore, in recent years there has been much new housing built in ' the vicinity, at Sandhill Park itself and Cotford St Luke. Use of the application site for employment rather than housing would increase the possibility of occupants of this new housing finding jobs locally, thus reducing the need to travel and/or the length of journeys. This would be considerably more sustainable than exacerbating the shortcomings of the existing situation by allowing more housing.

Planning policy does recognise that in some cases the re-use of existing buildings in the countryside for employment uses may be inappropriate or unviable. However, I am not aware that there is any evidence to suggest that such is the case here. Indeed, in recent years the post-war buildings have been used as offices, and the mansion should also be capable of similar use. I recognise that redevelopment of the post-war buildings may deliver some benefits from a conservation perspective, but these would have to be considered to be very significant, to override the in-principle objection to the proposal.

The view may also be taken that refusal of the current proposal would be inconsistent with the Council's previous willingness to allow new housing to the east of the mansion. I do not consider that this would be the case. That decision was made in a very different policy context, when the emphasis on sustainability was much less pronounced. Also, it was allowed specifically to cross-subsidise recreational use of the mansion, which it has failed to achieve.

Finally, it should be noted that there is no need to find additional land for housing in the Borough, the Taunton Deane Local Plan having identified sufficient to meet the Structure Plan requirement for the period to 2011.

I consider that in view of the issues set out above there is a strong policy objection in principle to the proposal. In relation to the two major criteria against which proposals for development in the countryside must be considered - benefiting economic activity and maintaining or enhancing the environment - the application fails. It would also result in an unsustainable pattern of development.”

Drainage Officer

“Please find attached copies of our guidance note fro limiting discharge from new developments. These notes should be included in any permission given and designs forwarded before any development commences.”

1. Any surface water discharges to watercourses should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on site attenuation.
2. The design storm for any attenuation system shall be for a 1 in 25 year return period storm.
3. Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc. and headwall design.
4. Details required of proposed point of discharge to watercourse together with details of headwall etc.
5. The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of Sustainable Urban Drainage Systems (SUDs) for dealing with urban run off. It is strongly recommended that some form of SUD be used at this proposed development.

Leisure Officer

“I accept that there is a need to avoid more than the minimum development needed to make the restoration of the mansion house viable on this application and hence do not request the normal contributions to local facilities. However, the development proposed will create 70 new homes, many of them family homes of 2, 3 and 4 bedrooms.and there needs to be consideration of the needs of those

who will live in them. If no provision is made there is potential for there to be problems in the future.

This development could generate a considerable number of car journeys into the village if Bishops Lydeard to access the various facilities listed in the supporting information which are some 1.5-2 km distant, although the applicant does not comment on the walking distance to the village hall, play area and multi use games area and football/cricket clubs.

Our own research for the Green Space Strategy reveals that young children on average walk 300 m to a play area. Many parents are reluctant to allow their children to go further than this unaccompanied and so would have to take them by car to Bishops Lydeard if there is no provision on site.

In order to make the development sustainable from a community perspective (rather than a financial perspective), there must be some provision for children and young people on site. I consider that it should be possible to design and integrate a play and activity area for children and young people within the new housing development that will be acceptable to English Heritage. There is obviously going to be car parking on the new development that will be more visually intrusive than a sympathetically designed play area.”

Bishops Lydeard Parish Council

The Parish Council is apprehensive and conveys to you the anxiety, also on behalf of the community particularly Greenway and Lethbridge Park, upon the entire viability of the proposals within the Supporting Planning and Transportation Statements:

- the principle for allocation of car park spaces insufficient in the rural area
- statistics relative to visitor and other delivery vehicles are excluded from the vehicle flow analysis for the residential development proposals
- highway safety implications - South Drive visibility splays
- traffic flow/safety implications upon the existing and unsatisfactory A358/Greenway Road junction
- gross error within the Greenway Road traffic flow assessment - the survey analysis being that of vehicles within a 40mph restriction zone and not the current 30mph speed restriction ' lack of appreciation of the nature and age-groups of potential residents with the attendant merits of cycling and walking
- lack of appreciation upon the pedestrian routes to Bishops Lydeard
- misinterpretation and inherent reluctance of residents to either cycle or walk to Bishops Lydeard, either for recreational and/or shopping needs

- proposed designated pedestrian route via Whiskey Trail would encounter the dangerous highway crossing at Watts Bridge
- various amenities at Bishops Lydeard presently in huge demand, the village thoroughfare often congested, lack of parking facilities, notwithstanding the continual influx of people from Cotford St Luke
- magnitude of the vehicular traffic flow along Greenway Road, figures known to be significantly greater than the consultant's survey and analysis report
- apprehension upon the co-existent with Lethbridge Park residents and vehicular movement.”

Ash Priors Parish Meeting (adjacent Parish)

“These applications were discussed at a meeting of the Ash Priors Parish Meeting on Monday 29 March 2004 and the following observations were made:-

Electors were pleased that the Mansion House will be restored as it is in a very bad state of repair and subject to regular vandalism.

The electors ask that the planning committee take note of the following:-

1. That if permission is granted, it is in full and that demolition of the existing buildings to the south west of the Mansion House is made a condition for the approval of the rest of the application
2. If permission for this development is granted, that no further development will be entertained on the Sandhill Park estate. In particular the area of the park to the south west of the Mansion House which is to be restored to its previous state.
3. That the design of the new dwellings seem to be aesthetically poor and unappealing.
4. That the park and woodland will be subject to continued active management.”

13 Letters of Representation

1. Concern at access via South Drive.
2. Need to ensure that the parkland area is maintained in the future.
3. Appreciate that something has to be done with the site and fully supports the repair and conversion of the Mansion.
4. Disappointed at the relatively high density.

5. As most households seem to have two cars these days, there is insufficient parking proposed. It is possible that because of the proximity to north drive the occupiers may find it convenient to indiscriminately park on north drive on a permanent basis, thus adding to safety hazards and potentially creating access difficulties by the emergency services.
6. No space set aside for recreational facilities for children or families.
7. Too many units in the Mansion and a lesser quantity would be more in keeping with the style and dignity of the property.
8. Impact on property values nearby.
9. Trust that this is not the thin end of the wedge with the surrounding land having the threat of future development, therefore not comfortable with the new building construction.
10. Access is inappropriate as it will mean cutting a new road along the boundary to Lethbridge Park, which will result in increased noise and air pollution, which will be greater than the approved office use and at weekends, evenings etc.
11. May be the intention of the developer to encourage Taunton Deane to press for access via north drive which would entail crossing land owned by the residents of Lethbridge Park and would inevitably create a 'rat run' from the south drive through to the north drive which would be a safety hazard.
12. Has no regard to the nature of the housing at Lethbridge Park, with which the development should be compatible.
13. Public services, particularly transport, are non-existent.
14. Access and parking should be west of the Mansion away from Lethbridge Park.
15. The listed Mansion should have a development of high quality, low density and good sized houses for which there would also be likely to be a demand in the area and assist the economic development of Taunton Deane.
16. Access road to Sandhill Park is not suitable for the increase in traffic, which will also cause some nuisance to existing residents.
17. Concern that habitat of wildlife will be jeopardised by the development.

18. Proposal does not allow room for garages, gardens or children's play area for the properties and even the one amenity available on the site, the tennis court, is to be turned into a car park. The tennis court should be reinstated, renovated and made available for all residents' pleasurable use.
19. Will totally destroy the private countryside environment enjoyed by residents of Lethbridge Park.
20. Question who applicants are acting as a front for.
21. No provision has been made on south drive for speed humps or lighting – the drive is long and straight, therefore a racetrack in the making.
22. Inappropriate to bring 100 further cars to an area so close to Ash Priors Common.
23. Question the applicants' statement that Bishops Lydeard is within easy walking distance – the only viable option for shopping trips will be by car.
24. The West Somerset Railway is not a viable transport option.
25. Is it viable to expect the future residents to pay for the long-term management of the parkland.
26. Proposed cattle grids are impractical.
27. Wildlife interests will not be enhanced by the increase in traffic, noise and pollution.
28. No justification for this development in an area with a lack of services
29. Questions the validity of the traffic survey.
30. The Local Plan should not be allowed to degenerate into a document of deception paid for by those being deceived. Assume no bounty inducements have been sought or offered by any party to this application.
31. Outstanding essential roof repairs have still not been carried out.
32. Footpath to Bishops Lydeard into Watts Bridge is unlikely to be needed.

33. Question how a high density development of some 200 + people and 100 ungaraged cars improve the 'outstanding historic and architectural importance of the site'.
34. Do not wish to see any of the large group of trees to the south of the Mansion removed.
35. Access onto the minor road leading to the A358, itself a troubled junction, has poor visibility.
36. Woodland should be properly managed.
37. The original application was for a certain number of houses to be built at Sandhill Park and the Mansion to be used as a museum or tourist attraction. The terms of the original planning permission have not been fulfilled, therefore no further building should be allowed.

Letter of representation from Sandhill Park Management Company

"I write on behalf of the directors of Sandhill Park Management Company Ltd and the residents of Lethbridge Park whose amenity land abuts the planned development of Sandhill Park. Although we do not have any objection in principal to the development of the Sandhill Park Site and, indeed, welcome the restoration of the Mansion House, there are aspects which cause us concern.

1. Restoration of the Mansion House

A Section 106 agreement should insist that significant investment be made on the upgrade of the Mansion House before new build is begun. Maybe the developer should be required to place money in an escrow account.

The developer should also be required to complete demolition of the old buildings prior to commencement of other works.

If these conditions are not imposed there is concern that the developer may complete the new build without restoring the Mansion House and demolishing the old buildings.

The developer as current owner of the house has failed in his obligation to maintain the building in a reasonable state of repair.

2. Extent of new build

On the basis of new build for old the development appears to be larger than it should be since the ratio of dwellings 70 no. to parking spaces 95 no. is too high. Either the number of

dwellings should be reduced or the number of parking spaces increased or both.

Government guidelines (PPG3) recommend a maximum of 1.5 parking spaces per dwelling, especially, for urban areas. The following points are relevant.

- (a) The development is not urban but rural and remote.
- (b) The development is contrary to local plan policies for building in open countryside but could be granted consent as enabling English Heritage's policy on development and the conservation of heritage assets.
- (c) Although the planning application makes large of the proximity to local amenities in Bishops Lydeard, by foot or bicycle, at just under 2 km on unlit, unmarked tracks through grass fields and muddy lanes this is not realistic.
- (d) Not having sufficient parking spaces will not stop people owning cars.
- (e) Most of the dwellings will have at least two adults most of whom will own cars since it is unlikely people will buy the properties without sufficient transport.
- (f) The existing planning permission allows for 150 parking spaces. This would, we believe, be adequate for 70 dwellings.
- (g) If there are insufficient allocated parking spaces people will park wherever they can and random parking will detract from the overall objective of giving the Mansion House the aesthetic surround desired.
- (h) If the residents are forced to find additional car parking they may resort to leaving their cars on the roads of the existing Lethbridge Park development. The most likely area to be chosen would be the top (South end) of North Drive. This would be a serious safety hazard.
 - (i) This is an area where children play. The parking of vehicles in this area would obscure vision and jeopardize their safety.
 - (ii) This is the only access for emergency vehicles and parking on the roads could be a severe hindrance.”

Further letter received:-

Note that Council's guidelines place a limit of 1.5 parking spaces per unit. Request that this number be recommended in view of the very special circumstances of the application. This would raise the number of approved spaces to 105, which with the service road should meet expected requirements.

PRINCIPAL ISSUES FOR CONSIDERATION

- A. Is the proposed development in compliance with Development Plan Policies? POLICY
- B. If the proposed development is contrary to Planning Policy, has it been demonstrated clearly that the harm that would be caused will be outweighed by the public benefits that the development would bring? ENABLING DEVELOPMENT
- C. Is the access to the site suitable? ACCESS
- D. Is the proposed parking adequate? PARKING
- E. Are the landscaping proposals acceptable? LANDSCAPE
- F. Is the location and design of the new dwelling appropriate? DESIGN
- G. Will the current proposal set a precedent for future development at Sandhill Park? PRECEDENT
- H. Have nature conservation interests been adequately taken into account? NATURE CONSERVATION
- I. Is the proposed development unsustainable? SUSTAINABILITY
- J. OTHER ISSUES

A Policy

The current Adopted Local Plan covering the area is the West Deane Local Plan. This Plan includes a specific Policy for Sandhill Park, which seeks the re-use of the Mansion for tourism related development and, exceptionally, countenances the prospect of some enabling development. That proposition manifested itself in the form of the Blazes Fire Museum, enabled by the housing development that is now Lethbridge Park. However, the Museum survived for only two years or so and while some temporary repairs were effected at this time, it did not provide comprehensive restoration of the Mansion and the parkland or provide a long-term solution. The Mansion and parkland remain a problem site. Subsequent extensive marketing of the premises for a wide range of tourism and other uses has found no takers and

following the grant of permission for the change of use of the Mansion to offices, again no occupier has come forward.

The premises remain vacant and in a sad and run-down condition. The roof is leaking, the interior deteriorating and the Mansion appears on English Heritage's Register of Buildings at Risk. The applicants bought the Mansion and gardens and parkland in 2003 and now wish to seek an appropriate long-term solution for its future wellbeing.

There are no specific proposals for Sandhill Park in the emerging Taunton Deane Local Plan. This Plan is at an advanced stage of preparation and therefore significant weight can be attached to its policies. Subsequently, the policies of the Somerset and Exmoor National Park Structure Plan and the emerging policies of the Taunton Deane Local Plan are those relevant to the determination of this application.

The site is outside any recognised settlement and therefore policies for the open countryside apply. In such areas, national and local planning policies impose general restraint on development in the countryside. Policies STR6 of the Structure Plan and Policy S8 of the emerging Taunton Deane Local Plan are relevant. Both policies state that new building in such locations will not be permitted unless it benefits economic activity and maintains or enhances the environmental quality and landscape character of the area and satisfies one of four criteria:

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific Development Plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

The Forward Plan team considers that the application fails according to the criteria against which proposals for development in the open countryside are considered and that it would furthermore result in an unsustainable pattern of development. In their view the only way in which the proposal can be justified on policy grounds is if it is considered to be essential to the restoration of the mansion and parkland.

One of the exceptions to the strict control is where development results in the re-use and adaptation of existing buildings in the open countryside. The prospects of alternative uses for the Mansion have been widely advertised, including us as offices, but there have been no takers. It is also significant that a museum was once tried and failed. The applicants question whether the Mansion and the former hospital buildings to the west are suitable for modern day offices on this scale. Also the employment base has adapted to the closure of the former hospital and in part, the nearby Broadgauge Business Park and other

local employment opportunities have taken up these losses in order to re-use the Mansion House for offices, significant expenditure would still be required for renovations and fitting out. Significant enabling development to finance these works of restoration and conversion would still be required. The applicants consider that there must be serious doubts about the suitability of office use in buildings of this scale and state of disrepair in this location. They conclude that re-use for offices would not be appropriate and would not provide a long term future for the historic assets.

Policy EC6 of the emerging Taunton Deane Local Plan allows for the loss of employment where the overall benefit of the proposal outweighs the disadvantages of that loss. I take the view that the overall benefits of the proposal in terms of the conservation of the heritage assets represented by the Mansion, its outbuildings and the parkland and the measures proposed for its appropriate long term use and maintenance far outweigh the disadvantage of the loss of employment potential about which there are, in any event, fundamental difficulties. A report commissioned by English Heritage considered that residential values represent the most viable use. I therefore do not consider that there is any fundamental conflict with Policy EC6.

B. Enabling Development

The applicants consider that their application proposes the minimum of new housing development to enable and secure the future of the Mansion, its outbuildings and parkland. They see it as a complete and comprehensive set of proposals which will restore both the Mansion and the parkland and provide a long-term future for both. The proposals have been formulated on the basis of English Heritage's guidelines for enabling development and to enable the restoration of the heritage assets.

The application is supported by a range of specialist reports submitted with the application. A transparent financial exercise has taken place which sets out the costs of restoration and future maintenance as well as potential revenues to enable these works.

The English Heritage document 'Enabling Development and the Conservation of Heritage Assets' provides the ground rules for considering enabling development. The criteria to be considered are set out in Section 6.0 of this Report.

I am conscious that a case for enabling development has already been tried and failed at Sandhill Park. However, what we are faced with here is a building on English Heritage Buildings at Risk Register and the future prospects for the building in the event of the current proposal not proceeding are likely to be bleak. However, the guidance and ground rules now provided by English Heritage were not available when the Fire Museum proposition was considered.

The current proposals seek to deal comprehensively with the Mansion, its outbuildings and the parkland as well as the 20th Century buildings. The package of proposals seeks to restore the heritage assets in terms of the Mansion, outbuilding and parkland. Securing an appropriate use and appropriate long-term future. All the works have been costed by financial consultants and set out in the Development Appraisal document submitted with the application.

English Heritage see the beneficial re-use and repair of the Mansion as high priority. In terms of the financial justification for the development under the enabling guidelines, it is fully aware of the need for this to be vigorously scrutinised and commissioned its own independent advice from a national firm of chartered surveyors and property consultants. The conclusion of the exercise is that there is a legitimate financial case for enabling development commensurate with the current proposal. English Heritage therefore concludes that a case for enabling development can be supported on the basis of the significant benefits that it could bring to the Grade II* listed building and its setting. With regard to the latter, English Heritage consider that an historically based restoration of the surviving areas of historic designed landscape, following on from the removal of the 20th Century buildings is something that is a worthwhile objective for Sandhill. It sees the proposal as achieving a much needed long-term sustainable solution for the site, for which there currently seems no alternative prospect.

I do not consider it is appropriate to request contributions towards affordable housing, education or recreation facilities. Clearly in order to fund such contributions, it would be necessary to increase the amount of enabling development. This would be a odds with the approach set down by English Heritage which is to identify the minimum development necessary to enable the conservation of the heritage assets.

C. Access

The proposed access is via the south drive, Planning permission has been granted for the re-use of most of the existing buildings, both the Mansion and the former hospital buildings, for offices. In addition, the buildings have other lawful uses and the potential exists to re-use yet other currently unused buildings. The Transportation Statement submitted with the application demonstrates that the existing access arrangements in Station Road and the south drive were considered appropriate and suitable for a significant scale of office use. It also demonstrates that the proposed residential use could generate less traffic than the lawful office use. The County Highway Authority now accept this situation, but do say that the nature of the traffic would be different. A condition is recommended that would prevent any link between north drive and south drive.

D. Parking

The proposal provides for a total of 95 parking spaces for the 70 dwelling units, i.e. a ratio of 1.35 spaces per dwelling, which is consistent with advice in PPG's 3 and 13. Policy M3a of the Taunton Deane Local Plan Revised Deposit Proposed Modifications states that the need for residential development car parking be considered against the following criteria:-

- (i) impact upon urban design;
- (ii) the location of development, and its accessibility to employment opportunities and services; and
- (iii) the type of mix of proposed dwellings.

The Policy goes onto to say that no more than an average of 1.5 spaces per dwelling will be allowed on any residential development and that a significant reduction in this average will be expected for proposals involving the conversion of buildings.

I do not consider it likely that any 'overspill parking' would take place on north drive or Lethbridge Park.

E. Landscape

Policy 5 of the Somerset Structure Plan seeks to protect the distinctive character of the Somerset countryside for its own sake. Further to that policy, Policy EN13 of the emerging Taunton Deane Local Plan identifies Landscape Character Areas in which development proposals must be sensitively sited and designed to respect the distinctive character and appearance of these areas. Sandhill Park lies in a transitional position between the High Vale and Low Vale Landscape Character Areas and also has views to the Quantocks Landscape Character Area.

The parkland at Sandhill Park makes a significant contribution to the distinctive character and appearance of this part of the Character Area. Its own character and appearance has declined with the declining fortunes of the Mansion House and has generally lacked good management. However the current proposals, put forward by the applicant's Landscape consultants, would provide comprehensive works restoring the inner and outer parts of the parkland. Restoring distinctive features including informal lawns, pleasure grounds, pathways, walks, trees, groups of trees etc. in addition to removing inappropriate modern additions such as fencing, kerb stones and street lighting. The most significant removal of modern additions would be the removal of the complex of former hospital buildings to the west of the Mansion and this area restored to informal lawns and parkland. In itself, the removal of these buildings would not only significantly enhance the setting of the listed building, but it would also restore the

panoramic views across the parkland to the south, which was a key component of the original Mansion/parkland design relationship.

The parkland restoration proposals would involve tree/shrub surgery, new planting, replacement tree planting, re-establishment of planting, repairs to and opening up of views to Ash Fish Pond, planting to screen views of Lethbridge Park and restoration of the pleasure grounds.

Although Sandhill Park is not a registered park or garden, the intimate relationship between the park, the mansion and the buildings and features within the park provides a landscape setting of considerable interest. The proposals provide for the establishment of a Restoration and Management Plan which would secure the future of Sandhill Park, based on the two basic principals of conserving and enhancing the area in its entirety as a park of historical importance, whilst also maintaining its visual attraction to visitors and residents alike.

F. Design

The Mansion is currently in a poor state of repair, as are the outbuildings, and the proposals would result in both being sympathetically restored and put to appropriate and beneficial long term use. A major portion of the work in this area is to be the restoration and refurbishment of the fabric of the Mansion, principally the repair and recovering of the roofs, the repair and replacement of the external joinery and the repair and replacement of the damaged stonework and pointing.

The principal rooms on the ground floor of the Mansion are proposed to remain intact and where partitions are shown in these areas, they are freestanding walls of about 2 m high sitting in rooms with ceiling heights of 3.8 m. This allows the main spaces to be relatively uninterrupted and details such as plasterwork and mouldings to remain undisturbed. The main staircase is to be relocated to where its location was most probably in the pre 1815 house. This will achieve a more balanced plan.

The stables and barns to the north of the Mansion are to be converted to dwellings. This includes rebuilding the missing part of the stables in the south-west corner to complete the symmetry of this set of buildings, while maintaining existing pedestrian access to the southern kitchen garden. Lawned areas would be created within the courtyards and areas of cobbled courtyard would be restored and creating pedestrian only areas.

The two remaining walled gardens are to be retained and used as recreational open space for the residents of the proposed dwellings. 20th century institutional additions built against the garden walls are to be removed. This will allow the integrity of the gardens to be restored. Blocked-in openings within the walls of the gardens are to be re-

opened and re-used to link the proposed development to the recreational open space. The walls are to be repaired and re-pointed as necessary and the ground is to be excavated, levelled and re-seeded and the original footpaths and fountain relocated.

The demolition of the inappropriately designed and located former hospital buildings to the south-west of the Mansion will significantly improve the historic setting of the building in its parkland setting, as well as restoring this section of the inner park to its earlier contours and returning it to informal pasture.

Section 10B of this Report considers the question of the appropriateness of enabling development. In the event of this being accepted, it is then necessary to identify the optimum location for that enabling development. Following on from the historical landscape analysis of Sandhill Park undertaken by the applicants landscape consultants, six areas were considered for potential enabling development and consideration was given to their impact upon the historical landscape. Following this analysis, the land to the north and east of the walled gardens is proposed for the new built development. This is considered to be the optimum location for the proposed enabling development.

The area is currently occupied by the unauthorised car park created for the museum using demolition rubble from the former hospital buildings to the east. Its removal would reduce land level by approximately 1.5 m and further earth modelling would reduce the overall height of proposed buildings.

Historic research suggests that the area was once the site of a third kitchen garden, of which there is now no trace. Also, the research suggests that the pleasure grounds to the east and west were previously joined across this area. This connection would be reinstated and, together with existing trees to the north, would provide screening and enclosure to the enabling development. The enabling development would not break the skyline and there would be no loss of trees to accommodate development in this area. The area is well contained by existing tree cover on three sides and would be enhanced by the proposed planting to the north. The area is not prominent in views from within the park and would not compromise the original visual relationship between the Mansion and the parkland. In addition, the location of the enabling development as an 'extension' of the outbuildings to the rear of the Mansion will create a 'tight' building group continuing the visual relationship between the Mansion and the outbuildings.

The appeal decision in 1994 (06/1993/005) rejected development to the north of the kitchen gardens because development there would be seen from the top floor at the rear of the Mansion, from the kitchen gardens and from the north driveway. The Inspector concluded that

there would be a harmful effect on the character of the area and the setting of the listed building.

However, there are significant and material differences between the appeal proposal and the current proposal and related contextual circumstances. Taken as a comprehensive package, the current proposal would be neither harmful to the setting of the listed buildings nor the integrity of the parkland and would moreover have a positive impact on both. The appeal proposal did not secure the removal of the former hospital buildings to the west of the Mansion. The Inspector was therefore not able to weigh the benefit of removing the hospital buildings against the disbenefits of the new housing. The appeal proposal, whilst illustrative in nature, was for an inappropriate suburban form of development.

The current proposal is for a courtyard-type development of simple rural form better reflecting the form, scale and subordination of the existing complex of ancillary buildings to the rear of the Mansion. The Inspector indicated that there could be no scope for planting to screen the proposed development. The current proposal is detailed in nature and provides for substantial new planting on the northern boundary. When the Inspector considered the earlier proposals, at that time the proposed use of the Mansion was as a museum. With the current proposals, the proposed use of both the Mansion and the outbuildings is for residential use and therefore residential uses in the converted outbuildings would in any event be seen from the upper floors of the Mansion. Any views of the new development further north from the rear of the Mansion would therefore be of only marginal impact. In views from the kitchen garden, by locating new buildings set back from the garden wall and at reduced ground level, the enabling development would not be prominent in any views from the enclosed kitchen gardens. Similarly, from the north driveway, the existing tree cover would screen views into the area in question and the landscaping and management proposals would maintain that relationship. The additional tree planting now proposed will screen and enclose the new development. Finally, the Inspector did not have the benefit of the English Heritage guidance on enabling development, which was only published in 1999. I consider that any residual harm caused by the appearance of the area on the setting of the listed building by what is minimum enabling development would be more than offset by the conservation of the Mansion and its outbuildings, the enhancement of its setting by the removal of the former hospital buildings, by the restoration of the parkland and by additional tree planting and screening.

The proposed new buildings are arranged in groups of 4 – 10 units around a series of courtyards. The dense arrangement seeks to continue the character and form and scale of arrangement present on the existing new buildings. The buildings are predominantly terraced with some semi-detached and one detached unit. The layout minimises

wasted space between dwellings and avoids a suburban residential character. Long sweeping roofs serve to link individual dwellings, replicating the form and pitch of the existing outbuildings. The new buildings are all two storey with some simple variation in height due to levels and detail. Eaves height are kept to a minimum to replicate the scale of the existing buildings. Fenestration is simple and arranged to minimise individual openings. This also reflects the scale and layout of the openings on the existing outbuildings. Materials proposed are a mixture of brick and render with stone detailing with slate roofs. Windows and doors would be stained timber.

G. Precedent

As indicated above, some new development has already been carried out at Sandhill Park, in the form of Lethbridge Park. I take the view that the current proposal will provide for the bringing back of the Mansion and its outbuildings into beneficial use. I am recommending a Section 106 Agreement to secure this. If the Mansion is brought back into beneficial use, under current development Plan policies and the enabling development guidelines, there would be no justification for any further new residential development.

H. Nature Conservation

An Ecological Survey has been carried out, on behalf of the applicants, by Somerset Environmental Records Centre, with comment from Somerset Wildlife Trust. This sets out practices for the arrangement of the parkland and dealing with habitat of protected species.

I. Sustainability

In general terms this is not a sustainable location for new development. Such development can only be justified on the basis of it enabling the restoration of the listed buildings and historic parkland. In this case the new development is considered to be sustainable because it will enable the conservation benefits to be achieved.

Although the site is located within open countryside and outside a settlement, it is relatively close to Bishops Lydeard with its range of facilities. The proposed new population at Sandhill Park would help make the community and commercial facilities as well as the public transport system, more viable. Although walking and cycling are options, I do accept that in practice the majority of trips will be by private car. However, this has to be balanced against the fact that there are outstanding permissions for the use of the majority of the buildings at Sandhill Park for offices, which if anything would involve greater use of the private car.

The proposal finds a new use to bring a Grade II* listed building back into active occupation in a timescale that saves it from further falling into disrepair and decay.

The proposals provide for the restoration of the parkland and provide for its long term management and that of the various specimen trees, woodland and pleasure grounds, In doing so, the proposals would increase diversity and any potential species found would be accommodated in situ or, if present within buildings to be demolished, consent by separate licence from DEFRA would be sought for their appropriate relocation. Overall, wildlife interests are likely to be enhanced.

J. Other Issues

Any potential loss of property values at the existing Lethbridge Park development is not a valid planning consideration.

I do not consider that there will be any unacceptable loss of amenity to the existing residents of Lethbridge Park caused by any noise or pollution resulting in traffic travelling along the south drive.

11.0 CONCLUSIONS

Sandhill Park is a listed building of Grade II* quality included on English Heritage's Buildings at Risk Register. The necessary renovation and conservation works will be extensive. The applicants have put forward a comprehensive package of enabling development proposals involving the conversion of the Mansion and its outbuildings to 25 apartments and dwellings, together with the construction of 45 new dwelling on land to the north of the former kitchen gardens. The package of proposals deals comprehensively with the Mansion, its outbuildings and the parkland and their future use and maintenance.

It is accepted that the application site does not possess highly sustainable characteristics. However, in the circumstances, I consider that residential development is the only practical, feasible and achievable option if the Grade II* listed Mansion is to be preserved. This should be given significant weight in determining the application. The development will result in the removal of undistinguished buildings that mar the setting of the listed building and its surrounding historic parkland. On this basis, English Heritage confirm that the proposals represent the minimum necessary development to enable the conservation of the heritage assets. It is considered that the proposal complies with English Heritage guidelines – 'Enabling Development and the Conservation of Heritage Assets'.

The Landscape analysis by the applicant's landscape consultants demonstrates that the location chosen for the enabling development is the optimum one with no material effect on the character appearance

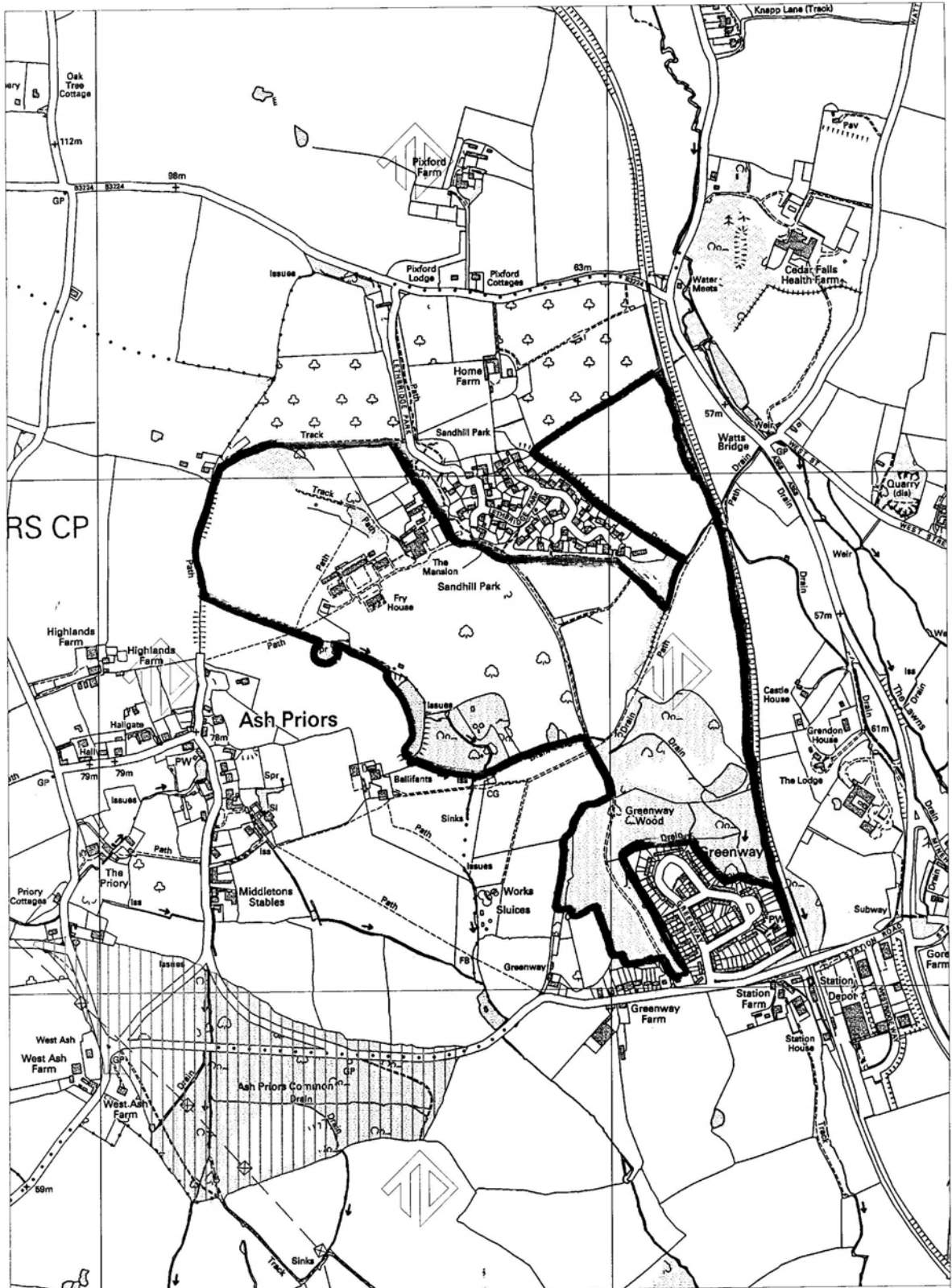
or setting of the listed building. There would be no loss of trees in this area and there is scope to reconnect the south and west parts of the pleasure grounds, further screening the new development.

Whilst the Highway Authority has recommended refusal on sustainability grounds, I consider that this has to be set against the context of the existing authorised office use of the buildings and the conservation gains that would accrue if the development proceeds as recommended. I do not consider that 2 spaces per unit is appropriate. To increase the number of parking spaces would in my view be likely to impact adversely on the setting of the listed buildings and its surrounding parkland and pleasure gardens. The emerging Taunton Deane Local Plan also indicates a maximum average of 1.5 spaces per unit on residential development. To increase to 2 spaces would be at odds with that policy.

My conclusion is that the comprehensive package represented by the proposed development will bring significant benefits in terms of conservation of heritage assets. Although the proposals for the new element of the development is contrary to open countryside planning policies, I am satisfied that the development proposed represents the minimum necessary enabling development. I consider that with the recommended Section 106 Agreement, the Council's position is safeguarded. Subject to this Agreement and the Secretary of States views under the Departure procedures, my recommendation is a favourable one.

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

CONTACT OFFICER: Mr J Hamer Tel: 356461



Site Plan for application 06/2004/013

Date: 21/07/2004

Scale 1: 10000

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 Taunton Deane Borough Council LA079677



25/2002/018

ST MODWEN DEVELOPMENTS LIMITED

REDEVELOPMENT COMPRISING EMPLOYMENT AND RESIDENTIAL DEVELOPMENT, PART CONSTRUCTION OF NORTON FITZWARREN RELIEF ROAD, PROVISION OF OTHER INFRASTRUCTURE AND SERVICES, STRUCTURAL LANDSCAPING AND OPEN SPACE PROVISION, TAUNTON TRADING ESTATE, NORTON FITZWARREN AS AMENDED BY LETTER DATED 28TH JUNE, 2002 WITH ACCOMPANYING FLOOD RISK ASSESSMENT; AND FURTHER AMENDED BY LETTER AND ACCOMPANYING SUPPLEMENTARY TRANSPORT ASSESSMENT AND PLAN NO. 30753/11B AND AMENDED ILLUSTRATIVE MASTER PLAN DATED 18TH DECEMBER, 2002 AND APPLICANTS LETTERS DATED 25TH NOVEMBER, 2002, 16TH APRIL AND 5TH JUNE, 2003 AND 12TH JANUARY, 3RD FEBRUARY (WITH ACCOMPANYING REPORT ON "HALSEWATER FLOODPLAIN - FLOOD STORAGE COMPENSATION"), 12TH FEBRUARY, 2ND MARCH (WITH ATTACHMENTS), 27TH MAY (WITH ACCOMPANYING DETAILS) AND 7TH JUNE, 2004, ARUP LETTER TO ENVIRONMENT AGENCY DATED 17TH FEBRUARY, 2004 WITH ACCOMPANYING NOTES AND DRAWINGS AND FLOOD RISK ASSESSMENT ADDENDUM A ISSUE 2 MAY 2004

20300/26000

OUTLINE

1.0 **RECOMMENDATION**

Subject to the applicant entering into a Section 106 Planning Agreement by 28th October, 2004 to including the following:-

1. **Affordable Housing**

Within each phase of residential development, 20% of the proposed dwellings should be affordable housing provided at nil public subsidy, provided for and maintained by a Registered Social Landlord (RSL). If the relevant land within each phase is not sold to an RSL (or another provider where it can be adequately demonstrated that appropriate housing needs are being met) within 3 years of commencement of development of the relevant phase, the land shall pass to the Borough Council at no cost, together with a sum equivalent to the subsidy lost in respect of such land, to be linked to the building cost index. 80% of the affordable housing is to be rented and 20% shared ownership. The mix of types to be initially as indicated in 'Proposals for Affordable Housing Provision' dated 18th June, 2004). Provision to be made for the tenure split and mix of dwelling types to be reviewed over time to reflect changing circumstances and dwelling numbers.

2. **Employment Land**

The provision of 7.5 ha gross (5.2 ha net) of employment land to allow for a mix of employment uses, including small start-up units and larger units for manufacturing, warehousing and storage. **B1 office development would not be acceptable.**

3. **Flood Alleviation**

- (a) No development shall commence on land below the 22.7 m **AOD** level until such time as the agreed on-site flood scheme has been fully implemented, unless otherwise agreed in writing by the Local Planning Authority. This area to be retained as private undeveloped land and managed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any development commences in such areas. **This area shall not be within the employment areas.**
- (b) No development shall take place on the land proposed for on-site flood storage, as indicated on the Flood Risk Assessment Addendum A issued May 2004 until such time as off-site flood alleviation of the site has been provided to the satisfaction of the Local Planning Authority.
- (c) The agreed flood storage area at the eastern end of the site shall be provided prior to the commencement of the proposed relief road.
- (d) In the event of the area the subject of item 3(b) above being released for development, the developer shall make a contribution towards off-site flood alleviation equivalent to the following formula:-

Amount of land within flood plain on **Taunton Trading Estate** (TTE) released for employment development times 25% (to reflect relative land values)

Divided by (÷)

Total land (weighted to reflect relative land values) released for development within the flood plan on the Major Development Site (comprising TTE, caravan site and cider works).

This would give a % contribution from the TTE development.

The said contribution shall be paid to the Borough Council within 14 days of a notice from the Council to the developer that the Council has let the contract for the work.

4. **Transport**

- (a) Prior to the **submission of any future reserve matters applications**, a Transport Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be prepared in consultation with the local bus operators and shall include provision for the phased introduction of a bus service to the development and for the payment where necessary by the developer of contributions to initial operating costs (such sums and time period to be agreed) **together with provision for walking and cycling**. The provision and timing of the strategy to be strictly adhered to as the development proceeds.
- (b) A contribution **equating to 65% of total costs** to be provided towards delivery of a traffic calming scheme on Blackdown View, outside Norton Fitzwarren Community School.
- (c) No dwellings to be occupied prior to **a link to and** the provision of the Relief Road link to Silk Mills Lane via a signal controlled junction. The design of the Relief Road shall be in accordance with details to be submitted to and approved by the Local Planning Authority as Reserve Matters and be to a standard to allow the road to be adopted as maintainable at public expense. The vertical and horizontal alignment shall allow for the future extension of the road onto adjoining land to the west. The road to be constructed to the limit required to provide access to the development hereby approved and land reserved for the future extension of the road to the site boundary. The road shall be extended to the site boundary within 6 months of the issue of outline planning permission for development of land to the west of the site which requires vehicular access to the road.
- (d) The Relief Road shall be linked to the B3227 prior to the occupation of the 300th dwelling.
- (e) A Code of Practice for Construction Traffic shall be submitted to and approved by the Local Planning Authority. Such Code to provide for any access for construction traffic from the B3227 to be via the existing entrance to the TTE only and to provide for an approved 'best endeavours' approach route for vehicles. The approved Code shall be adhered to throughout the construction period.

5. **Recreation**

(a) **Playing field**

The developer shall acquire and donate **to the Borough Council** 2.25 ha of land, **at a location to be agreed by the Local Planning Authority** and contribute £389,900 in lieu of laying out the playing field and its facilities and a sum in lieu of 20 years

maintenance. These figures would be subject to review in the event of the number of dwellings exceeding 500 and to allow for inflation. 5% of the contribution shall be paid by the developer to the Local Planning Authority prior to the commencement of any of the dwellings, a further 50% on occupation of the 125th dwelling and the remaining 45% on occupation of the 250th dwelling. Provision shall also be made for any necessary diversion of overhead lines and provision of access to other potential areas for further playing fields. The dimensions must be a minimum of 120 m x 180 m.

(b) **Childrens Play**

- (i) A NEAP level play facility of 1,000 sq m shall be provided within the eastern part of the housing area. This should be located to be highly visible, but a minimum of 30 m from the nearest dwelling.
 - (ii) A LEAP shall be provided in accordance with current standards within the western part of the housing area. A commuted sum shall be provided for future maintenance associated with these areas.
 - (iii) Prior to the occupation of any of the dwellings, a prominent sign shall be provided on the sites for the NEAP and LEAP. Both sites shall be shown on all plans displayed for potential purchasers. The LEAP and NEAP shall be fully provided prior to the occupation of the 125th dwelling.
 - (iv) Provision shall be made for an artist/designer to consult with local children and young people to agree the design of the two play areas on the site.
- (c) An area of land adjacent to the Back Stream shall be made available for informal recreation and be the subject of a Management Agreement to be submitted to and approved by the Local Planning Authority.
- (d) A contribution from the developer towards improvements to the village hall shall be made in the sum of £20,000. Payment shall be made prior to the occupation of the first dwelling.
- (e) A site of approximately 1 ha shall be identified on the Master Plan for possible Community Uses, (as set out in Policy T13 of the emerging Taunton Deane Local Plan and its supporting text) and reserved for such uses, pending adoption of the Taunton Deane Local Plan. If the Adopted Plan includes a Community Use site elsewhere on the Major Development Site, then the reserved site may be released for residential use. If the

Adopted Plan does not include such a site elsewhere, the developer shall deliver proposals for the Community Uses site which provides facilities for Norton Fitzwarren which will be implemented to an agreed programme.

6. **Education**

A contribution shall be made by the developer of £1,433 per dwelling towards primary and secondary school accommodation (figure to be reviewed at end of September 2004). Contributions to be made on market dwellings only (i.e. not affordable units). Phased payment shall be on the basis of 30% paid when the 150th dwelling is occupied, the next 30% when the 300th dwelling is occupied, the next 20% when the 400th dwelling is occupied and the final 20% when the 450th dwelling is occupied. Any change to the approved number of dwellings beyond that time shall require an appropriate adjustment to the contribution.

7. **Master Plan**

Prior to or along with the submission of the first reserved matters application, a Master Plan which shall be approved by the Local Planning Authority shall be submitted to the Local Planning Authority. The Master Plan shall indicate the location of the following:-

- (a) residential development (private and affordable);
- (b) employment development;
- (c) full and comprehensive indication of the highway, cycleway and footpath networks and bus routes to and through the proposed development;
- (d) on site equipped LEAP's and NEAP's (areas to be indicated);
- (e) area for community facilities;
- (f) on-site flood storage areas;

The reserved matters applications shall adhere to the principles of the Master Plan unless otherwise agreed in writing.

8. **Phasing**

Prior to or along with the submission of the first reserved matters application, a phasing scheme shall be submitted to and approved in writing by the Local Planning Authority for:-

- (a) the release of residential and employment land (to allow for the early delivery of a phase 1 employment site and the remainder to be delivered before the final housing phase);

- (b) the affordable housing provision (including tenures and sizes);
- (c) on-site flood storage areas;
- (d) demolition of existing buildings;
- (e) construction of the highways, cycleways and footways (to have regard to the timing of the provision of the proposed Silk Mills Bridge); and
- (f) community facilities.

The development shall proceed strictly in accordance with the approved phasing scheme, or any variation thereto as may have been agreed in writing by the Local Planning Authority.

9. **Design Brief**

Prior to or along with the submission of the first reserved matters application, a Design Brief for the development shall be submitted to and approved in writing by the Local Planning Authority.

10. **Inflation**

All financial contributions to be index linked to cover inflation.

11. **Increased Dwelling Numbers**

All the above sections (where applicable) to make allowance for any increase in dwelling numbers over 500.

permission be GRANTED subject to the following conditions:-

- 01 Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), the means of access thereto, and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority.
- 01 Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.
- 02 Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
- 02 Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.

- 03 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- 03 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 04 Within a period of 3 years from the date of this permission, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 04 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 (E) and EN28.
- 05 Within a period of 3 years from the date of this permission, and before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
- 05 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels.
- 06 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 06 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 07 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 07 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 08 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within a period of time or a phased programme agreed with the Local Planning Authority before commencement of the development. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 08 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the

local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.

- 09 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 09 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN7.
- 10 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 10 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Revised Deposit Policy EN7.
- 11 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 11 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.
- 12 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum distance of 2.0 metres from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the boles of the hedges so retained shall not be altered.
- 12 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.
- 13 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 13 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.
- 14 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 14 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the

- local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 15 During the period of demolition and construction, screening shall be placed around the site to the satisfaction of the Local Planning Authority, and shall be completely removed when the development is completed.
- 15 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(D).
- 16 The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, 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 parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. 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.
- 16 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Revised Deposit Policy M3A.
- 17 The proposed roads, 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 carriageway and footpath.
- 17 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Revised Deposit Policy M3A.
- 18 The proposed roads, turning spaces and parking areas shall be constructed in such a manner as to ensure that each industrial building before it is occupied shall be served by a properly consolidated carriageway, turning space and parking area.
- 18 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 19 The visibility splays shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 19 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 20 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

- 20 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.
- 21 Before any of the industrial buildings hereby permitted are occupied provision shall be made for the loading/unloading and the turning of vehicles within the curtilage of the premises in accordance with a plan to be approved in writing by the Local Planning Authority and the areas so provided shall thereafter not be used for any other purpose other than loading/unloading and turning of vehicles.
- 21 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 22 Provision shall be made for the parking of bicycles at the industrial buildings in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is occupied.
- 22 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Revised Deposit Policy T39.
- 23 Details of the design and appearance of the abutments to the proposed road bridge over the Back Stream shall be submitted to and approved in writing by the Local Planning Authority.
- 23 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 24 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 24 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2(A).
- 25 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the industrial buildings or within the storage areas as may at any time be approved in writing by the Local Planning Authority.
- 25 Reason: In the interests of the visual amenity of the area and in compliance with Taunton Deane Local Plan Revised Deposit Policy S1(D).
- 26 No refuse or waste materials shall be disposed of by burning on any part of the site.
- 26 Reason: To safeguard the amenities of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E) .
- 27 Before the development hereby permitted is commenced details of the security fencing to any building materials compound shall be submitted to and approved by the Local Planning Authority and such fencing shall be provided to the satisfaction of the Local Planning Authority within one month of the commencement of the development and thereafter maintained until the completion of development on the site.

- 27 Reason: In the interests of the protection of the public in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 28 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).
- 28 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).

- 29 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 29 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Revised Deposit Policy S1 (A) and (E).
- 30 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 30 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2(A) .
- 31 No development hereby approved shall be commenced until such time as a scheme for the provision and implementation of compensatory on site flood storage works and its future maintenance has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented in accordance with the approved programme and details.
- 31 Reason: To alleviate the risk of flooding in accordance with Taunton Deane Local Plan Revised Deposit Policy EN30.
- 32 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 32 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 33 Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that Order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected where possible from accidental damage.
- 33 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 34 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics

consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing road and rail sources will not cause noise or vibration nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works

- 34 Reason: To ensure that the proposed development is not adversely affected by road and rail noise in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 35 The mitigation measures for protected species set out in the submitted Environmental Statement shall be carried out as part of the development.
- 35 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies EN4 and EN4(A).
- 36 A survey for water voles shall be carried out prior to the commencement of development. If water voles are to be affected, mitigation measures shall be submitted and carried out as part of the development.
- 36 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies EN4 and EN4(A).
- 37 Parking provision in respect of the development shall be made in accordance with the Council's approved standards and such parking shall be constructed or hardsurfaced before the relevant part of the development is occupied.
- 37 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.

Notes to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 You are reminded of the need to satisfy yourself that the proposed development can be accommodated on the site in accordance with the approved plans and to ensure that the development is carried out strictly in accordance with those approved plans. Any variance thereto may result in enforcement action being taken by the Local Planning Authority.
- 03 Your attention is drawn to the possibility of the development incorporating an element of public art which may add value to the scheme and make a contribution to the local community. The Council urges you to consider this and if you wish to discuss it further please contact the Chief Planning Officer and/or the Council's Arts Officer in the first instance.
- 04 The submitted Master Plan is for illustrative purposes only.
- 05 Your attention is drawn to the requirements of the Chronically Sick and Disabled Person Act 1970 with regard to access for the disabled.

- 06 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce the overheating in summer and to achieve as high an energy rating as possible.
- 07 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 08 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 09 You are advised that Wessex Water PLC infrastructure charges will be applicable to this development.
- 10 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 11 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.
- 12 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 13 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 14 The layout of the site shall take into account the trees which are the subject of a Tree Preservation Order.
- 15 You are requested to discuss your proposals with the Borough Council's Landscape Officer before preparing the required planting scheme. (Telephone Taunton 356491).
- 16 The Council seeks to achieve a high quality of individual design in new housing development. Your attention is therefore drawn to the enclosed Design Guide, the principles of which must be taken into account when submitting an application for reserved matters.
- 17 You are requested to consider the inclusion of some sheltered accommodation for the elderly in the mix of proposed dwellings.

- 18 With regard to Condition 04, you should use the principles of sustainable drainage methods (SUDS) including the use of swales and water recycling. The proposed details must avoid positive discharge to the Back Stream.
- 19 You are requested to communicate the dates of commencement of construction to Transco (0117 9536842). Care should be exercised when working in the vicinity of gas mains (see plan attached). A Schedule prepared by Transco, which indicates the minimum requirements for the protection of their underground plant is also enclosed.
- 20 You are advised that there are a number of high and low voltage cables and sub-stations within the site which will require diversion. You are advised to contact Western Power (01823 348506) in this regard.
- 21 With regard to Condition 35, although no bat roosts were found, bats can use buildings as hibernation sites during the winter months. Care should therefore be taken during demolition of the buildings - any soffits and barge boards being removed by hand with extreme caution. If possible it would be best to do the work in April or October, so that if bats are found they can disperse naturally at dusk. Bats are protected under Regulation 39 of the Conservation (Natural Habitats etc.) Regulations 1994 and it is an offence to damage or destroy a breeding site or nesting place of any wild animal of a European Protected Species. For that reason, if bats are found, a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA) in Bristol. Otters are known to use the Back Stream. The contractors need to ensure that no damage is done to the banks by machinery and to ensure that debris is not allowed to end up in the water. To avoid disturbing the otters that travel along the watercourse, construction work should not be done at night. Otters are protected under Regulation 39 of the Conservation (Natural Habitats etc.) Regulations 1994, which states that it is an offence to deliberately disturb any such animal. For that reason, a licence may be required from DEFRA in Bristol to do so lawfully. Slow worms are protected under Section 9 of the Wildlife and Countryside Act 1981. To avoid possible offences under the Act, English Nature guidelines should be followed.
- 22 With regard to Condition 36, although water voles were not found in the 2002 survey, it is possible that they may move into the Back Stream again before development starts. Water voles have legal protection under the Wildlife and Countryside Act 1981 and it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place, which water voles use for shelter or protection.
- 23 The following informatives are included at the request of the Environment Agency:- (i) The foul drainage must be kept separate from the clean surface and roof water, and connected to the public sewerage system. (ii) All foul drainage, including contaminated surface water runoff, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with connection to a watercourse. During construction:- (a) Pumps used for pumping out water from excavations

should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. (b) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed. (c) Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage. In addition the Agency further comments:- (iv) The summary of the site investigation data provided in the Environmental Statement, May 2002, indicates a desk study and intrusive investigations have been undertaken to identify/confirm the presence of potential contaminants and assess the risk associated with contamination. While the summary indicates low expected impact from contamination the Agency would agree with the proposal to specifically investigate areas associated with overground and underground fuel storage tanks which have not been investigated to date. This investigation should be undertaken prior to the start of site clearance and new construction to avoid spreading potential contamination ahead of assessing its location. We note that while the risk assessment considers groundwater as a potential receptor it does not clearly acknowledge the potential impact on the Back Stream from potential contamination or sediment during construction activities. This impact should be considered to ensure all precautions to avoid impact on the Back Stream are taken. (v) If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.

24 Noise emission from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800. Saturdays 0800 - 1300. All other times including public holidays - no noisy working. The developer should ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition.

25 The following informatives have been requested by Railtrack (now Network Rail):- (a) No alterations or additions to the existing fence can be undertaken without prior agreement in writing from Network Rail. Where children's play areas, open spaces, amenity areas or garage blocks, parking areas are to be sited adjacent to any railway line as in the current proposal a 3.0 metre high palisade fence is generally considered to be the minimum safe standard. It is therefore strongly recommended that such a fence be provided. (b) The Department of Transport has recommended provision of a safety barrier adjacent to the lineside fence, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development, and in the interests of safety this should be adopted. The safety barrier must be designed to cater for specific loadings dependent on the road traffic anticipated, and Network Rail is able to supply details of the requirements upon receipt of the type and speed of vehicles anticipated. (c) Additional or increased flows of drainage or

surface water should not be discharged onto Network Rail's property nor into Network Rail's culvert or drains except by prior agreement with them. In the interest of the long-term stability of the railway it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary. In certain circumstances this distance may be varied and the Developer is advised to provide Network Rail with full details of all drainage proposals likely to affect Network Rail's property. (d) No works should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular the demolition of existing buildings or other structures must be carried out in accordance with an agreed Method Statement. Care must be taken to ensure that no debris or other materials can fall onto the railway or within Network Rail's property. (e) No overall lowering of existing ground levels is to be carried out near Network Rail's boundary, where the railway is on an embankment or on the same level as the adjoining land, and no excavations are to be carried out near the toe of embankments or the base of retaining walls or in the vicinity of other structures. In any event alterations in levels must not reduce the effective height of Network Rail's fencing nor undermine its stability. (f) Common boundary or support walls must be of reinforced concrete. Sheet piling will not be acceptable due to early corrosion. Vibro-compaction or the use of driven piles will not be permitted in the vicinity of Network Rail's structures including tunnels, embankments and cutting slopes. (g) It is recommended that all buildings be situated at least 2 metres from Network Rail's fence, to allow construction and any future maintenance works to be carried out without involving entry onto Network Rail's land. Where trees exist on Network Rail's land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines. Network Rail accept no liability for any damage to new buildings arising from root penetration. (h) The design and siting of buildings within the site should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the " operation of a railway under statutory powers. The Developer should undertake his own investigations to establish the ambient levels originating from the railway and design attenuation and mitigation measures accordingly. (i) If external lighting schemes or illuminated signs are proposed, these may conflict with Network Rail's signalling system and may require additional screening to the railway boundary. In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to them for prior approval, bearing in mind that certain trees such as poplars and other broadleaf deciduous varieties near railway land may be unacceptable. In addition, any hedge (Cornish hedge or Devon bank) planted adjacent to Network Rail's boundary fence should, when fully grown, neither prevent maintenance being carried out nor provide a means of scaling the fence or reduce its effective height.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be compatible with National and Local Planning policies which encourage sustainable, mixed use development on previously developed land and in particular the proposal meets the requirements contained in Taunton Deane Local Plan Revised Deposit Policies T10 - T13.

In the event that the Section 106 Agreement not be concluded by 28th October, 2004, permission be REFUSED for the reason that the proposal does not make adequate provision for the delivery of the key elements set out in Taunton Deane Local Plan Revised Deposit Policy T10, which in the opinion of the Local Planning Authority are necessary to ensure the provision of a satisfactory overall development.

2.0 **APPLICANT**

St Modwen Developments Ltd

3.0 **PROPOSAL**

Redevelopment of Taunton Trading Estate, comprising new employment and residential development, construction of part of the Norton Fitzwarren Relief Road, provision of other infrastructure and services, structural landscaping and open space provision.

Appended to this Report at Annexe A is a comprehensive letter from the applicant's agent which accompanied the application. The application was submitted in June 2002 and a number of the issues have changed since then, particularly in relation to the proposals as contained in the Taunton Deane Local Plan.

Details of the proposed access from Silk Mills, via a traffic controlled junction is included with the application. The application is in outline and does not specify the number of dwellings. The proposed employment development will fall within the B1, B2 and B8 categories. There will be a loss of 57,190 sq m of existing floorspace with approximately 10,400 sq m of new floorspace being proposed.

A Master Plan was submitted with the application, which has been amended; indicating the general configuration of the proposed development. At least 500 dwellings are likely on the residential part of the site, which will be in the north and west parts of the site. The area for employment development is in the southern part of the site adjacent to the railway. The applicants envisage a range of units from small starter units (93 sq m/1,000 sq ft) to larger units (743 sq m/8,000 sq ft). An area of 1 ha is reserved for community use at the western end of the site, nearest to the existing village centre.

This would remain reserved until the community uses proposed on the former cider factory come on stream.

The proposal includes the provision of the first part of the Norton Fitzwarren relief road, which would run between the proposed residential and employment areas, enabling access to various part of the site. At its eastern end it will link with Silk Mills Lane via a traffic controlled junction and it will provide a link from Silk Mills Lane to the remainder of the Major Development site at Norton Fitzwarren to the west of the application site. Details of the points of access to the site are included with the application, these being the new junction at Silk Mills Lane and the two junctions onto the B3227.

Accompanying the planning application were an Environmental Statement, a Transport Statement and an Ecological Appraisal of Land Proposed for Flood Storage. An updated Flood Risk Assessment has also been submitted.

4.0 **THE SITE**

The site comprises a trading estate located to the north-west of Taunton and south east of the village of Norton Fitzwarren. The site is bordered to the north by the B3227 road, to the east by open land fronting Silk Mills Lane, by the main line railway to the south and a mobile home park and former cider factory to the west. The mobile home park and the former cider factory site, together with the current application site form the Major Development Site at Norton Fitzwarren in the Taunton Deane Local Plan.

The Estate was originally developed as a World War II tank factory and army supply depot with rail sidings. Since the 1960's the site has been used as an estate for industry, warehousing, storage and distribution. The estate largely comprises former transit sheds serviced by tarmac roads with significant mown grass borders. Land to the south and west of the buildings is currently unused, some buildings having been demolished. Most of the buildings are at the end of their economic and operation life and many are vacant or underused. The poor quality building stock commands low rental levels and has a high turnover of occupiers.

The site covers an area of approximately 25 ha (60 acres).

5.0 **RELEVANT PLANNING HISTORY**

There have been numerous planning applications at the Trading Estate and a schedule of these is included as Appendix B to this Report. Most of these relate to various uses in the existing buildings on the site.

The only application of any great relevance to the current application was 25/1993/026 which was for residential development on part of the site. This application was withdrawn without being determined.

6.0 **RELEVANT PLANNING POLICY**

Regional Planning Guidance for the South West (RPG) 10

Policy SS 1 Regional Spatial Strategy

Policy SS 3: The Sub-Regional Strategy

The planning of development and infrastructure investment in the region should be based on the following sub-regional objectives:

...

Central sub-region

- raise the economic performance of the sub-region;
- encourage sustainable growth at Exeter and Taunton and economic diversification at Torbay;
- improve transport and economic links within and through the sub-region and with neighbouring areas;
- focus housing, employment, retail and social facilities in sustainable locations to reduce social exclusion and rural need;
- conserve and enhance important environmental assets.

...

Policy SS 5 Principal Urban Areas

Policy SS 14: Taunton

Local authorities, developers, infrastructure and transport providers and other agencies should work together to achieve the following for Taunton:

- an enhanced role as a focal point for increasingly diversified economic activity and as a commercial, cultural and service centre for the central part of the region;
- balanced housing and economic development, facilities and services consistent with the town's enhanced role;
- investment in transport and other infrastructure and facilities to support this strategy, including measures to address capacity problems at M5 junction 25.

Somerset and Exmoor National Park Joint Structure Plan Review

POLICY STR1 Sustainable Development

POLICY STR2 Towns

POLICY STR4 DEVELOPMENT IN TOWNS

New development should be focussed on the Towns where provision for such development should be made in accordance with their role and function, individual characteristics and constraints. Priority should be given to the re-use of previously developed land and to the encouragement of mixed use development.

POLICY STR7
IMPLEMENTATION OF THE STRATEGY

To ensure that development in Somerset and the Exmoor National Park is implemented in a way that meets the sustainable development aims of the strategy, development should fairly and reasonably contribute towards the provision of relevant community services and facilities, environmental improvements and infrastructure, that are directly related to and necessary for the development to proceed.

POLICY 35

AFFORDABLE HOUSING

Provision will be made for securing housing to meet the needs of those without the means to buy or rent on the open market. This provision shall meet an identified local need and should be available and affordable to successive occupiers.

POLICY 39 Transport and Development

POLICY 42

WALKING

Facilities for pedestrians should be improved by maintaining and extending the footpath network, particularly between residential areas, shops, community facilities, workplaces and schools and by ensuring that improvements to the highway provide for safe use.

POLICY 44

CYCLING

Urban and longer distance facilities for cyclists should be improved by maintaining and extending the cycle network between residential areas and schools, shops, community facilities and workplaces, and by making the best use of existing highway infrastructure. Improvements to the highway should provide for safe use by cyclists.

POLICY 45 Bus

POLICY 49 Transport Requirements of New Development

POLICY 60 Floodplain Protection

Somerset and Exmoor National Park Joint Structure Plan Alteration Deposit Draft

POLICY STR1 Sustainable Development

POLICY STR2 Approach to the Spatial Strategy

POLICY STR3 Taunton

POLICY STR7

IMPLEMENTATION OF THE STRATEGY

To ensure that development in Somerset and the Exmoor National Park is implemented in a way that meets the ~~sustainable development~~ aims and

objectives of the Spatial Strategy, development should fairly and reasonably contribute towards the provision of relevant community services and facilities, environmental improvements and infrastructure, that are directly related to and necessary for the development to proceed.

POLICY 1 Nature Conservation

POLICY 34 Planning

POLICY 35

HOUSING NEED

Local Authorities should undertake a comprehensive assessment of housing need within their area, and formulate policies in order to:

- meet identified need for a mix of size, type, cost and tenure of housing in order to provide balanced communities; and
- secure "affordable" housing to meet the particular needs of people without the means to buy or rent on the open market. This provision should be available and affordable to successive occupiers.

In areas outside the Exmoor National Park, where there is a high unmet demand for affordable housing, Local Authorities should seek to reduce the thresholds above which an affordable housing element will be required. Within the Exmoor National Park, the Local Development Framework should provide a detailed mechanism for the delivery of affordable housing commensurate with identified local needs, to accord with Policy 33 of the Structure Plan.

POLICY 42

WALKING AND CYCLING

Facilities for pedestrians and cyclists should be improved by maintaining and extending the footpath and cycle network, particularly between residential areas, shops, community facilities, workplaces and schools and by ensuring that improvements to the highway provide for safe and convenient use. New development should achieve good connections into the existing cycling and pedestrian networks, and add to the facilities available as identified in the Local Transport Plan. Local Development Frameworks and where other appropriate opportunities arise.

POLICY 45 Bus

POLICY 48 Access and Parking

POLICY 49 Transport and Development

POLICY 60 Floodplain Protection

Taunton Local Plan

The site is within the area covered by the Taunton Local Plan which was adopted in 1986. There are no policies in this Plan which are of direct relevance to the proposed development.

Taunton Deane Local Plan Revised Deposit (including Proposed Modifications)

POLICY S1 General Requirements

POLICY S2 Design

POLICY S3 Energy Conservation

POLICY S4 Proposals incorporating a mix of uses will be permitted, provided that:

- (A) only uses which accord with the development plan policies applying to the site or area are incorporated, including the accessibility of the site for non-car transport modes;
- (B) only uses which would be compatible with each other and the surrounding area are incorporated, taking account of any mitigation measures proposed; and
- (C) the scheme is designed as a unified whole.

Proposals forming part of a larger mixed use allocation (policies T2, T5, T10, T16, W2) Will be permitted provided that they do not prejudice the comprehensive and co-ordinated development of the whole allocation and the delivery of necessary infrastructure.

POLICY H1 Housing with Classified Settlements

POLICY H2 Energy Efficient Dwellings

POLICY H12

On housing sites which meet the following criteria, the provision of affordable dwellings will be sought:

- (A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings;
- (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and ~~at least 0.5 hectare in size or is proposed for at least 15 dwellings;~~
- (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision.

The provision of affordable houses sought on a site will be based on the need to ensure a balanced range of house types on the site and meet a fair proportion of housing need in the plan area, while retaining ~~the financial viability of the scheme and~~ other important planning requirements. ~~Where it would be impractical to provide affordable housing on a site which meets criteria A or B, a contribution to the provision of affordable housing nearby will be sought.~~

POLICY H12A

H12a Indicative targets for affordable housing, as a percentage of the dwellings on each site, will be sought on allocated sites as set out in the following table:

Site Name	Policy Reference	Indicative Target
...		
Norton Fitzwarren	T`11	35% 20%
...		

POLICY H21 Designing out Crime

POLICY EC7a ~~Beyond Taunton and Wellington~~ the town centres, the vitality and viability of local service provision within Taunton and Wellington will be maintained and enhanced and the level and diversity of such facilities improved. This will be achieved as follows:

- (A) by allocating new local centres within the major development site proposals for Norton Fitzwarren; and Monkton Heathfield; ~~and Longforth Farm~~;
- (B) by permitting the provision of additional or enhanced local facilities within or adjoining the existing local centres;
- (C) by permitting proposals for individual local shops and public houses elsewhere within the defined settlement limits of Taunton and Wellington, subject to there being no adverse impact upon the vitality and viability of a defined local centre (existing or proposed); and
- (D) ~~by permitting the provision of local service facilities within or adjacent to the defined limits of a rural centre or village.~~

POLICY M1 Access Requirements

POLICY M2 Car Parking

POLICY M3 Residential Car Parking

POLICY M3a Residential Car Parking

POLICY T39 Cycling

POLICY M4 Traffic Calming

POLICY C1 Education Provision for New Housing

POLICY C4 Standards of Recreational Open Space Provision

POLICY EN4 Wildlife in Buildings to be Converted or Demolished

POLICY EN4a Protected Species

POLICY EN30a Land with little or no risk of flooding will be the priority location for development. Where material planning considerations dictate that development cannot be located on land with little or no risk of flooding, the preference for site selection will be as follows:

Land with low to medium risk of flooding; followed by

Land with a high risk of flooding, in the following order of preference:

Developed areas; followed by

Undeveloped and sparsely developed areas; followed by

Functional flood plains.

Where development is permitted on land subject to flooding, the Borough Council will require the development to be protected to the following standard:

Within Taunton and its associated settlements: 1 in 200 year; or Elsewhere: 1 in 100 year.

Where, exceptionally, permission is granted for development within an undeveloped or sparsely developed area of high risk, the threat of flooding should be managed to ensure that the development is and remains safe throughout its lifetime and does not increase flood risk elsewhere.

POLICY T10, POLICY T11, POLICY 12, POLICY T13 These policies related to the Major Development Site at Norton Fitzwarren of which the current application site forms a part. The policies and the supporting text from the Revised Deposit and the Proposed Modifications are set out as appendices C and D to this Report.

In November 1999 the Borough Council published a Draft Development Guide for Norton Fitzwarren. The primary purpose of the Guide was to provide a framework for the comprehensive redevelopment of the site.

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

PPG1 - General Policy and Principles

Paragraphs 4 - 7 Sustainable Development

Paragraphs 8 -12 Mixed Use

Paragraphs 13 - 20 Design

Paragraph 21 - 22 Planning for Industry and Commerce

Paragraph 23 Land Use and Transport

Paragraph 24 Planning for Housing

Paragraphs 36 - 38 Planning Obligations and Conditions

Paragraph 40 Plan-led System

Paragraph 48 Prematurity

Paragraphs 50 - 54 Other Material Considerations

Paragraphs A1 - A7 Handling of Design Issues

PPG3 - Housing

Paragraphs 3 - 7 Providing Sufficient Housing

Paragraphs 9 - 11 Creating Mixed Communities - influencing the type of size of Housing

Paragraphs 12/13 Assessing Local Housing Needs

Paragraph 14 A community's need for a mix of housing types, including affordable housing, is a material planning consideration which should be taken into account in formulating development plan policies and in deciding planning applications involving housing. Where there is a

demonstrable lack of affordable housing to meet local needs - as assessed by up-to-date surveys and other information - local plans and UDPs should include a policy for seeking affordable housing in suitable housing developments.

Paragraph 21 Maintaining a Supply of Housing

Paragraphs 22/23 Re-using Urban Land and Buildings

Paragraphs 46-64 Creating Sustainable Residential Environments

PPG4 – Industrial Commercial Development and Small Firms

Paragraph 13 Development Control – A Positive Approach

Paragraphs 14 -18 Mixed Uses

Paragraphs 21 - 23 Re-use of Urban land

Paragraphs 27 - 31 Imposition of Conditions

PPG13 - Transport

Paragraphs 4 - 6 Objectives

Paragraphs 12 -1 7 Housing

Paragraphs 28 - 30 Design, Safety and Mix of Uses

Paragraphs 49 - 55 Parking

Paragraphs 72 - 74 Public Transport

Paragraphs 75 - 77 Walking

Paragraphs 78 - 80 Cycling

Paragraph 82 Planning Conditions

Paragraphs 83 - 86 Planning Obligations

PPG17 - Sport and Recreation

Paragraphs 20/21 Planning Agreement

PPG17 - Sport, Open Space and Recreation Consultation Paper for Revision

Paragraphs 12 - 15 Role of Recreation Facilities

Paragraphs 40 - 54 Planning for New Recreational Facilities

Paragraphs 61/62 Planning Obligations

PPG 25 - Development and Flood Risk

Paragraphs 27 - 34 Risk-based Approach to the Sequential Test

Paragraphs 35/36 Previously Developed Land

Paragraphs 40 - 42 Sustainable Drainage Systems

8.0 **CONSULTATIONS**

County Highway Authority

“I have received and checked the transport assessments relating to the proposed development and considering the issues raised there is no objection in principle to the redevelopment of this site for employment and residential development purposes.

In detail, primary access to the site will be achieved via a signal control junction onto Silk Mills Road. This junction has been designed to incorporate the Bindon Road junction. You will be aware of the North West Taunton Package proposals, which include a new bridge over the railway at Silk Mills Crossing. It may therefore, depending on the relative timescales of the two projects, be necessary to build an interim arrangement junction to cater for the development prior to the construction of the bridge. The principle of this has been agreed.

As well as providing the access, the development will also contribute to off-site works required to facilitate bus, cycle and pedestrian travel to and from the site, the North West Taunton Package (Silk Mills Bridge) and traffic calming through the village of Norton Fitzwarren. All of these requirements are set out in the Taunton Deane Local Plan Deposit Draft and the required considerable contribution will be subject to further negotiation. A contribution together with the junction design and other off-site works need to form part of a Section 106 Agreement to secure their design construction and funding. In addition the following condition should be attached to any consent securing the detail of the internal estate road:-

The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, 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 parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. 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.”

This has been superceded by the Local Plan Inspector’s Report in terms of the contributions to the North West Taunton Package proposals.

County Education Officer

- “1. **The Draft Local Plan** in respect of Norton Fitzwarren has been through a number of changes, from 450 dwellings originally envisaged in a consultation draft to the current 1,050 in the latest plan changes, prior to the Local Plan Inquiry which has recently finished. This application would appear premature until the Inspector's report is received, any further changes considered and the Plan Adopted.

2. **The provision of potential additional primary school** provision has also needed to be kept under review over this period. Various discussions have been held with the Primary School Governors and implications considered such as the establishment of another primary school, closure/redevelopment/ relocation of the present school site with a larger new school or expansion of the existing village school. These options were considered by the County Council's Executive Board in July 2000 and a copy of this report is attached for your information, also St Modwen as applicants, to whom I am copying and sharing this information.

3. **The County Council's Local Education Authority's decision** is that the existing Voluntary Controlled Church School which was only replaced in 1987 onto its present site adjoining the Church, on an area of the former army camp, should be retained (the 30 year loan for the new school buildings is still being repaid) and it will be physically possible to extend the present school on its existing site. A phase of the school was built in 1987 consisting of the core hall, admin, resources area and 3 classrooms, together with another 4 classrooms in temporary construction. Following informal discussions with District and County Planning Officers, it is envisaged that the existing school maybe expanded with building extensions onto the existing playground area, the playground to be replaced and extended onto part of the present playing field and staff car parking commensurately increased annexing part of the present playground as per the concept sketch herewith. Whilst some restricted playing field space is envisaged to be retained on the existing site, although not sufficient for a pitch, a detached playing field pitch with fenced access path is envisaged off Burnshill Drive, as per requested changes to the Draft Plan and plan herewith.

4. **Recent History of Existing Primary School** A few years ago the school had as many as 208 pupils. Whilst there has been an increase in the number of dwellings proposed for Norton Fitzwarren, the pupil numbers at the local school which were 208 in 1997 have subsequently

reduced to 130 pupils in September 2002. There are presently 129 actually on roll, 125 were previously forecast, 5 classes and 128 are forecast by the year 2006 as per the highlighted extract from the Somerset School Organisation Plan (SOP) 2002/2006 herewith. The very latest internal forecast just published last month now forecasts 138 by the year 2006 and 142 in 2007. These forecasts are based on known birth and vaccination statistics and do not take account of any housing proposed in the Local Plan, which is still only a Draft Plan and not adopted.

5. **Planning of School Places** Somerset works on the basis for primary school planning purposes that 150 dwellings of average mixed development may be expected to produce 30 pupils/l class of children. The currently proposed 1,050 dwellings may be expected to produce a need for 7 classes of accommodation which added to the 142 pupils/5 classes by 2007 might be expected to produce the need for a 12 class school in due course, possibly 13 class basis with smaller reception classes.
6. **The St Modwen Trading Estate proposal** is only an outline application at this stage. The accompanying information from Roger Tym and Partners suggests it will involve in excess of 500 dwellings. In accordance with the policy in the Draft Local Plan and the applicant's reference to infrastructure including primary and secondary school accommodation and potential S106 planning obligation agreement, I propose that an assumed figure of 500 homes be included in an S106 agreement, together with a pro rata contribution payment in respect of any dwellings exceeding this number. However, because the permanent school's central library/resources area was comparatively small, it has been recently changed to a new IT suite, the library transferred to an outside temporary Elliott classroom and another temporary classroom is used for SEN pupils with only 3 permanent and 2 other temporary class bases and is organised with and a capacity for only 150 pupils. These existing deficiencies will be a matter for the County Council as Local Education Authority to address via a bid for separate capital funding and likely to be included at the same time as the school needs to be expanded to serve the additional housing.
7. **Basis For Negotiation** The County Council anticipates a building cost figure of £105,000 per classroom including associated facilities (circulation space/ toilets/expanded staff and admin accommodation, expanded IT suite/ resources area/car parking and professional fees etc) £350,000 assuming 500 dwellings which would be equivalent to £700 per dwelling. This requirement might be reduced to take account of any specific low cost affordable housing provided by a recognised social landlord (not low cost' speculative or equity housing) and this proportion will need to be discussed.
8. **Existing Primary School Capacity** The existing village school has an MOE (more open enrolment) capacity for 175 pupils. A new

Government 'net capacity' basis comes into effect from September 2003, this figure being notionally 180 places but 150 places as locally organised. Somerset has a policy of local schools for local children and designated catchment areas. In general, whilst the SOP "lay appear to show that other local schools, for example Staplegrove, may have vacant capacity, this is not in surplus permanent accommodation and there is generally still a deficiency of sufficient accommodation at other schools in permanent buildings. Assuming the Norton Fitzwarren development will proceed and during the time it will be implemented, the new school is due to open this September 2003 to serve the nearby village of Cotford St Luke. This is being built as a 4 class/120 pupil school plus early learning provision. At the time of writing parents of 59 pupils have expressed an interest in their children starting this September and numbers are still rising. The new Cotford school's accommodation is forecast to be exceeded with 131 pupils by 2005 and 168 by year 2007. These figures are necessarily, more speculative being a new village. The Cotford School site has been planned to enable the school to be expanded from 4 to 7 classrooms, as the village continues to grow and families move in and become established. Therefore whilst there may be some vacant capacity in the first year or so, that school will need to be separately farther extended, probably by the time the Norton Fitzwarren development proceeds and it will not otherwise have spare accommodation.

9. **Retaining School Playing Field Provision** The average figure of £125,000 per classroom previously mentioned does not account for any cost in respect of a detached playing field. Land close to the school has after investigation unfortunately proved to be unsuitable because of implications affecting Norton Hill Fort, its setting and for reasons of topography. A preliminary approach has been made to the Ministry of Defence in respect of the designated site, a comparatively level field off Burnshill Drive, but no specific negotiations will be entered until it is certain the Local Plan allocation for Norton Fitzwarren will be approved. A preliminary assessment estimates that the cost of land acquisition, development of the playing field, fencing and the access path is likely to cost in the region of £52,500. This expenditure will only arise as a consequence of the proposed additional housing. It is therefore considered that this cost should also be reflected in the S106 requirement, which if aggregated based on about 1,050 dwellings would amount to a further cost of about £50 per dwelling assumed 500 dwellings equivalent to £25,000.
10. **Secondary Education** Norton Fitzwarren is within the catchment of Ladymead School. Whilst some building works have recently been carried out to provide permanent classroom extensions to replace temporary accommodation, there will still be insufficient capacity to accept additional pupils from proposed housing at Norton Fitzwarren without further expansion of the school. This is physically possible to extend the buildings on the main school site. Whilst the statutory grass playing field area is restricted, with the opening of the new Wellsprings

sports centre and reallocation of the former Bishop Fox's detached school playing field off Corkscrew Lane for the benefit of Ladymead School, the school will have a sufficient site area to enable further building extensions to be carried out. Secondary school classrooms with more specialist accommodation is more expensive to build pro-rata than primary provision, typically £125,000 per classroom. On the basis that Somerset LEA is no longer responsible for 6~ form provision, secondary school planning is on the basis that 210 dwellings are equivalent to a class of 30 pupils/£595 per dwelling. Based upon an assumed 500 dwellings, without allowance for affordable social housing, as a guide this gives an estimated contribution of £297,500.

11. **Other Factors** It is appreciated that the trading estate is a 'brownfield' Site which will have its own development liabilities and that there are a number of other requirements such as affordable housing and transportation requirements including part of the bypass, contribution towards Silk Mills bridge and public transport measures. Separately, with the increase in size of the primary school, traffic calming measures are also envisaged in the vicinity of the present site along Blackdown View also to link new paths and cycleways with the development. The latter will be dealt with by other highway colleagues via Jeff Copp.

12. **The phasing of payments** is a matter which may be negotiated. Assuming 500 dwellings the total education payment sought is £672,500 (excluding any specific affordable social housing) equivalent to £1,345 per dwelling. Bearing in mind the other infrastructure requirements, I suggest that an initial payment of £201,750 be made consequent to the occupation of each 150 further dwellings and then £134,500 per occupation of each subsequent 100 dwellings. The final payment prior to the occupation of the last 50 dwellings, this to save a proliferation of small invoices and ensure the final payment is due before housing developers, to whom the site is likely to be sold on, leave the site. This matter will also be needed to be considered in relation to other developments, particularly the Prings Caravan Site application which I understand has been withdrawn and further subsequent applications in the area of the Matthew dark's former cider factory area and the 'greenfield' land towards Ford Farm. These phased payments will need to be subject to an inflation index provision -1 suggest to apply 12 months from the signature of the agreement in accordance with the RICS/BCIS General Cost Building Index. Also because of significant inflation on school building contracts, because of the volume of work to meet existing deficiencies being funded by the Government, if this application is not determined by (say) the end of June this year, then I may need to review the average cost per classroom and associated sum per dwelling.”

The following comments were received from the applicants:-

“We have noted the details related to existing and forecast numbers of pupils at the Primary School. It appears that there will be around 40

spaces available on the government's "net capacity" basis before new accommodation is required, and this should be reflected in the contribution calculation. Similarly, the calculation should be based on the eventual numbers of dwellings and also deduct the social housing element.

We accept the cost figure of £105,000 for a Primary classroom and £125,000 per Secondary classroom. We also accept the playing field cost of £52,500. On this basis, and when the number of dwellings is fixed it will be a simple mathematical calculation. We also accept the principle of payment phasing based on 30% paid when the 150th dwelling is occupied, the next 30% when the 300th dwelling is occupied, the next 20% when the 400th dwelling is occupied and the final 20% when the 450th dwelling is occupied."

The following further response was received from County Education:-

"The basis for a potential S 106 planning obligation appears to be generally agreed and I can accept the phasing arrangements for payments which you have suggested in your second main paragraph in italics. The guide-cost figures of £105,000 for a Primary classroom and £125,000 per additional Secondary classroom are current estimates. There should be provision in any agreement to cover inflation from this date. It may still be some time until a planning application agreement is approved and completed because currently the Local Plan inspector's report is still awaited and I understand expected later this summer following the Public Inquiry. I would suggest the inflation provision should be in accordance with the RICS/BCIS general cost inflation index which is reviewed quarterly and payments to be adjusted pro rata to the phased tranches of payments. Not knowing the final number of dwellings which may be approved when detailed full applications are submitted, the inflation provision could be calculated from the base figures of £700 per dwelling related to the Primary classroom cost of £105,000 plus £50 per dwelling related to the need for a detached playing field, sub-total £750 per dwelling for Primary education and £595 per dwelling for Secondary education on the basis of 210 dwellings per classroom – i.e. a total of £1,345 per dwelling. Any proportionate number of specific affordable social housing (not so called lower cost affordable speculative market housing) to be deducted from the total number of dwellings to which the payments will apply.

Regarding your first paragraph in italics, it is not agreed that there are presently around 40 vacant places at the local Primary School, nor that the contribution should be reduced accordingly. Whilst the pupil-numbers at the School have reduced in line with national and local birth trends and social factors, this accommodation is in temporary Elliott classroom buildings which the Authority might normally otherwise remove for use at a school elsewhere or demolish and remove entirely from site. These temporary buildings have a limited life expectancy of no more than about 25 years, which in turn is reduced by about 5 years every time they are relocated. The School has only 3 classes/90 spaces in specific permanent buildings. The proposed new housing will be permanent homes.

A contribution should therefore be made in accordance with the advice in Planning Circular 1/97 as a contribution towards additional permanent classroom facilities at the local School to provide for the additional demand created from the occupation of the new dwellings by new families.

Regarding Secondary education, the local Ladymead Community School covering this catchment area has a present more open enrolment (MOE) capacity for 839 pupils as at January 2002 from figures published in the current Somerset LEA School Organisation Plan 2002-2006. This coming September 2003 it is anticipated that 948 pupils will be on roll, reducing slightly to 904 by 2006. This is as the reduction in present primary-age pupils begins to feed through into the Secondary system. However, these figures do not take account of the potential 1,070 houses proposed in what still remains the Draft Local Plan including the Norton Trading Estate site.

Presently there are 751 pupils in permanent accommodation and 89 pupils in four small temporary classrooms and a drama space. The Council is proposing to replace some temporary accommodation but because of funding constraints only those buildings in the poorest condition. A new second storey permanent building with three replacement and two additional classrooms will go some way to dealing with the present inadequacies. The basis of schools capacity figures has been changed (again) by the Government to a new net capacity basis. One temporary classroom and temporary drama space will remain with a capacity for 45 pupils. New and existing permanent net capacity will be 855, plus 45 temporary, total 900. You may note this will be less than the 948 pupils expected to be on roll this coming September. Some other existing temporary community accommodation is being transferred to school use and as I draft this letter today the Education Department is in discussion with the school about these figures and a further revision to the capacities figures for Secondary Schools in Somerset is being discussed within the Education Department. This is likely to further marginally reduce capacities to conform with the Government's Department for Education and Skills method of calculation. These new classrooms will only go some way to meet the existing catchment area requirements, not any proposed additional housing development.

I will of course be pleased to provide you with the latest available information when it is confirmed and we may discuss the implications. However, it is unlikely to make any significant difference to the basis for any S 106 financial contribution. Hopefully this provides the information required which I am sharing with John Hamer at TDBC. I will be pleased to discuss the details whilst the development evolves."

Environment Agency

"The Agency OBJECTS to the proposed development, as submitted, on the following grounds:-

- (1) Current data indicates that the phasing plan is not appropriate. Analysis of flooding from the Halse Water gives a 200 year flood level of 22.7 m AOD. This gives a significantly larger flood footprint than that indicated on Figure 4 -Phasing Plan and impacts on the area of the phase 1 residential.
- (2) The proposal suggests that the spine road linking the site to Silk Mills Lane be constructed post the 125th dwelling. The Agency advise that the existing primary access road to the site (B3227) is subject to frequent flooding in the vicinity of Cross Keys. The proposed spine link should therefore be constructed PRIOR to occupation of any dwelling to meet the requirements of PPG25.
- (3) We advise that this application is premature pending:- (i). receipt of the ES and flood risk statement; (ii) the Inspectors Local Plan Report.

Should the Agency's objection to the proposal subsequently be overcome, the Agency would seek the application of the following conditions:-

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

REASON: To prevent pollution of the water environment.

CONDITION: Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that Order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected where possible from accidental damage.

REASON: To prevent pollution of the water environment.

The following informatives and recommendations should be included in the Decision Notice.

The foul drainage must be kept separate from the clean surface and roof water, and connected to the public sewerage system.

All foul drainage, including contaminated surface water runoff, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with connection to a watercourse.

During construction:-

Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks.

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed.

Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

In addition the Agency further comments:-

The summary of the site investigation data provided in the Environmental Statement, May 2002, indicates a desk study and intrusive investigations have been undertaken to identify/confirm the presence of potential contaminants and assess the risk associated with contamination. While the summary indicates low expected impact from contamination the Agency would agree with the proposal to specifically investigate areas associated with overground and underground fuel storage tanks which have not been investigated to date. This investigation should be undertaken prior to the start of site clearance and new construction to avoid spreading potential contamination ahead of assessing its location. We note that while the risk assessment considers groundwater as a potential receptor it does not clearly acknowledge the potential impact on the Back Stream from potential contamination or sediment during construction activities. This impact should be considered to ensure all precautions to avoid impact on the Back Stream are taken.

If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.”

Following further submissions the following further response was received:-

“The Agency notes that the revised outline application has amended the red line boundary.

The Agency has no objection to the revision provided it does not preclude the applicant from providing the relief road connection to Silk mills Lane.

In line with the Agency evidence at the Public local Plan Inquiry, the following Conditions are appropriate.

CONDITION: No development approved by this permission shall commence below existing ground levels of 22.7m AOD until such time as flood mitigation works to the Halse Water have been provided to the satisfaction of the LPA.

REASON: To prevent the increased risk of flooding.

CONDITION: No development approved by this permission shall be occupied until such time as that section of the relief road connecting the approved development to Silk Mills Lane has been constructed and is fully operational - all to the satisfaction of the LPA.

REASON: To ensure a safe highway link to the development in times of extreme flood risk in accordance with the aims of PPG25.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To alleviate the increased risk of flooding.”

The following letter was subsequently received from the Agency:-

“With reference to your synopsis of the situation at Taunton Trading Estate ..

1. The Agency letter of the 29th Jan 2003 indicated 2 No. conditions:-
 - (i) A Grampian Condition relating to flood risk mitigation from the Halse Water
 - (ii) A Grampian Condition relating to surface water disposal.

This advice was given in the belief (in hindsight, misguided) that the Halse Water flood mitigation issue had been resolved .

Following the Inspectors report, the provision of the off-site mitigation is now uncertain and the impact of any flood mitigation works within the Taunton Trading Estate site should be scrutinised in a different light. Any proposal for on-site storage should therefore be considered as a permanent facility.

2. The Agency has just received a proposal from the applicant for on-site storage which is considered unsatisfactory.

- (i) there are no proposals for a formal intake or discharge, from, and to the Halse Water.
 - (ii) we are not certain of the effects of ground water on the storage capacity.
 - (iii) we have seen no calculations to back up the proposed storage provision.
3. We would bring to your urgent attention that the storage facility is also indicated as 'Major Equipped Play Area' on the masterplan. As this site, acting as a flood storage reservoir, has the potential to flood up to a depth of approximately 1.0 metre the Health & Safety implications point to this dual use proposal as unacceptable. If the Public Open Space is relocated there will be knock-on effects on either, employment or residential provision. On this basis, is it acceptable to cover the flood storage proposal by condition until its impacts on other land use have been resolved to the satisfaction of the Local Planning Authority?
4. From a management perspective, who would be responsible for the future maintenance of the storage facility? As it is shown as Public Open Space the implication is Taunton Deane Borough Council. Is this acceptable?
5. In respect of the suggested restriction by St Modwen of the Silk Mills Link Road. Our Joint aim should be to promote sustainable development, which provision of a flood free route for new and extant development would clearly be. Such a restriction could be construed as contrary to that aim.”

Following the submission by the applicants of additional information the following further response was received.

“The Agency advised the Local Planning Authority on what it considered were appropriate conditions for the outline application in our letter dated 29th Jan 2003. One Grampian condition in that letter related to the provision of compensatory flood storage works. Following Mr J Hamer's fax of the 16th February, 2004 and the Applicants proposal for flood storage replacement, the Agency advise that the following revised condition is now appropriate.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works and maintenance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To alleviate the increased risk of flooding.”

Railtrack Technical Directorate (now Network Rail)

“With reference to the above planning application brief details of which have been sent to me for my comments. Whilst I have no objection in principle to

the proposed development, I set out below for your information and guidance my requirements for the safe operation of the railway and the protection of Railtrack's adjoining property. Please include these requirements at the detailed planning stage.

1. FENCING

- (a) No alterations or additions to the existing fence can be undertaken without prior agreement in writing from this office. Where children's play areas, open spaces, amenity areas or garage blocks, parking areas are to be sited adjacent to any railway line as in the current proposal a 3.0 metre high palisade fence is generally considered to be the minimum safe standard. It is therefore strongly recommended that such a fence be provided.
- (b) The Department of Transport has recommended provision of a safety barrier adjacent to the lineside fence, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development, and in the interests of safety I trust that this will be adopted. The safety barrier must be designed to cater for specific loadings dependent on the road traffic anticipated, and I am able to supply details of the requirements upon receipt of the type and speed of vehicles anticipated.

2. DRAINAGE

Additional or increased flows of drainage or surface water should not be discharged onto Railtrack's property nor into Railtrack's culvert or drains except by prior agreement with this office. In the interest of the long-term stability of the railway it is recommended that soakaways should not be constructed within 10 metres of Railtrack's boundary. In certain circumstances this distance may be varied and the Developer has been advised to provide me with full details of all drainage proposals likely to affect Railtrack's property.

3. SAFETY

No works should be carried out on the development site that may endanger the safe operation of the railway or the stability of Railtrack's structures and adjoining land. In particular the demolition of existing buildings or other structures must be carried out in accordance with an agreed Method Statement. Care must be taken to ensure that no debris or other materials can fall onto the railway or within Railtrack's property.

4. BOUNDARY

No part of the area included in the development is within Railtrack's boundary.

5. ACCESS

No part of the area is used as an access to the railway line.

6. GROUND LEVELS

No overall lowering of existing ground levels is to be carried out near Railtrack's boundary, where the railway is on an embankment or on the same level as the adjoining land, and no excavations are to be carried out near the toe of embankments or the base of retaining walls or in the vicinity of other structures.

In any event alterations in levels must not reduce the effective height of Railtrack's fencing nor undermine its stability.

7. SUPPORT

Common boundary or support walls must be of reinforced concrete. Sheet piling will not be acceptable due to early corrosion. Vibro-compaction or the use of driven piles will not be permitted in the vicinity of Railtrack structures including tunnels, embankments and cutting slopes.

8. SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from Railtrack's fence, to allow construction and any future maintenance works to be carried out without involving entry onto Railtrack's land. Where trees exist on Railtrack's land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines. Railtrack accept no liability for any damage to new buildings arising from root penetration.

9. ENVIRONMENTAL ISSUES

The design and siting of buildings within the site should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of a railway under statutory powers. The Developer should undertake his own investigations to establish the ambient levels originating from the railway and design attenuation and mitigation measures accordingly.

10. LIGHTING

If external lighting schemes or illuminated signs are proposed, these may conflict with Railtrack's signalling system and may require additional screening to the railway boundary.

11. LANDSCAPING

In the interests of safety, all new trees to be planted near Railtrack's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office

for prior approval, bearing in mind that certain trees such as poplars and other broadleaf deciduous varieties near railway land may be unacceptable.

In addition, any hedge (Cornish hedge or Devon bank) planted adjacent to Railtrack's boundary fence should, when fully grown, neither prevent maintenance being carried out nor provide a means of scaling the fence or reduce its effective height.

12. The section 106 Agreement

With regards to the provision of the Silk Mills Railway Bridge this will involve the Outside Parties Engineer, it is my understanding that a Works Agreement will be required when this is pursued.

In general Silk Mills Road traffic can build up when the Level crossing barriers are lowered, due consideration is required to the traffic flows across this crossing during construction of the site and associated relief road works. Early arrangements with Railtrack are advisable via the Out Side Parties Engineer.

Railtrack Property (now Network Rail)

“ The provision of a bridge over Silk Mills level crossing is identified as part of the North West Taunton Transport Package and inter alia an integral element of the proposals for the Norton Fitzwarren Major Development Site (MDS). The linkage between the proposed bridge and the MDS is recognised in both the draft Development Guide and the emerging Local Plan.

However, the determination of the above application at this juncture raises important questions in respect of the phasing and deliverability of the MDS as a whole. In particular, the extent to which development may be brought forward in advance of supporting infrastructure, namely the bridge over Silk Mills level crossing.

Accordingly, I refer to the Inquiry evidence of WS Atkins (P/SCC/41) on behalf of the Highway Authority which recognises at paragraph 15 that whilst the development at Norton Fitzwarren can commence before completion of the bridge, capacity constraints mean that it is not practical to develop the MDS in full without such provision.

The Transport Assessment submitted in support of the application reflects this view, stating at paragraph 6.52 that although Phase I of the current application (consisting of 125 houses) could be completed in advance of the bridge, the results of capacity tests show that both Silk Mills and Cross Keys roundabouts would by 2004 be operating either close to, or over capacity.

It appears from this analysis that the provision of a bridge over Silk Mills level crossing would likely be required in order for the redevelopment of Taunton Trading Estate to proceed beyond Phase 1.

Furthermore, and more significantly, the application seeks to secure consent for the development of additional phases of the redevelopment consisting of 375 residential dwellings and some 112,000 square feet for new employment uses.

Consequently, it is clear that such phases are not capable of implementation until the bridge is provided, and as the applicant cannot provide certainty regarding the deliverability of the bridge it is evident that that the wider proposal (beyond Phase 1) cannot be achieved, thereby constituting a significant reason for refusal.

Moreover, I note that issues relating to deliverability and certainty are also addressed at paragraph 24 of the Inquiry evidence of WS Atkins. This concedes that despite receipt of Government funds the completion of the bridge is in the hands of the Norton Fitzwarren developers from whom contributions will be required.

In this context, I refer to the Inquiry evidence of Donaldsons (P/TD/222) relating to the viability and deliverability of the MDS. Paragraph 3.12 states that the estimated cost of the new bridge is £10.6m of which it is anticipated that the Norton Fitzwarren developers would contribute some £1m. This represents a substantial increase in the cost of the scheme from the estimate set out in Annex 6 (North West Taunton Package - NATA Assessment) of the Local Transport Plan for Somerset (2011 - 2006).

On this basis, it is unclear how any shortfall in the cost of providing the bridge beyond such Government funds identified above will be met. In the event of planning permission being granted in this instance, it is also unclear how the level of developer contribution will be set, and more importantly, by what date, if at all, the remainder of the MDS will be delivered and thereby contributions secured and the bridge completed.

In so far as an element of the cost of the bridge is to be met by the Norton Fitzwarren developers, this can only be guaranteed (with any certainty) as part of an application for the comprehensive redevelopment of the MDS as opposed to the piecemeal development proposed here.

Accordingly, it is submitted that planning permission for this application should be refused, on the following grounds:

- (i) The capacity of the existing highway network, prior to the provision of a bridge over Silk Mills level crossing is only sufficient to accommodate Phase 1 of the proposed development;
- (ii) The funding for the bridge is partly dependent upon contributions from the Norton Fitzwarren developers; therefore the piecemeal development of the MDS provides little certainty regarding the delivery of the remaining elements and thereby the required level of contributions necessary to ensure the provision of the bridge.

- (iii) The estimated cost of the bridge appears to have increased significantly and it is unclear as to how any shortfall in funding will be met.

In conclusion, it is submitted that only an application for the comprehensive redevelopment of the Norton Fitzwarren MDS can deliver certainty in respect of the provision of a bridge over Silk Mills level crossing. The piecemeal development proposed, whilst dependant on the bridge beyond Phase I, provides no guarantee as to the completion of the bridge itself. On this basis, the grant of planning permission in respect of this proposal could potentially prejudice the future operation of the highway network and should therefore be resisted.”

The following supplementary response was also submitted:-

“Further to the analysis of the viability and deliverability of the Norton Fitzwarren Major Development Site (MDS) contained therein, I attach a copy of recent correspondence from Somerset County Council dated 30th January 2003, which provides details of the current funding situation in respect of Silk Mills Bridge. This demonstrates that estimated costs have again increased substantially and cannot be met solely by secured funding.

The County Council estimate the total cost of delivering the project at £12,600,000. However, the attached letter illustrates that only £10,367,000 of secured funding is available (consisting £10,167,000 capital from Central Government and Somerset County Council, and £200,000 capital from Taunton Deane Borough Council), this results in a shortfall of £2,233,000.

Whilst the County Council's letter identifies contributions of some £1,000,000 to be sourced from developers and an additional £500,000 which has been requested from the Government Office South West for identified flood mitigation works, these amounts are unsecured and in any event, if they were to come forward would not meet the total estimated cost of the project.

On this basis, it remains unclear how any shortfall in the cost of providing the bridge beyond such funds as are identified above will be met. In the event of planning permission being granted in this instance, it is also unclear how the level of developer contribution will be set, and more importantly, by what date, if at all, the remainder of the MDS will be delivered and thereby further contributions secured and the bridge completed.

Accordingly, in so far as an element of the cost of the bridge is to be met by the Norton Fitzwarren Developers, this can only be guaranteed (with any certainty) as part of an application for the comprehensive redevelopment of the MDS as opposed to the piecemeal development proposed here.

Accordingly, the thrust of our previous submission is reiterated, namely, that planning permission for this application should be refused, on the following grounds.

- (i) The capacity of the existing highway network, prior to the provision of a bridge over Silk Mills level crossing is only sufficient to accommodate phase I of the proposed development (see previous submission dated 31st October 2002);
- (ii) The funding for the bridge is partly dependent upon contributions from the Norton Fitzwarren Developers; therefore the piecemeal development of the MDS provides little certainty regarding the delivery of the remaining elements and thereby the required level of contributions necessary to ensure the provision of the bridge;
- (iii) The estimated cost of the bridge appears to have increased significantly and it is unclear as to how any shortfall in funding will be met.”

The content of these letters has been effectively superseded by the Taunton Deane Local Plan Inspector removing from the Plan the requirement for the Norton Fitzwarren Major Development Site, which includes the site the subject of the current planning application, to provide contributions towards the proposed Silk Mills Bridge.”

Wessex Water

“The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has proposed to dispose of surface water to the existing system and the nearby watercourse. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. Provided there are no abnormal demands, there will be sufficient capacity available to cater for this development. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure. “

Transco

“We acknowledge receipt of your inquiry on the 16/07/02, and return herewith one copy of our drawing which we have indicated the approximate position of existing gas mains and would request that care is exercised when working in the vicinity of these mains.

In this respect our schedule is also attached which indicates the minimum requirements for the protection of our underground plant, and your attention is also drawn to the liability clause stamped on the plan.

We do not show service pipes on our drawing but their presence should be anticipated. Where the site is indicated as being fed by another Private Gas Transporter (PGT) you should contact that company for details of their mains as we do not hold these on file.

Will you please inform us of your actual date of commencement as soon as possible. If necessary arrangements can be made for our staff to inspect our plant on site as work progresses..”

Western Power Distribution

There are 3 ground mounted 11 kv sub-stations, 11 kv underground cables crossing below Back Stream and low voltage lines crossing above Back Stream which will need deviating if the development is to proceed.

Avon & Somerset Constabulary

No adverse comments to make.

Chief Fire Officer

“1. Means of Escape

Means of Escape in Case of Fire should comply with approved Document B, Part 1 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulation stage.

2. Access for Appliances

Access for fire appliances should comply with Approved Document, Part B5 of the Building Regulations 2000. Additionally it is recommended the standards detailed in Guidance Note 10 attached, are adopted where they are higher.

3. Water Supplies

All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

English Nature

“Thank you for sending English Nature a copy of the Environmental Report of the Taunton Trading Estate, Norton Fitzwarren, Taunton. Having read the

report English Nature would wish to make the following comments on the protected species issues.

Badgers

We are pleased to note that the badger sett in the southwest corner will be protected during the development process. Badgers were given considerable protection under the Badgers Act 1973 and its subsequent amendments. The Badgers Act 1991 extended this protection to badger setts by creating an offence of "interfering with a badger sett". The provisions of these Acts are now combined in a consolidation Act - The Protection of Badgers Act 1992.

Bats

We note that although bats were seen foraging over the site no bat roosts were found. However, as bats can use buildings as hibernation sites (hibernacula) during the winter months, care should be taken during demolition of the buildings - any soffits and bargeboards being removed by hand with extreme caution. If possible it would be best to do the work in April or October, therefore, if bats are found they can disperse naturally at dusk. Bats are protected under Regulation 39 of the Conservation (Natural Habitats & c.) Regulations 1994, it is an offence to damage or destroy a breeding site or resting place of any wild animal of a European Protected Species. For that reason if bats are found, a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA) in Bristol.

Otters

Otters are known to use the back stream, and although I understand the development will not have a direct impact on the stream some precautions need to be taken. The contractors need to be made aware of the presence of otters and they need to ensure that no damage is done to the banks by machinery, and to ensure that debris must not be allowed to end up in the water. To avoid disturbing the otters that travel along the water course, construction work should not be done at night. Otters are protected under Regulation 39 of the Conservation (Natural Habitats & c.) Regulations 1994, it states it is an offence to deliberately disturb any such animal. For that reason, a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA) in Bristol to do so lawfully.

Slow-worms

One slow-worm has been found on the site and the results of the present survey will be sent to English Nature in due course. Slow-worms are protected under section 9 of the Wildlife and Countryside Act 1981 (as amended). To avoid possible offences under the Act, English Nature will be advising that the consultants follow the English Nature guidelines.

Water-voles

Although water voles were not found in the 2002 survey it is possible they may move into the Back Stream again before development starts. Water voles have legal protection under the Wildlife and Countryside Act 1981 (as amended) such as it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place, which water voles use, for shelter or protection. We advise that a survey for water voles should be done prior to the start of development.”

Taunton Chamber of Commerce

“As the development of the Norton Fitzwarren site was a major consideration within the Taunton Local Plan Inquiry we are at a loss to understand the submission of an application prior to either the close of the Inquiry or more importantly the completion of the Inspectors report. The development will clearly have significant problems in relation to both potential flooding and traffic congestion which once again will have been considered in detail during the Inquiry.

As a Chamber we would wish to express our deepest concerns that the planning process is being ignored by the premature submission of the application. I would therefore like to register our formal objection to the application purely on the basis of prematurity. If the Inspector deems that the development is appropriate the Chamber will consider the merits of the proposal with the benefit of this information. We trust that the Council will take the same view and will not be tempted to make a decision on the application based on the financial benefits that are promised in relation to flood alleviation and contribution to the Norton Fitzwarren relief road and Silk Mills Bridge. “

Recreation Officer

“RECREATION PROVISION

Playing Field requirement:

In summary the developer should be asked to acquire and donate 2.25 hectares of land and contribute £389,900 in lieu of laying out the playing field and its facilities and a sum in lieu of 20 years' maintenance in the region of £50,000. These figures would be subject to review in the event of the number of dwellings exceeding 500.

The existing site is deficient in terms of car parking, standard of access road, amount and standard of changing facilities, quantity and quality of football pitches, lack of cricket facilities, and sewerage arrangements.

The development in the village presents an opportunity to remedy this by contributing a lump sum in lieu of new provision that can be matched by community fundraising and application to other funders to create sufficient money to redevelop the whole site.

The developer should acquire 2.25 ha of land adjacent to the existing playing field (reflecting the policy of 45 sq m per dwelling) to be adopted by the Council. This will give sufficient space for laying out 2 new football pitches and one cricket wicket to provide for increased demand arising. The dimensions must be an absolute minimum of 120 m by 180 m, possibly with space for an access track to service the remaining part of the field if required by the landowner.

This site should not be laid out as a playing field by the developer. Instead a sum of money in lieu of this work should be given via a S106 agreement to be used by the community to develop a phased masterplan for the entire site and to use as a lever for match funding applications to other organisations in order to achieve those aspirations that are not the responsibility of the developer.

For normal off-site calculations for playing field contributions, the sum of £806 per dwelling has been used by the Council for a number of years and has not been updated for inflation for at least 3 years. It has met with the approval of many developers as a reasonable sum. For 500 houses this would total £403,000.

However, for this application, the calculations have been updated and tailored to the site and generate a sum of £389,900 which is calculated as follows:

Playing Field Development

Standard playing field to accommodate two soccer pitches and a cricket square plus changing rooms and car park

Pavilion (approx. 154 m ²) @ £1600/m ² = £246,400 (to serve 4 teams and officials plus tea room, viewing area, disabled access etc)		246,400
Playing Field Construction (120 m x 180 m)		
Standard soccer pitch construction (one pitch)	27,000	
plus sand for heavy ground	5,000	
Cost for one pitch		32,000
Cost for two pitches		64,000
Cricket Square (approx. 30 m x 25 m)		15,000
Perimeter areas		2,000
Water supply		3,000
Services & mains drainage (100 m run)		15,000
Fencing @ 2 m high assume field 120 x 180m = 600m @ £30/m		18,000
Landscaping @ £10/m ²		5,000
Furniture, seats/litter bins etc.		1,000
Equipment, goal posts/nets/scoreboard etc.		1,500
Access road and car parking - surfacing and extension		19,000
Total cost		389,900

The council is planning to develop a standard for the provision of playing field pavilions for its own sites in order to identify the cost of bringing them up to

date. In future this standard will form the brief to developers. This standard has not yet been developed.

There will be a requirement for a commuted sum for 20 years maintenance of the site. This is estimated to be in the region of £50,000.

Childrens Play

There is no existing provision in the village that could reasonably be improved to serve this site therefore all provision must be made on site.

Having considered the outline plan for the development it appears that the area of land to the east of the site (adjacent to Silk Mills) will be acceptable as open space irrespective of flooding liabilities, on condition that it is for informal recreation i.e. has no built facilities except paths and seats.

Adjacent to and connected to this area (but not in the flood pond or flood plain) should be a NEAP level play facility 1000 m² as outlined below. This will replace the NEAP shown on the plans in the south western end of the development. It must be located to be highly visible yet a minimum of 3 0m from the nearest house. A location adjacent to the road is acceptable subject to suitable safety measures being in place.

In order to provide accessible play for children living at the western end of the development a LEAP (as outlined below) should be provided that is not in the flood attenuation area. This could be at the location currently shown for a LAP adjacent to the Reserve Community area.

There will not be a need to provide the LAP play areas indicated on the plan.

There will be commuted sum for maintenance associated with all these sites.

Public Art

There are a number of items of public art shown on the plans. These are not considered necessary unless there will be commuted sums for maintenance. A preferable alternative would be to involve an artist in the design of the play areas and other public spaces.

Community Hall

There are three buildings which might seek contributions from the development: village hall, the playing field pavilion and the youth activity centre. The village hall committee has asked for improved car parking. The playing field pavilion (used by the play group) will probably be dealt with under the playing field contribution. It is unclear what contribution would be needed for the activity centre.

I recommend that a sum equivalent to the surfacing of the car park is sought to be used on any of these facilities in consultation with the parish council. This is likely to be around £20,000.

Phasing

I strongly recommend that at least one of the play areas is completed very early on in the development, say completion of 50th house and the other site has a prominent sign indicating its future use. Both must be shown on all plans used by potential purchasers. These conditions should be part of the S106. The need is to avoid the situation commonly found where people buy the houses near the open space without realising the impact a childrens play area may have on it. The sign option is better than nothing, but early completion is by far the better option and will provide for the new residents as soon as they move in..

Maintenance

The usual one-year maintenance after approval of the installation will apply to all facilities provided by the developer.

LEAP/NEAP definitions

Local Equipped Area for Play (LEAP)

A LEAP is a piece of open space that is designated and equipped for children of early school age. Such areas need to be located within a walking time of 5 minutes from home.

Play equipment within a LEAP is an important part of the attractiveness of such spaces. However, children do not need play equipment alone but require space around the items for other games and to 'let off steam'. Where properly sites, equipped, overseen and well maintained, a LEAP is able to meet these needs without being a source of nuisance to other residents.

The main characteristics of a LEAP are:-

1. It caters for children of 4-8 years in age
2. It is within a walking time of 5 minutes from home
3. It is positioned beside a pedestrian pathway on a route that is well used
4. It occupies a site that is well drained with grass or a hard surface and features an appropriate impact-absorbing surface beneath and around the play equipment.
5. It has an activity zone of a minimum of 400 m² in area.

6. It contains at least 5 types of play equipment, of which at least two are individual pieces rather than part of a combination. Each item is designed to stimulate one of the following:
 - a. Balancing, e.g. beams, stepping logs, clatter bridges, or graphic line elements.
 - b. Rocking, e.g. see-saw or spring animals.
 - c. Climbing or agility, e.g. frames, nets, overhead bars, or angled climbers.
 - d. Sliding, e.g. traditional slides, straight or angled 'fire-fighter's' poles.
 - e. Social play, e.g. sheltered areas or child seating
7. Additional items might focus upon rotating, singing, jumping, crawling, viewing (e.g. ground graphics) counting or touching (e.g. sand and water)
8. There is adequate space around the equipment to enable children to express their general exuberance and play games of 'tag' and 'chase'.
9. It has fencing, if the site is not already adequately enclosed, of at least 1 metre in height around the perimeter of the activity zone with two, outward-opening and self-closing gates on opposite sides of the space (to deter entry by dogs and to restrict opportunities for bullying).
10. It has a barrier to limit the speed of a child entering or leaving the facility.
11. A buffer zone of at least 10 m in depth is provided between the edge of the activity zone and the boundary of the nearest property containing a dwelling. Normally a minimum of 20 m should be provided between the activity zone and the habitable room facade of the dwelling. Where these minimum distances apply careful consideration needs to be given to:
 - a. the design of the means of enclosure, planting scheme and/or other physical features on the boundary of the residential property, and
 - b. the siting of the play equipment within the activity zone (to preclude opportunities for overlooking nearby gardens and a consequential loss of privacy for residents.
12. The buffer zone includes planting to enable children to experience natural scent, colour and texture.
13. Some individual seats are provided for parents or carers.
14. It has a notice to indicate:
 - a. That the area is solely for use by children.

- b. That adults are not allowed unless accompanied by children.
 - c. That dogs should be excluded
 - d. The name and telephone number of the facility to report any incident or damage to the play equipment.
15. It has a litterbin.
16. The area of the activity zone contributes to meeting the children's playing space part of the Six Acre Standard.

Neighbourhood Equipped Area for Play (NEAP)

A NEAP is a site that is designated and equipped for older children, but with opportunities for play for younger children too. Located within a walking time of 15 minutes from home, the NEAP is the largest of the three types of play space and is able to address specific needs that cannot be met within a LAP or a LEAP.

Once children have reached 8 years in age, their use of traditional play equipment begins to diminish. Older children require a greater number and a wider range of stimuli. Initially, they engage in wheeled activities and informal ball games, some of which may develop later into more formal and recognised sport. As they enter their teenage years, children actively choose to meet away from their home environment and look for places to congregate and improve their social awareness.

A NEAP can be subdivided into two distinct parts; the first comprising a range of playground equipment and the second, a hard surfaced area for ball games or wheeled activities such as roller-skating, skate-boarding or cycling. It is necessary for the two parts to be on the same site and linked, because children of varying ages and abilities frequently cross between different sections, as do their siblings.

Where properly sited, a NEAP may also feature a multi-sport rebound wall and/or a youth shelter to provide an alternative meeting place for teenagers to a LAP or a LEAP, which are inappropriate for them. The exact position of a youth shelter within the NEAP will depend on local circumstances and will require full public consultation for provision of the facility to succeed.

The main characteristics of a NEAP are:

1. It caters predominantly for older children.
2. It is within a walking time of 15 minutes from home.
3. It is positioned beside a pedestrian pathway on a route that is well used
4. It occupies a site that is well drained with grass or a hard surface and features an appropriate impact-absorbing surface beneath and around the play equipment.

5. It has an activity zone of a minimum of 1000 m² in area that is divided into two parts; one containing a range of play equipment and the other provided with a hard surface of at least 465 m² (the minimum area needed to play five a side football).
6. It contains at least 8 types of play equipment comprising:
 - (i) At least 1 item suitable to stimulate rocking, touch, social or developmental play among younger children
 - (ii) At least 2 items to facilitate sliding, swinging or moderate climbing
 - (iii) At least 5 items, of which at least 3 are individual pieces rather than in combination, to encourage adventurous climbing, single point swinging, balancing, rotating or gliding (e.g. aerial runway).
7. There is adequate space around the equipment to enable children to express their general exuberance and play games of 'tag' and 'chase'.
8. It has fencing, if the site is not already adequately enclosed, of at least 1 metre in height around the perimeter of the activity zone with two, outward-opening and self-closing gates on opposite sides of the space (to deter entry by dogs and to restrict opportunities for bullying).
9. It has a barrier to limit the speed of a child entering or leaving the facility.
10. A buffer zone of 30 m minimum depth is provided between the activity zone and the boundary of the nearest property containing a dwelling. A greater distance may be needed where purpose built skateboarding facilities are provided.
11. The buffer zone includes planting to enable children to experience a part of the 'natural' environment.
12. Some individual seats are provided for parents or carers in the vicinity of the play equipment and other seating is provided within the hard surfaced games area.
13. It has a notice to indicate:
 - (i) That the area is solely for use by children.
 - (ii) That adults are not allowed in the equipped space unless accompanied by children.
 - (iii) That dogs should be excluded
 - (iv) The name and telephone number of the facility to report any incident or damage to the play equipment.
 - (v) The location of the nearest public telephone

14. It has litter bins at each access point and in proximity of each group of seats.
15. It has convenient and secure parking facilities for bicycles.
16. The area of the activity zone contributes to meeting the children's playing space part of the Six Acre Standard.”

Landscape Officer

“The basic landscape requirements are set out in the Norton Fitzwarren Development Guide in terms of depth of structure planting, etc. Other points I would make are that the LEAP and NEAP should be more centrally placed for easier and more local access; the planning along the railway track looks very thin and the meadow areas should be part of any proposals.

It is important with any flood control measures that maximum potential for wildlife and landscape enhancement are maximised”

Rights of Way Officer

There are not rights of way affected by the development.

Planning Policy

The following response was received to the application in February 2004, which was prior to the report of the Taunton Deane Local Plan Inspector's Report:-

“I refer to the above planning application and have the following comments:-.

Background

PPG1 (General Policies & Principles) and PPG3 (Housing) place great emphasis on the need to secure the redevelopment of brownfield sites. Accordingly, the Trading Estate, with much of it being underused, falling into disrepair and derelict, is a prime target for redevelopment.

The site has long been identified for redevelopment. Indeed, it has been included within the following documents:

- Taunton Local Plan (1986) - southern part of the site identified for industrial redevelopment.
- Draft Norton Fitzwarren Development Guide 1993.
- Issues & Options Report 1995
- TDLP Deposit Draft 1998.
- Draft Norton Fitzwarren Development Guide 1999
- TDLP Revised Deposit 2000

Accordingly, the redevelopment of this site has been subject to extensive consultation. Local Plan proposals have been continually refined to reflect the content of much of this consultation.

The site forms part of the larger Norton Fitzwarren Major Development Site, TDLP (policies T10 to T13). The major development site was subject to considerable scrutiny during the recent Local Plan Inquiry (LPI). During the LPI, various amendments were made to the policies and text, as agreed by the Borough Council's Executive and/or the Executive Councillor Responsible for Planning & Transport. I attach a complete schedule of amendments.

Given the above, the principle of redevelopment must be supported. However, there are a number of issues that will require resolution.

Parts of the site (adjoining the eastern and southern boundaries) are within an area of high flood risk (PPG25 - Table 1). The implications of this were assessed in a report to the Borough Council's Executive dated 26th September 2001 (attached - refer to paragraphs 5.9 to 5.13, together with Appendix D). The report concludes that the Borough Council's proposals for Norton Fitzwarren are consistent with the advice contained within PPG25.

However, there are two issues that require resolution. Firstly, you should be aware that the Cross Keys roundabout is within an area of flood risk. Modelling suggests that, in a 1:200 year storm event (the Borough Council's adopted standard - refer to policy EN30a) the roundabout will flood to a depth well in excess of 300 mm, which is the minimum required to allow the safe passage of emergency vehicles. Certainly, the roundabout will be impassable to cars.

Accordingly, in order to minimise flood risk (the crux of PPG25) the EA require the delivery of the Silk Mills link road as a prerequisite to development (to effectively create a by-pass to Cross Keys). This is an expensive piece of infrastructure, given that it will take the form of a bridge that will connect into Silk Mills Lane at a complex signalised junction. However, the economics of this proposal have been tested by Donaldsons (planning consultants) and shown to be viable. The local plan has been amended to reflect this requirement. Certainly, this should be made a condition of granting planning permission.

The second flood related issue concerns land at the southern boundary of the site, which is within an area of flood risk from the Halse Water. The solution to this problem lies with the construction of the dam at Montys Lane (which has recently received planning permission) together with on-site flood mitigation works within the land at the former Taunton Cider Factory/Ford Farm (detailed design submitted to the Local Plan Inquiry, but yet to be considered as part of a formal planning application). These works will remove the Halse Water flood plain from the site. However, the precautionary principle requires that any scheme of flood protection must be technically feasible and deliverable. The Borough Council, together with adjoining landowners, have spent significant time and investment to develop such a scheme. However, the proposed

scheme is not within the control of the applicants. Accordingly, to grant planning permission to this development, without having regard to the delivery of the flood relief works, would be at conflict with the provisions of PPG25 (precautionary principle). For example, further analysis could result in an amendment to the comprehensive flood scheme that would result in the loss of protection to the application site (unlikely, but not impossible). The only way to solve this problem will be to require the applicants to enter a section 106 agreement with Matthew Clark, Mr Underhill (Ford Farm), St Modwen and the Borough Council requiring the delivery of a comprehensive flood mitigation works that will protect the major development site, including the application site. The applicants should rightly contribute towards such a scheme (or there should be an equalisation of costs relating to other aspects of required infrastructure).

Assuming that such an agreement can be established, you will need to be aware that there is a possibility that the Local Plan Inspector may not support the redevelopment of land at Ford Farm. If this occurs, then significant doubt will be placed on the ability of the Borough Council to deliver the dam at Montys Lane. In such a scenario, the southern part of the application site will remain unprotected. Accordingly, conditions should be attached to the planning application requiring the resolution of this issue.

Ultimately, you should seek the advice of the Environment Agency. The Borough Council has worked closely with the Environment Agency over the course of the past few years on this site, and I fully expect them to confirm the advice given above. However, their advice is essential. In addition, you should seek their comments upon:

- Surface water run off - mitigation
- Flood risk assessment (e.g. Cross Keys flood assessment)
- The design of flood relief works within site (particularly at the boundary with Matthew Clark/Prings, having regard to the content of the Environment Assessment)
- Phasing of development, particularly with regard to the flooding issues at Cross Keys

TDLP policies EN30a and EN31a are very relevant. These policies reflect recent advice within PPG25, and set out the Borough Council's approach with regard to the implementation of the "risk based sequential approach", "off site schemes of flood protection", "standards of protection" the "precautionary principle", "flood risk assessment" and "surface water run-off".

Balance of Uses

Since the publication of the TDLP (Revised Deposit), the proposals for the TTE have been amended. In particular, the Borough Council is now looking for a greater balance of employment uses compared to residential.

I recommend that a condition be attached to the outline planning permission that requires a set amount of employment land as required by the amended

Local Plan proposal (7.5 hectares gross/5.2 hectares net). As I have mentioned previously, the economics of this proposal have been tested by Donaldsons and shown to be viable.

I note that St Modwen are keen to both avoid unnecessary disruption to existing tenants (phasing/works will be programmed to reduce disruption) and to retain tenants within the redeveloped employment land. This is to be commended. However, the Borough Council will require a guarantee that new employment land will be delivered at an appropriate time during the course of redevelopment, and not left until the completion of housing development. Accordingly, I recommend that conditions be added that require the delivery of new employment land within either:

- a set timescale; or
- following the completion of a set number of dwellings.

This will be a matter for negotiation.

Transport

It is proposed that the relief road (to serve the major redevelopment area) will travel in an east/west direction within the southern portion of the site (separating housing from employment). However, the precise alignment of the road cannot be fixed until the content of the submitted EIA has been considered. This will also have to have regard to any environmental concerns within the connecting land (owned by Matthew Clark). Accordingly, whilst acknowledging that the application is in outline form only, I suggest that careful consideration be given to the issue of the connection through to the Matthew Clark site (this concern also relates to the alignment of flood relief works). We need to be absolutely sure that, from the EIA perspective, there is no major issue with regard to impact upon any sensitive fauna and flora. Previous appraisals suggest that there should be no major problems. However, it is wise to be cautious and I suggest that you seek the advice of English Nature, the Environment Agency and our own Heritage and Landscape team.

The advice of the Highway Authority should be sought regarding all transport matters, including the following:

Relief Road

I recommend that a legal agreement should be sought that requires St Modwen to connect the relief road to the boundary of land within the ownership of Matthew Clark (MC), within one year of MC obtaining planning permission for redevelopment. The Highway Authority must advise on this and other access issues, including estate road access from the relief road, as well as the suitability of any vehicular access point from the B3227 (main village street). Access for construction vehicles is also a matter of importance, particularly within the local community. The Highway Authority should advise

as to how this should be organised. This may influence the phasing of development.

The comments of the Highway Authority should be sought with respect to the proposed connection of the relief road to the proposed staggered junction at Bindon Road. The timing of these works in connection with the NWTP is also a matter for consideration by the Highway Authority.

Cycleways/Footpaths

As this development forms part of a wider comprehensive development proposal, it is crucial that effective links (footpaths/cycleways) are created into the adjoining areas that are proposed for development. This will facilitate ease of movement between the various residential areas and the existing/proposed community facilities.

It may be worth requesting the submission of a phasing diagram, outlining how and where these connections will be provided.

Silk Mills Bridge

The proposal must contribute towards the provision of the Silk Mills bridge. The scale of contribution must be a reflection of on the net impact of the proposal, taking account of the number of existing residential units on the site (refer to policy T10, criterion M).

Public Transport

The proposal must contribute towards an improvement to the local bus network (refer to policy T10, criterion G).

Affordable Housing

An affordable housing contribution of 20% should be sought from this development. Please seek the advice of the Housing Officer.

Education

A contribution will be required towards the improvement of local primary and secondary education facilities. Please seek the advice of the Education Authority.

Contributions are also required towards the traffic calming of Blackdown Way (the area in front of the existing primary school). Again, please seek the advice of the Highway Authority.

Playing Fields/Children's Play Areas

A contribution will be required towards an expansion of the playing fields at Stembridge Way. Please seek the advice of the Leisure Development Manager.

The development will need to cater for on-site children's play areas (refer to policy C4). Please seek the advice of the Leisure Development Manager.

Local Centre

The proposal must contribute towards the eventual delivery of a local centre, to serve the expanded community (refer to policy TI 3, criterion A). The local centre is expected to contain a small local supermarket, other individual shop units, doctors and possible dentist surgeries, as well as possible Class A2 and Class A3 uses.

Local Plan Inspectors Report

The Forward Plan Unit have been advised that, given current performance, the Borough Council can expect to receive the Inspector's Report during late summer 2003.

Prematurity

PPG1 provides advice on prematurity, and states that significant objection can be a reason in favour of refusal on grounds of prematurity (although much will depend upon the nature of the objections and whether there is any support). However, PPG1 goes on to state "where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the development plan process" (para 49).

Whilst the Norton Fitzwarren Major Development site was subject to major objections and considerable debate at the Local Plan Inquiry, it is fair to say that the vast majority of concern was centred on our proposals for the former Taunton Cider Factory and Ford Farm.

It is highly improbable that the Inspector to the Local Plan Inquiry will reject the allocation of the TTE for redevelopment, given the priority within national planning policy guidance for the redevelopment of underused/vacant brownfield sites. The allocation is a major contribution towards the Borough Council's brownfield target, and will deliver a significant number of dwellings.

The major debate at the inquiry (relating to the TTE) was the balance of uses i.e. the split between housing and residential. Many objectors wish to see more employment land. However, the officers of the Borough Council are convinced that a correct balance has been achieved, bearing in mind the requirement for significant infrastructure (flood scheme/relief road/Silk Mills crossing/education etc). The report by Donaldson's suggested that the site is viable, albeit marginal. Certainly, officers are convinced that a move towards less housing would render the scheme to be unviable.

Given the above, I would advise that planning permission could be granted in advance of the receipt of the Inspector's report, provided that the requirements of the local plan are met in full. I would certainly not recommend such an approach for the remaining elements of the Norton Fitzwarren site. Conversely, I recommend that any deviation from the Local Plan proposal should result in a refusal of planning permission, whilst we await the receipt of the Inspectors Report."

Since that submission, the Local Plan situation has moved on and further extensive discussions which have taken place with the applicant.

Environmental Health Officer

"I would wish to make the following observations due to the possibility of contaminated land, noise from road and rail traffic and air quality issues.

CONTAMINATED LAND

Before any work, other than investigative work, is carried out in connection with the use hereby permitted:-

(a) A suitably qualified Consultant shall be appointed to investigate the nature, degree and extent of contamination, if any, in, on or under all parts of the land to which this permission refers. Previous land uses shall be researched and site inspections shall be made as necessary, having regard to the likely nature of any contamination arising from such land uses.

(b) If a hazard or hazards are identified from such investigation, a site specific risk assessment shall be undertaken to consider risks to the following, as appropriate: 1. Water resources, including any private water supplies 2. Surrounding land 3. Wildlife, livestock and eco-systems 4. Trees and plants 5. Building materials 6. Future users of the site 7. Any other persons

(c) If any unacceptable risks to any of the above are identified, a detailed remediation strategy is produced to deal effectively with them, having due regard to the proposed end use of the development.

(d) All investigations, risk assessments and remediation strategies shall be carried out in compliance with recognised protocols.

(e) Submit to the Planning Authority 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. Such remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.

(f) Any significant underground structures or contamination discovered following approval of the remediation strategy shall be notified to the Local Planning Authority within two working days. No further remediation works

shall take place until a report thereon has been submitted to and accepted in writing by the Local Planning Authority.

(g) On completion of all remediation works two copies of a certificate confirming the works have been completed in accordance with the remediation strategy, shall be submitted to the Local Planning Authority.

Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site.

Note to Applicant:-

The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

NOISE

Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing road and rail sources will not cause noise or vibration nuisance to the occupants of premises on the completed development.

The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works

DEMOLITION AND CONSTRUCTION NOISE AND DUST

Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday – Friday - 0800 - 1800 and Saturdays 0800 – 1300. All other times, including Public Holidays no noisy working

The developer should ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition.

NOTE - AIR QUALITY

Any modelling predictions carried out by the consultant appointed, should be validated by air quality monitoring. The Council continues to carry out continuous monitoring for Nitrogen Dioxide in the area and results will be evaluated and reported for the air quality review and assessment”

Drainage Officer

“I note that the Environment Agency computer model has been used by the applicants consulting engineers in the compilation of the flood risk assessment. Can it be ascertained from the Environment Agency that they are in agreement with the computer model used and the level of flooding predicted in this assessment. If they are in agreement then, in principle we accept the details submitted. However, before any applications are received for full planning permission details regarding proposed flood alleviation measures, compensatory arrangements and sustainable drainage systems are to be agreed.

It should be noted that there is a watercourse/flood alleviation channel within the site boundary immediately to the west of Silk Mills Lane. This will be crossed by the proposed relief road and details of any crossing, together with that for the Back Stream will require approval.”

Housing Officer

“I accept the mix of accommodation types @ 5.4. I cannot accept the tenure mix. Our demand is overwhelmingly for social rented accommodation. Need = 80% rented, 20% shared ownership (prepared to look at model of low cost market if Parish survey reveals a need – this can be done within 6 weeks), but any such concession would be from shared ownership – not rented. I believe that ½ of the shared ownership should be 1 x BR flats and the remaining 10 should be a mix up to 3 BR houses.

We are not expecting one scheme to provide all tenure preferences. We expect all S106 schemes to meet these aims. Better mixes should mean more sustainable communities.

We are not prepared to consider social housing grant on this site at this stage. We believe there is sufficient profitability in this site to meet the Council’s requirements. Should you believe this is not so please supply your evidence. Should we not be able to reach agreement then the Council would be prepared to commission a viability study by an independent planning consultant.

We expect 20 units per annum once construction begins in groups of 15 units or less. We do not want to create social housing ‘ghettos’.”

Electrical and Mechanical Engineer

Too soon or already discussed. Please let me see the proposals when road and external lighting is being presented for planning permission.

Norton Fitzwarren Parish Council

- “1. All points already made by the Council in response to the Local Plan Enquiry, and as presented at the Inspector's Enquiry, apply to the proposed St Modwen development.
2. We firmly oppose any individual development proposal being brought to the Planning Committee in advance of the Inspector's Report. We also strongly oppose the consideration of any individual development proposal in isolation from others on the grounds that this can severely prejudice overall contribution to, and achievement of, benefits attributed to the wider scale development as a whole. In this context, our comments regarding this specific proposal are made without prejudice to our comments regarding the scheme as a whole.
3. The Council is not in favour of the proposed access from Silk Mills Lane and Bindon Road via a staggered traffic light controlled junction, and wants this to be replaced by a roundabout.
4. The design of the internal roundabout causes considerable concern, particularly with regard its use by large vehicles, including articulated lorries, that will be required to manoeuvre around it as part of the village relief road and/or in servicing local industrial premises. The Council wishes for this to be redesigned and re-sited accordingly.
5. With the exception of the Silk Mills Lane access, the Council is firmly opposed to any additional entrance to the site at any stage of, or on completion of, the development. During initial construction work, access can be obtained via the current site access and subsequently via the new Silk Mills Lane access.
6. The Council is firmly opposed to the construction of any new houses on the site in advance of the construction and use of the Silk Mills Lane access.
7. The Council wishes to ensure that the proposed cycle path joins with a similar facility, or similar facilities, on exit from the Silk Mills Lane access - preferably by means of a path under the proposed rail bridge.
8. The Council requires clarification on the proposed use of the two areas adjoining the B3227 marked on the coloured plans in white with red line surrounds.
9. The Council has specific concerns regarding the nature and style of housing to be provided, and wishes to ensure that these concerns are communicated to, and discussed with, prospective developers. In particular, we are concerned with preserving the local community,

meeting its housing and social needs, and ensuring a pleasant and enjoyable environment. To these ends, we would wish to see provisions for:-

- 9.1. Sheltered housing for the elderly and infirm of the village
 - 9.2. Affordable housing for LOCAL people, particularly for younger persons starting out 'on the housing ladder'.
 - 9.3. Discouragement and prevention of anti-social activities.
 - 9.4. Design styles in keeping with a Somerset village environment.
 - 9.5. Pedestrian access to shops and social facilities WITHIN the village.
10. The Council notes the area marked 'Reserve Community Area', and has discussed various options for its use including provision of a Youth Shelter and Meeting/Leisure facilities. However, the Council wishes to ensure that such facilities are balanced throughout the village, and requests a meeting with TDBC to discuss these in advance of commenting formally on any specific proposals for the St Modwen site.”

Staplegrove Parish Council

“We thought the main idea of bridging the Silk Mills railway line was to keep the traffic moving. This project will create an additional access point onto Silk Mills Road, probably resulting in traffic lights. Surely access to Silk Mills Road should be kept to a minimum. The proposed park and ride scheme will create a large movement of traffic.”

9.0 REPRESENTATIONS

Three letters of objection have been received making the following points:-

1. Want the area to stay as a village.
2. Increased crime.
3. Increased noise.
4. School is too small.
5. Too many empty houses now.
6. Premature pending receipt of Local Plan Inspector's Report.
7. Loss of a significant amount of employment land within Taunton Deane.

8. The application site forms one part of a much larger proposal with the Local Plan and to release part of this site for development, in isolation of the balance, could have a major impact upon the ability of the development to be implemented as proposed. Local Plan makes it clear that a piecemeal approach to the development of individual sites will not deliver the community facilities and infrastructure necessary for the implementation of a successful scheme. The application flies in the face of this approach to securing the appropriate development of the site.
9. Proximity to railway with its implications of noise.
10. Only comprises half the development.
11. Should be a roundabout onto Silk Mills Lane in conjunction with Bindon Road. Even the applicant states that they anticipate some degree of junction overload at peak periods.

A letter of objection has been received on behalf of the owners of the land on which the proposed dam is to be constructed upstream on the Halse Water. This notes that reliance on the flood attenuation scheme is made in the submissions with the planning application and therefore the landowners are opposed to the dam being built and therefore the applications on which it relies. They consider that it is inconceivable that the Council could resolve to grant a major application such as this prior to the receipt of the Local Plan Inspector's Report.

A letter of representation has been received on behalf of the owners of the former cider factory site adjacent to the current application site. No objection in principle, but this does not mean that the owners are in a position to support the application. Owners concerns are in regard to the practicality of delivering the comprehensive development scheme envisaged at Norton Fitzwarren by the emerging Local Plan. There are very substantial costs involved which need to be fairly apportioned across the land ownerships concerned. Would be in a position to support the proposal if a formal Land Owners' Agreement with the appropriate parities can be concluded. (accept this is outside the scope of my proposed Section 106 Agreement)

10.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

- A. Do the proposals comply with the Development Plan? POLICY
- B. Does the proposal provide for an adequate amount of affordable housing? AFFORDABLE HOUSING
- C. Does the proposal provide for an adequate amount of recreation provision? RECREATION PROVISION
- D. Is the access to the site suitable? ACCESS

- E. Is the proposed development likely to be affected by flooding? FLOOD RISK
- F. What will be the impact on the existing businesses on the Trading Estate? EXISTING BUSINESSES
- G. Is the proposed development sustainable? SUSTAINABILITY
- H. OTHER ISSUES

A. Policy

The site is within the settlement limits of Norton Fitzwarren as contained in the Taunton Deane Local Plan Revised Deposit. The whole of the site comprises either existing or previously used employment land. The principle of development of the site is in line with national planning policy guidance in that it provides for the redevelopment of brownfield land. In particular PPG1 sets out the principles of national planning policies and focuses development in a sustainable pattern. PPG3 promotes the development of housing in sustainable locations and the creation of sustainable residential environments. It introduces the requirement of a sequential approach to the location of housing developments prioritising previously developed land and development within or adjacent to existing urban areas. PPG4 promotes economic development that is compatible with environmental aims and objectives. PPG13 promotes development plan policies that encourage a reduction in the number and length of journeys by private car and encourages use of public transport and alternative means of travel. It also promotes the integration of land use and transport planning to encourage sustainable development. PPG25 provides guidance on the role of planning in relation to flood risk areas.

Regional Planning Guidance for the South West (RPG10) covers the period to 2011 and sets the context for the Somerset and Exmoor Joint Structure Plan. Whilst the provisions of RPG10 are, by definition, intended to apply at a regional level, there is provision specifically for Taunton as part of the Central Sub-Region in the South-West region. Although the policies in the Guidance do not directly refer to any specific proposals for the application site, it does provide a general policy context for the application as well as other strategic and local planning documents. The current application endorses the policies in setting housing alongside employment uses in a mixed use development which also potentially reduces the need to travel.

The County Structure Plan sets out requirements in Taunton Deane for housing and employment development. The Norton Fitzwarren allocation in the Taunton Deane Local Plan and indeed the current application on the Taunton Trading Estate, seek to provide a significant proportion of these requirements within the plan period.

Many of the policies in the Structure Plan support and encourage sustainable mixed use developments on brownfield or previously developed land and the current proposals for the site are entirely compatible with these policies.

The adopted Local Plan for Norton Fitzwarren is the Taunton Local Plan, which was adopted in 1986 with an Adopted Alteration in 1991 covering the urban area of Taunton and adjacent villages. It is generally accepted that these plans are out of date in relation to the current proposal.

The emerging Local Plan framework is provided by the Taunton Deane Local Plan. There are a number of policies in this Plan which are both of general and specific relevance to the current application. A list of the policies is set out in Section 6 of this Report and the policies specifically relating to Norton Fitzwarren and this site, together with the supporting text are set out in Appendices C and D to this Report. These policies provide for a mixed use development of residential, employment, community and open space uses. There will also be a number of related developments, consequential on the main development, including education-related, recreation and transportation – related works.

In addition to policies T10 - T13 which provide the actual allocations, there are other key policies which deal with affordable housing, landscape and conservation issues. All of these have been taken into account with the submitted application, although points of difference in relation to affordable housing are covered in Section 10B below.

It is considered that the proposals are generally compatible with the provision of planning policy at a National, Regional and Local level. The main thrust of current planning policy is to achieve well designed, sustainable development, which makes the most efficient use of land, in locations which meet sequential requirements. The current proposals, on a brownfield site, ripe for redevelopment on the edge of Norton Fitzwarren, fits the criteria for development being promoted by both Central and Local Government.

The proposal will bring benefit to Norton Fitzwarren and its residents in the form of new housing and employment provision, community uses and open spaces. The redevelopment will provide the first stage of the Norton Fitzwarren Relief Road and together with the other sites that form the major development site provide flood alleviation works and improved local education and community facilities. It will also provide playing fields and public open space (on and off site), affordable housing and public transport improvements.

The proposals will make a significant contribution to the land supply in Taunton Deane for residential and employment purposes, supporting the approach taken in the emerging Taunton Deane Local Plan. Although some businesses have already relocated and more may relocate, the provision of new units for employment purposes will facilitate the retention of existing estate-based businesses, together with the attraction of new businesses.

B. Affordable Housing

The Taunton Deane Local Plan defines affordable housing as housing that is provided, with subsidy, for people who are unable to resolve their housing requirements in the local housing market because of the relationship between housing costs and incomes. The types of housing which comply with the definition are:-

- (i) units for rent (the main group);
- (ii) shared ownership with grant; or
- (iii) shared equity, where land value is retained to provide housing for sale at below market levels and where control of the 'equity discount' can be retained in perpetuity.

The need for affordable housing is a planning consideration and Central Government policy encourages Local Planning Authorities to increase the supply of affordable housing through appropriate planning policies. The Borough Council is strongly committed to the provision of affordable housing as a corporate priority. The Local Plan policies reflect this commitment by seeking to meet as much of the housing need as feasible through the planning role.

Although affordable housing covers a range of options for its delivery, because of the high cost of open market housing in the areas (even with subsidy), it is considered that most of the provision will be made through Registered Social Landlords (RSL's). Where a developer intends to provide affordable housing without the involvement of an RSL, the Council will require safeguards to ensure that it meets appropriate needs. The Council would need to ensure, by way of a Section 106 Agreement, that access to the housing is limited to households complying with the definition of need established by the 2002 Housing Needs Survey, both for initial and subsequent occupiers, and at a price that such households can afford. This indicates that a substantial need for affordable housing exists in the Borough and that this will not be met by the expected operation of the market and the likely investment programmes of the social housing providers. Accordingly it provides a justification for the inclusion of appropriate policies and proposals in the Local Plan. The Report concludes that there is an affordability problem in Taunton Deane for low-income households. The private housing market excludes many families and single person households who are currently seeking access to local housing. Access to home ownership is beyond the reach of 65% of new/concealed households identified in the survey.

A number of sources of affordable housing are likely to come forward, irrespective of the intervention of the Local Plan, such as existing commitments by RSL's and the outcome of various Housing Authority strategies. However, the Survey identified a need for 861 affordable units to be provided within open market development, secured by Section 106 Agreements, during the Plan period to 2011.

Policy H12 of the Taunton Deane Local Plan sets out the requirements for affordable housing within general market housing sites. Paragraph H12a sets out indicative targets to be sought for affordable housing, as a percentage of the dwellings on each allocated site. These reflect the indication in Policy H12 that such targets will balance other important planning requirements and have regard to abnormal costs associated with the development of a site which may threaten its financial viability. The indicative target for the Norton Fitzwarren site set out in Policy T11 is 20%. This is the lowest target of any site. Having discounted the target to take account of site specific costs and constraints and viability considerations, the Council would not normally expect to have to make further reductions.

In order to aid the implementation of affordable housing policies the Borough Council prepared a draft report 'Implementing Affordable Housing in Taunton Deane'. This was published for consultation in July 2001. This provides the current guidance and practical advice to developers and providers of affordable housing on the Council's approach to affordable housing.

Policy T10 confirms the necessity for affordable housing provision to be made in accordance with Policies H12 and H12a.

In line with the above policies and the 'Implementing Affordable Housing in Taunton Deane' Report, the applicant is being required to provide within each phase of the residential development, 20% of the proposed dwellings to be affordable housing provided at nil public subsidy, provided for and maintained by an RSL. In line with housing needs, 80% of the total should be for rent and 20% shared ownership. The applicant's Affordable Housing Provision Report (Appendix E to this Report) sets out at page 6 of the Report an alternative tenure mix. This provides for 50% rent, 40% shared ownership and 10% subsidised low cost market housing. The level of subsidy for the low cost market housing would be 20%. The Report states that this is the maximum that can be provided, having regard to the specific economics of the development, without the need for any public subsidy.

Although the applicants have now agreed to offer full subsidy on 90% of the affordable units (i.e. the rented and shared ownership), this still leaves 10% where it falls short. A 20% reduction on the open market value of a property will certainly not be affordable to many, if any, of those in greatest housing need and unable to afford open market prices.

It is considered that the mix of tenure that is sought from the development is reasonable. The applicant has not provided any details and verifiable financial information that demonstrates that it would render the development unviable. My recommendation is therefore on the basis of a tenure split of 80% rented and 20% shared ownership, notwithstanding the fact that to date the applicants have not agreed to this split.

C. Recreation Provision

Policy C4 of the Taunton Deane Local Plan sets out the requirements for the standards of provision of recreational open space on new residential development. This is again set out in Policy T10 of the Plan. The supporting text sets out the requirement for 4.7 ha of land to be provided for new playing fields as an extension to the existing playing fields at Stembridge Way. This has the benefit of consolidating provision at one location within the community, where advantage can be taken of the existing facilities including car park and pavilion. An extension and improvement of these facilities is required from the development.

As part of the contribution towards the above, the applicant on the current site is required to provide 2.25 ha of playing field land. The Recreation Officer has requested that the applicant acquire the required land and donate it to the Borough Council together with a contribution in lieu of laying out the playing field and its facilities and a sum in lieu of 20 years maintenance. The Borough Council would then lay out the playing field. Provision of the sum of money would also enable match funding to be sought by the community in order to achieve aspirations of other organisations that are not the responsibility of the developer.

The applicants are happy with the arrangement for purchase of the land, together with a contribution towards the laying out of the playing field, but they consider that the cost of purchasing the land for the playing field should be deducted from the contributed sum. The applicants have offered a figure of £300,000 reflecting this.

The Local Plan is quite clear in that it states that to ensure the provision of a satisfactory overall development the delivery of playing fields and public open space in accordance of Policy C4 shall be secured. Clearly, if the costs of purchase of the land was taken off the contributed sum, there would be a shortfall that the Borough Council would need to make up. This is not considered acceptable and would not be in accordance with the Local Plan Policy. The recommendation for the relevant section of the Section 106 Agreement therefore seeks the figure of £389,900 as a contribution, although further discussions are taking place on this figure.

The development will also provide for incidental public open space and children's play areas in the form of one LEAP and one NEAP. These will be secured through the recommended Section 106 Agreement.

D. Access

Requirements for access and transportation are set out in Policy T10 of the Taunton Deane Local Plan. The specific requirements are:-

- (G) A bus route within the site and a service between the site and Taunton Town Centre;

- (H) A comprehensive cycle and pedestrian network within the site development area, providing convenient access to local services, community facilities, employment areas and public transport stops;
- (I) Cycle access that links the site with the existing/proposed cycle network as identified in the Taunton Transport Strategy;
- (J) A Norton Fitzwarren relief road to the south of the proposed residential areas; and
- (L) Traffic calming of Blackdown View outside and on the approaches to the primary school.

The application is in outline only and the above elements of the development will be sought through the recommended Section 106 Agreement and conditions. The link to Silk Mills Lane will be provided before any of the proposed dwellings are occupied. The Relief Road will also extend to the boundary of the development site to the west in order to facilitate development there.

The Revised Deposit version of the Taunton Deane Local Plan sought contributions towards the provision of a bridge over the railway at Silk Mills. The Local Plan Inspector recommended that the developers of the Major Development Site at Norton Fitzwarren, including the current applicants, should not be required to make financial contributions to the Silk Mills Bridge. This has been accepted by the Borough Council.

E. Flood Risk

Policy T10 of the Taunton Deane Local Plan requires the delivery of a comprehensive flood alleviation scheme which ensures adequate drainage and a sustainable scheme of flood protection. The eastern part of the site is subject to occasional flooding from the Back Stream and the southern part is subject to flooding from the Halse Water.

Having had regard to the advice within PPG25, a comprehensive flood protection scheme is proposed for the Major Development Site. This will include an on-line detention reservoir on the Halse Water upstream from Norton Fitzwarren on land adjoining Montys Lane. The works involve the construction of an earth bank with controlled outflow, such that flood waters will pond up behind the earth bank, reducing the flow of the Halse Water downstream within the urban area of Norton Fitzwarren. Planning permission has been granted for these works. In addition, improvements to the channel of the Halse Water will also be required where it flows through Ford Farm and the Cider Factory, by means of providing extra capacity (increased channel width) and the removal of redundant culverts. Improvements to the Norton Brook will also be provided by the provision of a diversion channel linking to the Halse Water.

The development the subject of the current application will make a contribution towards the off-site flood alleviation works referred to above, based on a figure relative to the amount of land within the floodplain on the site released for development. This is secured via the recommended Section 106 Agreement. As an alternative, the applicants are proposing an on-site flood relief scheme, which would just alleviate flood risk on the application site. The Environment Agency is happy with this arrangement. The Section 106 also covers this scenario, stating that there be no development within the areas liable to flood until the on-site flood scheme has been fully implemented.

F. Existing Businesses

The site has a total existing buildings floorspace of approximately 65,000 sq m (700,000 sq ft), with 50 separate units of accommodation plus some open land which is used for storage purposes. The condition of the existing buildings is poor and the costs of repair or refurbishment are relatively high. The current low rental levels and the anticipated redevelopment of most of the units means that repairs and maintenance have been minimal. Furthermore, some of the buildings, which have internal stanchions every few metres (to minimise potential bomb damage during the war) are difficult to let. Over the last 3 or 4 years there has been a reduction in the number of occupiers as they leave the site in anticipation of the potential redevelopment of the site.

Whilst it is possible that some existing businesses will relocate to newly-built premises within the proposed employment area, it is anticipated that many will find other premises in the Taunton area. As indicated above, current rent levels are low and the main problem with transferring existing business into the new premises will be the significant increase in rental level (a likely 4 – 5 fold in rent per square metre), which will inevitably exclude some occupiers. However, because of the current low rents, some businesses occupy units with a floorspace which far exceeds their real needs. It is hoped that some occupiers, who could stay in their units until a new one is built, will take advantage of the situation to rationalise their accommodation needs, and be able to afford a new unit by making the most efficient use of the new space.

The phasing scheme required by the recommended Section 106 Agreement will safeguard the potential transfer of occupiers from the existing industrial units into new units.

G. Sustainability

National and Local Planning policies support and encourage sustainable mixed use developments on brownfield or previously developed land and the current proposal is entirely compatible with these policies. The development of this site removes the need to identify comparable amounts of housing land at green field locations.

The site and its surroundings contain no designated sites of nature conservation interest. The area has been found to support a number of

protected species. Most of these are largely focussed on the Back Stream and its corridor. This watercourse is to be retained and protected throughout the development process with only limited disruption arising from the construction of the access road bridge. Mitigation proposals will include a habitat enhancement programme, concentrating upon the retention and management of habitats required by the protected species. The development will incorporate substantial areas of new planting. Primarily native species will be utilised throughout, providing a network of greenways and planting to create new corridors with wildlife habitat potential. It is therefore anticipated that ecological disruption will be limited in both magnitude and duration and that the development will ultimately be beneficial to wildlife resources.

The potential increase in bus patronage and the inclusion of a bus link through the development connecting the B3227 with the relief road will have positive impacts on the environment and may help to reduce the use of the private car. Measures to aid pedestrians and cyclists will also be incorporated in the development. The site is within close proximity to a full range of community services and facilities.

The proposed off-site flood alleviation scheme will be highly sustainable, affording flood protection to the proposed development and the existing community. It is also in line with the aims of the Parratt Catchment Project on a more strategic level.

H. Other Issues

Policy T10 does state that in order to ensure the provision of a satisfactory overall development of the Major Development Site, a co-ordinated approach will be required. There are a number of landholders and developers who have important roles to play in the delivery of the development on the major Development Site. There is danger that a piecemeal approach to development of the industrial sites (one of which is the current application site) will not deliver the community facilities and infrastructure necessary for the implementation of a successful scheme which can claim to have minimised environmental impact whilst maximising community benefit. As such it would be inappropriate for individual development to be permitted until the Authority is satisfied that the requirements of Policy T10 can be secured. With this in mind, development on each site will be required to make an appropriate scale of provision which is directly related to the net impact of their proposal. I am satisfied that with the recommended Section 106 Agreement the requisite provision is being made with the proposed development.

Contributions to improved education facilities are secured through the proposed Section 106 Agreement. A site is also reserved on the site for community use in the event that the local centre, including local shopping and other commercial and community uses, proposed on the Cider Factory site is not included in the finally Adopted Local Plan.

11.0 CONCLUSION

The site comprises brownfield land within the settlement limits. The principle of redevelopment is therefore considered to be acceptable. The site is part of the Major Development Site at Norton Fitzwarren which is the subject of Policies T10 - T13 in the emerging Taunton Deane Local Plan. The application is in outline only with full details, including phasing of the development, being reserved for future submission. These further details will be secured via the recommended Section 106 Agreement and conditions.

Agreement has been reached with the applicant on the detail of the majority of the elements of contributions, etc. required by the Local Plan. The two outstanding issues are the tenure split for the affordable housing and the level of contribution towards laying out of the required playing fields. With regard to affordable housing, the Housing Officer is requiring the mix to be in line with the Housing Needs Survey carried out in 2002. The applicant has not provided any detailed or verifiable information that demonstrates that the required mix would render the development unviable. There is a requirement for playing fields to be provided as part of the development. In my view this should include the cost of purchase of the necessary land off site. This more than compensates for the increased area for development on the actual development site.

It is crucial that the redevelopment of this site gets underway. It is a key part of the housing provision set out in the Taunton Deane Local Plan and it has already slipped behind anticipated delivery times. It is for this reason that the application has been brought before the Committee, despite full agreement not having been reached with the applicant. I consider that the various contributions being requested are not unreasonable and are entirely in line with the requirements of the Local Plan. In the event that consequent to this meeting, the applicants do not agree to these requirements and do not sign the Section 106 Agreement by 28th October, 2004, my recommendation includes provision for the application to be refused. If agreement is reached but the Section 106 Agreement not concluded, a further Report would be submitted to the Committee reviewing the situation. I so recommend.

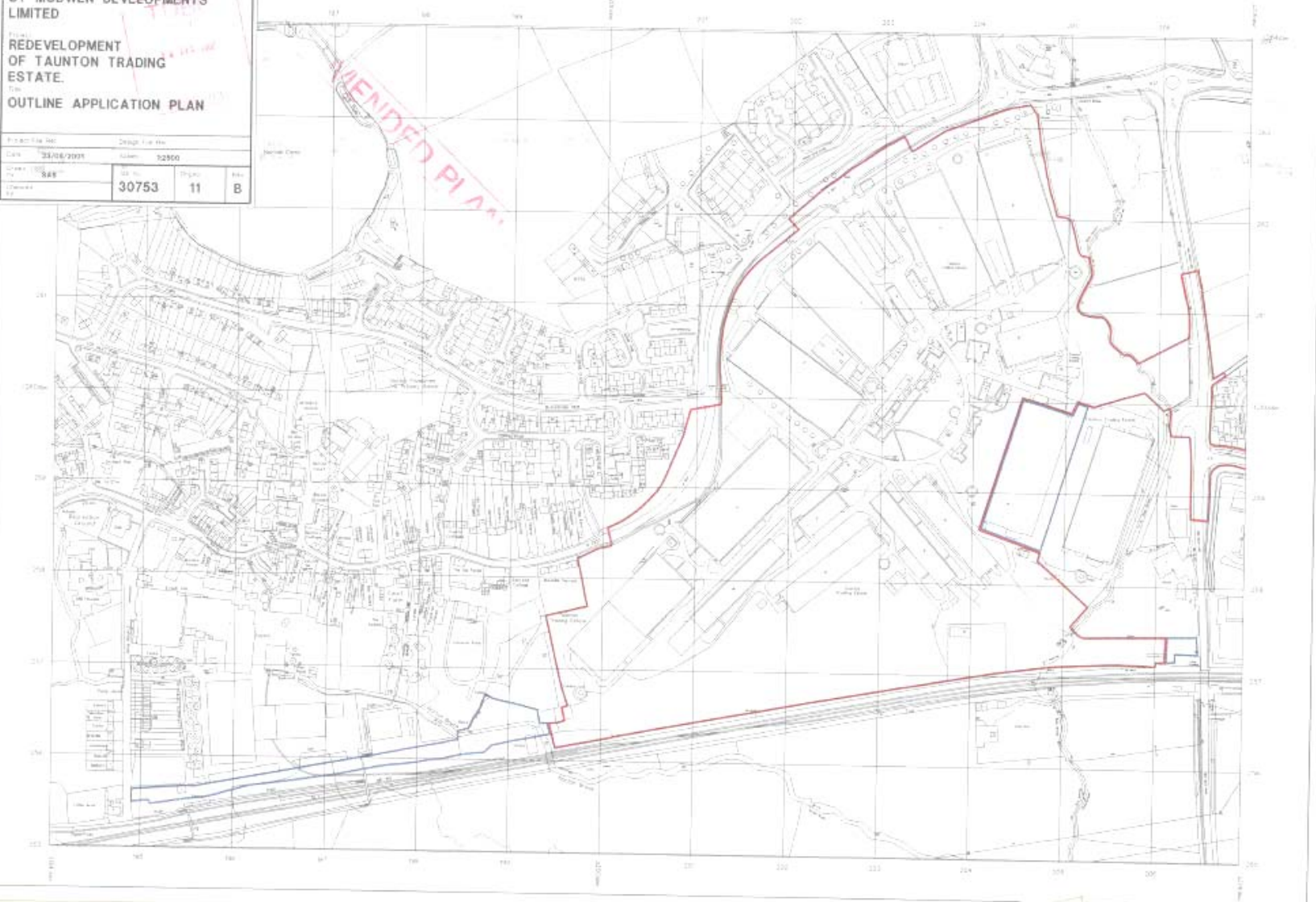
CONTACT OFFICER: Mr J Hamer Tel: 356461

Client
**ST MODWEN DEVELOPMENTS
LIMITED**

Project
**REDEVELOPMENT
OF TAUNTON TRADING
ESTATE.
Outline Application Plan**

Project No. 000	Design File No.
Date 23/06/2008	Scale 52950
Client 848	Site No. 30753
Phase 11	Rev. B

Map 4 The Ordnance Survey Midland Road and Water 1:25,000 000
Map 9 The Ordnance Survey Midland Road and Water 1:25,000 000



6
43

36/2004/011

G S BOLTON

REMOVAL OF CONDITION 04 (36/2002/030) RESTRICTING THE USE OF GARAGE ANCILLARY TO THE FARM HOUSE AT LOVELLS FARM, STOKE ST GREGORY.

35348/27674

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

In January 2003 planning permission was granted for the erection of a detached double garage with a workshop in the roof structure for use by the owner of Lovells Farmhouse. The garage was situated within the barn complex lying to the north of Lovells Farm. In order to ensure the garage parking was retained for the use of the farmhouse a planning condition was attached "the garage hereby approved shall at all times be used in connection with, and ancillary to, the existing dwelling known as Lovells Farm".

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY raise no objection to the proposal.

PARISH COUNCIL do not consider that the separation will benefit the village in any way and could lead to a subsequent application for residential use.

19 LETTERS OF SUPPORT raising the following points:- there is no reason to link the garage with Lovells Farmhouse and it is considered to be an infringement of the applicants human rights.

POLICY CONTEXT

Somerset and Exmoor National Park Structure Plan Policy 49 requires proposals for development to be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should: provide access for pedestrians, people with disabilities, cyclists and public transport; provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception and not derive access directly from a National Primary or County Route. Taunton Deane Local Plan Revised Deposit policy M3a requires the provision of a maximum (average) of 1.5 spaces per dwelling

The application sites has provided a range of uses with in the farm buildings including an office/studio (now a unit of holiday accommodation) As the site is located within a rural area it is important to ensure that there is adequate parking for all uses. In this case details submitted with the application indicate sufficient parking for all of the uses.

ASSESSMENT

The application for the garage indicated that the additional parking and studio accommodation were needed due to the personal needs of the occupant of Lovells Farmhouse. Within a rural area such as this it was felt important to ensure that sufficient off street parking is available for the site and as a consequence the restrictive condition was applied. Circumstances have now changed and the applicant wishes to separate the use of the garage from the farmhouse. Plans have been submitted showing adequate parking in buildings to the south of the new garage for use by Lovells Farmhouse, in compliance with Local Plan policy M3a and I do not consider it reasonable to continue to tie the use to the Farmhouse. The garage is located in the open countryside where the local Planning Authority would wish to ensure that any alternative, non-domestic use did not constitute a highway danger and I consider it important that the garage continues to be used for domestic purposes only.

RECOMMENDATION

Permission be GRANTED subject to a replacement condition for the garage/studio to be used for domestic use only.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be in accordance with the Taunton Deane Local Plan Revised Deposit Policies M2 and M3a.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

36/2004/012

G S BOLTON

**CHANGE OF USE OF HOLIDAY UNIT TO FORM PRIVATE DWELLING AT
LOVELLS FARM, DARK LANE, STOKE ST GREGORY.**

35364/27664

FULL PERMISSION

PROPOSAL

Planning permission was granted in 1999 for the conversion of a detached barn into holiday accommodation. The holiday unit was completed in June last year and has been available for holiday use since then. The barn is situated to the northeast of a range of barns previously attached to Lovells Farm, which, now provide parking and a small holiday unit. This proposal is for the change of use of the barn from a holiday unit into a permanent dwelling. The access for the dwelling lies to the west of the building and there are several parking spaces available for use. In 2003 planning permission was granted for the provision of a small domestic curtilage to the rear of the barn and the proposed dwelling would use this.

CONSULTATIONS AND REPRESENTATIONS

TOURISM OFFICER domestic tourism in the south west is experiencing a decline and research has shown that this is due to the cost of UK holidays, increase in interest rates, poor weather and cheaper options abroad, within the Taunton Deane Area visitor guide 33 self catering cottages are listed competing for the same customers through both the guide and web site, the 2004 season has been the quietest since the period prior to the foot and mouth outbreak, in Stoke St Gregory and North Curry the number of self catering cottages containing 2 bed rooms and upwards has now reached saturation point and demand appears to have peaked with numbers of enquiries and bookings in decline. Whilst I would normally expect a new business to be offered for at least 2 seasons in the case of this application the barn was the second on the site and I do not consider that demand is sufficient to support the retention of the barn for holiday use.

PARISH COUNCIL The buildings should not be separated from the farmhouse, the business has not been established for long enough to assume there is no need for holiday accommodation in the area, if granted this proposal would encourage dwellings in buildings that would not have been considered suitable for conversion, or in the open countryside.

19 LETTERS OF SUPPORT have been received from the local community raising the following points:- the barn has been attractively refurbished, in keeping with the area and would help to provide permanent support for a range of local services and facilities; there is a garden and plenty of space for cars to park; there is already a wide range of tourist accommodation in the area; the one bed-roomed unit will be retained and this appeals to the type of people who are attracted to the area (hikers, birdwatchers, walkers etc); the barn is in a sustainable location with a bus that passes the property

and only a 10 minute walk to the village centre; there have been a large number of barn conversions into dwellings in the area ; there are plenty of holiday units in the area; the barns form an attractive addition to Dark Lane.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following Policies are considered relevant:- Policy STR1 requires all proposals to be sustainable development, Policy STR6 Development outside Villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel, Policy 49 Transport requirements of new development requires proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should: provide access for pedestrians, people with disabilities, cyclists and public transport; provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception and not derive access directly from a National Primary or County Route. Taunton Deane Local Plan Revised Deposit the following policies are relevant:- S8 Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and(B) accords with a specific Development Plan policy or proposal; (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement. EC3 Outside the defined limits of settlements, the conversion of buildings to small tourism will be permitted, provided that: (A) the building proposed to be converted is of permanent and substantial construction, and: (1) has a size and structure suitable for conversion without major rebuilding, or significant extension and alteration; and (2) has a form, bulk and general design in keeping with its surroundings; and (3) is sited near a public road; (B) and the proposal would: (1) not harm the appearance, nature conservation and historic heritage or surroundings of the building; (2) be compatible with the rural character and landscape quality of the area, taking account of any visual improvements proposed; (3) not harm the residential amenity of neighbouring properties or highway safety and adequate arrangements can be made for the provision of services; (4) not lead to a dispersal of activity on such a scale as to prejudice town and village vitality. Policy H9 refers to the conversion of barns to residential use. This policy is similar to the above policy except for the following criteria The barn is unlikely to attract a suitable business re-use; and is sited near a public road with convenient access by foot, cycle or public transport to a settlement.

The original barn comprised significant amounts of block work and would not have conformed to policy H9 as it required significant alteration to be in keeping with the traditional character of the area. In considering the current proposal the converted barn would now comply with the requirements of policy H9 as it has a traditional character that reflects the area. Furthermore I an awaiting additional evidence from the applicant that indicates that the tourism use is not viable and I consider that this proposal now complies with policy H9.

ASSESSMENT

The original barn comprised a rear and side stone wall with large area of block work and a lean to structure to the front. To convert this barn to a residential property would have required significant alterations to the barn that I consider would have been contrary to Local Plan policy H9. The applicant applied for a tourism use where the economic benefits have led to the conversion of some barns (like this one) that require a greater amount of alteration. This barn was therefore converted to a holiday unit and available for rent from July 2003. The conversion has been undertaken to a high standard and as a result the building has a more traditional appearance. Normally the Tourism Officer would require holiday lets to be marketed for at least two years to prove there was insufficient demand to retain the unit for that use. In this case his knowledge of the over supply in the area and the success of the existing one bed roomed unit on the site has resulted in support for the loss of this holiday unit. I consider that the barn conversion now complies with policy H9 and the proposal is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, parking, removal of permitted development rights for windows, extensions, walls and fences and ancillary buildings.

REASON(S) FOR RECOMMENDATION: The proposal results in the re-use of a building in the countryside in accordance with Taunton Deane Local Plan Revised Deposit Policy H9.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

46/2004/022

MR B LORD

**ERECTION OF SINGLE STOREY EXTENSION TO LINK GARAGE TO HOUSE
(AMENDED SCHEME) AND ERECTION OF PORCH, THE OLD PIGGERY,
GERBESTONE MANOR, WELLINGTON**

16099/19288

FULL PERMISSION

PROPOSAL

Erection of single storey extension to provide link from detached garage to dwelling, and erection of a porch. Link extension measures 4.1 m x 4.2 m x 3.9 m to the ridge (lower than the height of the garage and dwelling). Porch measures 2.2 m x 2.1 m x 2.2 m to the eaves. Materials are render and salvaged clay double roman tiles to match existing.

Permission has been granted for an extension to link the garage to the house by the planning committee on 18th February, 2004. The proposal has returned to the planning committee as the application now includes the addition of a porch, and the height of the link has increased by 0.3 m.

The piggery was originally granted permission for holiday accommodation in 1994. Permission was varied to allow the accommodation to be occupied by an estate worker in 1998. A miscellaneous item was presented to the Committee in November 2003 to lift the occupancy condition.

CONSULTATIONS AND REPRESENTATIONS

RIGHT OF WAY OFFICER no observations.

PARISH COUNCIL does not support the application.

POLICY CONTEXT

Policy H19 of the Taunton Deane Local Plan Revised Deposit accepts extensions to dwellings provided there is no harm to residential amenity and no harm to the form and character of the dwelling; with the extension being subservient in scale and design. Policy S1 sets out general requirements and Policy S2 seeks good design.

ASSESSMENT

The site is secluded within the grounds of Gebestone Manor and will not harm the residential amenity of the area. When the garage was granted planning permission in 2003, a condition was attached stating that the garage shall remain available in perpetuity for the parking of motor vehicles for domestic purposes only. Considering the

latter and that the extension is subservient and in character with the existing dwelling, the proposal is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit and materials. Notes re compliance and building over sewer.

REASON(S) FOR RECOMMENDATION:- It is considered that the proposal complies with Taunton Deane Local Plan Revised Deposit Policies H19, S1 and S2, in that neither residential nor visual amenity would be adversely affected.

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE - 28 JULY 2004

PLANNING APPEALS

Due to the long term absence, through ill-health, of the officer in the Member Services Unit who deals with planning appeals administration, and then a delay in recruiting her replacement, the reporting of the situation relating to planning appeals has, unfortunately, not occurred for some considerable time. Over the next meeting or two the opportunity will be taken to bring the Planning Committee right up to date.

In this report there is a complete list of the appeals lodged since July last year, and the first tranche of the 32 appeal decisions that have been received during the same period. In most cases a précis of the Planning Inspector's report is presented but, where the decision is particularly complex or of particular interest, a complete copy of the Inspector's decision is appended.

1. The following appeals have been lodged:-

(DD means a delegated decision by the Chief Planning Officer and PC means a decision taken by one of the Parish Councils in the current delegation scheme.)

Appellant	Date Application Considered	Proposal
J Hibbard (24/2003/008)	DD	Demolition of existing dwelling and erection of two dwellings on site of The Jays, Stoke Road, North Curry.
Mr D W Best and Mrs A Matthews (19/2002/028LB)	DD	Erection of single storey extension towards the road at Buttles Lodge, Hatch Beauchamp.
Call in by the First Secretary of State (46/2002/032 and 46/2003/016)	29/1/2003	Erection of Industrial Units, land adjacent to Chelston Manor, Chelston, Wellington.
Mr and Mrs R J Hendy (23/2003/018)	PC	Erection of single storey extensions and two storey extension to the rear of Ridge House, Parsonage Lane, Milverton.
Wellington Medical Centre (43/2000/134)	5/3/2003	Erection of Health Centre with car parking, 42 - 46 High Street

together with rear land between High Street and Scotts Lane, Wellington.

Somerset Care Trust and Redstone Trust
(42/2002/057 and 42/2002/058CA)

5/3/2003

42/2002/057 - Erection of 45 dwellings/apartments for the elderly and disabled, conversion of part existing house to provide support accommodation, together with rear extension accommodating health facilities at Gatchell House, Honiton Road, Trull;
42/2002/058CA - Demolition of former squash club buildings, outbuildings within walled gardens, together with other walls and enclosures, Gatchell House, Honiton Road, Trull.

BOTH GATCHELL APPEALS SINCE WITHDRAWN.

HSBC Holdings PLC
(38/2003/207 and 38/2003/208LB)

DD

38/2003/207 - Replacement of existing entrance door and additional window to the shop front, HSBC Bank, 17 North Street, Taunton;
38/2003/20LB - As above.

Gadd Homes Limited and Churchill Property Group Limited
(38/2003/420)

10/9/2003

Erection of eleven houses and three flats on site of former Whites Garage, South Street, Taunton.

Mr D Watson
(46/2003/024)

DD

Formation of vehicular access at 10 Crown Hill, West Buckland.

Mr and Mrs D Willis
(24/2003/014)

PC

Erection of extension to form granny annexe and conservatory at 10 Lodwells Orchard, North Curry.

Mr P Hyde
(38/2003/230)

18/6/2003

Change of use of former veterinary clinic to Class B1 industrial/office use at Acorn Veterinary Clinic, Pool Farm, Mountfields Road, Taunton.

APPEAL SINCE WITHDRAWN.

Green Croft Investments Ltd (38/2003/215LB)	DD	Retention of bay window at ground floor level, 3 Park Street, Taunton.
Mrs T Thompson (38/2003/176)	DD	Change of use of part of ground floor living accommodation to hairdressing salon, 15 Greenway Crescent, Taunton.
Lidl UK GMBH (38/2003/497A)	DD	Erection of a free standing 48 sheet advertisement board 3.39m (h) x 6.45m (l) at Lidl Car Park, off Wood Street, Taunton.
Mrs S Skelton (46/2003/019)	DD	Erection of replacement dwelling and detached garage with converted loft, Church Drive, West Buckland.
Countryside Construction Ltd (38/2003/515)	DD	Erection of two houses and garages at the garden of 4 Rydon Lane, off Crowcombe Road, Taunton.
Mr P Godwin (38/2003/448)	DD	Erection of two storey rear extension, single storey side extension, rear conservatory and detached store building, 5 Ilminster Road, Taunton.
Mr A A Burrow (10/2003/022)	DD	Use of land for siting of agricultural workers mobile home at Triangle Farm, Churchstanton.
Mr G Thomas (38/2003/390)	DD	New vehicle entrance at 37 Holford Road, Taunton.
Wickes Building Supplies (38/2003/525A)	DD	Display of various non-illuminated signs in connection with Wickes, Priory Fields Retail Park, Taunton.
Mrs L Mellor (48/2003/057)	DD	Conversion of barn to dwelling at Yalway Farm, Broomfield, West Monkton.

APPEAL SINCE WITHDRAWN.

Mrs D Matthews (14/2003/046)	DD	Demolition of existing double garage and erection of bungalow and two double garages on land at 18 Homefield Close, Creech St. Michael.
Mr J P West (14/2003/045LB)	DD	Replacement windows at 1 Heathfield Farmhouse, Creech Heathfield.
Sandhill Park Limited (06/2003/046LB)	DD	Application of paint to exterior render of east and west wings at North Lodge, Sandhill Park, Bishops Lydeard.
Mr and Mrs G W Gunstone (04/2002/004)	-	Appeal against Enforcement Notice – Unauthorised garage/shed on land at Fordbridge, Dairy House Lane, Bickenhall.
Mrs B A Martin-Vigor (25/2003/026)	DD	Erection of new dwelling adjoining Allerford Cottages, Allerford, Oake.
Mr P McKeown (38/2003/447)	5/11/2003	Erection of two storey extension at 9 Rosebery Street, Taunton.
Mr G Higgins (38/2003/446)	5/11/2003	Erection of two storey rear extension at 8 Rosebery Street, Taunton.
Mrs P Bailey (06/2003/052)	DD	Retention of 1.85m fence to rear and side of 99 Burge Crescent, Cotford St. Luke.
Mr J White and Mrs Underhill (14/2003/043)	DD	Erection of two dwellings and two garages at the former car park of the Crown Inn, Creech Heathfield.

APPEAL SINCE WITHDRAWN.

Mr. S. Walters (38/2003/640A)	DD	Retention of graphics/vinyl applied to first floor windows at Virgin Megastore, 27-27A Fore Street, Taunton.
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Mr R Turk (46/2003/035)	DD	Change of use from ancillary accommodation to separate dwelling unit, Bussells Farm, Blackmoor, West Buckland.
Mr J Isaacs (44/2003/019)	15/10/2003	Siting of two mobile homes and two touring caravans for single gypsy family, Two Acres, Ford Street, Wellington.
Miss S Durrant (36/2004/002)	DD	Erection of two storey rear extension at 9 Willey Road, Stoke St. Gregory.
Carpetright plc (38/2004/065A)	DD	Display of internally illuminated signs at Carpetright, Priory Fields, Taunton.
Mr J Baker (38/2003/650)	28/1/2004	Erection of dwelling for use as a unit of multiple occupation (6 bedrooms) at land adjacent to 14 Greenway Road, Taunton.
Miss J Read (52/2003/062)	DD	Erection of two storey side extension at 2 Hine Road, Taunton.
P Hurst (38/2004/051)	DD	Erection of new dwelling in the rear garden of 2 Clifford Avenue, Taunton.
W H Developments Limited (38/2003/627 and 38/2003/628LB)	18/2/2004	Change of use and conversion of building to form nine flats and one maisonette, Hunts Court, Corporation Street, Taunton.
Mrs M P Morris (04/2004/002)	DD	Erection of triple garage at Seaforde Grange, Dairy House Lane, Bickenhall.
Call in by the First Secretary of State (38/2003/505)	17/12/2003	Extension to retail store, cladding of existing building and revision to parking layout at ASDA Store, Creechbarrow Road, Taunton.
Quantic Properties Limited (12/2004/001)	DD	Erection of house and garage and formation of access together with provision of new access and garage to existing

		dwelling at Meadows Edge, Corfe.
Mr M Millett (22/2004/001)	DD	Conversion of barn to dwelling and change of use of land to form residential curtilage at barn to east of Higher Chapel Leigh Farm, north of Sandings Lane, Chapel Leigh, Lydeard St. Lawrence.
Mr B Thomas (14/2004/011)	DD	Demolition of bungalow and erection of two dwellings, Sundown, Curvalion Road, Creech St. Michael.
Ms J Smith (52/2004/005)	DD	Formation of hardstanding and vehicular access at the front of 79 Queensway, Galmington, Taunton.
Mr P J Elliott (43/2004/034)	19/5/2004	Retention of first floor windows, 4 Highland Place, High Street, Wellington.
Mr D Kearney (06/2004/011)	DD	Relocation and extension of boundary wall to enclose side access to property, 36 Venn Close, Cofford St. Luke.
Gadd Homes Limited (38/2004/139)	16/6/2004	Erection of part two, part three and part four storey building accommodating 24 flats and provision of garages at County Garage, Priory Avenue, Taunton.

2. The following appeal decisions have been received:-

(a) **Erection of 2 non-illuminated signs, 23-29 Silver Street, Taunton (38/2002/201A)**

The Inspector considered the main issue was the visual impact of the proposed signs on the appeal premises and the surrounding area.

The Inspector felt that the proposed signs would be out of scale with the buildings and, as a number of signs were already in the area, the new additions would create a cluttered appearance to the street scene in general.

He was of the view that this part of Silver Street had retained a traditional appearance, and concluded that the proposed signs would be unsympathetic to the character of the listed building and would dominate the side elevations to the detriment of the visual amenity of the host buildings and the street scene.

The appeal was dismissed.

(b) **Call in by the First Secretary of State – Extension to existing five screen multiplex cinema to provide eight screens with associated highway works and parking, land at the Odeon Cinema, Heron Gate, Riverside Retail Park, Taunton (48/2001/028)**

Due to the complexity of the First Secretary of State's Decision Letter, a full copy is attached for the information of Members at Appendix A.

The First Secretary of State granted planning permission for the development subject to conditions.

(c) **Erection of dwelling on land adjacent to 8 Crimthorne Cottages, Hatch Beauchamp (19/2003/002)**

The Inspector considered the main issue to be the impact of the proposal on the character and appearance of its surroundings.

The Inspector noted that the village comprised a mix of dwelling types, scales and sizes. The immediate vicinity of the site was characterised by the pairs of dwellings which made up Crimthorne Cottages. These were quite small houses of simple design and relatively shallow depth and were set back from the road giving that part of the village a degree of spaciousness which provided a transition from the more densely built up part of the village to the open countryside beyond.

It was clear to the Inspector that the proposed dwelling would appear out of scale and character with that part of the village as the house would occupy almost the full width of the plot.

She noted that outline permission had already been granted for the erection of a dwelling on the plot. Although the plans indicated the dwelling would occupy the full width of the plot, the depth of the dwelling was shown to be more comparable with that of the adjacent property No. 8. The new proposal was sufficiently different to what had been previously approved to make the outline permission of no direct relevance to the decision in this case.

The Inspector concluded that the proposed dwelling would represent insensitive development on the edge of this attractive village.

The appeal was dismissed.

(d) **Erection of a 2 storey dwelling, 9 Willey Road, Stoke St Gregory (36/2003/004)**

The Inspector considered the main issue was the compatibility of the proposed development plan policies relating to housing developments in the area.

The Inspector felt that although the proposed dwelling would be contained within the curtilage of the existing dwelling, she was concerned that contrary to the development plan policies for the area and Government guidance in PPGs 1 and 7, the proposal would result in the erection of an additional dwelling in open countryside, outside the defined limits of the settlement of Stoke St Gregory.

She was also concerned that if allowed, it would set a precedent for further developments in similar countryside locations, which the Council would have difficulty in resisting, to the detriment of the rural character of the area. There was also no evidence of a demonstrable need for the dwelling on agricultural or other grounds to justify the development in this rural location.

With reference to the concerns regarding highway safety, she noted that the development would not dramatically increase traffic flow and did not consider this to be a sufficient reason on its own to refuse the development.

The appeal was dismissed.

(e) **Retention of two projecting banners, Nightingale House, East Reach, Taunton (38/2003/082A)**

The Inspector considered the main issue was the visual impact of the banners on the building and in views along East Reach.

The Inspector felt that because of their size, form and projection at high level, the banners were obtrusive on the building. They also detracted from the architectural integrity of the building and appeared as incongruous afterthoughts.

He also felt that they detracted from the setting of the adjacent listed building and appeared intrusive in views along the road.

The appeal was dismissed.

(f) **Demolition of existing building and redevelopment of land for residential use at The Jays, Stoke Road, North Curry (24/2003/008)**

The Inspector considered the main issue to be the impact of the proposal on the character and appearance of its surroundings.

The Inspector noted the relative spaciousness of the site and the neighbouring property to the east which helped to maintain the transition from the built up character of the village to the west to the open countryside to the north and east.

The outline application proposed the building of two 2-storey detached 3/4 bedroom cottage style homes with garaging. She felt that replacing the existing small bungalow, which was in poor structural condition, with the two 2-storey houses would markedly change the character of the area and lead to a greater sense of urbanisation

in this locality.

The Inspector noted that access into the site was very poor with severely restricted visibility and that the Highway Authority had advised the construction of a new shared access to serve the proposed new dwellings. However, this would necessitate the removal of the existing mature hedgerow which would have a harmful impact on the appearance of this rural area.

The Inspector concluded that the unfortunate circumstances which had led to the need to replace the dwelling did not warrant permitting development which would be contrary to good planning. There was no justification for allowing an additional house on the site.

The appeal was dismissed.

(g) Erection of a bungalow at Eldon, Silver Street, Wiveliscombe (49/2003/008)

The Inspector considered the main issue was the effect of increased use of the access to the site, arising from the proposed dwelling, upon the safety of users of Silver Street.

The site lay at the end of a lengthy and winding private drive leading off Silver Street which itself ran off The Square, Wiveliscombe.

The Inspector felt that a suitably designed bungalow on the open end of the site would not adversely impact upon the trees and would have an acceptable relationship with neighbouring development.

The narrow drive currently served four dwellings and a barn and vehicles travelling in opposite directions faced difficulty in passing each other. He acknowledged that the drive was not well suited to increased vehicular use and that any inconvenience to its users might not be critical. However, it was the drive's connection with Silver Street which was the material factor.

The Inspector explained his concerns regarding the extremely limited vision at the junction. The fact that the drive had been used over many years without incident did not alter his concern that the access onto Silver Street was inherently substandard and presented a risk to persons walking and driving along it.

He noted that the Council considered that the dwelling would lead to a 25% increase in traffic movements from around 32 to about 40 daily. Even if the increase was between these figures the Inspector considered that this greater usage of the access onto Silver Street would be prejudicial to safety to a degree which militated against the grant of permission because of the shortcomings of the drive.

The appeal was dismissed.

(h) Erection of a single storey extension - Buttles Lodge, Village Road, Hatch Beauchamp (19/2003/027 and 028LB)

The Inspector considered the main issue was the effect of the proposal on the listed building and its setting.

The Lodge was situated to the south of the main village core in an area where sporadic development was scattered loosely along both sides of the road. It was not situated in the Hatch Beauchamp Conservation Area.

The Inspector felt that the building was immediately recognisable as a largely unaltered former lodge. The proposed single storey extension would be situated between the listed building and the roadside boundary.

In the Inspector's view the extension would harm the balanced composition of the listed building and would make it appear as a sprawling, incoherent built form. Even though the design and detailing of the proposed extension took cues from the listed building she considered that some features would appear out of scale when used on the modest extension.

She also felt that the extension would appear as an incongruous addition that would undermine the building's elegant, simple form and would harm its distinctive, compact appearance which was characteristic of its original use as a lodge. The construction of an extension between the listed building and its boundary with the road would create a sense of clutter which would harm the building's spacious setting.

The Inspector concluded that the proposal would harm the special architectural and historic interest of the listed building and its setting.

The appeal was dismissed.

(i) **Demolition of an outbuilding and erection of a private dwelling at Lodge Barton, Wood Street, Milverton (23/2003/037)**

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members at Appendix B.

The appeal was allowed and planning permission granted subject to conditions.

(j) **Appeal against Enforcement Notice - Erection of a 15m high telecommunications mast with 4 No antennae and equipment, including a generator, in a fenced compound on land at the rear of Hele Manor Farm, Hele**

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members at Appendix C.

The appeal was dismissed and the enforcement notice was upheld.

(k) **Extension to form a granny annex and conservatory at 10 Lodwells Orchard, North Curry (24/2003/014)**

The Inspector considered that the main issue was the effect of the proposal on the living conditions of adjoining occupiers, with particular reference to visual impact.

The Inspector had considered the revised scheme that had been submitted during the processing of the application and did not feel that the proposal would result in any material increase in visual domination of the adjoining houses, or loss of light to their gardens. Similarly, the site was elevated above Knapp Lane to the south-west, but the boundary fences and the distance between the proposed extension and the houses in Knapp Lane would effectively prevent any adverse effect.

The Inspector considered that a previous two-storey extension and small, lean-to shed that had been added on to the property some years ago related well to the original house and the two structures which were the subject of the appeal proposal were both modest in scale and had very limited visibility from any public place.

Some local residents had raised concern that the addition of further accommodation would result in parking problems in the vicinity. However, it was noted that the property would retain a garage, a car-port and two hard surfaced, off street parking places, as well as a gravelled area in front of the house. It was therefore considered that the proposal would not result in any additional hazard or inconvenience to drivers or pedestrians.

The Inspector agreed with the Council's suggestion that a condition be imposed so that the extension could only be used as part of a single family unit.

The appeal was allowed and planning permission granted subject to conditions.

(l) **Development of a new vehicular access at 10 Crown Hill, West Buckland (46/2003/024)**

The Inspector considered the main issue to be the effect of the proposed development in terms of highway safety on Crown Hill.

The property fronted onto Crown Hill and was set at a significantly higher level than the road. There was no vehicular access to the dwelling and pedestrian access from Crown Hill was obtained over a set of steps and a footpath.

The Inspector considered that the banks on either side of the proposed access and any retaining wall would constitute a significant obstruction to visibility for vehicles manoeuvring out from the proposed access. Such restricted levels of visibility would fall substantially below the minimum figures recommended in government guidance.

He felt that the dimensions of the proposed development would not appear to be adequate to accommodate a suitable off street turning area for vehicles. In his view the restricted visibility and proximity of the brow of the hill would make reversing in or out of the appeal site a hazardous manoeuvre and would jeopardise highway safety.

The appeal was therefore dismissed.

(m) **Development of Health Centre with associated car parking, 42- 46 High Street, together with land at rear between High Street and Scott's Lane, Wellington (43/2003/134)**

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members at Appendix D.

The appeal was dismissed.

(n) **Erection of a 48 sheet panel advertisement in the car park, Lidl Store, off Wood Street, Taunton (38/2003/497A)**

The Inspector considered the main issue to be whether the display of the panel would be in keeping with its surroundings.

He felt that although the site was commercial it was a sensitive area with the proximity of houses and the need to protect the character and appearance of the river and features, such as Goodland Gardens on the opposite bank.

Although the proposed position of the panel would have very little visual impact on Goodland Gardens because of the substantial distance between them, in an area generally devoid of signs and obvious commercial features, its display in isolation would be particularly prominent.

The Inspector considered that the promotional display panel, which would also be used for general advertising, would be unduly obtrusive and would be counter to the improvements to the amenity of the Wood Street Area.

He noted that planning permission had also been given to develop the area opposite the road entrance to the store with residential flats. If these were built they would be overlooked by the proposed panel, further increasing the objections to its display. For these reasons he felt that the size and exposed siting of the panel would not respect the setting and outlook of the neighbouring residential area.

The appeal was dismissed.

3. Forthcoming hearings:-

- (a) Two Acres, Ford Street, Wellington – Committee Room No.1 – 19 January 2005;
- (b) Bussells Farm, Blackmoor, West Buckland – Committee Room No.1 – 20 January 2005.

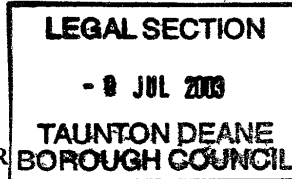
4. Forthcoming public inquiries:-

- (a) ASDA Call In – Principal Committee Room – 1 March 2005 (for three days);
- (b) Hunts Court, Corporation Street, Taunton – Principal Committee Room - 8 March 2005 (one day).

Contact Officer: Richard Bryant:- 01823 356414 of r.bryant@tauntondeane.gov.uk



OFFICE OF THE
DEPUTY PRIME MINISTER



Miss A. Gerry
Decision Officer
Planning Central Casework Division
Office of the Deputy Prime Minister
Zone 3/J1, Eland House
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London SW1E 5DU

APPENDIX

A.

Mr Graham Murdoch
Fibbens Fox Associates Limited
31 The Broadway
Woodford Green
Essex IG8 OHQ

Direct line: 020 7944 8708
Fax: 020 7944 5929
Web site: www.odpm.gov.uk

Our Ref: APP/D3315/V/02/1099921

8 July 2003

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
LAND AT ODEON CINEMA, HERON GATE, RIVERSIDE RETAIL PARK, TAUNTON,
SOMERSET
APPLICATION BY ODEON LIMITED
APPLICATION NO. 48/2001/028**

1. I am directed by the First Secretary of State to say that consideration has been given to the report of the Inspector, Mr P R Burden, BSc, CEng, MICE, who held a public local inquiry on 18 and 19 March 2003 into your client's application for planning permission for an extension to existing 5 screen multiplex cinema to provide 8 screens with associated highway works and parking.
2. The Secretary of State directed on 18 September 2002, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to him instead of being dealt with by the local planning authority, Taunton Deane Borough Council.
3. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that planning permission be granted subject to conditions. A copy of the Inspector's report is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report. For the reasons given below the Secretary of State agrees with the Inspector's conclusions and recommendation that planning permission be granted.

Policy Considerations

4. Section 54A of the Town and Country Planning Act 1990 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is the Somerset and Exmoor National Park Structure Plan Review (2000) and the Taunton Local Plan (1986) (as amended by the First Alteration in 1990). The emerging Taunton Deane Local Plan has passed through second deposit stage and has recently been the subject of a public local inquiry. Although it is a material consideration, at this stage in its progress towards adoption its policies can be given comparatively limited weight. The Secretary of State agrees that the relevant development plan policies are those set out by the Inspector in paragraphs IR 1.12-1.14.
5. Other material considerations include Planning Policy Guidance Note (PPG)1: General Policy and Principles, PPG6 Town Centres and Retail Developments, and PPG13 Transport.

6. Since the close of the inquiry a Parliamentary Statement ("the statement") on the Government's policy on town centres and retail developments as set out in PPG 6 was issued on 10 April 2003. This statement has been taken into account. The statement clarified the Secretary of State's policy on town centres, including policy tests such as the demonstration of need and the sequential approach and insofar as they are relevant to this planning application they are considered further below. The Secretary of State considers that the Inspector addressed these issues at the inquiry and that the statement would not have materially altered his conclusions. He has not, therefore, considered it necessary to refer back to the inquiry parties, either under Rule 17 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000, or in the interests of natural justice, prior to making his decision.

Main Issues

7. Having regard to the matters on which he wished to be informed for the purpose of his consideration of the application, the Secretary of State considers that the main issues in this case are:

(i) the relationship of the proposed development to regional planning guidance for the South West (RPG10) including the guidance contained in Policy SS14 on the town's role as Principal Urban Area;

(ii) the relationship of the proposed development to the relevant policies and provisions of the Somerset and Exmoor National Park Joint Structure Plan Review and the emerging Taunton Deane Local Plan;

(iii) the relationship of the proposed development to national policy guidance in PPG6 including:

- a) whether a need for the proposed development has been demonstrated;
- b) if a need exists, whether more central sites exist in accordance with the guidance on preferred locations and the sequential approach; and
- c) the long-term and cumulative effect on existing centres.

(iv) the relationship of the proposed development to national policy guidance in PPG13, including the key aims to reduce the need to travel, especially by car and promoting accessibility to leisure facilities;

(v) whether any permission granted should be subject to conditions, and if so, the form these should take; and,

(vi) whether there are any other material planning considerations.

The relationship of the proposed development to regional planning guidance for the South West (RPG10) including the guidance contained in Policy SS14 on the town's role as Principal Urban Area

8. The Secretary of State agrees with the Inspector's reasoning and conclusions on the relationship of the proposed development to regional planning guidance for the South West (RPG10) including the guidance contained in Policy SS14 on the town's role as Principal Urban Area (PUA) as set out in IR 7.21-7.23. He agrees with the Inspector (IR

7.22) that a town centre location for this development would be preferable, and he would be concerned were there to be evidence that the proposal would cause long term detriment to the town centre's vitality and viability, or Taunton's role as a PUA. However, in the absence of alternative more locationally suitable sites becoming available within a reasonable period of time, or evidence to suggest that the application proposal would prejudice investment in the town centre (IR 7.18) he does not think, on balance, that the proposal would conflict with the overall strategic objectives of the town.

The relationship of the proposed development to the relevant policies and provisions of the Somerset and Exmoor National Park Joint Structure Plan Review and the emerging Taunton Deane Local Plan

9. The Secretary of State agrees with the Inspector's reasoning and conclusions on the relationship of the proposed development to the relevant policies and provisions of the Somerset and Exmoor National Park Joint Structure Plan Review and the emerging Taunton Deane Local Plan as set out in IR 7.24-7.26.

The relationship of the proposed development to national policy guidance in PPG6

10. The Secretary of State notes (IR 3.12) that the emerging Taunton Deane Local Plan states that the Crescent Car Park site provides an ideal opportunity to accommodate a new multiplex cinema. It also states that with regard to the Firepool site parts of the Livestock Market and the Priory Bridge Road Car Park could be suitable for commercial/leisure operations such as a cinema. However, the Secretary of State agrees with the Inspector that in the case of the Firepool site it is optimistic to expect this site to be available much before 2007 (IR7.9) and in the case of the Crescent Car Park site it cannot be regarded as realistically available for a town centre cinema for the reasons set out in IR 7.4-7.5. The Secretary of State agrees with the Inspector's reasoning and conclusions on the relationship of the proposed development to national policy guidance in PPG6 as set out in IR 7.2-7.16 and 7.17-7.19.

The relationship of the proposed development to national policy guidance in PPG13, including the key aims to reduce the need to travel, especially by car and promoting accessibility to leisure facilities

11. The Secretary of State agrees with the Inspector's reasoning and conclusions on the relationship of the proposed development to national policy guidance in PPG13, including the key aims to reduce the need to travel, especially by car and promoting accessibility to leisure facilities as set out in IR 7.20.

Whether any permission granted should be subject to conditions, and if so, the form these should take

12. The Secretary of State agrees with the Inspector's conclusions on conditions as set out in IR 6.1-6.4.

Whether there are any other material planning considerations

13. The Secretary of State has had regard to the Section 106 agreement submitted and agrees with the Inspector's conclusions at IR 6.4. He does not consider that there are any other significant material planning conditions in determining this proposal.

Overall Conclusion

14. After considering all of the above issues, the Secretary of State concludes that the proposal is in line with relevant approved development plan policies or consistent with policies in PPG6. The Secretary of State therefore considers that there are no material considerations of sufficient weight to indicate that he should determine the application other than in accordance with the development plan and those national policies.

Formal Decision

15. Accordingly, for the reasons given above, the Secretary of State accepts the Inspector's recommendation. He hereby grants planning permission for the extension to the existing 5 screen multiplex cinema to provide 8 screens with associated highway works and parking, in accordance with application no. 48/2001/028 dated 5 April 2001, subject to the following conditions:

1. The development hereby permitted shall be begun within five years of the date of this permission.
 2. The external surfaces of the extension hereby permitted shall be of materials to match those of the existing building. Before any works are commenced details or samples shall be submitted and approved in writing by the Local Planning Authority (LPA).
 3.
 - (i) Before any of the permitted development is commenced, a scheme of planting of trees and shrubs, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the LPA.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the LPA.
 - (iii) If, within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
 4. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of the area with stones, paving, walls, cobbles or other materials, shall be submitted and approved in writing by the LPA. Such a scheme shall be completely implemented before the development hereby permitted is occupied.
 5. The area allocated for parking on the approved plan shall be properly consolidated, surfaced, drained, and marked out before the use commences or the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
-

6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved in writing by the LPA

7. The proposed storage area for refuse bins shall be screened in accordance with details to be submitted for prior approval in writing by the LPA.

8. Details of any external lighting arrangements within the curtilage of the site shall be submitted for approval in writing by the LPA prior to such lighting being erected or brought into operation.

9. Any proposed storage of any chemicals or oils on any part of the site shall be subject to the submission of detailed plans of storage facilities for approval in writing by the LPA prior to any such development being commenced. Any above ground oil/chemical storage tanks must be fully bunded, with a bund capacity of 110% of the largest tank or inter-connected tank within the bund. All working connections to the tank must be within the bunded area.

10. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the LPA. The drainage works shall be completed in accordance with the details and timetable agreed.

11. The finished floor level of the new extension shall be set no lower than that of the existing building.

16. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

17. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than in section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

18. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

19. A copy of this letter has been sent to Taunton Deane Borough Council and to all those who appeared at the Inquiry.

Yours faithfully,



Miss A. Gerry

Authorised by the First Secretary of State to sign in that behalf



Appeal Decision

Hearing held on 25 November 2003

Site visit made on 25 November 2003

by **G M Hollington MA, BPhil, MRTPI**

an Inspector appointed by the First Secretary of State

**APPENDIX
B.**

The Planning Inspectorate
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Temple Quay House
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☎ 0117 372 6372
e-mail enquiries@planning-inspectorate.gsi.gov.uk

Date 10 DEC 2003

Appeal Ref: APP/D3315/A/03/1114772

Lodge Barton, Wood Street, Milverton, Taunton, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S Redwood against the decision of Taunton Deane Borough Council.
- The application (Ref. 23/2002/037), dated 4 December 2002, was refused by notice dated 28 January 2003.
- The development proposed is to demolish an outbuilding and erect a private dwelling.
- The application is in outline, with the matters of siting, design, external appearance, means of access and landscaping reserved for subsequent approval.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Main Issues

1. I consider the main issues in this appeal to be:
 - (a) the effect of the proposed development on the character and appearance of the surrounding area; and
 - (b) the effect of the proposed development on the living conditions of the occupiers of adjacent dwellings, with particular reference to noise and disturbance and privacy.

Planning Policy

2. The development plan includes the Somerset and Exmoor National Park Joint Structure Plan Review 1991 – 2011 (2000) and the West Deane Local Plan (1997), the most relevant policies of which I consider to be as follows.
3. In the Structure Plan, Policy STR1 encourages sustainable development and Policy STR5 allows for development in Rural Centres and Villages which will sustain and enhance their role, be commensurate with their size and accessibility and appropriate to their character and physical identity. Milverton is defined by Policy 8 as an Outstanding Heritage Settlement, the special character of which should be protected. Policy 9 addresses the built historic environment and seeks to preserve or enhance the character or appearance of conservation areas.
4. In the Local Plan, Milverton is a designated Rural Centre and Policy WD/HO/3 normally permits new housing within the identified limits of settlements provided that they meet a number of criteria. These include that proposals satisfactorily respect the form, character and setting of the settlement and the integrity of the street scene, and that there is no material effect on neighbouring properties. The appeal site lies within the defined limits of

Milverton, where Policy WD/MV/3 generally limits new housing to infilling; this is defined by Policy WD/HO/5 as the development of a small vacant plot in an otherwise built up frontage. The site is also within the Milverton Conservation Area, where Policy WD/EC/23 applies various general principles; they include that development should be of a standard of design which preserves or enhances the particular character of such an area.

5. There is an emerging local plan, the Taunton Deane Local Plan, the Revised Deposit version of which was published in 2000. The Inspector's report following the public local inquiry into objections has been received by the Council and, as the relevant policies are expected to remain unaltered, I shall give them considerable weight.
6. In this plan, the general requirements set out in Policy S1 include that the appearance and character of settlements should not be harmed by development. Policy S7 defines Milverton as a village where development will be limited to small scale proposals which, among other requirements, enhance its environmental quality. Policy H1 permits housing within defined development limits subject to criteria which include that they do not erode residential areas' character or residential amenity and that existing and proposed dwellings will enjoy adequate privacy and sunlight. Development in or affecting a conservation area is permitted by Policy EN15 only where it would preserve or enhance the area's appearance or character.
7. As the appeal site is in a conservation area, I shall, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, pay special attention to the desirability of preserving or enhancing the character or appearance of this area.

Reasons

8. The appeal site lies to the side and rear of Lodge Barton and includes approximately half of the outbuildings attached to the rear of this 2-storey house and its single-storey annexe. This part of the outbuildings would be demolished, leaving the part adjoining the dwelling. The outbuildings and adjoining land are the subject of an implemented planning permission for a change of use to a builder's yard. As the appeal site is within Milverton's existing and emerging development limit, the main parties do not dispute that development is generally acceptable in principle, but the Council is concerned about the effects of the appeal proposal.

(a) Effect on Character and Appearance

9. Lodge Barton is a substantial house, part brick faced and part rendered, and its annexe has stone walls. The outbuildings slope down from a 2-storey part adjoining the dwelling and are formed of various materials but clad mainly in corrugated metal sheeting. Agricultural land lies to the north, whereas the site is bordered to either side by residential development along the north side of Wood Street. This development comprises a variety of ages and designs of dwellings. Some are closely spaced and stand at the edge of the carriageway, while others are in spacious grounds and set well back from the road. The latter include 2 modern dwellings to the north-west, albeit outside the conservation area, which lack any direct access to Wood Street.
10. The conservation area is extensive and embraces most of the older-established parts of the village, with a wide variety of types, styles, and designs of buildings, predominantly residential. It includes tightknit development and some dwellings located to the rear of

others, as well as significant open spaces in the vicinity of St Michael's Church and The Old House.

11. Although no details of the proposed development are known at this stage, the shape of the appeal site indicates that the dwelling would be likely to be located towards the rear, as the illustrative plan suggests. I appreciate that this sort of relationship to existing houses is not found elsewhere on the north side of Wood Street, but the Council accepts that there is no one building form (in terms of types of houses or their relationship to the road) in the locality. Furthermore, the northern edge of the site's curtilage is of a depth from the road which is similar to others to the south-east and north-west. While the proposal does not accord with the definition of infilling, that does not cater for the relatively unusual arrangement of existing buildings found at the appeal site or for the situation where a building is to be demolished.
12. In my view, therefore, there is not a regular, geometric pattern of development which would be disrupted by the proposal and so I regard its location as acceptable in principle. At least the upper parts of any dwelling would be likely to be visible across the hillside from Mill Lane, to the north, but they would be seen in the context of other roofs and walls and so they would not harm the area's appearance.
13. I concur with the main parties that the existing outbuildings are not particularly attractive. In my opinion they detract from the conservation area's appearance, even though I saw that public views of them from Wood Street are limited. I therefore regard as enhancements of the area's appearance their partial demolition and the opportunity to ensure the external surfaces of the remaining part are appropriately treated. This reinforces my view on the principle of redevelopment, even though the benefit would be fairly modest.
14. The main parties agree that the appeal site is previously developed land, and so in principle it is a location where Government advice, such as that in Planning Policy Guidance note 3: *Housing*, encourages making the best use of land. However, this is subject to caveats including that more efficient land use should not compromise the quality of the environment, and that considerations of design and layout must be informed by the wider context. In this instance, my view is that the quality of the environment and the pattern of development would not be harmed.
15. Local residents are concerned that the proposed development would set an undesirable precedent for other development to the rear of Wood Street properties, and I saw that a substantial bungalow already protrudes beyond the conservation area, with access from Mill Lane. However, this dwelling was permitted and built prior to the existing policy framework and, as circumstances vary from site to site, each proposal needs to be considered on its own merits. I do not, therefore, consider that the appeal proposal would set a precedent for other developments.
16. My conclusion on this issue, therefore, is that the proposed development would at least preserve the conservation area's character or appearance and it would not cause harm to the character and appearance of the surrounding area. It would, consequently, accord with the aims of Structure Plan policies STR1, STR5, 8 and 9, West Deane Local Plan policies WD/HO/3, WD/MV/3 and WD/EC/23, and their emerging successors

(b) Effect on Living Conditions

- 17 Access to the proposed dwelling would pass between Lodge Barton/its annexe and the neighbouring dwelling to the west, Sharlands. While such an arrangement might in general cause difficulties in terms of noise and disturbance from the normal comings and goings of people and vehicles, I do not consider it would result in harm in this case. This is primarily because of the permitted use as a builder's yard which, though not currently active, could be revived and would itself generate activity via the access. The builder's yard could also be a source of noise through the use of machinery, which has led to complaints in the past, although I note there are conditions to minimise this possibility
18. The Council is concerned that harm would arise from losses of privacy in the gardens of Lodge Barton, its annexe and Quaker Cottage and, to a lesser extent, at The Dutch House and Sharlands. Although the proposal would result in sub-division of the existing curtilage and possible intensification of use of the garden, I do not consider that users of neighbouring gardens would suffer any loss of privacy. In common with most other gardens within built-up areas, there is a certain amount of inter-visibility between gardens, and the new dwelling would not result in any significant change to this. Nor do I consider there need be any loss of privacy within adjacent dwellings, as the siting and design of the proposed dwelling would be addressed as part of the reserved matters.
19. On this issue, therefore, I conclude that the proposed development would not harm the living conditions of the occupiers of neighbouring dwellings, with particular reference to noise and disturbance and privacy. It would not conflict with the aims of the adopted Local Plan Policy WD/HO/3 and emerging Local Plan Policy H1.

Other Matters

20. I have also taken into account all the other matters raised at the Hearing and in written representations, including local residents' concerns about highway safety, outlook and sunlight. Visibility along Wood Street from the proposed access is aided by its position on the outside of a slight bend but impaired by planting within the raised bed to its west. I also saw that parked vehicles tend to force passing traffic to use the side of the carriageway nearer the site. I have no data on traffic speeds, but the road has a 20 mph limit and does not normally appear to be heavily used. Furthermore, I would not expect use of the access to be greater than that which could arise from the builder's yard, and I note that the highway authority has no objection in principle.
21. Although details of the proposed dwelling are unknown, there is no right to a view and, provided that it were not positioned close to the boundary of an adjoining garden, I do not consider that the proposal would have an unduly overbearing impact on neighbours' outlook. Any loss of sunlight to The Dutch House would, in my opinion, not be significant because of the distance of the appeal site from this property and the presence in its garden of a large garage building.
22. Neither these nor any of the other matters are, therefore, of such significance as to outweigh the considerations that have led to my conclusions on the main issues.

Conditions

23. I have considered the need for conditions in the light of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. I agree with the need for conditions regarding

materials, landscaping and boundary treatment to supplement the standard outline conditions, because of the site's location within a conservation area and on the edge of the settlement. In the interest of highway safety, I accept the necessity for a condition regarding parking and access, although to require a garage seems an excessive constraint on the development's future design and layout. As the site lies within a defined Area of High Archaeological Potential, I agree with the need for a condition regarding archaeological monitoring. I also consider it necessary to require details of demolition works and of the appearance of the surviving part of the outbuildings, so that the area's character and appearance are not harmed.

24. On the other hand, I do not consider conditions in respect of entrance gates and surface water drainage to be necessary, given that it is an existing access that would be used. For the same reason and because it could harm the appearance of the conservation area, I do not consider it appropriate to require the visibility splays sought by the highway authority.
25. Although care would be needed in the design and layout of the proposed development, in order to avoid harm to the area's character and appearance and to neighbours' living conditions, my view is that restriction of the proposed dwelling to a single storey is not necessary at this stage. The prevention of future development on the appellant's land to the north of The Dutch House would not meet the Circular's tests of being reasonable and relevant to the development to be permitted.
26. Some re-wording of the suggested conditions is also necessary in order to clarify their wording and to reflect Circular advice, while not altering their aims.

Conclusions

27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

28. In exercise of the powers transferred to me, I allow the appeal and grant planning permission to demolish an outbuilding and erect a private dwelling at Lodge Barton, Wood Street, Milverton, Taunton, Somerset in accordance with the terms of the application Ref. 23/2002/037 dated 4 December 2002, and the plans submitted therewith, subject to the following conditions:

- 1) Approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced
- 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the

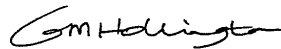
date of approval of the last of the reserved matters to be approved, whichever is the later

- 5) Details of the landscaping of the site shall include details of the species, siting and numbers of trees and shrubs to be planted. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) The dwelling shall not be occupied until space has been provided for the dwelling within the site for 2 cars to be parked and for vehicular access thereto, in accordance with details submitted to and approved by the local planning authority, and those areas shall not thereafter be used for any purpose other than parking and access for vehicles.
- 9) No development shall take place until the applicant, or his agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 10) No development shall take place until a schedule of demolition works has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall take place until details of the external appearance of the part of the outbuilding remaining after demolition have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

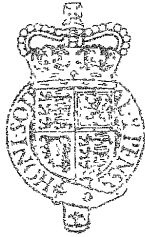
Information

29. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
30. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

31. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
32. Attention is drawn to the provisions of section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area
- 33 Attention is drawn to the requirements of section 76 of the Town and Country Planning Act 1990 concerning provisions for the benefit of the disabled.



INSPECTOR



Appeal Decision **APPENDIX**

Site visit made on 29 September 2003

by **Miss E C A Parkhill BA LLB DipTP MRTPI**

an Inspector appointed by the First Secretary of State

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Date
09 OCT 2003

Appeal Ref: APP/D3315/C/03/1118274

Land at the rear of Hele Manor Farm, Hele

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Airwave MMO2 Ltd against an enforcement notice issued by Taunton Deane Borough Council.
- The Council's reference is 07/2003/003.
- The notice was issued on 11 April 2003.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a 15 m high telecommunications mast with 4 No antennae and equipment, including a generator, in a fenced compound on the above land.
- The requirements of the notice are:
 - (i) Dismantle and remove the telecommunications mast and all associated equipment, including any fencing, from the land at the rear of Hele Manor Farm, Hele.
 - (ii) Restore the land at the rear of Hele Manor Farm, Hele to the condition it was in prior to the breach of planning control.
- The time for compliance with the requirements is 2 weeks.
- The appeal is proceeding on the grounds set out in Section 174(2) (a) and (c) of the 1990 Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction and variation.

Ground (c)

1. The appellant contends that the temporary development installed at Hele Manor Farm is not as described in the breach of planning control alleged in the notice. It is situated adjacent to and against the backdrop of existing 9-20 m high trees but is not enclosed within a fenced compound as alleged. Security fencing was not erected around the scheme because it was felt that this would increase the visibility of the temporary development. As the description of the development is incorrect, the alleged adverse visual impact of the temporary scheme is subsequently inaccurate. Therefore, as the alleged adverse visual impact of the temporary installation is flawed, the enforcement notice should not have been issued.
2. I find as a matter of fact from my site visit that the telecommunications mast is not enclosed within a fenced compound. I find also that the generator, referred to in the notice, has been relocated to a point at the bottom of the large field in which the telecommunications mast is situated. However, I conclude from the Council's evidence that at the time the enforcement notice was issued the generator was sited adjacent to the mast on the hill-top. I will exercise my powers under Section 176 (1) of the 1990 Act to correct the description of the breach of planning control alleged in section 3 of the notice by deleting the reference made to a fenced compound and vary requirement (i) in section 5 by deleting the reference made

to any fencing. I consider that this correction and variation are within my powers and can be made without injustice to any party. The visual impact of the development described in the notice as corrected and varied remains to be considered under the ground (a) appeal.

3. The main issue under an appeal on ground (c) is whether there has not been a breach of planning control, for example, because permission has already been granted, or it is "permitted development". No claim has been made that the development has planning permission or that it is permitted development under the provisions of Schedule 2 Part 24 of the Town and Country Planning (General Permitted Development Order) (GPDO) 1995. In the case of the latter, the development is not permitted under the terms of the GPDO as the apparatus exceeds a height of 15 m above ground level. As the development has taken place without planning permission it constitutes a breach of planning control. The appeal on ground (c) therefore fails.

Ground (a)

4. The **main issues** are first, the effect of the development described in the enforcement notice, as corrected, upon the visual amenities of the surrounding area; and secondly, the effect of the development upon the amenities of the occupants of nearby dwellings, in terms of visual intrusion, noise and smell.
5. The **development plan** for the area comprises the adopted Somerset and Exmoor National Park Joint Structure Plan Review (2000) and the adopted West Deane Local Plan (1997). The Local Plan is currently under review. Its replacement, the Taunton Deane Local Plan, has been through the stage of a public inquiry and the Inspector's report is awaited. Having regard to the advanced stage reached by the emerging plan, I accord considerable weight to the relevant policies insofar as they reflect current Government guidance.
6. Structure Plan Policy 62 states that provision should be made for the establishment of telecommunications facilities in new development and the development of existing and new systems with priority given to the protection of nationally designated areas. The site lies within a Landscape Character Area defined in the existing West Deane Local Plan and the emerging Taunton Deane Local Plan. Policy S1 of the emerging Local Plan sets out the general criteria to be met by development proposals. These include requirements that the appearance and character of any affected landscape would not be harmed as a result of the development; and potential noise and other forms of pollution or nuisance which could arise as a result of the development will not harm the amenity of individual dwellings. Policy C13 of the emerging Taunton Deane Local Plan states that applications for the installation of telecommunications masts will be permitted provided that their siting and appearance would minimise harm to the landscape; there are no alternative sites or solutions with less environmental impact, which could be used, and there is satisfactory evidence that existing masts or other structures cannot be used. This policy largely reflects the guidance in the revised version of PPG 8 (August 2001).
7. **Government policy** on telecommunications in the revised version of PPG 8 is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. In order to limit visual intrusion, the Government attaches considerable importance to keeping the numbers of radio and telecommunications masts and of the sites for such installations, to the minimum consistent with the efficient operation of the network. The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case. Use should also be

made of existing buildings and other structures, such as electricity pylons, to site new antennas.

8. The appeal site is situated in a hill-top location towards the corner of a large field to the rear of residential properties at Hele, south-west of Hele Manor Farm. The surrounding area is attractive rolling countryside of fields and woodland. Dominating the landscape in the immediate vicinity of the site are national grid electricity pylons linked to an electricity sub-station at Upcott, a short distance north-east of Hele.
9. On the first issue, I saw on my visit that the 15 m high telecommunications mast, with its associated antenna extending over 17 m above ground level, is clearly visible from the public highway on the approach to Hele from Bradford-on-Tone south of the site and from the road to Allerford north of the site. I consider that because of its prominent location and visibility, the telecommunications mast would add to the existing clutter of pylons, poles and overhead electricity wires in the vicinity, detracting unacceptably from the appearance and character of the surrounding landscape.
10. On the second issue, I saw on my visit that the mast and its associated equipment is substantially screened to view from the nearby dwelling of "Syles Orchard" by conifer trees on the eastern boundary of the site. I conclude from my site visit that the dwelling most affected by the development would be "The Haven", the dwelling situated on the south side of the mast. Although located to the rear of an existing barn, the actual position of the mast is to the rear of a lean-to structure attached to the east side of the barn. Because of the low height of the lean-to relative to that of the telecommunications mast, I consider that the barn provides minimal relief to the visual impact of the mast when viewed from "The Haven". I conclude that because of its closeness to this residential property and the absence of any substantial natural screening between this dwelling and the appeal site, the mast appears as an alien feature in the openness of the area to the rear of "The Haven", harming unacceptably the visual amenities of the occupants of that dwelling.
11. I noted on my visit the noise made by the generator, presently located at the bottom of the field, some distance away from the nearest residential properties. I conclude that because of the relatively short distance separating the appeal site from the residential properties fronting the public highway south and south-east of the site, that the noise made by the generator when positioned adjacent to the mast at the time the enforcement notice was issued, was intrusive, detracting from the amenities of the occupants of these dwellings, particularly during the quiet night-time hours. However, while I noticed some odour arising from the diesel exhaust of the generator, I found this to be barely noticeable and not such as to cause an unacceptable degree of harm to the amenities of the occupants of the dwellings.
12. I see that the mast is required as a temporary installation pending the installation of permanent antennas on an existing electricity pylon a short distance away, towards the electricity sub-station at Upcott. I am satisfied from the technical information submitted by the appellant that such an installation is required to provide a new Airwave Service for the police in the Avon and Somerset Police Area and I note from the Council's evidence that there is no dispute between the Council and the appellant on the need for such an installation. I further note that discussions have taken place between the Council and the appellant on a suitable location for the permanent siting of a telecommunications installation and that the nearby electricity sub-station at Upcott was agreed as a suitable location. In this regard my attention was drawn on the site visit to the digital antennas

under test on the electricity pylon proposed for the telecommunications installation. Such a location would be compatible with the guidance in PPG 8.

13. In reaching my conclusions, I note that the application for planning permission submitted for the development in February 2003 and subsequently refused in April 2003, stated that the planning permission sought was for a temporary period of no longer than 6 months. This time period has virtually expired. Weighing in the balance the undisputed need for the development against my conclusions on its impact upon the visual amenities of the area and of the occupants of nearby residential properties in terms of visual intrusion and noise, I conclude that the serious harm that would be caused by the development outweighs the need for it to be located on the appeal site.
14. As a material consideration I have considered the concerns raised by local residents at possible health risks from the development. The appellant has confirmed that the telecommunications installation has been certified as compliant with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for electromagnetic field emissions (EMF), recommended by the Stewart Group's report on a precautionary basis. In the circumstances, as stated in PPG 8, it is the Government's view that it should not be necessary for a local planning authority, in processing an application for planning permission, to consider further the health aspects and concerns about them. Having regard to the evidence that the EMF emissions associated with the development would be a small fraction of the ICNIRP guidelines, I conclude that there would be no general risk to the health of people living in the vicinity of the development.
15. For the above reasons, I conclude that the development would be contrary to the relevant policies in the development plan and emerging Local Plan for the area and Government guidance in PPG 8. The appeal on ground (a) therefore fails.

Conclusions

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed. I shall uphold the notice with a correction and variation and refuse to grant planning permission on the deemed application.

Formal Decision

17. In exercise of the powers transferred to me, I direct that the enforcement notice be corrected by deleting the words "in a fenced compound" in section 3 and varied by deleting the words "including any fencing," in section 5 (i).
18. Subject to this correction and variation I dismiss the appeal, uphold the notice and refuse planning permission on the application deemed to have been made under Section 177(5) of the Act as amended.

Information

19. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

E. C. Anne Parkhill
INSPECTOR



Appeal Decision **APPENDIX D.**

Site visit made on 17 November 2003

by **Gyllian D Grindey** MSc MRTPI Tech.Cert.Arb

an Inspector appointed by the First Secretary of State

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Date 21 NOV 2003

Appeal Ref: APP/D3315/A/03/1124857

42 - 46 High Street, together with land at rear between High Street and Scott's Lane, Wellington, TA21 8PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Wellington Medical Centre against the decision of Taunton Deane Borough Council.
- The application (Ref.43/2000/134), dated 14 December 2000, was refused by notice dated 6 March 2003.
- The development proposed is a health centre with associated car parking.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. Various site location plans have been submitted to the Council. However, later plans sent with the appellants' letter of 24 October 2002, indicated a considerably larger application site than originally submitted. The Council declined to accept this as an amendment to the original application¹. I therefore deal with the appeal on the basis of the smaller application site edged red, as this was the plan given formal consideration by the Council. Additionally, I note that siting was initially marked for consideration at this outline stage. However, by letter of 12 January 2001, the appellants withdrew this. Accordingly I shall treat all the other plans submitted as merely a helpful indication of one way in which the site could be developed.

Main Issue

2. From the representations made and my inspection of the site and surroundings, I consider that the decision in this appeal revolves around a single main issue. This is whether permission for the use proposed would be likely to prejudice the comprehensive planning of the area, bearing in mind planning policy aims for the locality.

Planning Policy

3. Section 54A of the Town and Country Planning Act (as amended) requires that I decide this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of the Somerset & Exmoor National Park Joint Structure Plan Review of 2000 and the West Deane Local Plan of 1997. The Council considers that there are no policies relevant to the proposals in the Local Plan. The Structure Plan has a raft of policies to express the general strategy. All development should

¹ See comment on last page of report to committee 5 March 2003

result in a pattern of land use and transport which minimises the need to travel and maximises the potential for the use of non car transport modes. In policy STR2 Wellington is identified as a town (among others) which will function as a location for employment, shopping, cultural, community, educational and residential uses. New development should be focused on the identified towns. Priority should be given to the re-use of previously developed land and to mixed use development. Policy 21 focuses uses which need to be accessible to a wide range of the population into town centres, using a sequential approach to identify sites, with priority to the town centre first.

4. The Council is preparing a District wide Local Plan which has reached an advanced stage of preparation, when the Local Plan Inspector's report has been received. Policy W18b of the Revised Deposit Draft Plan concerns a site of 0.9ha at the High Street which includes the appeal site. The Local Plan Inspector recommends that this, and another site specific policy, be deleted and replaced with a single policy for 'Town Centre Uses'. Reference is made to mixed use development to include retail, food and drink, offices, leisure, entertainment, community and residential facilities. A net retail floor space maximum is set, while existing rear servicing should be retained and enhanced. Adequate provision should be made for access, servicing and car parking, including short stay town centre car parking and pedestrian access to the High Street. There is a requirement that an archaeology survey be undertaken. Policy S4 is permissive of proposals incorporating a mix of uses provided that 'the scheme is designed as a unified whole', among other criteria.

Reasons

5. The appellants agree that the Council's policies do 'not preclude development by different landowners/developers/users just that they should form a cohesive whole...'². I agree. However there must, it seems to me, be enough information presented to demonstrate that compliance with policy is assured and that 'a cohesive whole' will result. It is clear that this part of Wellington requires a comprehensive strategy to ensure a good quality re-development. At present the Kwik Save building is utilitarian in design and the back land behind is used for car parking. Crucially, however, there is a large area of waste land adjacent to the south-west which should not be sterilised by piecemeal development around it, including on the appeal site.
6. Examining what the Local Plan Inspector recommends: the town centre site should facilitate a mixed use development. A community use such as a health centre could clearly be a part of this, but the submitted scheme does not show how other identified uses could be incorporated to result in a mixed use. And without evidence, it is impossible to know whether approval of a health centre, in isolation, would jeopardise the proper and efficient use of the adjacent vacant land or whether the desired mixed use would ever materialise. In addition, I cannot think of any condition, which could be attached to a permission, that would ensure this.
7. Moving on next to the Local Plan requirements for the retention of rear servicing and improvements thereto. It is clear from the turning circles and other manoeuvres illustrated in *Design Bulletin 32*³ that even refuse vehicles need a clear area of around 20m across to turn and lorries servicing retail units require a larger one. The impact of such a swathe of land dedicated to vehicle manoeuvring should not be underestimated. It would be wasteful

² Letter of 24 October 2003.

³ Published 1992

of this town centre resource of land for each landowner to tackle this individually. Adequate and safe arrangements must be made, but how is this to be achieved in isolation? A resolution of this element is most likely to require a comprehensive strategy involving more than just the appeal site. The proper planning of this area deserves this approach.

8. Moving on to car parking, it appeared to me that the appeal site at present accommodates a well used car park of around 70 or so spaces. Even mid morning on a rainy Monday at the time of my site inspection most spaces were full and there was a constant coming and going. I have no idea why the application site edged red includes the rear 17m or so of the Supermarket building on the High Street frontage. Whether the shop could/would continue to function in this truncated building is also unclear, although letters from Somerfield of 22 December 2000 and 8 February 2001 and from Comprehensive Design Architects of 9 January 2001 all suggest that it would not. However, the appeal before me leaves this unresolved. If the Supermarket continues to trade in its smaller building then the appeal scheme would result in a loss of dedicated parking associated with this Supermarket. Where would this displaced parking go and how would it be accommodated? Failure to plan this would, in all likelihood, merely decant the car parking out into the surrounding streets and servicing areas with consequent inconvenience, congestion and possible danger.
9. If the Supermarket closes then how would the partial demolition of the rear be managed? What would the visual outcome be? The High Street frontage is within a highly attractive Conservation Area, although the Kwik Save building does not enhance it. The application site edged red does not extend as far as the High Street but demolition of part of the building would clearly have implications for the frontage. *Planning Policy Guidance 15: Planning and the Historic Environment* notes that, for proposals which are outside a Conservation Area but which would affect its setting, or views into or out of the area, local authorities should consider the desirability of preserving or enhancing the Area⁴. It also states that local authorities may well need detailed plans before considering an application⁵. The current appeal application before me is silent as to the visual repercussions flowing from partial demolition and does not consist of any detailed plans.
10. Overall, it seems to me that approval, in the terms as sought by the appellant, would put at risk the strategy set out for the town centre being progressed in the emerging Local Plan. A piecemeal approval on this site would have far wider repercussions than on this site alone. The Local Plan is nearing adoption and contains a highly relevant policy. Although the Local Plan has not yet been formally adopted and therefore cannot carry full weight, in Section 54A terms⁶, it must carry considerable weight at this stage, in accordance with the advice in *Planning Policy Guidance 1: General Policy and Principles*⁷. I have seen no evidence that leads me to the view that I should determine the appeal other than in accord with the emerging Local Plan.
11. A critical failing of the submitted application is the lack of sufficient details to facilitate the decision making process. The lack of information as to the precise nature of the scheme flows mostly from the fact that the appellants want to 'simply establish the principle of a health centre use on the site'⁸. I am left, however, with so little information that it is

⁴ PPG 15 paragraph 4.14

⁵ PPG 15 paragraph 4.18

⁶ See my earlier paragraph 3

⁷ Paragraph 48

⁸ Letter from Narracott Oxford Mills Architects of 17 October 2001

impossible to state with any certainty that there would not be harm caused by these proposals.

12. I find that an outline planning permission for the use proposed would be likely to prejudice the comprehensive planning of the area. It is my view that the objectives of emerging Local Plan policies S4 and W18b (as recommended to be amended) would not be met by the scheme. In addition, without further information of how a mixed-use scheme would evolve here, it is difficult to state with any certainty that Structure Plan policies STR1 and STR4 would be furthered to create mixed use developments which minimise the need to travel. I cannot think of any conditions that would overcome the problems I have outlined.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed. In particular, the importance of quality health care in the town is a factor to which I have given serious thought and with which I have sympathy. However my decision does not close the door to a health centre here. My decision should merely be a prompt for further information as to how such a use could be satisfactorily woven into the fabric of the town centre and this important site and the adjacent land. An outline application with no details as to how this can be achieved just does not illustrate this successfully. I am aware that the appellants have carried out an archaeology survey, but this is not the only criterion set out in the Local Plan Inspector's recommendation.

Formal Decision

14. In exercise of the powers transferred to me, I dismiss the appeal.

Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



Inspector