



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 18TH MAY 2005 AT 17:00.

(RESERVE DATE : THURSDAY 19TH MAY 2005 AT 17:00)

AGENDA

1. Appointment of Chairman.
2. Appointment of Vice-Chairman.
3. Apologies
4. Minutes of meeting held on 20 April 2005 (attached).
5. Public Question Time
6. WELLINGTON - 43/2004/119 REPORT ITEM
CONVERSION OF MILL BUILDINGS INTO RESIDENTIAL (149 DWELLINGS) AND COMMERCIAL UNITS AND ASSOCIATED EXTERIOR WORKS, TONEDALE BUSINESS PARK, TONEDALE MILL, MILVERTON ROAD, WELLINGTON.
7. WEST BUCKLAND - 46/2004/018 REPORT ITEM
ERECTION OF LIVESTOCK MARKET COMPRISING COVERED LIVESTOCK STALLS AND SALES ARENA, ADMINISTRATIVE BUILDING AND TOILET FACILITIES, TOGETHER WITH CAR AND ARTICULATED VEHICLE PARKING, LIVESTOCK UNLOADING AREA, VEHICLE WASHDOWN AREA, SITE DRAINAGE AND STRATEGIC LANDSCAPING AND FORMATION OF VEHICULAR ACCESS INTO THE A38, LAND O.S. PLOTS 6561/6770/7179/0061, CHELSTON HEATHFIELD, WELLINGTON.
8. CREECH ST MICHAEL - 14/2005/014
ERECTION OF 18.7 M HIGH MONOPOLE MAST WITH 4 ANTENNAE PROJECTING TO 20 M, TWO TRANSMISSION DISHES ASSOCIATED EQUIPMENT CABINETS AND FENCING AT CREECH MILLS INDUSTRIAL ESTATE, MILL LANE, CREECH ST MICHAEL.
9. CREECH ST MICHAEL - 14/2005/020
DEMOLITION OF AGRICULTURAL BUILDING AND ERECTION OF A SINGLE DWELLING UTILISING EXISTING BARN TO PROVIDE GARAGING AT HAM FARM, HAM, CREECH ST MICHAEL

10. HATCH BEAUCHAMP - 19/2005/001
ERECTION OF STABLES AND TACK ROOM IN FIELD TO REAR SPRINGFIELDS, HATCH BEAUCHAMP AS AMENDED BY AGENTS LETTER AND PLANS RECEIVED 30TH APRIL, 2005
11. PITMINSTER - 30/2005/006
INSTALLATION OF AIR INTAKE UNIT ON EXISTING KITCHEN ROOF AND EXTRACT ON WEST ELEVATION, THE WHITE LION PUBLIC HOUSE, BLAGDON HILL.
12. PITMINSTER - 30/2005/009
CONVERSION OF BARN TO RESIDENTIAL DWELLING, PITMINSTER FARM BARN, PITMINSTER.
13. STAPLEGROVE - 34/2005/007
ERECTION OF TWO DWELLINGS ON LAND ADJACENT TO NO.2 MILL RISE, STAPLEGROVE.
14. TAUNTON - 38/2005/099
PARTIAL DEMOLITION, ALTERATION & EXTENSION OF FORMER FOUR ALLS PUBLIC HOUSE TO ACCOMODATE CLASS 3 (FOOD & DRINK) AND CLASS A2 (FINANCIAL & PROFESSIONAL SERVICES) ON GROUND FLOOR AND PART OF FIRST FLOOR, TOGETHER WITH PROVISION OF 17 FLATS AND CAR PARKING AT FOUR ALLS, CORPORATION STREET, TAUNTON AS AMENDED BY AGENTS LETTER DATED 11TH APRIL, 2005 AND DRAWINGS ATTACHED AND TRANSPORT ASSESSMENT SUBMITTED BY PETER EVANS PARTNERSHIP DATED 4TH APRIL, 2005
15. TAUNTON - 38/2005/138LB
ENCLOSURE OF FIRST FLOOR ROOF BY A STAINLESS STEEL FRAMED GLASS INFILL PANEL HANDRAIL ENLARGEMENT OF FIRST FLOOR OPENING WITH TWO PAIRS OF SLIDING TIMBER DOORS, REPLACEMENT OF WC WINDOW WITH DOOR, NEW FIRE EXIT AND ALTERATIONS OF STAIRCASE, AURA, 2 CHURCH SQUARE, TAUNTON.
16. TAUNTON - 38/2005/148
CHANGE OF USE OF SHOP (A1) TO CAFE/TAKEAWAY (A3) AT 53 HAMILTON ROAD, TAUNTON.
17. TAUNTON - 38/2005/160
DEMOLITION OF BUILDINGS AND ERECTION OF 10 FLATS AND ASSOCIATED PARKING AND EXTERNAL WORKS AT BRITISH RED CROSS CENTRE, WILTON STREET, TAUNTON.
18. TRULL - 42/2005/013
ERECTION OF CONSERVATORY AND RETENTION OF EXISTING SHED AT 73 KILLAMS GREEN, TAUNTON

19. WELLINGTON - 43/2005/024
ERECTION OF 7 INDUSTRIAL UNITS AT WELLINGTON TRADING ESTATE, SYLVAN ROAD, WELLINGTON AS AMENDED BY AGENTS LETTER DATED 24TH MARCH, 2005 AND DRAWING NOS. OB8/1402:02/01A AND OB/1402:02/02A
20. WEST HATCH - 47/2005/006
ERECTION OF 2 STOREY REAR EXTENSION, 1 IVY COTTAGE, WEST HATCH.
21. WEST MONKTON - 48/2005/019
RETENTION OF DETACHED GARAGE AT 4 KYRENIA COTTAGE, SCHOOL ROAD, MONKTON HEATHFIELD.
22. COMEYTROWE - 52/2005/013
SECURE OUTDOOR PLAY AREA, COMEYTROWE HALL, PITTS CLOSE, TAUNTON.
23. COMEYTROWE - 52/2005/017
ERECTION OF SINGLE STOREY REAR EXTENSION AT 6 GILL CRESCENT, COMEYTROWE, TAUNTON.
24. 10/2004/020 - CHANGE OF USE AND CONVERSION OF BARN TO DWELLING (REVISED PROPOSAL TO INCLUDE ERECTION OF ATTACHED GARAGE), TRENTS VIEW, TRENTS FARM, CHURCHINFORD. MISCELLANEOUS ITEM
25. 38/2004/324 AND 38/2004/570 - APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR EIGHT HOUSES AND 53 FLATS AND FORMATION OF ACCESS AT POLLARDS WAY, WOOD STREET, TAUNTON. MISCELLANEOUS ITEM
26. 42/2003/023 - ENFORCEMENT NOTICE AT REBMIT HOUSE, TRULL MISCELLANEOUS ITEM
27. E441/38/2004 - NEW FASCIA SIGN AND EXTERNAL COWL LIGHTS AT THE PERKIN WARBECK, LLOYDS NO.1 BAR, 22-23 EAST STREET, TAUNTON. ENFORCEMENT ITEM
28. 38/2004/161A AND E81/38/2005 - RETENTION OF TWO NOTICE BOARDS AT ENTRANCE TO TAUNTON SCHOOL, STAPLEGROVE ROAD, TAUNTON. ENFORCEMENT ITEM
29. 38/2004/529LB AND E351/38/2004 - RETENTION OF ROOFLIGHT AT THE OLD BEAR RESTAURANT, 13 UPPER HIGH STREET, TAUNTON. ENFORCEMENT ITEM
30. 38/2005/077A AND E168/38/2004 - DISPLAY OF BANNER AT FIRST FLOOR LEVEL, TICK TOCK TOY SHOP LIMITED, 4 ST JAMES STREET, TAUNTON. ENFORCEMENT ITEM

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

11 May 2005

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

Planning Committee Members:-

Councillor Beaven
Councillor Bowrah
Councillor Miss Cavill
Councillor Croad
Councillor Denington
Councillor Floyd
Councillor Guerrier
Councillor Henley
Councillor Mrs Hill
Councillor Hindley
Councillor House
Councillor Lisgo
Councillor Miss Peppard
Councillor Phillips
Councillor Mrs Smith
Councillor Stuart-Thorn
Councillor Vail
Councillor Wedderkopp



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



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Website: www.tauntondeane.gov.uk (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

Planning Committee – 20 April 2005

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

Officers: Mr T Burton (Development Control Manager), Mr J Hamer (Area
Planning Officer (West)), Mr G Clifford (Area Planning Officer (East)),
Mrs J Moore (Principal Planning Officer (East)), Mrs J M Jackson
(Senior Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm.)

(Councillors Croad, Mrs Hill, Miss Cavill and Bowrah arrived at the meeting at
5.08 pm, 5.11 pm, 5.17 pm and 5.32 pm respectively)

42. Apologies

Councillors Floyd and Weston.

43. Minutes

The minutes of the meeting held on the 30 March 2005 were taken as read
and were signed.

44. Applications for Planning Permission

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

- (1) 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:-

09/2005/001

Erection of conservatory to rear of Elms Green, Chipstable.

Conditions

- (a) C001 – time limit;
 - (b) C102A – materials.
- (Notes to applicant:- (1) N024 – development in accordance
with approved plans; (2) N040A – drainage/water).

Reason for granting planning permission:-

The proposal was considered not to harm the visual or residential amenity of the area in accordance with Policies S1, S2 and H19 of the Taunton Deane Local Plan.

10/2005/004

Change of use, conversion and extension to form dwelling at The Pound House, Trents Farm, Churchinford.

Conditions

- (a) C001 – time limit;
- (b) C106 – second-hand materials;
- (c) C110 – materials – for hardsurfacing;
- (d) C112 – details of guttering, downpipes and disposal of rainwater;
- (e) C201 – landscaping;
- (f) C215 – walls and fences;
- (g) C917 – services – underground;
- (h) P001A – no extensions;
- (i) P006 – no fencing;
- (j) P010 – no further windows;
- (k) C927 – contaminated land;
- (l) All windows and doors hereby permitted shall be of timber only unless otherwise agreed in writing by the Local Planning Authority;
- (m) Details of the design of all external windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing;
- (n) Before the commencement of works hereby permitted, details of the means of venting the roofs shall be submitted to, and approved in writing by, the Local Planning Authority;
- (o) C601 – schedule of works to ensure safety and stability of structure;
- (p) There shall be no obstruction to visibility greater than 900 mm above adjoining road level within the splay indicated on drawing No 1203/34B. Such visibility shall be fully provided before the works commence on the conversion and shall thereafter be maintained at all times;
- (q) Details of the means of provision of bat roosts within the building shall be submitted to, and approved in writing by, the Local Planning Authority and shall be provided prior to occupation of the dwelling;
- (r) A sample panel of the new stonework and mortar finish shall be constructed on the site prior to work commencing and shall be approved in writing by the Local Planning Authority. The sample panel shall show the bonding and finish of the mortar joints and, once approved, the further work shall match the approved panel.

(Notes to applicant:- (1) N025 – conversion; (2) N112 – energy conservation; (3) Applicant was advised that only foul flows will be permitted to connect to the public sewer; (4) Applicant was advised that soakaways should be installed in accordance with the Building Research Establishment Digest 365 (September 1991); (5) N126 – contamination of land.)

Reason for granting planning permission:-

The proposal, by reason of the details of the conversion and extension, is considered to accord with Taunton Deane Local Plan Policies S1 and H7.

(Councillor Mrs Smith declared a personal interest in the following application.)

14/2005/014

Erection of extension at 24 Dillons Road, Creech St Michael.

Conditions

- (a) C001 – time limit;
 - (b) C102A – materials;
 - (c) P010 – no further windows.
- (Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage/water.)

Reason for granting planning permission:-

The proposal did not give rise to any adverse visual or neighbour impact and it was in accordance with Taunton Deane Local Plan Policies H19, S1 and S2.

38/2005/055

Erection of dwelling, two flats and three garages on land to rear of 51-53 Cheddon Road, Taunton.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C205 – hard landscaping;
- (d) Before any part of this development is commenced, details of the boundary treatment to the south-western boundary shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) The central landing windows on the south-western elevation at both first and second floor level, together with the first floor landing and bathroom windows on the south-western elevation of Plot 1, the first and second floor bathroom windows on the south-western elevation of the 2 No flats and the first and

second floor hall windows on the south-eastern elevation shall be obscure glazed to the reasonable satisfaction of the Local Planning Authority and thereafter shall be so maintained, and there shall be no new windows installed in the south-western elevation;

- (f) 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 addition or extension to the dwelling (Plot 1) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (g) C010 – drainage;
- (h) All new windows shall be recessed into the wall to match neighbouring properties unless the written consent of the Local Planning Authority is obtained to any variation thereto.
(Note to applicant:- Applicant was advised of a number of Wessex Water requirements.)

Reason for granting planning permission:-

The proposed development would not adversely affect visual or residential amenity or road safety and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2, H1 and M3a.

38/2005/075

Erection of single storey rear extension at 125 Redlake Drive, Taunton.

Conditions

- (a) C001 – time limit;
- (b) C102 – materials.
(Note to applicant:- N045 – encroachment.)

Reason for granting planning permission:-

The proposed single storey extension would have no material impact on neighbours and complied with Taunton Deane Local Plan Policy H19.

(Councillor Phillips declared a prejudicial interest in the following application and left the meeting during its consideration.)

38/2005/094

Change of use and conversion of Coach House to dwelling at 87 Staplegrove Road, Taunton.

Conditions

- (a) C001 – time limit;
 - (b) Before the commencement of any works hereby permitted, details or samples of materials to be used for all the fenestration of the building shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (c) C201 – landscaping;
 - (d) C205 – hard landscaping;
 - (e) The access and 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 or for the purpose of access. The said spaces and access shall be kept clear of obstruction thereafter;
 - (f) C215 – walls and fences;
 - (g) C106 – second-hand materials.
- (Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N115 – water conservation; (5) N116 – disabled access; (6) N118 – disabled access; (7) Applicant was advised of the need to protect the integrity of Wessex Water systems and any arrangements for the protection of infrastructure crossing the site should be agreed as early as possible, and certainly before the developer submits any Building Regulations application; (8) Applicant was advised to contact Wessex Water to agree points of connection onto the Wessex Water infrastructure; (9) Applicant was advised that there is a public surface water sewer close to the site. Wessex Water normally requires a minimum 3 m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may be necessary; (10) N024 – development in accordance with approved plans; (11) N066 – listed building; (12) Applicant was asked to clear the rubbish from the adjacent land; (13) Applicant was advised that care should be taken during the carrying out of works to ensure that as little inconvenience as possible is caused to nearby properties; (14) Applicant was advised that protected wildlife may be present on site and all operatives on site must be appropriately briefed on their potential presence. If any protected species are found on site, then work must stop and English Nature must be informed.)

Reason for granting planning permission:-

The proposed use was considered appropriate and the proposal would enhance the appearance of the building. The scheme would not significantly harm neighbouring amenity, the character of the area or appearance of the street scene. Therefore it accorded with Taunton Deane Local Plan Policies S1, S2 and H1.

48/2005/008

Erection of dwelling and detached garage, construction of new access, driveway and parking areas at land adjacent to Tanfield Cottage, West Monkton.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) C201 – landscaping;
- (d) The existing hedges on the northern, southern and western boundaries of the site shall be retained (except at the point of access), to the satisfaction of the Local Planning Authority;
- (e) C209 – protection of hedges;
- (f) Prior to commencement of works on site, full details of the construction of the proposed drive and access shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) The area allocated for parking and turning 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.
(Notes to applicant:- (1) With regard to condition (c), the landscaping scheme should include additional planting to the rear of the proposed garage. In this respect you are advised to contact the Council's Landscape Officer to discuss the details; (2) N041A – drainage/water; (3) N040A – drainage/water; (4) N111 – disabled access; (5) N116 – disabled access; (6) N117 – crime prevention; (7) N114 – meter boxes.)

Reason for granting planning permission:-

The dwelling was located within a recognised village where limited infilling was acceptable in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR5 and Taunton Deane Local Plan Policies S1, S2, H1 and EN15.

- (2) 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:-

20/2005/004

Erection of dwelling adjacent to Hillside, Nailsbourne, Kingston St Mary.

Reasons

- (a) The proposal, if allowed, would result in a cramped form of development when compared to the character of other properties in the area to the detriment of the visual amenity of the area. Furthermore, the proposal would be undesirably intrusive in the street scene at this point contrary to Taunton Deane Local Plan Policy S1;
- (b) The application site, as identified in the Taunton Deane Local Plan, is in open countryside outside of any defined settlement limit, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural need or benefits economic activity. The Local Planning Authority is of the opinion that the proposal does not satisfy the above criteria and is therefore contrary to Taunton Deane Local Plan Policy S8. The proposal is also contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6;
- (c) The site is located outside the confines of any settlement in an area which is remote from employment, education, retail and social facilities with very limited public transport services. The development, if approved, will increase reliance on the private motor vehicle and foster growth and the need to travel comprising unsustainable development which is contrary to advice given in Planning Policy Guidance Note No 13, Regional Planning Guidance Note 10, Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and Taunton Deane Local Plan Policy S1. The proposed development does not meet the accessibility criteria for residential development as set out in Annex A of Regional Planning Policy Guidance Note 10;
- (d) The visibility from the proposed site is sub-standard and there is insufficient frontage to the highway to enable an access to be satisfactorily laid incorporating the necessary visibility splay which is essential in the interests of highway safety, contrary to Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

(Councillor Beaven declared a personal interest in the following application.)

38/2005/052

Demolition of garage building and erection of block of 13 flats and associated parking at Eastwick Farm Cottage, Eastwick Road, Taunton.

Reason

The proposed development would constitute an over-development of the site out of keeping with the character of the area and would be contrary to Taunton Deane Local Plan Policies S2(A) and (F) and

H1(G). Furthermore, the proposal has insufficient parking and turning provision to adequately serve the development and is considered contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Revised Deposit Policy M3a.

Reason for refusing planning permission contrary to the recommendation of the Development Control Manager:-

The Committee felt the proposal would be an over-development of the site.

- (3) That the following applications be **withdrawn**:-

32/2005/002

Conversion of outbuildings to classrooms and construction of toilet facilities at Marlands, Sampford Arundel, Wellington.

38/2005/086

Redevelopment to provide four commercial/retail units, fronting Staplegrove Road, 24 flats with associated parking and the formation of an access off Wood Street, 7/11B Staplegrove Road, Taunton.

45. Erection of 4 No two-bed houses with associated parking and rear access road on land adjacent to 18 Northfields, Bishops Hull (05/2005/011)

Reported this application.

RESOLVED that subject to the receipt of no new issues being raised on the amended plans by the end of the consultation period, the Development Control Manager 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) C201 – landscaping;
- (d) C208A – protection of trees to be retained;
- (e) C208B – protection of trees – service trenches;
- (f) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car 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;

- (g) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- (h) The development, hereby approved, shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
- (i) Plans showing a parking area shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated (not loose stone or gravel) before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (j) The gradients of the proposed drives to the dwellings, hereby approved, shall not be steeper than 1:10;
- (k) 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;
- (l) C331 – provision of cycle parking;
- (m) P010 – no further windows;
- (n) This permission shall enure for the benefit of Redland Housing Association only and not the benefit of the land;
- (o) 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 the existing neighbouring premises will not cause nuisance. The consultant shall submit a written report to the Local 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 shall be agreed, in writing, by the Local Planning Authority prior to the commencement of development works and the agreed works shall be thereafter implemented.
(Notes to applicant:- (1) N114 – meter boxes; (2) N117 – crime prevention; (3) N045 – encroachment; (4) Applicant was advised of a number of Wessex Water requirements; (5) N061A – Highways Act Section 184 Permit; (6) Applicant was asked to inform all potential occupiers of the dwellings that there is a skittle alley in the building adjacent to the site (The Royal Crown Public House), and that this will give rise to occasions which can be noisy. Residents are advised that such noise could be occurring in the evenings and into the night-time and such noise is to be expected in this location.)

Reason for planning permission, if granted:-

The site was within the settlement limits of the Taunton Deane Local Plan and was in accordance with Taunton Deane Local Plan Policies S1, S2, H1 and H11.

(Councillor Guerrier declared a personal interest in the application covered by Minute No 46 below and left the meeting during its consideration.)

46. Erection of 5 No log cabins for tourism/education at land at Millfield Nursery, Parsonage Lane, Kingston St Mary (20/2005/005)

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) Confirmation that no archaeological structures would be disturbed; and
- (2) No adverse comments from the County Archaeologist,

the Development Control Manager 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) C201A – landscaping;
- (d) C207 – existing trees to be retained;
- (e) C413 – restriction of occupation for holiday lets in permanent buildings;
- (f) The development hereby approved shall not be occupied until sufficient parking space has been provided within the curtilage of the site, details of which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) C917 – services – underground;
- (h) Soakaways shall be constructed in accordance with Building Research Digest 365 (September 1991);
- (i) P002 – no extensions;
- (j) 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 the half is first submitted to, and approved in writing by, the Local Planning Authority;
- (k) P003 – no ancillary buildings.
(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) Applicant was recommended to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.)

Reason for planning permission, if granted:-

The site was adequately screened and the proposal was not considered to be harmful to the landscape and had good access to the highway network, the visual and residential amenity of the area would not be detrimentally affected and the character and appearance of the adjacent Conservation Area would be maintained/enhanced and was therefore compliant with Taunton Deane Local Plan Policies S1, S2, S8, EC19 and EN15.

47. Demolition of Play Zone building and redevelopment of former petrol station to provide 24 flats, three retail units (one with alternative A3 use) and parking at 43 Station Road, Taunton (38/2005/038)

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement for the provision of off-site contributions for recreation/sport and play provision and improved play areas; and
- (2) The receipt of no further representations raising new issues on the amended plans,

the Development Control Manager 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) C102 – materials;
- (c) C201 – landscaping;
- (d) Prior to the commencement of demolition works on site, the applicant shall give seven days notice in writing, to the Local Planning Authority to enable a tree root assessment to take place when demolition is complete. Prior to the commencement of building works on site, full details of the type and location of the foundations of the building shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) Prior to the commencement of works on site, the tree management works, listed in the 'schedule of recommended tree works' dated 22 March 2005, shall be completed to the satisfaction of the Local Planning Authority's Heritage and Landscape Officer;
- (f) Prior to the commencement of works on site, full details of the proposed foundations shall be submitted to, and approved in writing by, the Local Planning Authority. Construction must be in compliance with the agreed details unless an alternative is agreed in writing by the Local Planning Authority;
- (g) C331 – provision of cycle parking;
- (h) C329 – loading/unloading area;

- (i) Prior to the commencement of occupation of the units, the provision of bin storage, shown on the submitted plans for the commercial and residential units, shall be made on the site prior to occupation/commencement of the use and shall thereafter be maintained;
- (j) The parking space provided to the north of the building shall be marked and used for disabled person parking/dropping-off in association with the residential uses on the site only and shall not be used for general parking;
- (k) C910B – archaeological investigation;
- (k) No development approved by this permission shall be occupied until a clear method statement and schedule of responsibility for erection of the flood defence system has been submitted and approved to the satisfaction of the Local Planning Authority;
- (l) Prior to the commencement of works on site, full details for the disposal of surface water from the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be provided/constructed on site and thereafter maintained;
- (m) Odours arising from cooking should not be significant at the façade of any residential or other odour-sensitive premises. (This potential problem could be overcome by the fitting of a suitably filtered air extraction system.) Noise from any air extraction system should 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. Equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation, and the equipment shall be effectively 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 prior to the commencement of use;
- (o) C926B – remediation investigation/certificate;
- (p) No works shall commence on the development site until the applicant submits a copy of a signed Section 278 Agreement for the proposed highway works to be approved in writing by the Local Planning Authority and fully implemented to the satisfaction of the County Highway Authority;
- (q) The proposed access shall be constructed in accordance with a scheme approved under condition (p) above and shall be available for use before the occupation of the development hereby approved;
- (r) The existing vehicular accesses from Station Road shall be stopped up, their use permanently abandoned and the verge/footway crossing reinstated in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be completed within one month of the new vehicular access hereby approved being first brought into use;
- (s) 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;
- (t) The development, hereby permitted, shall not be occupied until the parking and turning space shown on the submitted plan and dated the 30 March 2005, has been properly consolidated and surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority;
 - (u) Before the development, hereby approved, is occupied, a fully sheltered lockable cycle parking facility (for 36 bicycles) shall be provided within the site in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (v) In the event of Unit 3 being used as a takeaway (A3), four car parking spaces (14-17 on the submitted plan) in the retail car park, shall be allocated solely for the use of customers to Unit 3 and shall not be used by staff or customers of Units 1 or 2 when Unit 3 is open. (Notes to applicant:- (1) N048A – remediation strategy; (2) With regard to condition (k), applicant was advised that the County Archaeologist would be happy to provide a specification for the work and a list of suitable archaeologists; (3) N111 – disabled access; (4) N117 – crime prevention; (5) N112 – energy conservation; (6) Applicant was advised that good quality materials are considered important due to the prominent position in the street scene and the proximity to the Staplegrove Road Conservation Area; (7) N061A – Highways Act Section 184 Permit; (8) Applicant was advised that the Highway Services Manager, Taunton Deane area must be consulted with regard to the required reinstatement of the verge/footway crossing at the access, which is to be closed; (9) The proposal involves the construction of a footway which should be dedicated to form part of the public highway. The applicant is therefore advised to contact the Transport Development Group, Somerset County Council for details of the dedication procedure. The Highways Services Manager, Taunton Deane area, must also be consulted regarding the specification and supervision of these works before they commence on site.)

Reason for planning permission, if granted:-

The proposal provided for a brownfield development of a good design, acceptable access situated in a suitable location, in keeping with the street scene. The proposal therefore met the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, S2 and H1. In addition, the proposal would maintain the character of the adjacent Conservation Area in compliance with Taunton Deane Local Plan Policy EN15.

Also RESOLVED that in the event that the Section 106 Agreement was not completed by the 4 May 2005, the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission due to inadequate recreation/open space and play area provision contrary to the requirements of the Taunton Deane Local Plan Policy C4.

48. Erection of single storey rear extension at 3 The Maltings, Ham (resubmission of 46/2004/034) (46/2005/013)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 21 April 2005, the Development Control Manager 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) C102A – materials;

Reason for planning permission, if granted:-

The proposed development would not adversely affect residential or visual amenity and accordingly did not conflict with Taunton Deane Local Plan Policies S1, S2 or H19.

49. Planning (Listed Buildings and Conservation Areas) Act 1990 – Building Preservation Notice: The Linhay, White's Farm, Lowton, West Buckland

Reported that a recent inspection of The Linhay at White's Farm, Lowton, West Buckland had revealed a property of historic importance and listable quality.

The Vice-Chairman had authorised service of a Building Preservation Notice which had taken immediate effect on the 24 February 2005. Noted that for a period of six months from the service of the Notice, The Linhay at White's Farm, Lowton, West Buckland would be subject to listed building control whilst the Secretary of State for Culture, Media and Sport determined whether the property should be added to the Statutory List of Buildings of Special Architectural or Historic Interest.

Noted that the owners of the property were progressing plans for the conversion of the building to residential use in anticipation of The Linhay being formally listed.

RESOLVED that the action taken by the Development Control Manager, in consultation with the Vice-Chairman, with regard to the service of the Building Preservation Notice in respect of The Linhay, White's Farm, Lowton, West Buckland, be endorsed.

50. Possible non-compliance with approved plans, The Manse, Ford Road, Wiveliscombe

Noted that this item had been withdrawn from the agenda.

(Councillors Henley and Mrs Smith left the meeting at 5.50 pm and 7.07 pm)

respectively.)

(The meeting ended at 7.31 pm.)

43/2004/119

COURTLEIGH SECURITIES LTD

CONVERSION OF MILL BUILDINGS INTO RESIDENTIAL (149 DWELLINGS) AND COMMERCIAL UNITS AND ASSOCIATED EXTERIOR WORKS, TONEDALE BUSINESS PARK, TONEDALE MILL, MILVERTON ROAD, WELLINGTON AS AMPLIFIED BY LETTER DATED 12TH NOVEMBER, 2004 WITH ACCOMPANYING TREE SURVEY AND LETTER DATED 24TH MARCH, 2005 WITH ACCOMPANYING DRAWINGS NOS 2157/3/105A, 106A, 120A, 156B, 209B, 210B, 211B,212B, 214A, 228D, 230A, 232C, 233A, 234A, 235A, 236B,237A, 238A, 241A, 250A, 259E, 260C, 269B, 270B, 276B,278B, 279, 287B, 300G AND 305A.

12829/21342

FULL

1.0 **RECOMMENDATION**

Subject to:-

- (i) the further views of English Heritage, County Highway Authority, Conservation Officer and Environment Agency on the amended plans and
- (ii) the applicant entering into a Section 106 Agreement to provide for:-
 - (a) a contribution of £200,000 toward the provision of off-site affordable housing and its timing;
 - (b) a Phasing Plan incorporating a programme of restoration of the retained employment buildings to ensure that as far as is practical, refurbishment premises are available for existing tenants who have expressed a wish to remain at Tonedale Mill.
 - (c) the timing of flood alleviation works, the provision of a commuted sum for their future maintenance and the lodging of a bond to secure the funding of the works; and
 - (d) The carrying out of a Condition Survey of the buildings, which will identify defects and set out a programme of repairs; and
- (iii) subject to the views of the Secretary of State on application 43/2004/120LB

the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and 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 The external surfaces of the building shall 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.
- 02 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B)(1)
- 03 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 04 (i) Before any part of the permitted development is commenced, a landscaping scheme, 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 the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 04 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 Policy S2.
- 05 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.
- 05 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 Policy S2.
- 06 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.
- 06 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN7.
- 07 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.
- 07 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Revised Deposit Policy EN7.
- 08 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.
- 08 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 Policies EN6 and EN8.
- 09 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 09 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 Deposit Policies EN6 and EN8.
- 10 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.
- 10 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 Policy S2.
- 11 The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority before their construction is commenced.
- 11 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.
- 12 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.

- 12 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.
- 13 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.
- 13 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.
- 14 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.
- 14 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 Policy M4.
- 15 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.
- 15 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 16 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.
- 16 Reason: To ensure that the proposal does not have an adverse effect on the character of the building in accordance with Taunton Deane Local Plan Policy EN18 (Revised Deposit numbering).
- 17 The commercial premises shall be used for light industry only as defined in Class B1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 as amended by Statutory Instrument 2005/84.
- 17 Reason: To ensure that the proposed development does not prejudice the amenities of the locality in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 18 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 building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.
- 18 Reason: In the interests of the visual amenity of the area and in compliance with Taunton Deane Local Plan Revised Deposit Policy S1(D).
- 19 All services shall be placed underground.

- 19 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F) (Revised Deposit numbering).
- 20 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 addition or extension to the building(s) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 20 Reason: The Local Planning Authority is not satisfied that the building(s) could be extended without detriment to the amenities of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 21 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.
- 21 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 Policies S1 and S2 (Revised Deposit numbering).
- 22 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
- 22 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 Policy S2 (A) (Revised Deposit numbering).
- 23 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 windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.
- 23 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 Policies S1(D) and S2 (Revised Deposit numbering).
- 24 Prior to the occupation of the mixed use blocks a noise management plan to cover activities and plant/equipment shall be submitted to and approved in writing by the Local Planning Authority.
- 24 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 25 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).

25 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 Policy S1(E) (Revised Deposit numbering).

26 Prior to the commencement of development, a wildlife survey shall be carried out to ascertain the importance of the buildings for legally protected species. If legally protected species are to be affected, mitigation measures shall be submitted to and carried out as part of the development.

- 26 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Policies EN4 and EN5.
- 27 Prior to the commencement of development, a survey shall be carried out to ascertain the condition of the existing culverts where they pass through the site. Any necessary remedial measures shall be carried out prior to the occupation of any of the buildings, unless otherwise agreed in writing by the Local Planning Authority.
- 27 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 Policies S1 (E) and EN26.
- 28 Noise emissions arising from plant and equipment at the commercial premises on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 2 Min Leq, when measured at any residential or other noise sensitive premises. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.
- 28 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 29 No deliveries shall be made to the commercial premises in the mixed-use blocks (Block H), or commercial units in blocks adjacent to residential premises (Blocks F/G) after 8:00 p.m. and before 7:00 a.m. the following day.
- 29 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 30 Noise emissions from the site during the construction phase shall 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
- 30 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 31 No development hereby approved shall take place until the applicant, or their 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 by the Local Planning Authority.
- 31 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Revised Deposit Policy EN24.

- 32 Details of street lighting columns and lamps shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 32 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 33 Provision shall be made for the parking of cycles 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.
- 33 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 Policy M5.

Notes to Applicant

- 01 Your attention is drawn to the requirements of the Chronically Sick and Disabled Person Act 1970 with regard to access for the disabled.
- 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 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).
- 06 Your attention is drawn to the Listed Building Consent relating to this property numbered 43/2004/120LB
- 07 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 08 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.

- 09 With regard to Condition 26, it has come to the Authority's notice that a protected species (lesser horseshoe bats) are using buildings which were on first phase of development at Tonedale. A detailed report is required to ascertain if the proposal would have an impact on the species concerned, during and following development and to establish the presence of any other protected species that may be affected by the development of the site. With regard to bats, a comprehensive survey should include emergence survey work at dusk. This work (optimum time April through to September) will identify areas which bats are using which may not be obvious from internal survey work and for buildings that are unsafe for internal inspection. The Council's Nature Conservation Officer can supply you with contact details of environmental consultants in the area who are qualified to carry out this type of work. You are advised that where the local population of European Protected Species may be affected in a development, a licence must be obtained from the Department For Food and Rural Affairs (DEFRA) in accordance with Regulation 44(3)(b) of the Conservation (Natural Habitats etc.) Regulations 1994.
- 10 With reference to Condition 28 the County Archaeologist is happy to provide a specification for the work and a list of suitable archaeologists to undertake it.
- 11 The following advice is given by th Chief Fire Officer:- (i) 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. (ii) Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000; and (iii) All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards."
- 12 It will be necessary to agree with Wessex Water points of connection for the satisfactory disposal of foul flows, surface water and water supply.

REASON(S) FOR RECOMMENDATION:- The proposal will enable the restoration and redevelopment of the site, which will protect and conserve its heritage. The proposals respect the site's historical and architectural importance and provides a realistic basis for regeneration of the complex. The proposals are considered to be in compliance with Taunton Deane Local Plan Policy W2.

43/2004/120LB

COURTLEIGH SECURITIES LTD

CONVERSION AND ALTERATION OF MILL BUILDINGS TO FORM RESIDENTIAL AND COMMERCIAL UNITS AND DEMOLITION OF PARTS, TONEDALE BUSINESS PARK, TONEDALE MILL, MILVERTON ROAD, WELLINGTON AS AMENDED BY LETTER DATED 26TH JANUARY, 2005 WITH ACCOMPANYING CONSERVATION PLAN AND LETTER DATED 24TH MARCH 2005 WITH ACCOMPANYING DRAWINGS NOS 2157/3/105A, 106A, 120A, 156B, 209B, 210B, 211B, 212B, 214A, 228D, 230A, 232C, 233A, 234A, 235A, 236B, 237A, 238A, 241A, 250A, 259E, 260C, 269B, 270B, 276B, 278B, 279, 287B, 300G AND 305A.

12829/21342

LISTED BUILDING CONSENT

1.0 **RECOMMENDATION**

Subject to:-

- (i) the further views of English Heritage, County Highway Authority, Conservation Officer and Environment Agency on the amended plans and
- (ii) the applicant entering into a Section 106 Agreement to provide for:-
 - (a) a contribution of £200,000 toward the provision of off-site affordable housing and its timing;
 - (b) a Phasing Plan incorporating a programme of restoration of the retained employment buildings to ensure that as far as is practical, refurbishment premises are available for existing tenants who have expressed a wish to remain at Tonedale Mill.
 - (c) the timing of flood alleviation works, the provision of a commuted sum for their future maintenance and the lodging of a bond to secure the funding of the works; and
 - (d) The carrying out of a Condition Survey of the buildings, which will identify defects and set out a programme of repairs; and
- (iii) subject to the views of the Secretary of State on application 43/2004/120LB

the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission 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 No building shall be demolished before planning permission has been granted for the proposed redevelopment and a contract has been let for the redevelopment work.
- 02 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 03 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.
- 03 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 Policies S1(D), S2(A) and EN17(D).
- 04 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.
- 04 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.
- 05 Before any demolition is carried out details shall be submitted to and approved by the Local Planning Authority of the making good of any existing structure abutting any of those to be demolished.
- 05 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 06 Before any demolition takes place, a record of features (including photographs) both internal and external shall be produced and a copy record deposited with the Local Planning Authority.
- 06 Reason: To ensure that a record is kept of the building in accordance with Taunton Deane Local Plan Policy EN18.

Notes to Applicant

- 01 Your attention is drawn to the planning permission 43/2004/119 relating to this site/these premises.

REASON(S) FOR RECOMMENDATION:- The proposal will enable the restoration and redevelopment of the site, which will protect and conserve its heritage. The proposals respect the site's historical and architectural importance and provides a realistic basis for regeneration of the complex. The

proposals are considered to be in compliance with Taunton Deane Local Plan Policies EN16, EN17, EN18 and W2.

The two applications are for planning permission 43/2004/119 and listed building consent 43/2004/120LB

2.0 **APPLICANT**

Courtleigh Securities Ltd

3.0 **PROPOSAL**

The proposal provides for the conversion of existing former mill buildings into residential and commercial units together with associated external works.

The application submission was accompanied by Planning and Design Statements, a Flood Risk Assessment, Transport Assessment, Conservation Plan and Financial Viability document.

The initially submitted plans provided for 147 dwellings (1, 2, 3 and 4 bedroom) and the amended proposals provide for 149 dwellings. A total of 2,888 sq m of commercial floor space was originally proposed. This has increased to 3,568 sq m with the amended proposals.

The amended plan, forwarded with the letter dated 24th March, 2005 incorporated the following alterations:-

- (a) The redesign of Car Park 1 to allow for the retention of the whole length of the north wall of Building 92 and the use of the area to the west of Blocks A and B for car parking, together with the provision of a new perimeter wall enclosing the car park.
- (b) The redesign of the access road between Blocks D and E as a home zone.
- (c) The redesign of the access road between Blocks G and H as a home zone.
- (d) The redesign of Car Park 4 so that it is closer to the south end of Building 46 and to provide additional car parking to compensate for the loss of car parking elsewhere.
- (e) The redesign of Car Park 5 to allow for the retention of Building 4.
- (f) The redesign of Car Park 7 to allow for the retention of the later extension to Building 2 and to provide adequate planting along the edge of the existing drive.
- (g) The redesign of car parks 2 and 3 to provide additional car parking.
- (h) The reinstatement of the semi-circular window on the west elevation of Block A.
- (i) Relocation of the rooflights on Block B to reduce the number on the visible sections of the roof.
- (j) Revised proposals for Block D.
- (k) Retention of the existing windows on the north elevation of Block E.
- (l) Revised proposals for the interior layout of Block F to allow for the relocation of many of the existing commercial tenants.
- (m) Additional notes to clarify that all evidence of the former water wheels in Blocks G and H will be retained, as requested by SPAB.

- (n) Revision to proposals for Block H, showing Buildings 7 and 9 for commercial use rather than residential.
- (o) The retention of Building 4 for its existing commercial use.
- (p) Amendments to the design of the door on the east elevation of Building 3 (Block J).
- (q) The retention of the later extension to Building 2, apart from the removal of the south-west corner to allow access to the car park.

As a result of these alterations, the number of residential units has increased from 147 to 149 (including 13 live/work units) and the commercial floorspace has increased by approximately 680 sq m. The number of car parking spaces is now 305 (including 20 disabled spaces), in addition to the 20 existing spaces in car park 6.

A number of aims have guided the proposals as follows:-

- (a) To minimise the demolition of buildings, although some demolition is proposed either because of the condition of the structures, to achieve improvements to vehicular and pedestrian movement across the site or to allow for the re-use of the remaining buildings.
- (b) Achieve an appropriate and economic balance of uses across the site, accepting that some of the proposed uses may be uneconomic and the capital investment for those elements will need to be subsidised by other, more lucrative, uses.
- (c) Identify the optimum uses for the various buildings on the site in order to preserve their cultural significance as identified by the Conservation Plan, subject to achieving other objectives.
- (d) Maintain significant commercial floorspace on the site.

The key elements of the proposal are:-

- (a) Reinforcement of the existing commercial uses close to Milverton Road by the repair and conversion of further buildings for commercial use and the provision of a new car park between Milverton Road and the existing access track leading to Tonedale House. Vehicular access to this car park would be provided by a new road, involving the demolition of part of an existing building.
- (b) Conversion of the largely empty buildings around the main courtyard for mixed use, with commercial activities at ground floor level and residential above. This part of the proposal includes the demolition of two buildings in order to improve the setting and appearance of the adjoining buildings. In particular, this allows the restoration of the original front elevation of Tonedale House.
- (c) A small section of commercial and leisure uses, together with some associated small scale retail, in the buildings to the east of Back

Stream. The applicants anticipate that this will be seen as a tourist destination, providing a focal point for local crafts and manufacturers, including some of the existing tenants already on the site.

- (d) Residential conversion of the remaining buildings, which includes all the buildings to the west of Back Stream.

The proposed development involves the conversion of the majority of the existing buildings on the site to create:-

- (a) 136 residential units, ranging from small one bedroom flats to large four bedroom houses.
- (b) 13 units capable of being used as live/work properties.
- (c) Approximately 3,568 sq m of commercial floorspace (B1), in addition to buildings currently occupied for commercial use.
- (d) A gymnasium for use by the residents and employees on the site.

The proposal also includes parking for 329 cars, including 22 dedicated spaces for the disabled. This is in addition to the 20 existing spaces in the existing parking area for existing users of buildings close to the Milverton Road/Millstream Gardens junction.

4.0 **THE SITE**

Tonedale Mill is part of an essentially nineteenth century integrated wool textile mills complex, located to the west of Milverton Road. The other parts of the complex comprise Tone Mill (the Dyeworks) and the Greaseworks. The mills were owned by Fox Brothers & Co Ltd, who in the early twentieth century were the largest woollen and worsted manufacturers in the south-west of England. By the 1950's, manufacturing on these sites had begun to decline. The company went into receivership in 2000. Fox Brothers is still in existence, but in a much reduced form operating from another nearby location. The mills were subsequently acquired by the current applicants.

The buildings on the site are listed, some of them Grade II*. The whole mill complex is of national importance, being of high industrial/technological, social and historical significance. A number of the buildings are in use for commercial, light industrial and workshop use, although the current uses do not generate sufficient income to repair and maintain the buildings. Several of the buildings are generally in poor condition due to lack of maintenance over a substantial period of time. The proposal seeks to find new uses that will secure the buildings' long term future and preserve their special interest, whilst permitting an acceptable degree of adaption.

The site area extends to 5.7 ha, with a relatively high density of development, one building being five storeys high. The eastern section of the site is on land

sloping down to Back Stream, whilst the western section is set on relatively level ground at the base of the valley.

The complex was originally purchased by the applicants for major redevelopment (including the demolition of the majority of the buildings). However, following acquisition of the site, the majority of the buildings were listed. As a result, an alternative way of developing the site has had to be sought, which balances conservation of the buildings with economic uses that will ensure their long term maintenance and survival.

5.0 **RELEVANT PLANNING HISTORY**

43/2000/129 Refurbishment of buildings to provide 17,250 sq m of employment space and 13 houses, erection of 3,150 sq m of industrial and storage buildings (B1, B2 and B8 uses) and demolition of buildings to enable the erection of 102 dwellings together with associated open space, Tonedale Mills, Milverton Road, Wellington.

Shortly following the submission of this application, the majority of the buildings on the site were listed.

Application refused March 2003 for the following reasons:-

- 01 The proposal would result in the substantial loss of Grade II* and Grade II statutory Listed buildings of architectural and historical interest, which contribute to the character of the area, thereby detracting from the visual amenity of the locality. Furthermore insufficient justification has been put forward in accordance with PPG15 to warrant the demolition of these Listed Buildings (Somerset and Exmoor National Park Joint Structure Plan Review Policy 9, West Deane Local Plan Policy WD/ECIO and Taunton Deane Local Plan Revised Deposit Policy EN19).
- 02 The proposed development does not provide for a programme of works to ensure that the scheme does not detrimentally impact on the protected species present at the site, in particular a colony of lesser horseshoe bat which has been recorded at Tonedale Mills in previous years (West Deane Local Plan Policy WD/EC2 and Taunton Deane Local Plan Revised Deposit Policies EN4 and 4a).
- 03 The site lies within an area of risk of flooding from the Back Stream. Inadequate provision has been made for a technically feasible and deliverable scheme of flood protection for the site in line with guidance provided in PPG25 (Taunton Deane Local Plan Revised Deposit Policy EN30).
- 04 The applicant has not provided sufficient details and information, in the form of a Historic Building and Architectural Report incorporating evaluation and a mitigation strategy, to enable the Local Planning Authority to give proper and favourable consideration to the heritage and archaeological implications of the proposal (Taunton Deane Local Plan Revised Deposit EN24).

43/2001/061 Erection of 58 dwellings, former weaving shed site, Tonedale Mills, Milverton Road, Wellington. Outline planning permission granted September 2002.

The Section 106 Agreement related to this application required a feasibility study into the future of the majority of the Tonedale Mill part of the complex together with Tone Mill. The feasibility study subsequently produced showed that the re-use of the buildings was not viable. However, the Planning Authority and English Heritage accepted that the study formed the basis of further work to produce a viable proposal.

43/2002/109 Erection of 53 dwellings, including 12 social housing units, roads and drainage thereto, former weaving shed site, Tonedale Mill, Milverton Road, Wellington. Reserved Matters approved March 2003.

This application and the previous one comprise the recently completed development to the north of the current site.

SO/2004/01 Request for Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Decision dated February 2004 stating that an Environmental Impact Statement was not required.

There have been various other applications for both planning permission and listed building consent, none of which have any significance to the current proposal.

6.0 **RELEVANT PLANNING POLICIES**

Regional Planning Guidance for the South West (RPG10)

Policy EN 3: 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.

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable development

Taunton Deane Local Plan

Policy S1 General Requirements

Policy S2 Design

Policy S3

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, T3, T4 & T8) 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 H9

On suitable housing sites, the provision of affordable dwellings will be sought where:

- (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
- (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision.

The provision of affordable dwellings sought on a site will be based on the overall need to provide for the identified affordable housing need. In assessing the level of provision on individual sites regard will be paid to the

need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability. Indicative targets for the allocated sites are set out in policy H10.

Policy H10

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
TAUNTON		
Tangier	T2	25%
Firepool	T3	25%
Norton Fitzwarren	T5	20%
Monkton Heathfield	T9 & T10	35%
East of Silk Mills	T13	35%
SWEB Depot	T14	30%
Hamilton Road	T15(A)	30%
St James Street	T15(C)	30%
The Uppers, Greenway Road	T15(H)	35%
WELLINGTON		
Tonedale Mill	W2	20%
Cades Farm	W3	35%
BISHOPS LYDEARD		
Gore Farm	BL1	30%
CREECH ST MICHAEL		
Hyde Lane	CM1	35%
WIVELISCOMBE		
Style Road	WV1	30%
Policy EC1 Employment Development		

Policy M4

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:

- (A) the impact on urban design;
- (B) the location of the development, and its accessibility to employment opportunities and services;

- (C) the type and mix of the proposed dwellings.

The Borough Council will not permit more than an average of 1.5 car parking spaces per dwelling on any residential development. A significant reduction in this average will be expected for elderly persons, student and single persons accommodation, and for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to achieve. Car-free residential developments will be sought in appropriate locations, such as within or adjoining Taunton and Wellington town centres.

The Borough Council will require all residential developments to make provision for the parking and storage of bicycles with a minimum provision as follows:

- (D) 1 space for all residential units with between 1 and 3 bedrooms;
- (E) 2 spaces for residential units with four bedrooms or more.

Policy C1

New housing development which generates a significant need for statutory education provision (for children aged 4-16) will be permitted provided that:

- (A) existing statutory education provision within reasonable distance of the development has sufficient spare capacity to meet the additional need generated by the development; or
- (B) new permanent provision within a reasonable distance necessary to accommodate the additional need generated by the development is:
 - (i) firmly programmed in the Local Education Authority capital programme; or
 - (ii) provided by the development.

Policy C4

In the event of the increased demand for open space not being met by existing facilities, developers of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards:

- (A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;
- (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones;

- (C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations;
- (D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and
- (E) developers will be required to arrange for maintenance of the recreational open space.

POLICY EN3

Development which would significantly adversely affect local nature conservation or geological interests will not be permitted unless:

- (A) the importance of the development outweighs the value of the substantive interests present; and
- (B) every possible effort is made to minimise harm to those interests.

Where it is decided to allow development affecting local nature conservation or geological interests, planning obligations will be sought requiring developers to provide adequate compensatory measures for the site's long term management, to preserve and enhance its wildlife or geological interest.

POLICY EN4

Where buildings are utilised by bats and/or owls for breeding and/or roosting, or by swallows, swifts and/or house martins for breeding, proposals for conversion or demolition will not be permitted unless:

- (A) operations are timed to avoid disturbance during breeding and hibernation;
- (B) during and after conversion bats, owls, swifts and/or swallows have adequate access to the roof space and house martins to the eaves, and to any other appropriate roosting or nesting locations on or in the buildings to be converted;
- (C) in the case of owls, nest boxes are provided in the roof space prior to commencement of conversion; and
- (D) in the case of owls and bats, every possible effort is made to make alternative nesting and roosting sites available in the vicinity of the site, prior to demolition.

POLICY EN5

Development which would harm protected species will not be permitted unless:

- (A) conditions and/or planning obligations would prevent such harm;

- (B) other material factors are sufficient to override the importance of the species; and
- (C) every possible effort is made to minimise ill effects on wildlife.

Policy EN16

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.

POLICY EN17

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 sub-division 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.

POLICY EN18

Development involving the demolition of a listed building will not be permitted.

Where, in exceptional circumstances, it is decided to allow such development, permission will only be granted where full proposals for alternative use of the site or redevelopment, showing the layout, elevations and landscaping, have been submitted and approved. Where redevelopment is proposed, consent for demolition will not be granted until the contract for redevelopment has been let.

Policy EN19 Recording of Listed Buildings Affected by Development and Salvage of Important Building Materials

Policy EN28 Development and Flood Risk

The Tonedale Mill complex is previously developed land and is therefore accepted as a 'brownfield' site, the development of which is to be generally preferred before 'greenfield' sites are developed. The site is also within the Wellington settlement boundary and represents a significant opportunity for

development within Wellington. The site is the subject of the following specific policy within the Local Plan, which recognises the major problems in securing its future and proposes a mixed use development.

Policy W2

A site of 4.7 hectares at Tonedale Mill as shown on the Proposals Map is proposed for mixed-use development provided that:

- (A) the re-use of listed buildings is maximised, in the context of the site as a whole and in accordance with PPG15;
- (B) individual elements do not prejudice the provision of a satisfactory overall scheme;
- (C) the design, materials and layout of any new development satisfactorily reflects the industrial heritage of the complex;
- (D) the stream frontage is designed to maintain and enhance the character and environment of the stream, incorporating public access along its length where appropriate and protection of the existing stream-side tree groups;
- (E) leisure uses are limited to small scale facilities;
- (F) prior to the commencement of development, a scheme of flood mitigation for the whole of the site shall be agreed and the developers shall provide a bond sufficient to ensure that the scheme will be completed in full, the scheme of flood mitigation to be carried out concurrently with development of those parts of the site which lie outside the floodplain, and completed before the commencement of any development within the floodplain;
- (G) commitment is made to an overall scheme for the whole complex which seeks to achieve the most beneficial use of the listed buildings from an employment and heritage perspective, including a phasing agreement linking new development to the renovation of existing buildings;
- (H) before any development takes place a wildlife survey of the site shall be carried out and a scheme shall be agreed to ensure that satisfactory measures are taken to protect lesser horseshoe bats, badgers, tawny owls and any other wildlife covered by policies EN4 and EN5.

In association with the development the following will be sought:

- (I) affordable housing provision in accordance with policies H9 and H10, subject to the recognition of a flexible approach as referred to in paragraph 9.20;

- (J) education contributions if necessary in accordance with policy C1, and subject to the recognition of a flexible approach as referred to in paragraph 9.20;
- (K) an archaeological survey; and
- (L) a programme of restoration of the retained employment

7.0 **RELEVANT CENTRAL GOVERNMENT POLICIES**

Planning Policy Statement 1 - Delivering Sustainable Development (PPS1)

Paragraph 4 sets out the Government's four aims for sustainable development as follows:-

- social progress which recognises the needs of everyone;
- effective protection of the environment;
- the prudent use of natural resources; and,
- the maintenance of high and stable levels of economic growth and employment.

Paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by the following:-

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Protection and Enhancement of the Environment

17. The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection.
18. The condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefit for local communities. Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design, conservation and the provision of public space.

Paragraph 23 Sustainable Economic Development

Planning Policy Guidance Note 3 Housing (PPG3)

- Paragraph 22 The Government is committed to maximising the re-use of previously-developed land and empty properties and the conversion of non-residential buildings for housing, in order both to promote regeneration and minimise the amount of greenfield land being taken for development.
- Paragraph 41 Conversions of housing, buildings formerly in other uses and the upper-floor space over shops, can provide an important source of additional housing, particularly in town centres. Local planning authorities should adopt positive policies to:
- identify and bring into housing use empty housing, vacant commercial buildings and upper floors above shops, in conjunction with the local authority's housing programme and empty property strategy and, where appropriate, acquire properties under compulsory purchase procedures; and
 - promote such conversions, by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking.
- 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.

Planning Policy Guidance Note 4 Industrial, Commercial Development and Small Firms (PPG4)

Paragraph 13 The planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. Development control should not place unjustifiable obstacles in the way of development which is necessary to provide homes, investment and jobs, or to meet wider national or international objectives. Nevertheless planning decisions must reconcile necessary development with environmental protection and other development plan policies. Local planning authorities can do much to guide firms, and particularly small firms, through the requirements of the planning system.

Paragraph 14 The characteristics of industry and commerce are evolving continuously, and many businesses can be carried on in rural and residential areas without causing unacceptable disturbance through increased traffic, noise, pollution or other adverse effects. Individual planning decisions will of course depend on such factors as the scale of the development, the nature of the use of the site and its location.

Paragraph 19 It is preferable for buildings to be used appropriately than to stand wholly or partially empty. In older buildings, particularly those containing retail uses at ground level, the demand for the former mix of uses may have declined as a result of changing circumstances. A flexible attitude with respect to use may therefore be required to enable suitable re-use or new uses to be instituted in under-used

space where this might contribute to the preservation of the building or enhancement of the townscape.

Paragraph 20 Special care should be taken in considering proposals to convert for commercial and industrial use buildings which are listed as being of special architectural or historic interest.

Planning Policy Guidance Note 15 – Planning and the Historic Environment (PPG15)

The entire PPG is of relevance but the following paragraphs should be particularly noted:-

Paragraph 2.18 New uses may often be the key to a building's or area's preservation, and controls over land use, density, plot ratio, daylighting and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life. The Secretary of State is not generally in favour of tightening development controls over changes of use as a specific instrument of conservation policy. He considers that, in general, the same provisions on change of use should apply to historic buildings as to all others. Patterns of economic activity inevitably change over time, and it would be unrealistic to seek to prevent such change by the use of planning controls.

Paragraph 3.12

Paragraph 3.13

Paragraph 3.15

8.0 CONSULTATIONS

43/2004/119

County Highway Authority

“There is no highway objection in principle to the proposed development. In detail the junction of Millstream Gardens which serves as the major access into the development site with Milverton Road has acceptable geometry and adequate capacity to cater for the increased traffic which would be generated by the proposed development. The development will generate significant additional traffic movements and also many pedestrian movements. It is essential therefore that if the development is going to be sustainable in transport terms that there be ample provision for the residents to make sustainable choices in transport terms and I would recommend that contributions be sought from the development to secure sustainable transport

measures arising from the local transport plan. These would need to be covered in the Section 106 Agreement.

With regard to the internal layout, I notice that the existing access to Tonedale House is to be closed to vehicular traffic. This is welcomed. My colleagues Rachel Turner and Dave Spence have looked carefully at the internal layout details and there are many comments, a copy of which are attached.

We have had a meeting recently with Peter Evans Partnership, Transport Planners for the applicants and invited them to submit revised drawings in order to overcome these issues. I believe the application is a full application and in consequence, until suitable amended plans are available and have been approved, I would be reluctant to see this development be granted full planning permission as I believe there are still some fundamental design issues which need to be overcome. If however, you are able to permit and reserve issues for further consideration, I will provide you with suitable conditions to attach to any consent which may be granted.”

The following was the content of the attachment:-

- “1. Pedestrian links between Blocks B and E. What is the intention, because the majority of the carriageway serving these blocks does not seem to cater for pedestrian movement. Footways throughout the development should be constructed to a minimum width of 1.8 m.
2. To assist possible two-way vehicle movement, the access ways underneath Block B should be increased to a minimum width of 4.1 m.
3. There shall be a minimum vertical clearance of 4.5 m where these access ways pass underneath structures.
4. No visibility splays have been provided at the point where the access ways join the access road.
5. There is a lack of visibility across the junction between Blocks B and C. Vehicles wishing to turn right have their views obstructed by the corner of Block C.
6. The carriageway narrowing between Blocks A and C does not aid vehicle turning movements within this area.
7. The access road between Blocks B and E has an effective straight in excess of 95 m. Will traffic-calming features be introduced? (Desired traffic speed throughout the development)?
8. Will street lighting be required throughout the access road serving Block B and E? If so, lighting units must be set back a minimum distance of 450 mm from the carriageway edge with adequate room for pedestrian movement being made available.

9. The turning head between Blocks A and B is sub standard in relation to ERIS - Design Guidance Notes.
10. A 2.0 m wide service margin will be required at the end of the turning arm south of unit 14.
11. Visibility to the right for vehicles emerging onto the 'Overland Flow Route' south of Block B is restricted due to the presence of boundary walls.
12. Pedestrian access to Block F. Where will residents emerge?
13. Will there be pedestrian movement adjacent to unit 40 (Block G) and unit 20 (Block H)? No footway facility appears to be available.
14. What is the purpose of the 2 no piers either side of the carriageway at the entrance to car park 3? They appear to be partially built within the carriageway and also reduce pedestrian movement.
15. A 65 m effective straight exists within the carriageway serving Blocks G and H. Will a traffic-calming feature be introduced? (Desired speed of traffic throughout development)?
16. Visibility across the junction of the access road serving Block J is obstructed to the left by the corner of unit 5. (Based on 4.5 m back from nearside carriageway edge).
17. There appear to be forms of structures within the footway adjacent to units 1, 3 and 5 (Block J). No narrowing of the footway within these areas shall occur as a result of said features.
18. Visibility splays of dimensions 2.0 m x 33 m (depending upon vehicle speeds) will be required at either end of the cyclepath surrounding car park 6.
19. How will the cyclepath be drained and lit or signed should adoption be required? Any signing must have a 2.1 m clearance overhanging a footway and 2.4 m where they overhang a cycleway. All signs must be located at least 500 mm away from the edge of the footway/cycleway. A 20 m forward visibility splay will be required through the bend south of car park 6. This can be achieved by cutting back existing vegetation behind the boundary railings. Will the cycleroute be segregated or not?
20. How will the overall development be drained? Connections into existing drainage system or will another option be sought?
21. Any trees immediately adjacent to the proposed cycleroute must have a minimum vertical clearance of 2.4 m above the level of the cycleroute.

22. Private surface water from parking areas etc is to be intercepted by ACO drains. Channels/drains etc must be connected into the private water system
23. The ramps at all crossing points where kerbs are dropped should not be greater than 1:12.
24. The minimum width of dropped kerbs at a crossing location is 1.2 m.
25. Any planting within adoptable areas will require a commuted sum. Under section 141 of the Highways act 1980, no tree or shrub shall be planted within 4.5 m of the centreline of a made up carriageway. Trees are to have a minimum distance of 5.0 m from buildings and 3.0 m from drainage/services and 1.0 m from the carriageway edge. They must not obscure any sight lines when mature. Trees must be canopied 5.5 m above carriageway level. Root barriers of an approved type required for all trees that are to be planted adjacent to the back edge of the prospective footway to prevent future structural damage to the highway.
26. No doors, gates or low-level windows/utility boxes/down pipes to obstruct footways/shared surfaces. The Highway limits shall be limited areas of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.
27. All street furniture to be set back a minimum distance of 450 mm from the edge of carriageway.
28. Tactile paving slabs at all junctions/crossing points. They are to be extended across the full width of the flush kerbing provided. No overlap is allowable. Actual tactile paving layouts to accord with the requirements of 'Guidance on the use of Tactile Paving Surfaces' - Dept. of the Environment, Transport and the Regions 1998.
29. All junction radii must be annotated together with carriageway and footway widths. Inner radius of all bends with a through traffic content should not be less than 7.0 m.
30. Parking bays - 5.5 m long when in front of a boundary wall. When parking bays are at 90 degrees to the carriageway and but up against a footway/footpath, a 800 mm overhang strip is required in lieu of the 1.8 m wide path.
31. Radii around bends within the development shall preferably be 6.0 m to aid service vehicle manoeuvrability.
32. Gravel areas - All materials within the prospective public highway area must be bound and therefore gravel cannot be used. If gravel is to be

used on private areas then it must be contained to prevent it from discharging onto the footway or carriageway.

33. Private drainage covers should not be located within prospective public highway areas.
34. Any entrance gates erected, shall be hung to open inwards and shall be set back a minimum distance of 4.5 m from the carriageway edge.
35. Private drainage pipes/chambers within prospective public footways. All covers for access chambers must be of the correct vehicular grade and be accessible by key or similar.”

Many of the detailed points have been covered in the amended plans.

County Archaeologist

“I have reviewed this proposal and on archaeological grounds I believe that as long as the development takes place with heritage as its main driver this is an acceptable scheme. I note from the SIAS report that there are specific aspects of the archaeology which require investigation as part of a mitigation strategy. Obviously, the archaeological aims need to be tied into the development plan so I would advise the developer to commission a consultant archaeologist to design a scheme which addresses the issues raised by the proposal. In particular the scheme should seek to preserve significant elements where possible and record those which will be impacted.

For this reason I recommend that the applicant be required to carry out archaeological field investigations and produce a report on any discoveries made. This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their 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 by the local planning authority."

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.”

Environment Agency

“The Agency must formally OBJECT to the proposed development, as submitted, on the following grounds:

The Agency has concerns regarding the submitted Flood Risk Assessment (FRA). The Agency is of the view that a number of issues have been omitted and that anomalies exist within parts of the submitted assessment.

The Agency will be writing separately to the consultants, to discuss specific issues in respect of the FRA.

Until this matter has been satisfactorily resolved, the Agency must maintain its objection to this proposal.”

Subsequently the following observations were sent to the applicants consultant:-

“The Agency received a copy of your food risk assessment for the above site from the local authority in September this year. We have some concerns with the assessment that we have made clear to the local authority. The purpose of this letter is to outline the questions we have with regard to the assessment. Whilst the overall approach of the FRA may be reasonable there are a number of key issues which the Agency feels need to be addressed. I have listed these below:

1. In summary the hydraulic model of the system has shown that the lower western area of the site is at flood risk, and flooding occurred in 2000. The identified solution to the flooding is to provide a small upstream flood detention reservoir and a small flood channel to the west of the site. Some on-line improvements are also recommended. There does not appear to be any recommendations regarding finished floor levels.
2. In paragraph 9.2 it is stated that in June 2001 a hydraulic analysis was submitted to the Agency the report was entitled 'Tonedale Mill and Weaving Sheds Sites Hydraulic analysis' (contained in Appendix J). It does not appear that this report has been amended in the August 2004 report. While, presumably, the previous HEC-RAS model used for the June 2001 report has been used to determine the hydraulic design of the system, little appears to be reported. As a minimum a plan showing the design split of flows, and a long section showing 'with development' flood levels would be included (There is an existing 1 in 100 year profile contained in Appendix K, but no 'with development' levels).
3. It appears that flooding of the site was recorded in 2000, but the severity of this event was not discussed in the report. It is likely that the event was significantly less than the 1 in 100 year event, and much of the FRA considers how to reduce peak flows only marginally. Consideration of the 2000 event and the severity could be reported in the FRA, to give confidence in the solutions identified.
4. It is unclear what improvement in capacity can be attributed to clearing of the Back Stream and Mill Stream.
5. Paragraph 11.3 discusses the storage lagoon and overland flow route. With respect to the overland flow route (which is discussed in paragraph 19.15 and shown in appendix P), it is unclear what flow would be taken in the 1 in 100 year event. Appendix P appears to

indicate that it would be designed simply to offset climate change. The capacity is stated as 4 m³/s (ref paragraph 19.18), and this would be sufficient to take the additional flow determined for climate change (Paragraph 17.2). Drawing 11090300/02 (appendix P) includes a cross section of the channel in Typical Section A-A. A note on this section states 'minimum distance between finished floor level and channel to be 400 mm'. This appears to imply that the bed of the new channel is only 400 mm below the finished floor level. Water levels at capacity could certainly be at finished floor level. It is stated that as a minimum the channel will intercept overland flow from the west (paragraph 7.16).

6. It appears that the temporary impounding lagoon is designed to reduce the peak flow to 16m³/s, the maximum stated in-channel capacity of the Back stream. The storage capacity is limited to less than 25,000 m³, and the lagoon appears to have a very limited impact on flows reducing peak flows from 17.4 m³/s to 16 m³/s. It would be very difficult to design a system to 'skim off' such a low flow. The rating for the outflow would be very difficult to establish accurately (see Appendix M and O). If it were slightly over sized it would have no impact on flows, slightly undersized and the impact would also be negligible because the spillway would overtop. It is unclear whether a range of durations have been run to check the effectiveness of the system for different events.
7. The temporary impounding lagoon is shown in drawing 11090300/01. A fixed 2.4 m wide x 1.5 m high culvert is proposed as the control. There is no flexibility in the system without an additional sluice or other control (although it would remain difficult to design the system to work effectively). The spillway would allow flow to run into the toe of the railway embankment which is only 13 m from the toe of the spillway.
8. There appears to be no recommendations on finished floor levels, or on access/egress issues.
9. There appears to be a risk that if the capacity of the Back Stream is lower than expected, or blockage occurs or if the lagoon does not operate as expected then flood levels in the overland flow route will be close to finished floor levels. It is unclear what freeboard there will be to other buildings through the site because of a lack of a 'with development' long section.
10. In conclusion, there are a number of concerns. What is the flood history of the site and are the applicants confident that the small reduction in flow achieved with the upstream lagoon is sufficient and technically practical? What freeboard is proposed through the site and could excess flows or blockage cause high flood levels in the overland flow route, potentially causing flooding? A long section with the development and flood defence measures through the site appears to be a minimum requirement.

11. Further reporting of the capacity improvements through the site may give confidence that the system will function as proposed given an event more significant than the one in 2000.

I appreciate there are a lot of questions here, however it would be beneficial to get these sorted out and agreed upon to ensure the site is fully protected from future flood events.”

Wessex Water

“The development is located within a foul sewer 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.

There are surface water sewers in the vicinity of the proposed development, and the Development has been in contact with Wessex Water to discuss the capacity of our system. The precise point of adequacy for connection may be determined at the detailed design stage.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It will be necessary to submit the contamination report to Wessex Water in order that an assessment can be made to determine the required materials for both the supply and sewerage pipes.”

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.”

The following further response was received following the receipt of amended plans:-

“We Confirm our observations as follows:-

Foul Sewerage

There is sufficient spare capacity to serve this site. Connection may be made to any point on the 675 mm public sewer to the West. A public sewer crosses the site in the Northern corner. There is to be no building within 3m of this.

Surface Water

Surface water is to discharge to the local land drainage system with the consent of the Land Drainage Authority (Taunton Deane Borough Council)

Adoption

In line with Government protocol the applicant is advised to contact Developers Services to see if any of the on-site or off-site drainage systems can be adopted under a Section 104 Agreement.

Sewage Treatment

The Sewage Treatment Works and terminal pumping station has sufficient capacity to accept the extra flows this development will generate.

Supply

147 properties and unspecified no. of commercial units. We have allowed for 2.5 l/s. If this scheme is connected to the 250 mm main in Milverton Rd there will be no significant impact on the Distribution system (taken in isolation)."

Chief Fire Officer

"Means of Escape

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.

Access for Appliances

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

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."

Somerset Wildlife Trust

"We have studied the response of the Somerset Environmental Records " Centre. This response indicates that there are records of bats, including Lesser Horseshoe bats, from the application site itself.

The Somerset Wildlife Trust therefore recommends that a survey be requested to ascertain the full importance of this site for protected species in advance of any decision.

We would also recommend that if bats are to be affected any necessary mitigation measures are secured and incorporated into the proposals prior to the granting of any planning permission. Such measures might include avoiding work during the roosting/hibernation period and amending the plans to accommodate bats in the roof void.

English Nature can provide further advice on bats and all other protected species and may be able to recommend a list of suitable consultants to undertake the survey work and, if necessary, develop mitigation proposals. Contact: Linda Tucker Species Protection Officer, English Nature, Roughmoor, Bishops Hull, Taunton TA1 5AA, Tel. 01823 283211.”

Somerset Environment Records Centre

“**Statutory & Non-statutory sites & species at the application** – none.

Statutory & Non-statutory sites & species within 1 km

Statutory: Legally Protected Species
One or more Legally Protected Species have been found

Non-Statutory: County Wildlife Sites

File Code	Name	Description
ST02/004	River Tone & Tributaries	Biologically rich river and tributaries with a variety of associated habitats and legally protected species.
ST12/046	Stedhams Covert	Broadleaved plantation on ancient woodland site.
ST12/059	The Basins	Urban Conservation area with mosaic of habitats.
ST12/123	Church Fields Park	Parkland with veteran trees, also garden and ponds with legally protected species.
ST12/011	Winsbeer	Unimproved marshy grassland, willow carr and heavily silted pond.

Statutory: 1990's Badger Data
One or more 1990's Badger Data have been found.”

Landscape Officer

“Except for the northern car parking area, the development appears to be well contained with limited wider countryside impact. However there are limited details of existing trees so it is difficult to judge their health or amenity value. Trees of most concern and possibly under threat are those near to plots 12 and 13 and 14 and the eastern boundary of the 36 car park.

The relationship of the northern car park to the Back Stream is poor and possibly dangerous and no consideration has been given to its edge of countryside character.

There are no proposals indicated for LEAP's or NEAP's and no indication of a landscape design statement.”

The following response has also been received to the amended plans accompanying the letter dated 24th March, 2005.

“This is a better layout for car parking that avoids damaging existing trees. However, the western boundary car parking of car park 1 should be softened with hedgerows, i.e. the car parking should be moved at least 1 m closer the blocks A and B. Otherwise subject to landscape details.”

Wildlife Species Co-ordinator

“We know there are protected species (Lesser Horse Shoe Bats) roosting in adjacent buildings I advise that a survey is undertaken as soon as possible. The optimum time for emergence surveys is coming up.”

Economic Development Officer

No observations.

Rights of Way Officer

“S.3.06 (feasibility study) the key to the unresolved issue of a footpath claim 269 m through the whole site, but in particular this one.

As long as the stated intentions of providing a footpath along Back Stream is consistent between the public footpaths to the north and south then the claim may will be discharged.

I would have thought that a S.106 could be obtained to repair the old bridges/works associated with the stream and an amount of minor landscaping.”

Housing Officer

“We expect 20% of the total number of units which represents 29 social housing units as a minimum requirement.

Alternatively we would expect a full subsidy for the minimum 29 social housing units in the form of a commuted sum for use elsewhere.”

Leisure Development Manager

“The Development should make the following contributions for play and sport:-

Play: on site play is required:-

1. LEAP level facility adjacent to car park 3 on the amenity area; and
2. creation of safe access route from the development to the play area planned for land adjacent to car park 1, and an off site sum for upgrading of the facilities in that play area for teenagers.

Sport: a contribution of £777.00 per dwelling.”

The following further response was received following the submission of the amended plans:-

“The development should make the following contributions for play and sport:-

Play: On site play is required.

1. LEAP level facility adjacent to car park 4 on the amenity area instead of car park 3; and
2. the creation of safe access route from the development to the play area originally planned for land adjacent to car park 1. If creation of a safe access route is not possible a sum to improve local provision for older children and create safe access is required.”

Environmental Health Officer

“The main areas where we would have involvement would be regarding contaminated land (before and during the development) and noise issues as the development is for mixed commercial and industrial uses. Below are some comments on these issues, and also suggestions for planning conditions. The noise conditions may need to be amended when further information about the development is obtained.

Noise

It is noted that the application is for a mixed residential and commercial use. The plan of the site does show that most of the commercial units are at the northern (Milverton Road) end of the site. However, there are some areas where the commercial and residential units are adjacent, and in some blocks it is proposed to have commercial units on the lower floor and residential above. Therefore, there is the potential for noise from the commercial units to disturb future residents.

- (1) It is recommended that the blocks where there is a mixed commercial/residential use the commercial use is restricted to those that are less likely to cause noise problems (e.g. A1,A2,B1).
- (2) If the commercial units are to be leased/rented out by one company it would be good practice for them to prepare a noise management plan to cover activities and plant/equipment on the commercial areas of the site. Could this be required by a planning condition? If it is possible we can try and draft something.
- 3) There should be a restriction on the hours of deliveries to the commercial units adjacent to or below residential units (e.g. no deliveries between 8:00 p.m. and 7 a.m. the following morning).

- (4) A condition could also be used to restrict the noise level from any plant or equipment in use on any commercial premises so that this is unlikely to cause a nuisance to residents.

Contaminated Land

The site has a history of industrial uses that are likely to have caused contamination of the underlying ground. Therefore, it is recommended that before the application is determined the applicant shall provide a preliminary site investigation report. This should detail the history and current condition of the site and include an assessment of the likelihood and nature of any contamination that could be on/under the ground. This will confirm that the applicant is aware of the potential risks that could arise from contamination on the site.

It is also recommended that the standard contaminated land condition be placed on this application.

NOISE CONDITIONS

NOISE LEVELS

Noise emissions arising from plant and equipment at the commercial premises on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 2 Min Leq, when measured at any residential or other noise sensitive premises.

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

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

NOISE FROM DELIVERIES

No deliveries shall be made to the commercial premises in the mixed-use blocks (Block H), or commercial units in blocks adjacent to residential premises (Blocks F/G) after 8:00 p.m. and before 7:00 a.m. the following day.

NOISE NOTE (CONSTRUCTION NOISE)

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, Saturdays 0800-1300 All other times, including Public Holidays - No noisy working.

CONTAMINATED LAND

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, 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. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

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."

Planning Policy

"As a result of the scale and complexity of this proposal a significant number of policies of the Taunton Deane Local Plan, relating to a range of issues, are relevant to its consideration. However, the main issues are detailed in the policy relating specifically to the site (policy W5b of the Revised Deposit, W2 of the Adopted Plan, copy attached), which sets out a range of requirements.

However, by far the most important consideration is that any proposals for the site's future use respect its historical and architectural importance. Whilst it is for others with specific expertise to make formal judgement on this, it appears to me that, as amended, the current scheme generally satisfies this requirement, and is therefore to be welcomed. Of prime importance in this respect is the extent to which it is proposed to retain, convert and re-use the existing buildings, and to limit the extent of demolition, thus satisfying criterion (A) of the policy.

It is disappointing that provision for employment uses isn't greater. However, I recognise that this is due largely to the need to include a large proportion of higher value uses, primarily residential, in order to produce a financially viable scheme, given the high costs of restoring and converting the existing buildings. I also understand that the Economic Development Officer is now satisfied that revised proposals for employment uses are sufficient to meet the needs of those existing businesses that it is considered appropriate to retain on the site. It will be important to require that the replacement, refurbished premises for the retained businesses are made available before they are forced to vacate the buildings that they currently occupy.

The comprehensive nature of the proposals is welcomed, and allows the relationship between individual elements to be assessed properly, thus ensuring that proposals for one part of the site do not prejudice the potential of others, in accordance with criterion (B). It should also enable appropriate measures to be put in place (probably including a bond) to ensure that the site

as a whole is dealt with and that 'problem' areas are not abandoned following the development of the most profitable. This would conform with the requirements of criteria (G) and (L).

Another important requirement of the development of this site is the need for the timely provision of an acceptable scheme of flood mitigation, as covered by criterion (F) of policy W2. As the current application does not include the flood scheme it is important that a 'Grampian' condition is employed to ensure that development is not commenced until such time as the details of the scheme are agreed to the satisfaction of the Environment Agency. Appropriate provisions should also be incorporated within the Section 106 agreement to ensure that the phasing of implementation of the flood scheme is in accordance with the requirements of criterion (F). This requires the scheme to be constructed in parallel with the development of those parts of the site that lie outside of the floodplain, and to be completed before development commences on any part of it within the floodplain. The policy also requires a bond to be lodged to secure the funding of the flood scheme.

In view of the significance of the nature conservation value that the site is thought to hold, it is important to ensure that suitable provisions are made for timely investigation and the protection of any valuable species that are found to be present. As species of European importance are believed to be present. the content of the attached meeting note should be noted.

Decisions in relation to the provision of affordable housing, recreational open space and education and transport contributions can only be made in the light of a comprehensive economic appraisal of the proposed development. It is clear, however, that even with the scale of housing proposed the scheme has problems from a viability perspective. Given the priority that must be given in this instance to the need to secure the long-term future of these historically important buildings, the reduction or even waiving of these requirements appears to be justified.

I note that the application is for residential and 'commercial' uses. In respect of the latter it is important to ensure that the uses being permitted are defined by reference to specific use classes, and that these either exclude or impose limitations on uses that would be inappropriate either completely or at a significant scale in this location, in particular Classes B1 (office), A1-A3 and D2.”

43/2004/120LB

English Heritage (original submission)

“Tonedale Mills is one of the largest surviving textile mill sites in England whose area and quantity of buildings is greater than any other textile site in the south-west. Nationally, it is one of the very few mill sites which retains major buildings dating from c1800 up to the early 20th century and the fact that it was established in the 1790s and then continuously occupied by the same firm until the 1990s, with the family living on site, is unprecedented. In

the late 1990s the range of surviving structures within the complex, both in terms of function and date, was unparalleled in England. The national significance of the site was highlighted in a report produced for English Heritage by the RCHME on the Buildings of the Sough West Textile Industry, following which the grading of the complex at Tonedale and Tone Works was reviewed. This triggered the involvement of English Heritage South West Team in discussions about the long-term future of the two Tonedale sites.

Whilst, regrettably, the complex is not now in such a complete state Tonedale retains good examples of most of the historic building types associated with the development of textile mills. However, many of these structures are in a deteriorating condition which has led to the site being included on English Heritage's Buildings at Risk Register and the organisation engaging in discussions with the site owner, local planning authority and other interested bodies.

Whilst generally the uses that fit most happily in historic building terms with large textile mill sites are ones such as commercial or leisure the level of financial liability at Tonedale means that the need for cross subsidy from some level of residential use is almost inevitable. We recognise this not only in relation to the cost of building but because of the additional and necessary expense of flood alleviation works, de-contamination of buildings and upgrading of infrastructure on the site. Difficult decisions therefore need to be made which involve careful balancing of competing, and sometimes conflicting, demands.

Because of the complexities of this application, and the need to take into account evidence of financial viability, English Heritage has needed to involve a number of different professionals in order to make an informed assessment of proposal and this is necessarily taking some time. We are not, therefore, in a position yet to give a definitive view in relation to the application. However, the purpose of this letter is to advise what stage our assessment has reached, identify what further information would assist that assessment, and express some initial views, which are, however, at this stage only provisional.

English Heritage has always encouraged the owners to take a comprehensive approach to the site and we are pleased to see that this application has done so.

English Heritage advice:-

This application, whilst offering a much-needed opportunity for refurbishment of the listed buildings at Tonedale, also raises some difficult issues in relation to the level of demolition and alteration required in order to bring about that refurbishment. In our view the critical issues are the principle of what use the buildings should be put to, whether the level of demolition proposed can be justified and how evidence of the building's original functions would be preserved by the changes. The circulation, highway and parking requirements of the scheme are also a significant factor. Finally we need to be satisfied that

a robust financial case underpins the scheme and take account of this when weighing up the issues.

In relation to the proposed mix of uses English Heritage accepts that a realistic scheme is likely to include some element of residential units since they generate the highest return for a developer and can subsidise the repair of buildings in less profitable uses. Residential conversion of large, open span mill buildings and weaving sheds inevitably involves significant changes which in an ideal world we would wish to see avoided. The applicants have argued the need for a high level of residential use based on a financial case which identifies a certain level of both costs and values. It also makes assumptions about the demand for both commercial and residential accommodation in the area. As you know English Heritage is currently making its own assessment of the costs put forward and we understand that the Council will be making a comparable assessment of the values. We would be particularly interested to know the views of the Council's Economic Development Officer regarding the likely demand for commercial space and whether his view concurs with that of the applicant in this respect. The balance of residential to commercial space on the site is a concern to English Heritage in terms of its impact on the site overall and on individual buildings and this is why the viability question needs to be rigorously tested. In general terms, if residential development is required as part of the scheme then there is a logic in concentrating it at the lower end of the site beyond Back Stream. This in itself raises some difficult issues regarding the conversion of buildings, in particular the very large north light shed that is Block D but we recognise that the solution put forward is an imaginative one which maintains much of the significant elements of that building. The loss of the north light shed to the north of the five storey building is something that English Heritage have concerns about, particularly since all the north light sheds in the complex will be altered to some degree in the proposal. However, if our concerns elsewhere on the site were addressed then we would be prepared to countenance the loss of this building subject to more extensive retention of walling at ground floor level to provide evidence of its footprint.

Our concerns at demolition and alteration are most acute in relation to blocks F and G which are the former power station, boiler house and engineering workshops and building 15. Blocks F and G contain, we understand, the greatest concentration of surviving machinery, which was certainly in situ at the time of listing review. The applicant's own conservation plan identifies these buildings as being of special interest due to their in situ machinery and we do not consider the current proposal just to sweep it away to be acceptable. We would therefore urge the applicant to review the use and conversion of these buildings to retain both more of the structure and more of its contents. Also of concern in this complex of buildings is the level of demolition of building 46 which assumes a very truncated form, partly to adapt it to residential use and partly to facilitate the passage of traffic past it. That is also partly the justification for the complete demolition of building 15 which is the only dry house on the site and pre-dates many of the other structures as well as representing an unusual form of construction on site with its weatherboarding.

The level of alteration and demolition in this area seems to be dictated partly by the demands of residential use and partly by the need to get cars past the buildings into a new car park which would colonise an area of undeveloped green space. That suggests to us that both the level of residential use in this area and the need for that car park should be reassessed since both requirements are putting undue pressure on the historic buildings. If blocks F and G were retained entirely for commercial or leisure use and the need for car park 3 could be omitted then the need for such extensive demolition could potentially be averted. It might even be possible to incorporate car parking in the north light shed which forms part of Block G which could still give it a beneficial use. The retention of one north light shed intact at Tonedale is an important objective for English Heritage which we would wish the applicants to take on board.

Another area of demolition which needs to be further investigated is that of building 47 which is close to the site of the disused waterwheel adjoining the engineering workshop. We would want to be assured that demolition of this structure does not damage any surviving evidence of the wheel and associated mechanisms.

The partial demolition of block J also results from a requirement for additional car parking. We would value the view of the Council on how essential to the viability of the scheme this area of parking is and whether it could be reduced in size. This range of buildings is part of the later development of the site and we would reluctantly accept the demolition along with the removal of buildings 4 and 6 if our concerns about blocks F and G could be addressed. However, quite apart from the need for demolition the car park will be highly visible from the historic drive to Tonedale House and a greater buffer of planting is certainly needed to protect that approach from a totally urbanised setting. The design of parking areas will need further thought to integrate them successfully with both the robust character of the buildings and their landscape setting and more imaginative solutions will be needed.

The presence or absence of historic machinery in the buildings is not at all clear from the application and we would ask that the applicant provides a statement for all the buildings to be converted stating what machinery currently exists within or in close proximity to them and where it survives what impact the proposals will have for it.

We recognise that some of the suggestions made in this letter will have financial implications that the applicant will need to review. We are currently in the process of assessing the costings put forward for the whole project and further clarification is being sought from the applicant on a number of points. Once that process has been concluded we will contact the Council for a further discussion on the overall financial position since we understand that you are taking advice on the valuation aspects.”

The following response was forwarded by the applicant’s agent:-

I refer to the letter from Jenny Chesher to Taunton Deane Borough Council dated 17th November, 2004. During December 2004, I have met with officers of the Council to discuss various issues that arise from the applications, including the observations set out in Jenny's letter. I therefore thought that it would be useful for you to have a note of our response before our meeting with the Council's officers in January.

As the result of a meeting between Paul Schurer of English Heritage and John Styles of the Bailey Partnership (QS for the applicant), there appears to be general agreement on the level of costs shown in our Financial Viability document. In fact I understand that Paul considers that some of the figures may be on the low side and other costs need to be included. I also understand that Paul has requested a full development appraisal and this will be provided shortly.

We have not yet received any comment from the Council regarding the valuation figures that we included within the Financial Viability document. However, I would be surprised if this undermines our justification for the proposed level of residential development. As a result of the meeting with the Council's officers it appears that they are happy with the proposed level of commercial space that will be retained on the site.

We are pleased to note that Jenny's letter indicates that our approach to Block D, "... is an imaginative one which maintains much of the significant elements of that building."

Whilst I can understand the concern about the proposed demolition of Building 92 (the north-light shed to the north of the five-storey mill), I draw your attention to the fact that this is one of the latest buildings on the site and has been altered both internally and externally. Also, in the present proposals Building 2 (the north-light shed close to Milverton Road) would remain almost unaltered and we are currently investigating whether the later extension to that building can also be largely retained. Thus, contrary to the impression of Jenny's letter, an effort has been made to ensure that one of the north-light sheds on the site remains largely unaltered and in commercial use.

We note the concern about the machinery on the site and enclose a schedule, which notes all surviving items and the proposals for their future. We have previously asked you to advise on the significance of some of these items (particularly those within Block F - the boiler house) but have not had any response. We trust that you or one of your colleagues will be able to assist us in this matter in the near future.

The aim has been to retain machinery wherever this is possible without adversely impacting upon the use of the buildings. The retention of the large items of machinery within Blocks F and G would limit the potential of these buildings to accommodate either commercial or residential space. This would, in turn, impact adversely upon the economics of the scheme and lead to a need to achieve a higher number of residential units and a consequential loss of commercial space. This would also be detrimental to the character of

the buildings and would be contrary to the Council's wish to maintain a significant element of commercial activity on the site.

Jenny's letter is correct in stating that the proposed demolition of Building 15 and the scale of demolition/alteration to Building 46 are primarily because of the need to achieve vehicular access and car parking in this section of the site, although its removal also assists the re-use of Buildings 14 and 46. During the meeting with the Council's officers this aspect of the scheme was reviewed in some detail but it is extremely difficult to change the proposal because of a number of inter-related factors, as follows:

- (a) The level of proposed residential use on the site has been set by the need to achieve an economic proposal. As a result, if Building 46 is to be used for any other purpose (such as commercial space or car parking), there is a need to find residential space elsewhere on the site.
- (b) If Building 15 is to be retained, it would need to be for commercial use as it is unsuitable for residential conversion. As a result of the close relationship between Buildings 13, 14 and 15, the retention of Building 15 will mean that Building 14 and the lower ground floor of Building 13 (both of which are currently proposed as residential units) will need to be commercial space. This will mean that there would be a need to find further residential space elsewhere on the site.
- (c) The commercial use of buildings increases the level of car parking space needed on the site. We currently anticipate on the provision of one car parking space for each one and two-bedroom unit, while the equivalent area of commercial space will require three or four car parking spaces. Thus the use of the northern end of Block G, Buildings 14 and 15, and the lower ground floor of Building 13 for commercial use will result in the need for an additional 20-25 car parking spaces in this section of the site.
- (d) The original interior layout of Building 46 has been altered by the removal of columns behind the eastern elevation and the introduction of large section steelwork at roof level. Thus, even if it were to be used for commercial or car parking use, it would not represent an intact north-light shed. In any event, as already indicated above, Building 2 will remain as an intact north-light shed.
- (e) Whilst it may be possible to use the north-light section of Building 46 for car parking (at a cost), the column layout in the western section is very tight for such a purpose. As a result (and in view of the additional car parking requirement), it is unlikely that the need for the parking provided by Car Park 3 would be avoided.
- (f) The site is very short of car parking space generally and the available areas for on street parking are very limited. It is therefore important that the levels of car parking are not reduced to a point where residents, workers and visitors are tempted to park in dangerous locations on the access roads and Milverton Road. The loss of Car Park 3 cannot be compensated for elsewhere on the site without adversely affecting the setting of other historic buildings.
- (g) If Car Park 3 has to be provided, access is only possible if some demolition of either Building 15 or 46 is accepted.

In view of all the above it is considered that the demolition of Building 15 is the most appropriate way forward for this section of the site. Whilst this building is the only drying shed on the Tonedale site, a larger drying shed survives within the wider complex, at Tone Mill.

We note the concern regarding the possible impact of the demolition of Building 47 on the site of a disused waterwheel. However, we consider that there has been a misunderstanding about the location of the waterwheel. We know that there was a waterwheel with Building/Courtyard 45, which lies some distance to the north of Building 47. Whilst Building 47 is close to the culvert under Building 46, we have no evidence that there was a waterwheel in this location. We believe that the partial demolition of Building 47 (and all the proposed demolitions) can be undertaken in such a manner that damage to other elements on the site can be avoided. We would expect any listed building consent to include an appropriately worded condition to cover such work, possibly requiring a method statement for all the proposed works of demolition.

We also believe that there may be some misunderstanding regarding Building 6, which is not to be demolished. Is it possible that Jenny's letter should have referred to the removal of Buildings 4 and 8, rather than Buildings 4 and 6? The removal of Building 8 is being proposed in order to provide an appropriate setting for Tonedale House and to allow for the restoration of the north elevation (which was the principal entrance front) to its original appearance.

Following discussion with the Council's officers we are currently considering the following:

1. The redesign of Car Park 6 to avoid the demolition of the later extension to Building 2, and to limit the extent of hard surfacing and increase the level of planting. This may be possible if the ground level of this area can be lowered without adversely affecting the trees along the Milverton Road frontage. Such an approach may help to mitigate the visibility of the car park from the existing drive. However, this is likely to result in some loss of car parking spaces, which will put pressure on car parking spaces elsewhere on the site.
2. The possible retention of Building 4. This building is currently used as offices and this would remain unaltered. However, one consequence of this is that Buildings 7 and 9 (Tonedale House) would need to be converted for commercial uses (instead of the present residential proposals). This change will increase the level of commercial space on the site and lead to a need for further car parking. Also, the loss of two residential units may have an adverse impact upon the financial viability of the project.
3. The redesign of Car Park 3 and the associated turning head to the east of Building 46 in order to reduce the impact of the car park on the landscaped area in this location.
4. The redesign of Car Park 1 to allow more of the north wall of Building 92 to be retained. However, this will mean that the surface area of

the car park will need to be significantly increased. One suggestion is that the impact of this car park on the surrounding countryside might be reduced if it was enclosed by a high wall similar to the wall that links the west ends of Blocks A and B.”

As a result of this consultation response, further discussions took place and consequently amended plans were forwarded. To the date of compiling this Report, the views of English Heritage on the amended plans had not been received.

The Georgian Group

“The Group's interest in the site relates to the buildings that were constructed before 1837, namely the Mill, Tonedale House & the wool shop, the wool warehouse, the fireproof mill and the Old Mill. We defer to the Victorian Society for comment on the later listed structures.

The Group is keen to see a new use found for the site to secure the future of the listed buildings. We broadly welcome the approach to the refurbishment, repair and conversion of the buildings as set out in the Design Statement. In particular we support the approach of minimising external alterations and internal subdivision. With regard to the proposals for the individual buildings we would like to offer the following observations:

We note the proposal to use the Mill (building 3) for office use which has minimised the alterations to the interior.

The Group welcomes the demolition of Building 8 and the restoration of the original facade of Tonedale House. Internally the Conservation Plan refers to a dog leg staircase providing access to the attic, if this is of historic interest the Group would prefer to see it retained.

We welcome the decision not to insert new staircases within the fireproof mill and the use of the ground floor of this building and that of the wool warehouse for commercial use which have allowed the space to remain largely undivided.”

Society for the Protection of Ancient Buildings

The writer is very familiar with this important mill complex, having been one of the investigators who carried out an analysis of the Tonedale Mill buildings about ten years ago for the Royal Commission on the Historical Monuments of England. This integrated woollen mill was identified as being the finest survivor in the whole of the area of our study - an enormous triangle including Cornwall, Gloucestershire and the Isle of Wight. Since then some very important parts of this unique complex have been destroyed. The present proposals appear to be relatively sympathetic to the most significant remaining buildings.

Block H (buildings 7-28) is of some concern. The large waterwheel-pit, for the former 30 ft. diameter waterwheel, even has the original cast-iron feeding-tank still in position, and is a most important survival. It is situated in the ground and lower ground floors of the N part of building 19, although it is not shown on the "as existing" plan. This huge waterwheel was fundamental to the evolution of this mill complex, and we urge that the retention of this dramatic, historic and educational feature be made a condition of the conversion.

We are also concerned about the treatment of Block G (buildings 38-46). Not shown on the drawings is a second waterwheel, the frame of which survives in good condition in a small enclosed yard. This locally-built waterwheel is important, and its survival must be assured preferably in-place. If it cannot remain in place it should be dismantled and removed with care for re-erection elsewhere. Such a wheel is a significant asset and, if it is decided that it should not remain at Tonedale, there is always a demand within our membership for an unwanted and endangered waterwheel, for reinstatement at some other suitable mill.

On the information we have, we do not wish to comment on the proposals for Block A (buildings 66-70), Block B (buildings 62-64), Block C (buildings 36 & 65), Block D (buildings 54-61), Block E (buildings 48, 50-53 & 90-91), Block F (buildings 30-35) or Block J (buildings 1-6)."

Somerset Industrial Archaeological Society

As a preliminary, it should be stated that SIAS has for some years taken a major interest in this company, and in the extensive range of industrial buildings which constitute its legacy. This site has received national recognition as to significance by its listing by the Department of Culture, Media and Sport (DCMS) following advice from English Heritage (EH).

This response is based on our long-term interest in the site which includes a study of EH and Royal Commission (RCHME) papers and the statutory listings. We also have involvement with the extensive collection of Fox Bros. archival material at present held at Coldharbour Mill, Uffculme. SIAS is familiar with the layout of the Tonedale site, the historic functions of the buildings and was able very recently to have a guided visit with the architect of the present planned development. In addition we have examined the Conservation Plan and other documents submitted by Woodhall Planning and Conservation (WPC). Based on the above and on the position that SIAS is the only society in Somerset which is solely concerned with the industrial history and heritage of the county, SIAS hopes that its comments will receive due consideration.

We believe this development plan makes a very serious attempt to preserve the appearance and completeness of the Tonedale site, and this is reflected in the fact that we have kept our appended comments to a relatively small number of specific aspects which concern us most. As you are aware, when the initial scheme was outlined for this site several years ago, SIAS was highly critical of the lack of an overall approach and respect for the industrial

heritage. On the basis of the documentation supplied for this planning application we feel that the time has come to move forward but acknowledge that there will be points of detail requiring further discussion and agreement and of the key role that English Heritage will play in this process.

We are concerned for the deterioration in the fabric of the buildings that will be occurring on site, particularly to the older 19 century structures as this could present serious conservation as well as financial problems if they are permitted to remain in their present condition for a further indefinite period, it should be possible to proceed on an agreed strategy for a phased programme of redevelopment, perhaps block by block, as long as the 'big picture' is kept fully in focus.

In conclusion SIAS is, in general terms, supportive of the proposals but wishes to see an enhancement of the heritage at Tonedale by:

- (a) a comprehensive programme of archaeological investigation and additional historic building recording before and during the development. This would be carried out by archaeological units under the overall supervision of Somerset Heritage (Somerset County Council);
- (b) the retention of original machinery in the 'powerhouse' buildings;
- (c) the provision of an interpretive aspect within the complex which would provide the resident and visitor with an insight to the past, a 'heritage trail' to this significant industry, one of the largest and longest-lived manufacturing concerns in the West of England.

Our stance on this application is therefore one of conditional approval. “

The following further response has been received following the submission of the amended plans:-

“SIAS would make the following points:-

Building 92 adjacent Block A - from a strictly heritage standpoint, the reduction of a Grade II* building to one wall does seem excessive and unacceptable. In order for this to be permitted, SIAS would wish to see an overwhelming case based on strong social and economic criteria presented by the developer to English Heritage.

Buildings surrounding Mill No.3, Block J - the retention of an additional building (No.4) is to be welcomed but part of Building No. 1 (period 1837-1867) would still be demolished for the construction of the roadway. For this to be approved SIAS would favour as a constraint additional recording under an archaeological watching brief before and during its removal.

Buildings 54-57, Block D - It has always been recognised that the former yarn mill presents a challenge to any redevelopment proposals and this solution, albeit retaining structural elements of the original, is as drastic as the one

previously submitted. SIAS feels that in the final analysis the impact of the new design as seen from ground level is the critical factor as it should reflect the scale and character of the old mill as closely as possible.

Block F - the inclusion of drawings illustrating a projected commercial use fails to address the issue SIAS raised previously over the status of the powerhouse engines, generators, switchgear et al. The society believes these to be of high technological significance and as an integral part of the buildings they also ' have statutory protection. Clarity is required here.

Waterwheel Evidence. Blocks G and H - SIAS is supportive of this proposal which emanated from SPAB and hopes that due notice has been made of the surviving long bed lathe also in Block G.

Our concerns and suggested archaeological strategies, as expressed in our letter of 2nd November, 2004, we consider to be of paramount importance in ensuring that the industrial heritage at Tonedale Mills is both enhanced and adequately recorded during the extensive redevelopment programme of works.

The SISA stance on this application remains one of conditional approval.”

Victorian Society

“The site is a large area with a complicated collection of buildings of various dates. Part of the site is listed Grade II, much of the Victorian work is listed Grade II*. The Society recognises that the buildings on site require considerable work to improve their current condition, they also require intervention to enable new uses. The site is also complicated by such issues as the possibility of ' flooding, contamination, and the need to protect against the possible impact of blast from adjoining areas of the town.

We have two comments on specific elements. Firstly, the Committee saw photographs of building 15, identified as a former Yarn Warehouse in the Conservation Plan, which has ventilated weatherboarding to the gables. They felt this was an interesting and characterful building which it be a pity to lose. They recognised the need to create vehicle access through the site at this point and would be grateful if consideration could be given to truncating building 46 to do this rather than losing the Yarn Warehouse.

An important part of the character of the site is the spaces between the buildings and the hard surfacing. Clearly the existing surfaces are uneven and not suitable for modern requirements but it would be regrettable if the replacements did not continue the strong workmanlike existing character.

Apart from these elements the Society feels that the current proposals are generally an acceptable way forward for the site.”

Conservation Officer

The following observations on the initially submitted scheme, based on an E-mail to the applicant's agent:-

General:

Repairs spec in general lacking in detail. It is intended to require by way of condition, specific repair schedules for each building. In this respect CI rainwater goods need to be specified.

Block A:

What is meant by pressurised stairways and corridors? What does this entail in practice? Question significance of vaulted ceiling to be lost as a result of introduction of lift.

West elevation (plan 259D) - reinstate half round former window to 4th floor.

Block B:

Existing section required, in order that impact of proposed inserted floor can be more accurately assessed. Number of rooflights excessive.

We have yet to assess the significance of existing doors.

Block C:

What is the significance of internal columns/beams/stairs? South elevation, righthand end - reinstate door surrounds to match existing.

Block D:

Volvo graveyard. Submitted plans not looked at in detail, as revised scheme anticipated. (Your tel call re revised financial situation, refers).

Block E:

The sash windows on the north elevation should NOT be removed. Obscure glaze or such other means to ensure integrity of sashes.

Unit E7 - double garage shown on plan 280B, single garage shown on plan 287A.

Block F:

The design of proposed window openings on the west elevation requires to be in keeping with the rest of the building with segmental arches.

Details required on how the proposed inserted upper floor will be carried out.

Block G:

No questions.

Block H:

Clarification needed on where re-use of removed flagstones will be resited.

Further clarification required with regard to the impact of building no.7 proposals which was not surveyed. Proposed external stairs ground floor building 19 not shown on existing plans.

Block J:

Justification required in respect of loss of existing section of wall at ground floor.

Earlier mill building- doors with glazed side lights would appear inappropriate design. Plans 241, 232B and 119 refers. Access to first floor, Buildings 1-6 (plan 233), not shown!

West elevation - plan 241 (section b/b), fenestration should match early mill building.

North elevation - why not utilise existing openings in ,early mill, rather than draw new ones - plan 237, section c/c refers.

Why is new staircase specified in place of existing? Plan 237, building JX6 refers.

Plan 119 - survey does not provide details above staircase.”

9.0 **REPRESENTATIONS**

5 letters of representation have been received making the following points:-

1. Concern at proximity of one of proposed car parks to property with impact on outlook from property.
2. Tonedale Mills is a unique working environment for small businesses and craftspeople, which is not easily replaced in a form which will engender the same community of excellence.
3. Upper courtyard area should stay as business use, suitable for woodworking and noisy businesses, not just office space.
4. The old boiler house should be business space with plenty of parking.
5. The complex is ideal for affordable starter flats.
6. Extra traffic will add to the ever increasing congestion in the centre of Wellington.
7. Residential accommodation can be established on many other sites in the locality. If residential development is essential at Tonedale, it must be subsidiary and in the form of ‘workers dwellings’, affordable by people of modest means who will contribute to the growth of Tonedale business concept and not commute to other areas.
8. Increasing gentrification of the town as working areas are being changed into residential ones.
9. Demolition of buildings will seriously compromise the integrity of the group.

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

1. Mixing workshops and new houses would be disasterous. The new homeowners will object to people having to work unsociable hours, which many small businesses and self-employed people have to do and may result in noise and dust. A conflict many occur which may

only be resolved with the workshop being told to move. They therefore need to be designed separately from the new houses.

2. Insufficient details of the internal layout of the workshop units. If the workspaces are not suitable, the empty buildings may eventually be converted to more housing, losing the working heritage of this unique site.
3. Workshops may be smaller than the existing ones with higher rents, which means local self-employed people will have to look elsewhere for affordable space. The history of local producers, local jobs and the craft aspect of the work done here should not be lost.
4. Once these specialised industrial buildings have been knocked about to convert them to modern flats they will never be the same, contributing to the destruction of our local heritage.
5. Inadequate car parking for new residents, which will result in parking on the only access road to the site. This road at the moment, with only a few workshops at the top of the site, is full every day leading to traffic problems. The new housing development that has just finished is adding to that problem. Furthermore the workshops may not have car parking near them, with nowhere for employees and visitors to park and delivery lorries to stop.
6. Loss of employment floorspace in the area.
7. Loss of income to occupiers during move within the site.
8. Insufficient space being provided to accommodate all the tenants currently working at Tonedale.
9. The current businesses feed into the local economy in many ways due to the size and type of business and most of the employers and employees live in the immediate area.
10. There should be amenity provision for the new residents to include work opportunities, leisure facilities, schooling and transport. Development needs to be beneficial to the area and sustainable.
11. Proposed demolition of buildings opposite property to enable access to a large car park will have a devastating effect on local residents. Proposed car park will be accessed day and night (including for wedding receptions at Tonedale House) and demolition of building will reduce acoustic barrier against noise pollution. Alternative access to car park other than demolishing building should be sought.
12. The financial rewards of all interested parties to this development are gained at the expense of the innocent resident, who will be burdened with the consequences of this development should it proceed.

13. Buildings are totally unsuited for residential development
14. Society should be encouraging the retention of skilled workers, working in small units, rather than the development of large mass production factories on a distant industrial site. The site is ideally suited to nurture the many skills of the people involved.
15. Right of access continually blocked by employees of existing office units, together with consent stream of delivery vehicles and commercial vehicles.
16. Cars parked either side of driveway obscure view of highway and poses a safety hazard accessing driveway. Also park on pavement blocking right of light to property.
17. Speed of motorist along road is excessive.
18. Right of support of property is being undermined by heavy influx of HGV's and traffic. Cracks are appearing externally in the stonework and internally. This will become worse as a result of the proposal.
19. Fundamental requirement for enjoyment of property is being deprived in many ways.
20. Depreciation in value of property.

A letter of objection has also been received from The Big House Company, which occupies Tonedale House. It is understood that copies of this letter and its supporting documentation have been forwarded direct to the Committee Members.

The following representation has also been received from the Prince's Foundation:-

"Thank you for consulting us on the final Conservation Plan and recent amendments to the submitted application at Tonedale Mill. As you know from our previous correspondence Regeneration Through Heritage has been concerned to see that an holistic approach is taken to the Tonedale and Tone Mill complex to ensure a long term sustainable future for the heritage assets at Wellington. In previous correspondence, mostly recently a letter from the Chief Executive on the 10th February, 2005, the Borough Council gave a commitment to seeking a solution for all three elements of the mill complex. We believe that the current application from Courtleigh Securities Ltd at Tonedale Mill is a crucial opportunity to secure this objective.

We wrote on 26th January, 2005 expressing concern that a Conservation Plan had not been submitted. The completed Conservation Plan for the whole complex is to be warmly welcomed and it provides a strong statement of the national significance of the mill complex. We of course accept that a pragmatic solution has to be found to create new uses and fund conservation at

Tonedale Mill, and it is crucial that the Conservation Plan is used to guide decisions over demolition and conversion. It is perhaps for your Conservation team and English Heritage to offer a detailed view on the suitability of the proposals with regard to the selective demolition and impact of conversion to new uses.

The Conservation Plan does of course deal with the whole complex, and therefore it seems justified and in accordance with the statement of significance, to consider the future of the whole complex and not just the Tonedale Mill site.

As you know, the applicant, Courtleigh Securities Ltd, have offered to gift the Tone Mill dyeworks buildings to the Trust for £1. This is not a viable proposition and belittles the liability of the owner towards the maintenance of these Listed buildings. The owner needs to accept that the costs of conservation and securing new uses in the Tone Mill dyeworks are substantial. In our experience there will be a heritagedeficit, i.e. the capital costs of conversion do not return a profit or break even, which makes this an unpalatable project for the private sector. This why we are keen to offer a community-led Trust solution.

The Tone Mill Trust is seeking funding to appoint consultants to carry out a feasibility study of the Tone Mill dyeworks. It us unfortunate that the results of this study are not available for us to share with the Borough Council at this time of determining the planning application. However in the considerable experience of Regeneration Through Heritage, we are confident that the feasibility study will demonstrate a solution to the Tone Mill dyeworks which secures revenue-generating uses, and a business case that will help the Trust access public grants towards carrying out the capital works. However it is also our view that the whole of the brownfield land and buildings at the dyeworks will be need to be gifted to make the project viable.

Of course it is possible that the owner will bring forward proposals for the Tone Mill dyeworks in the near future. However this is not a certainty and the existing planning application is an opportunity to secure benefits for the whole complex. Without the security of a planning obligation Tone Mill dyeworks may stay empty and in deteriorating condition for a long time. This of course could put the Borough Council in the position of needing to serve Urgent Works Notices and potentially fund repairs should the owner default. It would be far better to secure reasonable planning obligations now.

Therefore we recommend that if you are minded to grant consent for this application at Tonedale Mill, that you secure through Section 106 legal agreement or planning condition, the requirement to submit a master plan for the Whole complex (including Tonedale, Tone Mill dyeworks and the grease works) and a timetable for implementation of the approved master plan. A suggested condition might be: No development or demolition shall take place within the site, until the applicant has prepared a master plan for Tonedale Mill, Tone Mill dyeworks and grease works, which has been submitted and approved in writing by the local planning authority.

Regeneration Through Heritage and the Tone Mill Trust will continue with a feasibility study of the dyeworks, and to liaise with Courtleigh Securities Ltd, English Heritage and the Borough Council to pursue a community-led solution, to the dyeworks, which in the event may become a component of a master plan.“

Regeneration Through Heritage is offering a community-led Trust solution to the renovation and bringing back to use of the former Tone Mill Dyeworks building, which is part of another complex of former Fox Brothers buildings. They are concerned to see that an holistic approach is taken to the Tonedale Mill and Tone Mill complexes to ensure a long-term sustainable future for the heritage assets at Wellington, and they see the current application as a crucial opportunity to secure the objective of seeking a solution for all elements of the mill complexes. The Tone Mill Trust is seeking funding to appoint consultants to carry out a feasibility study of the Tone Mill Dyeworks. It is the view of Regeneration Through Heritage that the whole of the brownfield land and buildings at the Dyeworks would need to be gifted to make the project viable. The owners of the Dyeworks (the applicants for the current application) are not prepared to gift the whole of this area. Regeneration Through Heritage see the current planning application as an opportunity to secure benefits for the whole complex. It recommends that if the Authority is minded to grant consent for the current application, a requirement to submit a Master Plan for the whole complex (including Tonedale Mill, Tone Mill Dyeworks and the Greaseworks, and a timetable for implementation of the approved Master Plan, should be secured through a Section 106 Agreement or condition.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. The constraints that work against a continuation of the existing pattern of use and under-use? CONSTRAINTS
- B. Is there the demand for the large areas of floor space for commercial use? DEMAND
- C. The possibility of a viable scheme for the site? VIABILITY
- D. Does the proposed development make adequate provision for affordable housing? AFFORDABLE HOUSING
- E. Does the proposed development make adequate provision for other contributions towards off-site works, such as highways, education and playing fields/recreation? OTHER OFF SITE CONTRIBUTIONS
- F. Does the proposal comply with the relevant Local Plan Policy? POLICY
- G. Are adequate flood mitigation measures incorporated in the proposed development? FLOODING

- H. Have appropriate measures been included in the proposal to protect wildlife interests? WILDLIFE
- I. Are the requirements of the commercial users currently occupying the buildings met. COMMERCIAL USERS
- J. Is the proposed access to the site and parking arrangements acceptable? ACCESS AND PARKING
- K. Do the proposed conversion works respect the character of the buildings? IMPACT ON CHARACTER
- L. Is the extent of demolition of buildings appropriate? DEMOLITION
- M. Is it appropriate for the current proposal to proceed in isolation rather than as part of a comprehensive package incorporating development at Tone Mill Dyeworks and the Greaseworks as well? COMPREHENSIVE DEVELOPMENT
- N. Will the proposal have a detrimental impact on the amenity of occupiers of nearby dwellings? IMPACT ON RESIDENTIAL AMENITY
- O. Is the proposal sustainable? SUSTAINABILITY

A. Constraints

Constraints affecting the site are as follows:-

- (a) The majority of the space within the buildings is vacant. Of a total available floor space of approximately 22,480 sq m on the whole of the site approximately 5,360 sq m (24%) is occupied.
- (b) Even where buildings are occupied, the uses are often low intensity at very low rental levels. For example, a number of buildings on the western section of the Tonedale Mill site are occupied by car maintenance and storage operations. Also, a number of these are 'bad neighbour' uses, as a result of high levels of noise or the low quality of the operation. These uses reflect the very poor condition of both the buildings and the infrastructure (roads, parking areas, services, etc.) and the lack of even basic amenities (toilets, kitchens, etc) within the individual buildings.
- (c) The extremely poor condition of the majority of the buildings on both sites, together with the poor condition of the infrastructure.
- (d) The susceptibility of the lower (western) section of the site to flooding.
- (e) The listed status of the buildings and the restriction this places on the level of demolition and alteration that will be acceptable.

- (f) The density and close proximity of the existing buildings, particularly on the lower part of the site.
- (g) The presence of asbestos and other contaminants, the remediation of which imposes an additional cost on any development.

Virtually all of the present buildings are far below the standard that modern industry requires. As a result substantial renovation and decontamination works are required, along with sub-division to create realistically sized units. The renovation works will also need to achieve the appropriate modern standards, together with ancillary accommodation such as office areas, toilet facilities, loading and service yard areas.

It is clear that the vehicular access space, parking, turning areas, etc are so restricted throughout the majority of the site that limited demolition of a number of the less significant buildings has to be considered.

B. Demand

As part of the Feasibility Study referred to earlier, a Demand Study was undertaken. This indicated that the potential level of new commercial occupants that might be attracted to Tonedale Mill is 3,700 - 4,650 sq m over the next five years. There is also virtually no demand for office accommodation in Wellington. Only a small proportion of the available floor space is currently occupied.

It is accepted that it would be unrealistic to expect that there would be sufficient demand from employment uses to occupy all the available space at Tonedale Mill. Also, the lower western section of the site is remote from Milverton Road and has no visibility from the main road. This section of the site can only be accessed through the rest of the complex and many of these vehicular routes are restricted. The most attractive commercial locations are those adjacent to Milverton Road and the site access.

C. Viability

Against the constraints set out above, the proposed development seeks the creation of a high-quality mixed use scheme. The fundamental principle has been the need to devise a viable scheme, which is capable of being implemented and will fund the necessary repairs to the listed buildings, the de-contamination of the buildings and the flood alleviation proposals. In order to achieve an economic development it has been necessary to propose a high number of residential units, as all the non-residential elements are fundamentally uneconomic because of the high cost of repairs and conversion in relation to the low returns received in this location. Details of the development costs have been provided on a confidential basis to justify the need for the level of residential conversion. This Financial Viability Report is available for inspection by Members of the Committee.

The proposed development is for a high-quality, mixed use scheme, with a high proportion of residential units. The applicants advisors see this approach to be the only way in which this important complex of listed buildings can be restored and given a viable long-term future. However it does depend on achieving residential values well in excess of those normally achieved in Wellington and as such it is perceived by the applicants as a high risk strategy.

The Council's Senior Valuer has given consideration to the details in the Financial Viability Report and concurs with the view that the scheme is a high risk proposal financially.

D. Affordable Housing

Policy H9 of the Taunton Deane Local Plan states that on suitable housing sites, the provision of affordable housing will be sought. In assessing the level of provision on individual sites, regard is paid to the need to balance the requirement to provide for the identified affordable housing need with other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability. In terms of Tonedale Mills, Policy H10 sets an indicative target of 20% of any dwellings being affordable housing. Having discounted the targets to take account of site specific costs and constraints and viability considerations, the supporting text of the Local Plan indicates that the Council would not normally expect to have to make further reductions.

Policy W2 of the Local Plan states that, in association with development , affordable housing provision will be sought in accordance with Policies H9 and H10, subject to the recognition of a flexible approach. The supporting text to Policy W2 recognises that the limitations and costs associated with the site have a significant impact on the economic viability of development proposals. Given the previous need to ensure that the long term future of the site is secured through the implementation of proposals that are able to provide investment in the buildings, it is recognised that a flexible attitude needs to be adopted towards the scale of contributions sought towards affordable housing and other similar benefits.

The applicants Financial Viability Report, submitted with the application, indicates that the provision of on-site affordable housing would have a significant impact on the overall economics of the scheme. This is because of the aim of achieving a 'high-value destination location'. If affordable housing is provided on site, the cost of development would exceed the anticipated end values by about £1.5m and the proposal would therefore not be viable. An allowance of £200,000 has therefore been made by the applicant, towards the construction of off-site affordable housing.

E. Other Off-site Contributions

As set out in the previous two sections of this Report, there are high costs involved in developing this site and securing the future of the listed buildings

on the site. Any requirement to provide contributions to other off site works will reduce the viability of the scheme. Contributions have been sought by consultees towards highways, leisure and education. These could only be achieved by increasing the number of dwellings at the expense of commercial. Against the background of a number of the buildings being currently occupied by commercial tenants, additional displacement of these is not considered appropriate. It is also of paramount importance that a viable scheme is brought forward to ensure the future of this significant complex of buildings.

F. Policy

The most relevant policy in the Taunton Deane Local Plan is Policy W2, which is specifically concerned with the Tonedale Mill site. This policy provides guidance which seeks to strike a balance between the conservation of the site's important heritage and encouragement of appropriate development proposals. It proposed a mixed use development subject to various criteria being met. It is considered that the proposed development is generally in line with the criteria contained in the policy, although as set out in other sections of this Report, contributions towards community benefits would render the scheme unviable.

G. Flooding

About half of the site is low lying and at risk of flooding by water from the Back Stream as a result of the Mill buildings constricting the flow of water during major storm events. A flood mitigation scheme is proposed involving on-site and off-site works. The scheme shows that in principle those parts of the site that flood can be satisfactorily protected. These proposals comprise:-

- (i) clearing out the existing watercourses in order to increase their flood conveyance characteristics;
- (ii) constructing an attenuation lagoon, upstream of the complex, to the south of the railway line; and
- (iii) constructing a purpose built overland flood channel to the west of the complex.

Further discussions are taking place between the applicant and the Environment Agency with a view to resolving detailed points.

With these flood alleviation measures in place, the Tonedale Mill complex will no longer be at risk from a 1 in 100 flood.

H. Wildlife

The site has considerable wildlife interest, including the presence of protected species. The requirements of Taunton Deane Local Plan Policies EN3, EN4 and EN5 are therefore applicable. Policy W2 also requires that before any

development takes place, a wildlife survey of the site should be carried out and a scheme agreed to ensure that satisfactory measures are taken to protect lesser horseshoe bats, badgers, tawny owls and any other wildlife. The Wildlife Species Co-ordinator has requested that these surveys be carried out prior to determination of the application. However, in view of the content of the Taunton Deane Local Plan Policy W2, I consider that a condition requiring surveys to be carried out prior to commencement of conversion works is appropriate.

I. Commercial Users

A considerable number of small businesses are located in the many buildings within the complex. Although it is unlikely to be possible to accommodate all the existing businesses in the proposed scheme, particularly the 'bad-neighbour' and large space users, a substantial amount of employment floor space is provided in the scheme. Furthermore the amended plans increase this provision. Refurbishment and conversion of buildings for a range of employment generating uses will help to safeguard the condition of these buildings. The proposed Section 106 Agreement ensures that as far as possible, existing tenants can be accommodated in the refurbished units.

J. Access and Parking

A Transport Assessment was submitted with the planning application. This indicates that the existing Milverton Road/Millstream Gardens junction has adequate capacity to accommodate the proposed development.

Vehicular access within the site is proposed from the spine road leading into the site from the existing Millstream Gardens along the northern edge of the site. From this spine road, spur roads will lead between the various blocks. There will also be separate pedestrian routes through the site. These include a new public footpath along Back Steam.

In addition to the 325 vehicle parking spaces proposed, 43 cycle stands are proposed across the site providing spaces for 86 cycles.

K. Impact on Character

Whilst most of the individual buildings are of interest in their own right, the major significance of the Tonedale Mill complex is the variety of buildings, each constructed and in many cases subsequently adapted for part of the manufacturing process, and their relationship to each other.

The general approach of the proposed development of the site is to retain as many of the buildings as possible, although some demolition has been necessary for a variety of reasons. Also, the aim has been to minimise external alterations to the buildings. For some of the buildings, it has been considered appropriate to adopt a 'restoration' approach to their external appearance, removing damaging alterations and extensions and reinstating the former appearance. For other buildings, the pattern of previous alterations

is retained and further alterations that are necessary for the development are proposed as clearly identifiable interventions. With new openings or where existing openings are to be altered, the proposal is that the alteration would be designed in such a way that it would be clear that an intervention has occurred. Similarly, where original openings cannot be used, the approach has been to block or alter them in such a way that their original form can be clearly identified.

Conversion of the buildings, particularly for residential use, inevitably results in the sub-division of the present large open spaces of the interiors. The proposed residential units have been designed to respond to the configuration of the existing buildings, particularly the window patterns, even if this means ignoring some of the preferences expressed by the applicants' residential marketing consultant. Within the residential units, the aim has been to minimise the level of sub-division consistent with their general size. The majority are proposed with an open-plan living/dining/kitchen space, albeit with some definition of the kitchen areas. This maintains some sense of the open, industrial character of the interiors, particularly where there are columns or other features within the units.

The one building where a more dramatic approach is proposed is the large former spinning mill at the western end of the site, colloquially known as the 'Volvo Graveyard'. The building has a narrow two storey range to the east and a large north-light shed to the west. The external walls are of red brick and the roofs are covered with slate. Much of the glazing to the north-light shed is missing and the roof structure over this section is in a very poor condition. The re-use of this building poses a number of problems. Although at first sight it would appear to be suited to commercial or industrial use, the structural grid of columns is very restrictive for modern uses. It provides a floor space of over 5,600 sq m, which is far more than the total commercial uses that it is anticipated can be attracted to the complex over a 5 year period. Furthermore any commercial or industrial users of such space would require easy access for large vehicles and significant areas of yard and car parking. Such provision could only be made by the demolition of other adjacent buildings or be encroaching into open countryside outside the historic limits of the complex. In view of these factors, the proposal provides for a radical approach to be adopted in allowing the building to be used for residential use. The external walls and the two storey range would be retained, but the majority of the roof and structure of the north-light shed would be removed to allow for a central car parking area and garden courtyards. Although the internal alterations necessary for residential use constitute a major change to the single interior space that existed on the ground floor of this block, the open space of the car park, together with the retention of part of the north-light roof form, allows for some appreciation of the scale of the original space. As a result of this approach, the exterior of the building would remain largely unaltered, although the interior would be radically different.

The approach to the roads and other spaces around the buildings is to retain the hard, industrial character of the site. As a result, external spaces are proposed to be generally hard paved with no soft landscaping. Where garden

areas are provided, these are proposed to be enclosed by stone or brick walls, so that the impact of planting and the visual clutter often associated with garden spaces is minimised. However, there are a number of areas within and around the site, such as along the exiting drive to Tonedale House and the banks on either side of Back Stream, where extensive tree cover and other soft landscaping currently soften the hard industrial character. In these areas, a different approach is proposed, with the existing landscaped character being retained or reinforced. A series of new pedestrian dominated spaces is also proposed throughout the development, linked by a pedestrian route.

L. Demolition

The demolition of a number of buildings is proposed. Although all the buildings on the site are of significance, the aim in making decisions on demolition has been to ensure the retention of all the key buildings and to minimise the level of demolition that is necessary. In some instances the reason for demolition is to enable access to car parking areas or to bring other buildings into beneficial use. In a few cases, demolition of later additions is proposed in order to allow for the restoration of the earlier appearance of some buildings.

The rationale for each demolition is set out in the Design Statement submitted with the applications.

M. Comprehensive Development

The Authority is aware of need to avoid 'cherry picking' by ensuring that the most profitable parts of the whole of the former Fox Brothers complex are not developed at the expense of the less profitable ones. Regeneration Through Heritage has made representations suggesting that any development of the current site at Tonedale Mill should be tied up through a Section106 Agreement or condition with development at the Dyeworks.

However, although the Dyeworks are within the settlement limits and comprise brown-field land, there are no specific proposals in the Taunton Deane Local Plan for their development. There are implications for flood relief. The Feasibility Study prepared previously, covering both Tonedale Mill and Tone Mill, concluded that proposals put forward were not viable. However, the study was welcomed as a basis for further work to produce a viable proposal. The Financial Viability Study submitted with the current proposal indicates that it is only marginally viable, and that is without providing for normally required community benefits.

N. Impact on Residential Amenity

It is inevitable that there will be some adverse impact on the amenity of occupiers of nearby dwellings, in particular Tonedale House and properties in Millstream Gardens. The development will result in additional traffic passing along Millstream Gardens to access the site, when compared to existing

traffic flows. However the site and buildings are currently underutilised and have the potential to generate considerably more traffic, particularly heavy goods and other commercial vehicles, if they remain in their current industrial use. Also the impact of housing use generally is likely to be less than intensified industrial use.

The impact of the proposal on residential properties has to be balanced against the overriding aim of securing the long-term beneficial use of this important complex of listed buildings. Impact of traffic vibration on buildings and effect on value of property are not planning issues.

The County Highway Authority do not object to the principle of development and raise no specific problems in relation to parking and speed of cars on Millstream Gardens.

0. Sustainability

The proposal provides for the refurbishment and re-use of existing buildings, many of which are currently under-used and in poor condition.

The proposal is in accordance with the principles of sustainable development in providing the opportunity to make journeys to and from the proposed development by foot, cycle and public transport.

11.0 CONCLUSION

Tonedale Mill is an important feature of Wellington's industrial, historical and architectural heritage. Its importance goes well beyond the local level. English Heritage recognises that it is thought to be the largest and most comprehensively representative textile manufacturing site in the south-west, with a range of surviving structures unparalleled in England. Consequently, the remaining buildings are either Grade II or II* listed and the site is also a designated County Archaeological Site. The site is generally under-utilised, and many of the buildings are vacant and in poor condition. However, in terms of the local economy, the site has an important function in providing a variety of rented space for small businesses.

There is a need to secure the future of the site through the implementation of an appropriate and economically viable scheme of restoration and development that will protect and conserve its heritage and enable its considerable potential to be realised. I consider that the current proposals respect the site's historical and architectural importance and provides a realistic basis for long-awaited regeneration of the complex. It is therefore to be welcomed. Safeguards are in place through provisions in the Section 106 Agreement to ensure that as far as possible existing commercial tenants at the complex are given the opportunity to relocate within site complex.

The Financial Appraisal Report makes it clear that even with the relatively large scale of housing proposed, the scheme has problems from a viability prospect. It is considered of paramount importance that the long-term future

of this complex of historically important buildings is secured. Although contributions towards affordable housing, recreation, transport and education are sought, in the circumstances it is considered appropriate that other than a contribution towards affordable housing, these requirements are waived.

Although any proposals for new uses of this complex will inevitably have some impact on the architectural and historical character and significance of the buildings, I consider that the current proposal provides a realistic opportunity to achieve an economic proposal which will secure the long-term future of the majority of the buildings on the site, whilst reducing to a minimum such impacts.

Further discussions are continuing to resolve the required flood alleviation scheme. The formal response of English Heritage to the amended plans is also awaited and my recommendation makes allowance for this.

I consider that the proposal provides the best prospect of bringing the site forward for refurbishment and regeneration and is therefore supported. My recommendation is therefore 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

46/2004/018

GREENSLADE TAYLOR HUNT

ERECTION OF LIVESTOCK MARKET COMPRISING COVERED LIVESTOCK STALLS AND SALES ARENA, ADMINISTRATIVE BUILDING AND TOILET FACILITIES, TOGETHER WITH CAR AND ARTICULATED VEHICLE PARKING, LIVESTOCK UNLOADING AREA, VEHICLE WASHDOWN AREA, SITE DRAINAGE AND STRATEGIC LANDSCAPING AND FORMATION OF VEHICULAR ACCESS INTO THE A38, LAND O.S. PLOTS 6561/6770/7179/0061, CHELSTON HEATHFIELD, WELLINGTON, AS AMPLIFIED AND AMENDED BY LETTER DATED 16TH NOVEMBER, 2004 WITH ACCOMPANYING ENVIRONMENTAL STATEMENT DRAWING NO. 1224/1 AND LETTER DATED 17TH FEBRUARY, 2005 AND LETTER DATED 6TH MAY, 2005 WITH ACCOMPANYING TRANSPORT ASSESSMENT DATED MAY 2005

15700/20734

OUTLINE

1.0 **RECOMMENDATION**

Subject to:-

- (i) the removal of the Article 14 Direction imposed by the Highways Agency;
- (ii) the further views of the County Highway Authority, County Archaeologist, Environment Agency and Wessex Water and any further conditions they may require;
- (iii) confirmation of foul and surface water drainage and water supply arrangements;
- (iv) the receipt of satisfactory further archaeological evaluation and mitigation measures;
- (v) the views of the Secretary of State; and
- (vi) the applicant entering into a Section 106 Agreement to provide a contribution towards a tendered bus service; and

the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and 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 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.
- 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 Policies S1 (E) and EN26.
- 03 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.
- 03 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 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.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 05 (i) Before any part of the permitted development is commenced, a landscaping scheme, 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 the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 05 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 Policy S2.

- 06 No work shall commence on the development site all off site transport works, including the access roundabout, have been submitted to the Local Planning Authority at a scale of not less than 1:500 and approved in writing.
- 06 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 07 The proposed development shall only be accessed by a new roundabout constructed in accordance with plans agreed in writing by the Local Planning Authority.
- 07 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 08 Any existing vehicular accesses to the site shall be stopped up (and the verge crossings reinstated) and their use permanently abandoned within one month of the new access first being brought in to use.
- 08 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 09 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.
- 09 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 Policy M4.
- 10 Before the building(s) hereby permitted is 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.
- 10 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 11 The proposed road within the site shall be kept free from obstruction at all times.
- 11 Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 12 Provision shall be made for the parking of cycles 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.

- 12 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 Policy M5.
- 13 The premises shall be used for a livestock market and ancillary activities only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.
- 13 Reason: To ensure that the proposed development does not prejudice the amenities of the locality in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 14 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 building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.
- 14 Reason: In the interests of the visual amenity of the area and in compliance with Taunton Deane Local Plan Revised Deposit Policy S1(D).
- 15 The layout of the site shall be so designed as to provide for the comprehensive development of the land with the adjoining land to the west (proposed employment site at Chelston House Farm).
- 15 Reason: To ensure that the development of the adjoining land is not prejudiced by the development permitted, in accordance with Taunton Deane Local Plan Policies S1 and S2.
- 16 All services shall be placed underground.
- 16 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F) (Revised Deposit numbering).
- 17 Before the development hereby permitted is commenced, details of the appearance of any electricity sub-station shall be submitted to and approved in writing by the Local Planning Authority.
- 17 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 18 Prior to the occupation of the proposed development, details of the maintenance regime for the proposed surface water attenuation pond shall be submitted to and approved in writing by the Local Planning Authority. The agreed regime shall be strictly adhered to.
- 18 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 Policy S2.
- 19 The Mitigation Measures set out in the Ecological Report submitted with the Environmental Statement shall be carried out in accordance with further details to be submitted to and approved in writing by the Local Planning Authority.
- 19 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 Policy S2.

- 20 No development approved by this permission shall be commenced until a detailed Flood Risk Assessment for the surface water attenuation area adjacent to Haywards Water has been submitted to and approved in writing by the Local Planning Authority. The results of the Flood Risk Assessment shall be incorporated into the siting and design of the surface water attenuation area.
- 20 Reason: To ensure that the attenuation area is sited outside of the floodplain of the Haywards Water in accordance with Taunton Deane Local Plan Policies S1 and EN29.
- 21 No development approved by this permission shall be commenced until a scheme for the provision, implementation and future maintenance of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.
- 21 Reason: To prevent the increased risk of flooding, in accordance with Taunton Deane Local Plan Policies S1 and EN29.
- 22 Any works to attenuate surface water discharge to Haywards Water should be set back at least 10 m from top of the bank.
- 22 Reason: To conserve riparian habitat and to protect any attenuation works from minor alterations in the line of the watercourse due to natural processes in accordance with Taunton Deane Local Plan Policies S2 and EN25.
- 23 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 23 Reason: To prevent pollution of the water environment, in accordance with Taunton Deane Local Plan Policy S1(E).
- 24 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at anyone time, which ever is the greater. 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, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 24 Reason: To prevent pollution of the water environment, in accordance with Taunton Deane Local Plan Policy S1(E).

- 25 A schedule of timing of works to existing trees and hedgerows shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any work on site.
- 25 Reason: In the interests of the wildlife or the area, in accordance with Taunton Deane Local Plan Policies S2(C) and EN5.
- 26 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).

- 26 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 Policy S1(E) (Revised Deposit numbering).
- 27 The proposed archaeological mitigation measures shall be strictly adhered to.
- 27 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Revised Deposit Policy EN24.
- 28 Before any development commences, details of lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the use of appropriate location, orientation, timing, shading and power to avoid any illumination of off-site areas.
- 28 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 29 Prior to the commencement of any works, an update survey of protected species shall be carried out and any further necessary mitigation measures incorporated in the development.
- 29 Reason: In the interests of the wildlife of the area, in accordance with Taunton Deane Local Plan Policies S2(C) and EN5.
- 30 Details of the arrangements to be made for water supply to the development shall be submitted to and approved in writing before any work commences.
- 30 Reason: To ensure that adequate water supply is provided without prejudicing existing networks, in accordance with Taunton Deane Local Plan Policy S1(H).

Notes to Applicant

- 01 Your attention is drawn to the requirements of The Building Regulations 2000 Part M Access and facilities for disabled people, the advise in BS 8300 and the Disability Discrimination Act. Generally speaking a level access will be required for your proposed building(s). An early assessment of site levels will avoid expensive alterations at a later date. If you would like to discuss your proposal with the Councils Access Surveyor, Mr E J Norton, please do so on 01823-356476.
- 02 To help conserve the world's energy you should aim to provide buildings 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 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).

- 05 Your attention is drawn to the need to provide reasonable access for Fire Appliances, and you are advised to contact The Chief Fire Officer, Divisional Fire Headquarters, Lisieux Way, Taunton, TA1 2LB. In addition, when plans are available, a copy of them should be sent to the Chief Fire Officer at the above address so that advice can be given on the desired fire safety measures which should be incorporated in the proposal.
- 06 Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that Road Opening Notice must be obtained from the Highway Service Manager at Burton Place, Taunton, before access works commence.
- 07 You are advised of the need to enter into an Agreement under Section 278 of the Highways Act before any work commences.
- 08 With regard to Condition 02, advantage shall be made of sustainable drainage techniques on site. For example, consideration should be given to the use of sub-base storage beneath a permeable surface in the public car parking areas rather than a gully pot and pipe system. This could provide attenuation storage and water quality mitigation for this area. Also, open channels, swales and ponds will increase the environmental benefits to be gained. The alternative systems not only cater for flood peak attenuation, but can also improve water quality and enhance the environment. Such systems, collectively known as 'source control' systems, include permeable pavements, grassed swales, infiltration trenches, ponds and wetlands. Further information is provided in the Environment Agency's publication 'Sustainable Drainage Systems (SUDS) a guide for developers'. The developer is advised to discuss with the Environment Agency how those techniques might be applied at this site. Please note this only applies to roof water, clean yard areas and car parking/lorry parking areas.
- 09 The disposal of slurry must be undertaken in accordance with the MAFF "Code of Good Agricultural Practice for the Protection of Water". No farm effluent or contaminated surface water, including wash down water, shall be discharged into any watercourses or water sources. Alternatively, with the water company's permission, contaminated surface water including washdown water, could be connected to the foul sewer. Then, any manure/dung heaps could be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off.
- 10 The Environment Agency would recommend 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.

- 11 Any planting including the introduction of aquatic species in the proposed attenuation area should be carried out using native species ideally of local provenance.
- 12 Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent.
- 13 With regard to Condition 02, foul and contaminated drainage and trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows. Please note this includes washing facilities provided for the cleaning of vehicles, machinery and contaminated impermeable surfaces. Vehicle wash facilities must not be directed to any clean drainage system.
- 14 All animal waste and contaminated surface water including washdown water must be taken to a total containment system prior to disposal to land in accordance with the MAFF Code of Good Agricultural Practice. This should not be stored closer than 250 metres from a licensed abstraction or private water supply source.
- 15 Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, the prior authorisation of the Environment Agency is required for the construction of storage installations as defined in the regulations.
- 16 The proposed development overlies a minor aquifer (the Mercia Mudstone Group) which at this location is of Intermediate vulnerability. If detrimental consequences to the water environment are likely, then agreed mitigation measures would be necessary. The applicant should bear in mind that it is their responsibility to ensure that the development does not adversely affect any existing legal water interests in the area. Local water interests in the area such as wells, springs, etc, and private abstractions must not be adversely affected either. Attention is drawn to the presence of two licensed groundwater abstraction wells in the vicinity: 1. Chelston House Farm, located approximately 350 metres to the north west of the site (Licence No. 16/52/005/G/571). 2. Foxmoor Nurseries, located approximately 470 metres to the south east of the site (Licence No. 16/52/005/572).
- 17 If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.
- 18 With regard to Condition 21, calculations will be required regarding the sizing of the pond and an agreed rate of discharge. The following guidance should be adhered to: (a) 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. (b) The design storm for any attenuation system shall be for a 1 in 25 year return period storm. (c) Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc and headwall design. (d) Details required of proposed point of discharge to watercourse together with details of headwall etc. (e) 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. Guidance notes are attached. It is also a requirement that any storage facility incorporates some form of Sustainable Drainage System (SUDS). Guidance notes are attached for such a system. It is strongly recommended that the developer discusses the proposals with the Council's Drainage Officer at an early stage, especially with regard to the future maintenance and adoption of any system.

- 19 With regard to Condition 02, the current public foul sewer is in Chelston Business Park to the north, but there is no spare capacity in this sewerage system to accept extra flows. The nearest possible point of connection is north of Cades Farm, Wellington. Consideration should be given to a joint scheme here to also serve the proposed developments at Cades Farm and Chelston House Farm. It is unlikely that Wellington sewerage treatment works will have sufficient capacity to service this development, but this cannot be confirmed until anticipated flow rates are received. It may be necessary to carry out a more detailed appraisal of the existing system for which a deposit of £2,000 will be required.
- 20 In line with Government protocol, you are advised to contact Wessex Water to see if any of the on-site or off-site drainage systems can be adopted.
- 21 Network analysis is required to determine whether the existing water supply system can serve the proposed development. Off-site mains reinforcements may be needed and a deposit of £2,000 would be required to undertake the work.
- 22 With regard to Condition 05, the guidelines sent out in the submitted Ecological Report should be adhered to. It is also recommended that additional native trees and shrubs be planted as copses at field corners to strengthen wildlife habitat.
- 23 With regard to Condition 25, timing of works shall be such as to prevent damage to nesting birds.
- 24 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.

- 25 With regard to Condition 05, it is recommended that consideration be given to the possibility of transplanting the existing hedges. In the event of failure, there would still be a requirement to replant. The Somerset Wildlife Trust would be pleased to place the applicants in contact with individuals/organisations with experience of transplanting hedgerows.

Reason(s) for recommendation:- The proposed development will enable the livestock market to be relocated from its current site, which will facilitate the implementation of the comprehensive proposals for the major development site of which it forms a part. These proposals will also be of benefit to the vitality of the rural economy and is in compliance with Taunton Deane Local Plan Policy S7.

2.0 **APPLICANT**

Greenslade Taylor Hunt.

3.0 **THE PROPOSAL**

The proposal provides for the relocation of the existing livestock market at Taunton to a new site at Chelston Healthfield, near Wellington. The existing market is required to relocate to facilitate the redevelopment of the Firepool area of Taunton, a central proposal within the Taunton Deane Local Plan and a key part of the Vision for Taunton. The lease on the existing site was due to expire during 2004, but has been extended by the Council.

The Local Plan also highlights two important factors in determining the approximate location of a new livestock market. These are:-

1. There are no available opportunities within the urban fabric of Taunton for a site of the size required; and
2. To be successful, the new site will need to provide convenient access to HGV traffic, much of which will be drawn from a very wide catchment.

The applicants have undertaken a detailed and wide-ranging search for a suitable relocation site for the market.

The application is in outline only but proposes a livestock market building comprising covered livestock stalls, sales arena, administration and toilet facilities, car and articulated vehicle parking, livestock unloading area, vehicle wash down area, site drainage, new vehicular access onto the A38 and strategic landscaping. The floorspace proposed is approximately 10,475 sq m on one

floor, of which approximately 2,250 sq m will be office floorspace and other service facilities. The remainder will be the auction rings and pennage. Although all matters are reserved for future approval, the application was accompanied by an illustrative layout and an illustrative plan of the proposed access arrangement, with a roundabout access onto the A38. The latter is proposed to be a four-legged roundabout, with the opposite leg serving the proposed employment site at Chelston House Farm, which is an allocation in the Taunton Deane Local Plan.

Also submitted with the application was:-

- (i) artists impression of the proposal;
- (ii) a Traffic Statement providing further details of the proposed access arrangement, including how this will relate to the proposed employment allocation at Chelston House Farm; and
- (iii) a schedule detailing provisional vehicle trip generation.

The applicants confirm that the existing staffing levels at the Taunton Market would be retained. These are:-

- (i) Saturdays - 10 auctioneers, 10 clerical/administrative and 30 stock handlers;
- (ii) Tuesdays - 4 auctioneers, 6 clerical/administrative and 10 stock handlers; and
- (iii) All other times - 5 clerical/administrative.

Typical working hours would be between 6 a.m. and 4 p.m., although some lesser degree of activity is likely outside these times and on other days of the week.

A total of 409 parking spaces are proposed on the illustrative plan for articulated lorries (32), rigid lorries (24), 4 x 4 with trailer (109), cars (240) and disabled cars (4). However the area covered by the application has been amended, which may affect these figures.

Subsequent to the submission of the planning application, an Environmental Statement was submitted which, in summary, covers the following matters:-

1. A description of the development;
2. An outline of alternative sites considered;
3. A description of the host environment likely to be affected by the development;

4. A description of the likely effects of the development on the environment;
5. A description of the measures envisaged to prevent, reduce and where possible affect any adverse effects on the environment;
6. A non-technical summary; and
7. An indication of any difficulties encountered in compiling the required information.

The Statement included the following:- a landscape and visual impact appraisal, a traffic statement, a noise report, a drainage report, a geo-technical and soak away investigation report, an ecological report and an archaeological assessment.

The size of the market facility has been planned to accommodate reasonable expansion in business and potential growth in stock numbers and therefore there are no current proposals for future expansion or secondary development associated with the proposed market.

4.0 **THE SITE**

The application site lies close to Wellington, close to Chelston roundabout, with its spur off the A38 leading to junction 26 of the M5 motorway.

Immediately to the north of the site beyond the roundabout is Chelston, which largely consists of a number of dispersed groups of dwelling houses, together with a business park. There are also a number of isolated farms and nurseries in the immediate area of the application site, with the closest dwellings being south of the site at Chelston Cottage, Haywards Farm and at Little Jurston Farm at the south-western corner of the site.

The site comprises 8.67 ha of agricultural land. It is generally flat with existing hedges crossing it and bordering it.

5.0 **RELEVANT PLANNING POLICIES**

Regional Planning Guidance for the South West

Policy VIS 1 Expressing the Vision

Policy VIS 2 Principles of Future Development

Policy SS 2 Regional Development Strategy

Policy SS 3 The Sub-Regional Strategy

Policy SS 5 Principal Urban Areas

Structure planning authorities should plan for the long term growth of the PUAs, on a basis to be agreed with the RPB. This will be necessary in order that the regional monitoring, both for this RPG and the Annual Monitoring Statement required by PPG3, to ensure a consistent and comparable basis; and as the best way to inform the required work for urban housing capacity exercises. Planning should involve all the districts for the area of each PUA, with early outputs for a new round of co-ordinated structure plans following publication of this RPG, using:

- urban housing capacity studies for the whole PUA, using existing and additional research;
- constraints mapping for PUA extensions, using existing and additional research;

and for the Bristol, Bournemouth/Poole, Exeter, Plymouth, Swindon, Cheltenham and Gloucester and Taunton PUAs:

- urban extension studies which, where relevant, will need to take account of and be taken into account in reviews of any Green Belt, including transportation and infrastructure needs (including costs) studies.

Structure plans should define the general geographic extent of each PUA, in the same way that the general extent of Green Belt is set out. They should support forward planning and investment in infrastructure and a more sustainable distribution of development by:

- providing for a balance of housing and employment in towns with good facilities and services, thus reducing the need to travel to the PUAs;
- providing an indicative target in structure plans for the number of dwellings and the amount of other developments to be located at each PUA;
- producing compact urban developments likely to be well served by public transport;
- identifying major transport proposals for inclusion in LTPs and where appropriate in the Regional Transport Strategy.

Policy SS 6 Other Designated Centres for Growth

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.

Policy SS 19 Rural Areas

Market towns should be the focal points for development and service provision in the rural areas and this role should be supported and enhanced. Outside market towns, development should be small scale and take place primarily within or adjacent to existing settlements, avoiding scattered forms of development. Local authorities in their development plans should:

- locate development to support the rural areas primarily in market towns, identified and designated in development plans through a balanced mix of homes, jobs, services and facilities suitable to the scale and location of such settlements;
- adopt policies which support the restructuring of the rural economy and the provision of jobs to satisfy local needs;
- set out policies for supporting sustainable farm diversification schemes which help to maintain the viability of the agriculture sector and rural economic vitality;
- seek ways of providing for essential shops and services to serve the rural areas;
- promote improved and integrated public transport, communications and service delivery and support innovative community based solutions to public transport and communications, in order to increase access to jobs, housing and facilities;
- limit housing growth in market towns near larger urban areas where it would fuel commuting rather than meet local needs.

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 Sustainable Development

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.

STR7 Implementation of the Strategy

Policy 1 Nature Conservation

Policy 5 Landscape Character

Policy 7 Agricultural Land

Policy 13 Locally Important Archaeological Remains

Policy 19

EMPLOYMENT AND COMMUNITY PROVISION IN RURAL AREAS

In rural areas provision should be made for development which creates or enhances local employment, shopping or community facilities, including development necessary for the purposes of agriculture and development associated with the diversification of agricultural units.

Policy 39 Transport and Development

Policy 42 Walking

Policy 44 Cycling

Policy 48 Access and Parking

Policy 49 Transport Requirements of New Development

Taunton Deane Local Plan

S1 General Requirements

S2 Design

S7 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:

- (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.

S8 Best and Most Versative Agricultural Land

M1 - M3 Transport, Access and Circulation Requirements of New Development

M5 Cycling

EN3 Local Wildlife and Geological Interests

EN5 Protected Species

EN6 Protection of Trees, Woodlands, Orchards and Hedgerows

EN9 Tree Planting

EN12 Landscape Character Areas

EN26 Water Resources

EN34 Control of External Lighting

T3 Major Site Allocation - Firepool

6.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

Planning Policy Statement 1 - Delivering Sustainable Development

The following paragraphs are particularly relevant:-

Paragraphs 3 and 4

Paragraph 5 Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people’s quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Paragraph 8

Planning Policy Statement 7 – Sustainable Development in Rural Areas

The Government’s objectives are set out in the Statement as follows:-

(i) To raise the quality of life and the environment in rural areas through the promotion of:

- thriving, inclusive and sustainable rural communities, ensuring people have decent places to live by improving the quality and sustainability of local environments and neighbourhoods;
- sustainable economic growth and diversification;
- good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside; and
- continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources.

(ii) To promote more sustainable patterns of development:

- focusing most development in, or next to, existing towns and villages;
- preventing urban sprawl;

- discouraging the development of ‘greenfield’ land, and, where such land must be used, ensuring it is not used wastefully;
- promoting a range of uses to maximise the potential benefits of the countryside fringing urban areas; and
- providing appropriate leisure opportunities to enable urban and rural dwellers to enjoy the wider countryside.

(iii) Promoting the development of the English regions by improving their economic performance so that all are able to reach their full potential – by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies. underpins strong economies.

(iv) To promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.

Planning authorities have an important role to play in delivering the Government’s objectives for rural areas, through their operation of the planning system and the application of the policies set out in this and other PPS and Planning Policy Guidance Notes.

The following paragraphs from the National Planning Policies section are particularly relevant:-

Paragraph 1(iv) New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government’s overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

Paragraph 5 Planning authorities should support a wide range of economic activity in rural areas. Taking account of regional priorities expressed in RSS, and in line with the policies in paragraphs 2-4 above, local planning authorities should:

(i) identify in LDDs suitable sites for future economic development, particularly in those rural areas where there is a need for employment creation and economic regeneration;

(ii) set out in LDDs their criteria for permitting economic development in different locations, including the future expansion of business premises, to facilitate healthy and diverse economic activity in rural areas.

Paragraph 6 People who live or work in rural areas should have reasonable access to a range of services and facilities. Local planning authorities should:

(i) through their LDDs, facilitate and plan for accessible new services and facilities, particularly where;

– planning permission is granted for new developments in country towns or other local service centres; or

– settlements, or the population of their rural catchments, are expanding; or

– there is an identified need for new or expanded services to strengthen the role of a particular local service centre.

(ii) where possible, ensure that new development in identified service centres is supported through improvements to public transport, and to walking and cycling facilities, provided in partnership with the developer where appropriate;

(iii) identify suitable buildings and development sites for community services and facilities to meet the needs of the whole community, including disabled users;

(iv) support mixed and multi-purpose uses that maintain community vitality; and

(v) support the provision of small-scale, local facilities (e.g. childcare facilities) to meet community needs outside identified local service centres, particularly where they would benefit those rural residents who would find it difficult to use more distant service centres. These local facilities should be located within or adjacent to existing villages and settlements where access can be gained by walking, cycling and (where available) public transport.

Paragraph 7 Planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility or

community value of existing services and facilities, e.g. village shops and post offices, rural petrol stations, village and church halls and rural public houses, that play an important role in sustaining village communities. Planning authorities should support the retention of these local facilities and should set out in LDDs the criteria they will apply in considering planning applications that will result in the loss of important village services (e.g. as a result of conversion to residential use).

Paragraph14 The policies in this section apply to the largely undeveloped countryside that separates cities, towns and villages. Whilst much of the land use activity in the countryside is outside the scope of the planning system, planning has an important role in supporting and facilitating development and land uses which enable those who earn a living from, and help to maintain and manage the countryside, to continue to do so. RSS should recognise the environmental, economic and social value of the countryside that is of national, regional or, where appropriate, sub-regional significance. Policies in RSS and LDDs should seek to maintain and enhance these values, so enabling the countryside to remain an important natural resource, contribute to national and regional prosperity and be enjoyed by all.

Paragraph 27 The Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes. Planning policies in RSS and LDDs should recognise these roles and support development proposals that will enable farming and farmers to:

(i) become more competitive, sustainable and environmentally friendly;

(ii) adapt to new and changing markets;

(iii) comply with changing legislation and associated guidance;

(iv) diversify into new agricultural opportunities (e.g. renewable energy crops); or

(v) broaden their operations to 'add value' to their primary produce.

7.0 **CONSULTATIONS**

Highways Agency

Article 14 Direction issued, which directs that the Authority should not grant permission for a period of 6 months (subsequently extended for a further 6 months - expiring on 27th October, 2005). The reason for the Direction is to allow sufficient time for the impact of the development to be assessed for possible adverse effects on Junction 26 of the M5 Motorway.

County Highway Authority

"I refer to the above application received on 7th March 2005. I enclose two sets of detailed comments on the technical analysis of the proposed road improvements that form part of the application for your information. You will see from these comments that there are a number of issues relating to the details of the proposed roundabout etc that remain of concern and will require resolution. These are all matters that I am confident can be resolved through the progression of a Section 106 or Section 278 Agreement as they will also relate to the adjoining Chelston House Farm allocated employment site which will use the same roundabout as a means of access. You will also be aware that the applicants have been requested to submit a cumulative analysis of the traffic impacts of this proposal, the employment site, the Cades Farm residential site and the redevelopment of the Kwik Save site in Wellington town centre. I am still awaiting receipt of this cumulative analysis.

I have no objection in principle to the relocation of the market as proposed. It is however possible that other off site transport improvements in addition to the roundabout may be required but I clearly cannot quantify these (if any) until the points raised with the applicants transport consultants have been clarified and the cumulative analysis received. Therefore if the application is to proceed to 18th May committee I would recommend that if your Members are minded to approve it should be subject to a S106 or S278 and appropriate Grampian style conditions to cover the highway and transport issues. This should include a requirement for no works to commence until the cumulative analysis has been received, assessed and any consequent works have been included in a S. 106 or S278 Agreement. Please note that it is likely that I may need to amend or augment these conditions once I have received and assessed the cumulative analysis and amendments to the current drawings.

I would recommend that the following condition are attached to any consent:-

1. No work shall commence on the development site all off site transport works, including the access roundabout, have been submitted to the Local Planning authority at a scale of not less than 1 :500 and approved in writing.

2. The proposed development shall only be accessed by a new roundabout constructed in accordance with plans agreed in writing by the Local Planning Authority.
3. Any existing vehicular accesses to the site shall be stopped up (and the verge crossings reinstated) and their use permanently abandoned within one month of the new access first being brought in to use.

Note: Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that Road Opening Notice must be obtained from the Highway Service Manager at Burton Place, Taunton before access works commence.

The following is the text of the two enclosures:-

The TS is clearly not designed to be a full traffic assessment and does not contain all the supporting evidence such as a TRICS output and calculations normally contained in a TA. For this reason I am unable to verify many of the assumptions made in the document. I have however made a number of comments. Interpolating from the data supplied I do not believe that there is likely to be significant capacity or other traffic related problems with this site, however I suggest that Peter Evans be requested to supply additional information to include committed development and revised assessment years as discussed below.

Trip Generation

The site comprises two elements. A relocated cattle market and new industrial units comprising a mixture of B1, B2 and B8

Trip generation is based on surveys of the existing Taunton cattle market increased by 15% to ensure a robust assessment (TS para. 3.3.1). Assuming the surveys are reliable and that the market facilities are essentially unaltered, this would seem to be the most appropriate method of predicting the amount of traffic. Cattle markets are by their nature individualistic sites, and reference to the TRICS database offers little guidance.

There is a great uncertainty relating to the industrial units, as discussed in my earlier memorandum to you dated 5th August, 2004. The TS discusses trip generation in section 3.4 but contains insufficient data to allow any assessment of how appropriate the TS adopted trip generation is. There are a number of possible sources of variation in the trip generation. These include:

- The mix of B 1, B2 and B8 within the site
- What assumptions have been made relating to TRICS? (for example is the B1 element assessed on gross floor area or employee numbers or

otherwise)

- The adopted trip generation rates of individual land uses
- The appropriate use of trip rates to ensure an overall approximation of 85thile trip rates to ensure a robust prediction.

Future base flow traffic

There is no indication of how future base traffic is predicted. There are three elements

- Choice of assessment year
- The appropriate growth factor, normally derived from NRTF modified by Tempo factors
- The inclusion of nearby committed development traffic.

All calculations and assumptions need to be explained. I assume you will be able to advise on those developments that need inclusion. Committed development traffic such as the Cades Farm site may have significant impact on the Chelston Roundabout, which in turn will alter the base conditions for assessment of this site

Assessment Year

The TA adopts an assessment Year is 2010. Normal SCC policy is year of opening and 10 years after opening. Assuming construction will not before 2006, to comply with SCC policy, the TS should take assessment years of 2006 and 2016.

Traffic Distribution

Cattle market traffic distribution is based on a survey of livestock movements in March 2003, and therefore may be assumed to be a good indicator.

The distribution of B 1 traffic is based on a survey of the assignment of traffic from Chelston Business Park (TS para. 3.4.4), and is acceptable.

Junction Modelling

TS uses ARCADY5 to analyse Chelston Roundabout and the Access Roundabout. The models themselves seem suitable, and although for reasons unlined above they will need to be re-run for 2016 and possible variations in generated traffic.

Conclusion

The information supplied is a traffic statement and not a full transport assessment. Generally the methodology and assumptions are acceptable, however a fuller explanation is needed. In addition there is a need to consider other committed developments and for consistency, a 10 year hence assessment year is needed.”

“Infrastructure Design Layout (Comments by Chris Stone):

(a) It is noted that the Environmental statement contains two separate Peter Evans drawings (as listed above) showing two differing sized roundabouts, namely a 42m ICD roundabout on their drawing 1817.01/- and a 50m ICD roundabout on their drawing 1817/03/-. It would appear from the text of the Environmental Statement that it is probably envisaged that the 50m ICD is appropriate to the application, but it is felt that the apparent discrepancies between the roundabout and approach road layouts shown on the separate drawings should be clarified with the applicants at the outset. Adequacy of the necessary size of roundabout to cater for the traffic levels will be a determining factor in the assessment of relative size, although meeting deflection and layout requirements often has a significant bearing on the appropriate design diameter (although normally only with roundabouts less than about 45m in diameter).

(b) Because of the length of existing A38 carriageway between the ICD of the Chelston Roundabout and the curve in the road at the West Buckland turn (by the Foxmoor Nurseries site), the approach visibilities, as required by the Technical Design Standard, to the new roundabout will not be able to be met if the speed limit on the existing A38 remains at the national limit. With 60mph running on the A38, approach visibility in advance of the ICD line of the roundabout shall be 215m anywhere over a distance of 11S times that length in advance of the Give way line. In other words a forward stopping distance of 215m shall be available at all points within 322m in advance of the Give way line. The latter is not available. If the speed limit were to be reduced (by appropriate order) to 50mph, then a 160m fsd shall be available at all points within 240m of the roundabout. Even this may not be achievable. Further, if a local 40mph limit was implemented from before the West Buckland turn, through the location of the proposed roundabout and to include the existing Chelston Roundabout, then an fsd of 120m would need to be available at all points within 180m of the ICD. It is for the above reason that a reduction in the existing speed limit would be necessitated.

(c) Whilst the two drawings of Peter Evans show an access road coming off the new roundabout and continuing on a relatively straight alignment for some 65m - 85m into the site, the drawing of Greenslade Taylor Hunt indicates a proposal to omit all of this length of this site access road and site the new market building

directly across the line of the Peter Evans site access road immediately inside the site boundary and, moreover, put entry gates on the site access splitter island. Lorries are required to immediately turn to the right across the path of existing cars, which is unsatisfactory, and all this is happening immediately outside the main entrance to the building. This design of Greenslade Taylor Hunt would not be at all acceptable from a highway point of view, in that major congestion would occur on the Principal Road A38 that passes the site frontage due to vehicles being unable to enter, circulate or otherwise clear the new roundabout thereby causing delay to all other traffic using the main road (and also potentially the main roads and motorway access route meeting at the Chelston Roundabout). Accordingly, the following criteria will need to be met in any design layout for the new market access off the roundabout.

1. No gates at the entry to the site immediately on the splitter island of the roundabout. Gateway to be sited no less than 40m from the Inscribed circle Diameter (ICD) - outer carriageway perimeter - of the roundabout. Should the gates be closed when a vehicle has already turned off the roundabout, then a means for that vehicle to turn in advance of the gates in order to regain the roundabout should be built in to the access arrangement. That vehicle should be able to do that manoeuvre fully in forward gear so that it has no need to reverse back onto the circulatory carriageway of the roundabout.

2. The main market building should be sited to one side or other of the main site access inbound route, and not immediately inside the boundary 'blocking' vehicles from entering. From the roundabout, access for HGVs shall not pass in front of the building or through any pedestrian-predominant area. A dedicated access route shall be available for HGVs and shall be no less than 180m in length (measured from a point 30m inbound from the ICD of the roundabout) before any manoeuvring or parking or checking-in areas are met. In other words, this 180m lead-in length - or double lane inbound of 90m length - (for up to 10 articulated animal transporters to stack before being accepted to a designated bay etc in the site) needs to be fully available for this purpose at all times, and shall not be utilised for other purposes. Clockwise circulation within the site is preferable so that no unnecessary crossing movements inbound/outbound need to occur. Entering vehicles should therefore deviate off to the left on entering the site.

3. A similar lead-in length on a separate route for light vehicles/cars shall be provided of not less than 120m in length (measured from the same point 30m inbound of the ICD of the roundabout) (20 x light vehicle lengths) - or two lane inbound of 60m to act as a lead-in lane prior to the light vehicle parking/manoeuvring areas being reached. Clockwise circulation within the site is preferable so that no unnecessary crossing movements inbound/outbound need to occur. Entering vehicles should

therefore deviate off to the left on entering the site.

4. The point at which HGV traffic diverges from light vehicle traffic shall be approx some 30m from the ICD of the roundabout so that the separate routes to the parking/receiving areas can operate independently. It is vital that no arriving traffic needs to assemble in a queue that backs onto the A38 whilst waiting to get into the site - causing congestion, safety hazards and delays to other highway users. It should be remembered that, should the M5 be closed between junctions 26 and 27 by an emergency etc, then all diverted traffic would need to use the A38 past the site frontage and the A38 must therefore be free flowing without any assembly of market traffic stacked on it at any time.

5. 'Lead-out' requirements for traffic exiting the site are less important in terms of stacking length as they will not have a particular effect on the Principal Road traffic. However, it would be recommended that a two-lane exit be provided over the 40m prior to the ICD being reached on exit, and that the exit route, for safety reasons, should not pass immediately in front of the main market building or through a pedestrian-predominant area.

6. An off-road footway /cycleway shall be provided in the south-eastern margin of A38 to link the market access road with the north east side of the Chelston Roundabout (where the access road to the Chelston Business Park is situated). Such an access route for pedestrians and cyclists will also need to cross through appropriate splitter islands of the arms of the Chelston Roundabout. The width of the shared route can be 2.5m of paved surfacing providing it is separated from the carriageway of the Chelston Roundabout and of the A38 by a grassed verge of no less than 1.0m width. The off-road route shall also cross through the splitter island of the new roundabout to serve the Summerfields site. Footway provision in the southeast margin of the A38 should continue south-westwards as far as the West Buckland junction. Also footway provision shall be included around all other sides of the periphery of the new roundabout and on both margins into the Summerfields site.

(d) Consideration should be given to the forward-gear turning facility requirement for HGVs [mentioned in (c)1 above] being laid out to incorporate a bus stand/stop with High Access Kerbed platform so that, should a bus be routed via the site on market days (or a coach party arrive for any reason) at any subsequent date, then normal current requirements for platform/footway provision, required under Disability Regulations, are available.

(e) Consideration should be given to all Technical requirements in respect of roundabout design/layout being met. This relates, in addition to approach visibility discussed earlier, to deflection requirements being met on all arms of the new roundabout, suitable forward stopping visibility envelopes being achieved on all

exits from the circulatory carriageway, and appropriate roundabout visibility requirements being met with a minimum 3.5m wide margin being provided on all sides of the roundabout. At present with the 50m diameter roundabout, the proposed carriageway channel appears to allow no margin at all between the kerbed channel and the boundary of 'The Bungalow' at both outstanding corners, which is unacceptable. Whilst much of the central island of the roundabout will need to be laid as a grassed area, some landscaping feature will be considered appropriate in the central area of the central island. This feature should consist of shrubs and thin-stemmed trees only. The Highway Authority will wish to see such planting (which - with appropriate signing [to a particular specification] - may be sponsored) being also supported by a commuted sum, provided by the developer, for maintenance costs while the landscaped area establishes itself.

(f) Full street lighting of the roundabout will be required together with all appropriate signing, not only in the immediate vicinity but much farther afield to ensure appropriate routes are followed in reaching the new market site.

(g) It should be noted that a full technical audit of the adequacy of either roundabout layout in meeting the requirements of Technical Layout Standards has not been carried out. Such aspects will require, without exception, to be satisfied at an appropriate date, in a plan to accompany any S.106 Agreement in respect of determination of this application.

Highway Safety Implications - (*Comments by Martin Shattock*):

The following observations are based on a desk top study of the Peter Evans Partnership preliminary roundabout design drawing ref 1817.01 dated 07.05.04 detailing the proposed 42m (*r 'abt*) site and Summerfield land access proposals. No site inspection has been carried out.

Detailed designs should incorporate/consider the following:-

1. Chelston Roundabout is illuminated by a system of highway lighting. It is recommended that the system of Highway lighting be extended to incorporate the new roundabout. The A38 is a Principal route that is subject to the National Speed limit. The new system of Highway Lighting will invoke "Restricted Road Status" thereby restricting the speed of traffic to 30mph. The close proximity of the proposed roundabout to Chelston roundabout is likely to calm existing traffic speeds. For the existing highway lighting to be signed with the National speed limit plates Traffic Regulation Order must be in force. Careful consideration should be given to the appropriate speed limit for this length of road and associated Traffic Regulation Orders provided. The designer should also be mindful of the DMRB requirements for passively safe signposts and requirements for Road Restraint Systems on roads subject to speed limits of 50mph or greater.

2. The proposed location of the market site is likely to increase both pedestrian

and cyclist journeys from & to Wellington Town Centre. It is strongly recommended that the detailed design should incorporate safe off carriageway cycle and pedestrian links to & from the town centre for cyclists and pedestrians. All necessary Orders, Notices etc in connection with pedestrian / cycle infrastructure must be provided.

3. All new Traffic Signs and Road Markings must comply with the requirements of the Traffic Signs Regulations and the Traffic Signs Manual. Existing signs may need to be upgraded to comply with these standards.

4. As the A38 is the diversion route for the motorway, and in view of the quantity of commercial vehicles requiring access to the site, it is recommended that the design incorporates the provision of specialized high-skidding resistance surfacing on the approach to the roundabout (Ref. DMRB HD36/99 - Table 3.1).

5. An existing system of double white lines is in place on the A38, such markings & studs will need to be reviewed in relation to proposed road markings for the new roundabout.

6. Detailed designs should define required visibility splays for all road users (inc. Motorists, Pedestrians and Cyclists). Such visibility splays must be within adoptable highway limits, kept clear of vegetation/landscaping and should not be obscured by street furniture etc.

7. Forward visibility to queuing traffic at the roundabout for northeast bound traffic on the A38 may be obscured by the left hand bend. The design must ensure adequate forward visibility to queuing traffic (through the inside of the bend) is provided and additional warning devices may be necessary to prevent rear end shunt type collisions.

8. Consideration should be given disabled access, ensuring the provision of Dropped Kerb crossing points in accordance with the DfT "guidelines for the use of tactile paving surfaces" and the "inclusive mobility" guidelines."

The further cumulative analysis has now been submitted, but to date of compiling this Report, the further observations of the County Highway Authority had not been received.

County Planning Authority

"No doubt you are aware that the use of the land proposed has the potential to conflict with that set out in the Development Plan. For example, adopted Local and Structure Plan policies and principles of PPG 7.

Bearing in mind that planning applications should be determined on their merits, in the light of all the material considerations, the enactment of the New Planning

Act (Sept 04) means that Regional Planning Guidance for the South West (RPG 10) is now part of the development plan. RPG 10 is part of the development plan until replaced by the Regional Spatial Strategy (RSS) and appropriate weight should be attached to such advice.

In particular, I draw your attention to the fact that Taunton is identified as a Principal Urban Area under Policy SS 5 and Policy SS 12. Furthermore the emerging RSS presently identifies Taunton as a "Regionally Significant Settlement" along with Bath, Bournemouth/Poole, Gloucester/Cheltenham, Exeter, Plymouth, Swindon, Torbay and Weston-super-Mare.

However, such material considerations have to be considered within the context of delivering the Taunton Vision and comprehensive land-use regeneration of an expanded Taunton town centre. In my opinion, this accords with the governments approach towards town centre regeneration as contained with PPS 6 Planning for Town Centres.

Accordingly, on behalf of SCC as the Strategic Planning Authority, providing a case for an exception to policy is made; I have no objection in principle to the relocation of the livestock market as proposed."

County Archaeologist (initial response)

"I have been contacted by the applicants and have sent them the following comments:-

The proposal is on a greenfield site and although there are no records relating to finds within the exact location significant prehistoric finds have occurred along similar alluvial valleys in the area (for example the recent Bronze Age wooden idol from Hillfarance). Also archaeological monitoring of the construction of the M5 revealed many sites in this area not previously recognised, which indicates that this area has very high potential for unrecorded sites. For example three different periods of activity were recorded on the adjacent stretch of the M5, a prehistoric and a Roman site at Vokers Cross roundabout and just south of the roundabout a medieval settlement was revealed.

Based on this information this site does have the potential to have significant remains present. Therefore a phased assessment should take place include a Desk Top Assessment (DTA) and based on the DTA possibly a geophysical survey and subsequent trial trenching.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation.

I am happy to provide a specification for this work and a list of suitable

archaeologists to undertake it.

The following further response was received following the receipt of the Environmental Statement:-

"In general the information concerning the Cultural Heritage within the ES is acceptable. However, part of the Abstract within the desk-based assessment (appendix 9, page 5) is obscured although I believe the similar information is repeated elsewhere in the DT A.

The ES comes to the conclusion that there is a medium to high potential the site and then goes on to describe that further evaluation is required to confirm this. It is recommended within . DTA that geophysical survey followed by trial trenching should take place. I agree with this recommendation and advise that this needs to take place prior to determination of this application. In fact the results from this evaluation should form part of the EIA and should be used to propose a suitable mitigation strategy for the development. It is very important that these results are obtained at this stage because if this information is not put forward within the EIA it is likely that the ES will have failed to accord with the EIA Regulations 1999 which require that "full knowledge" of the likely significant effects of the project be determined within the ES

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation.

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it."

Environment Agency (initial response)

"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.

The site lies within the catchment area of the Haywards Water where flooding occurs at present. Surface water run-off will increase as a direct result of the development, thereby further increasing the flood risk to which properties downstream are subject, unless adequately attenuated.

PPG25 identifies that a Flood Risk Assessment must be submitted as part of any application. In this case, no drainage statement or assessment has been

submitted in relation to the requirements for adequate attenuation of surface water. Also, there have been no details submitted of the area to the south east of the main site, now identified as being for a balancing lagoon, or an analysis of the existing flood risk to this area from the watercourse. This is required in order to identify how much of the area is outside the existing floodable area and thus available for construction of any lagoon. The applicant must supply sufficient detail to establish the feasibility of using this area for a lagoon of sufficient capacity.

In the event of the Agency's objection being overcome, we request that any grant of permission includes the following formal conditions:-

CONDITION: Any works to attenuate surface water discharge to Haywards Water should be set back at least 10 m from top of the bank.

REASON: To conserve riparian habitat and to protect any attenuation works from minor alterations in line with the watercourse due to natural processes.

CONDITION: Any planting including the introduction of aquatic species in the proposed attenuation area should be carried out using native species ideally of local provenance.

REASON: To prevent the introduction of alien and invasive species that may prove difficult to control.

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. 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, where possible,

and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

NOTE: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent.

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

Consideration should be given to developing attenuation features that can contribute to local biodiversity as well as providing functionality.

There are native poplar trees in the vicinity, and we recommend that any ecological survey should identify whether the species is present in the sites proposed for development in order that the trees can be conserved

The Agency would further comment as follows:-

Prior to the submission of the Environmental Statement, the Agency would make the following general comments which we would expect to be contained within the statement:

The Agency will require the applicant to install additional pollution control measures when disposing of surface water run-off from the development. These measures, normally incorporated as part of Development Control requirements, provide alternatives to the conventional storage systems for the control of surface water run-off, and is favoured by the Agency where groundwater is not at risk.

The alternative systems not only cater for flood peak attenuation, but can also improve water quality and enhance the environment. Such systems, collectively known as 'source control' systems, include permeable pavements, grassed swales, infiltration trenches, ponds and wetlands. Further information is provided in the Environment Agency's publication 'Sustainable Drainage Systems (SUDS) a guide for developers', a copy of which has been forwarded to the applicant's agent.

The developer is advised to discuss with the Agency how these techniques might be applied at this site. Please note this only applies to roof water, clean yard areas and car parking/lorry parking areas.

Foul and contaminated drainage and trade effluent should be directed to the

public foul sewer provided that adequate capacity is available for additional flows. Please note this includes washing facilities provided for the cleaning of vehicles, machinery and contaminated impermeable surfaces. Vehicle wash facilities must not be directed to any clean drainage system.

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.

All animal waste and contaminated surface water including washdown water must be taken to a total containment system prior to disposal to land in accordance with the MAFF Code of Good Agricultural Practice. This should not be stored closer than 250 m from a licensed abstraction or private water supply source.

Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, the prior authorisation of the Environment Agency is required for the construction of storage installations as defined in the regulations.

The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

Alternatively, with the water company's permission, contaminated surface water including washdown water, could be connected to the foul sewer. Then, any manure/dung heaps could be sited in an area where it/they will not cause pollution of any watercourse or water source the release of contaminated run-off.

The proposed development overlies a minor aquifer (the Mercia Mudstone Group) which at this location is of Intermediate vulnerability.

If detrimental consequences to the water environment are likely, then agreed mitigation measures would be necessary.

The applicant should bear in mind that it is their responsibility to ensure that the development does not adversely affect any existing legal water interests in the area.

Local water interests in the area such as wells, springs, etc, and private abstractions must not be adversely affected either. Attention is drawn to the presence of two licensed groundwater abstraction wells in the vicinity:

1. Chelston House Farm, located approximately 350 m to the north west of the site (Licence No. 16/52/005/G/571).

2. Foxmoor Nurseries, located approximately 470 m to the south east off the site (Licence No. 16/52/005/572).

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

The following further response was received following further submissions:-

“The particular area of concern to the Agency is the area proposed for a surface water attenuation lagoon adjacent to Haywards Water, which is not covered by the topographic survey. As identified in our letter of 14th June, 2004, a Flood Risk Assessment (FRA) must be carried out for this area to establish the area outside the floodplain available for construction of a lagoon of sufficient size. From a cursory inspection of the site, we estimate half of it could be within the floodable area.

As this information is fundamental to establishing the technical feasibility of constructing a sufficient lagoon, we continue to require deferral of consideration of the application until the FRA is completed for this part of the site.

We note the contents of the Ecological Report, however, it does not affect our earlier requested conditions. We are pleased to note that the consultants support the concept of planning the balancing pond to deliver some environmental gain.

We also note the submission of the soakaway investigation, which suggests that the discharge of water via soakaways does not appear to be a viable option at this site.

The applicant is reminded that the discharge of any contaminated surface water from the site should be discussed with the Agency at an early stage.

I can therefore confirm that the Agency's letter dated 14th June, 2004 remains relevant.”

The following subsequent response was received following discussions between the Agency and the applicants consultants:-

“Our Development Control Officer, John Philip has been addressing the Agency's concerns with Bryant Development Services, and enclosed is a copy of a letter dated 13 September 2004 for your information.

The Agency would now wish to withdraw the objection contained within our letter dated 14th June, 2004, subject to the inclusion of the following conditions:

CONDITION: No development approved by this permission shall be commenced until a detailed Flood Risk Assessment for the surface water

attenuation area adjacent to Haywards Water has been submitted to and approved in writing by the Local Planning Authority. The results of the Flood Risk Assessment shall be incorporated into the siting and design of the surface water attenuation area.

REASON: To ensure that the attenuation area is sited outside of the floodplain of the Haywards Water.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

I can confirm that the conditions, informatives and comments contained within pages 2, 3 and 4 of our letter dated 14th June, 2004 remains applicable."

The following was the text from the letter dated 13th September, 2004.

"Thank you for your letter of 8th September, 2004 regarding the above and the feasibility of construction of an attenuation area in the field adjacent to Haywards Water.

I note the extension to the area available for construction of the facility, although you provide no level information relating to this extension. However, I am prepared to accept that the combination of the information supplied, together the previous undertaking from your clients that there will be no surface water attenuation within the floodable area, indicates sufficient feasibility for such a scheme.

I will draft conditions to be attached to any permission and forward them to the planning authority. First there will be a need for a detailed FRA for the site which, given the uncertainty expressed about hydraulic conditions at the culvert in the Howick letter dated 9th August, 2004, will necessitate modelling of Haywards Water up and downstream. The detailed design of the balancing area will be carried out in light of the results of the FRA and have to be approved before construction commences.

A further response was received following the receipt of the Environmental Statement as follows:-

"The statement refers to the need to restrict surface water run-off rates. We have previously identified the conditions required on any planning permission that may be considered for the site.

We consider however that more advantage might be made of sustainable drainage techniques on site. For example, the designers might consider the use of sub-base storage beneath a permeable surface in the public car parking areas rather than a gulley pot and pipe system. This could provide attenuation storage and water quality mitigation for this area. Also, open channels, swales and ponds will increase the environmental benefits to be gained.

We note that there may be ground contamination associated with prior uses (para. 4.3.1), and that remediation work may be required to bring the proposed relocation site into use. It is beneficial to consider contaminated land using the following protocol:

- A desk study, which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed, this information should be used to produce:

- a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors.
- a site investigation, designed for the site, using this information and any diagrammatical representations (Conceptual Model) undertaken. The investigation must be comprehensive enough to enable:
 - a suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
 - refinement of the Conceptual Model, and
 - development of a Method Statement detailing the remediation requirements.

This practice is considered important so that the site operator/owner, the regulatory authorities and other parties, such as the general public, potential purchasers or investors, can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site.

The disposal of slurry must be undertaken in accordance with the MAFF "Code of Good Agricultural Practice for the Protection of Water". No farm effluent or contaminated surface water, including wash down water, shall be discharged into any watercourses or water sources.

The Agency would recommend 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.”

Wessex Water

“The above proposal is not located within a Wessex Water sewered area.

The developer has proposed to dispose of surface water to 'the watercourse'.

It is advised that your Council should be satisfied with any arrangement for the disposal of foul surface water flows generated by the development.

Turning to water supply, 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 can be agreed at the detail design stage.

It is recommended that the developer should agree with Wessex Water prior to the commencement any works on site.”

The following response was received following submission of the Environmental Statement:-

“Foul Sewerage

The nearest public foul sewer is in Chelston Business Park to the North but there is no spare capacity in this sewerage system to accept extra flows. The nearest possible point of connection is North of Cades Farm Wellington. Wessex Water are currently in discussion with the Developers looking to build on Cades Farm and Developers intending to build a Business Park in the area. There is a possibility of a joint scheme here to service all interested parties.

Surface Water

There are no public surface water sewers available to serve this development. Surface water is to discharge to the land drainage system with consent from the Environment Agency who, no doubt, will impose a limit on the maximum rate of discharge.

Adoption

In line with Government protocol the applicant is advised to contact Developer Services to see if any of the on-site or off-site drainage systems can be adopted under a Section 104 Agreement.

Sewage Treatment

Its unlikely that Wellington STW will have sufficient capacity to service this development but this cannot be confirmed until anticipated flow rates are received. It may be necessary to carry out a more detailed appraisal of the existing system for which a deposit of £2,000 will be required. The applicant is to contact the Trade Effluents Officer (Simon Gibbard) to see if a Consent is required.

Supply

Network analysis is required to determine whether the existing system can serve the proposed development. Off-site mains reinforcements may be needed and a deposit of £2000 would be required to undertake the work.”

Western Power Distribution

“As this proposal is in its infancy I would presume that details regarding the electrical loading are currently unavailable. Therefore before any detail regarding electricity supply can be made available, Western Power Distribution would need written conformation of expected demand.

I would draw your attention that there may be a need to establish a new Substation at the proposed site in order to provide a supply within statutory limits. If this is the case, the nearest point for extending the three phase 11 kV network is at "Chelston" (21/0368) shown on the enclosed plan.

For reference, all 11 kV lines are shown as solid red and all low voltage lines are shown in dotted blue. Services to properties are shown as solid black in colour.”

Chief Fire Officer

“Means of Escape

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.

Access for Appliances

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

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.

The Countryside Agency

“The Countryside Agency's planning policy statement 'Planning Tomorrow's Countryside', recognises the importance of the planning system in helping to secure its social, economic and environmental objectives for the countryside. The policy statement goes on to emphasise that the Agency's main role in the planning system is at a strategic level and involvement in development control and site based planning will be restricted to those proposals that:-

- set a national precedent where Government advice is lacking; or have a major impact on an important Countryside Agency initiative; or
- have a fundamental effect on the intrinsic character of a National Park, Area of Outstanding Natural Beauty, or Heritage Coast (refer to www.magic.gov.uk).

The Countryside Agency welcomes the opportunity to comment, however in view of our strategic policy involvement and the priorities outlined above in this instance we have no observations to make.

However, the Countryside Agency recommends the use of the Countryside Character approach to inform all developments in the countryside. More details can be found on our website www.countryside.gov.uk.

We Stress that the absence of comment or direct involvement by the Countryside Agency on individual plans or proposals is simply an expression of our priorities. It does not imply a lack of interest and, nor in itself, does it indicate either support for, or objection to, any plan or proposal.”

South West of England Regional Development Agency (SWRDA)

“SWRDA has a new duty as a statutory consultee for major development proposals of economic significance to the region, to assist in delivery of the Region's Economic Strategy (RES).

In this regard we have reviewed the documentation submitted and consider that, although the development proposed fulfils our size criteria for consultation, no evidence has been submitted to demonstrate that the development would be of regional economic significance, and as such help to deliver the RES.

Therefore the SWRDA have no comment to make in relation to the development proposed.”

Somerset Environmental Records Centre

No statutory and non-statutory sites and species at the application site. One or more legally protected species found within 1 km of the site. One County Wildlife Site and one or more 1990's badger data found within 1 km of the site.

Somerset Wildlife Trust

“The Somerset Wildlife Trust agrees with the mitigation recommendations made within the Ecological Report (Appendix 8 of the main Environmental Statement), including those regarding the prevention of pollution to watercourses and the design of the balancing pond. We strongly recommend that these all be secured through the use of appropriate conditions or obligations.

In addition we recommend that the planting scheme consist entirely of appropriate native species, ideally of local provenance. Again we would hope to see this secured through the use of appropriate conditions.

We understand that a number of hedgerows are to be removed as part of this application and welcome the proposal to plant new hedgerows and to enhance the existing hedges as compensation for this loss.

However, given that both the hedges to be removed are considered to be 'important' under the Hedgerow Regulations 1997 and equate to approximately 50% of the ecologically interesting hedgerows within the application site, we recommend that consideration be given to the possibility of transplanting these hedges.

There have been a few successful examples whereby entire mature hedgerows have been transplanted although success would not be guaranteed and in the event of failure we would recommend that there should still be a requirement to replant.

We would be pleased to try to place the applicants in contact with individuals/organisations with experience of transplanting hedgerows.

Finally, given that the Ecological Report was prepared in March 2004, we would suggest that it may be necessary to conduct an update survey, particularly for protected species, prior to the commencement of any works.”

Wellington Economic Partnership

The application should be determined as early as possible. The importance of this application cannot be over-stated. The Partnership sees the relocation of the livestock market as vital to the future prospects of Wellington. If it happens, it is likely to be the catalyst for future development of land for employment purposes at Chelston House Farm.

Rights of Way Officer

No observations to make.

Landscape Officer (initial response)

“It is difficult to comment in detail without the full EIA (Landscape assessment and mitigation proposals) other than to say it is a substantial building that will need very careful landscape assessment with substantial landscape buffering to soften its impact.”

The following further response was received following the receipt of the Landscape and Visual Impact Appraisal:-

“The Landscape and Visual Impact Appraisal in my opinion gives a fair analysis of the likely impact on the surrounding countryside. However I would like to see greater analysis and assessment of lighting impacts and greater detail of proposed landscape mitigation such as mounding and planting.”

The following subsequent response was received following the receipt of the Environmental Statement:-

“Although the proposals are only outline I would like to see a landscape master plan that reflects the comments more clearly as laid out in the Swan Paul Report.

My own view is that the landscape mitigation needs to be more substantial from that indicated on plan 1224/2. The yard and building will need further pockets of landscape within the southern and eastern areas to help break up the form the building. Landscape proposals around the roundabout should be more substantial both on the market and other sites as these will afford maximum views into the site. The hedgerow along the south western boundary would not be sufficient in itself in that even if left undisturbed for a number of years it will still need to be managed by coppicing or thinning and therefore a more substantial barrier will be required.

Generally however, I agree with the landscape assessment.”

Wildlife Species Co-ordinator (initial response)

“Considering the area of the proposed development I advise that a wild life

survey and assessment of the site is carried out before any decision is made on the application. Consideration should also be made for improving habitat potential for certain species through planting and management.”

The following further response was received following the receipt of the Ecological Report:-

“Some of the best ecological features of the site will be lost if development goes ahead and I would strongly support the consultants’ recommendation for enhancing remaining hedgerows through new planting and appropriate management. I would also recommend that additional native shrubs and trees are planted as copses, say at field corners to strengthen habitat.

Other mitigation methods outlined by the consultants should be conditioned and timing of works to prevent damage to nesting birds.”

The following subsequent response was received following the receipt of the Environmental Statement:-

“I would like to see more consideration being given to enhancement of wildlife on site which I believe could go hand in hand with more robust landscape proposals.”

Forward Plan (Initial response)

”From the details on the submitted outline planning application, no associated retail activities or sales appear to be proposed other than livestock trading. The breeding and rearing of livestock is an agricultural activity which is sui generis. From my understanding, the livestock market would also constitute sui generis use/development and not retail A1 or Business B1.

Since existing and proposed uses are sui generis and of the same nature, the proposal would not be contrary to any policy in the Local Plan. The draft PPS 7 (Countryside) reaffirms existing PPG7 guidance that local planning authorities should support development that delivers diverse and sustainable farming enterprises and which contributes to rural economies.

Whilst retaining the historical market function within Taunton Deane, the proposal will contribute towards the stability and growth of the local rural economy. Moreover, through its relocation, the proposal will assist in the implementation of the development plan strategy and Taunton Vision through vacating the existing market at Firepool, enabling comprehensive redevelopment of this brownfield edge of centre site. The regeneration of large brownfield sites is a key objective of Government policy towards sustainability. The principle of development is therefore supported in policy terms.

In order to control activity on site to ensure compliance with government policy, a condition should be attached to any approval limiting the form and scale of any retailing.”

The following further response was received following the submission of the Environmental Statement:-

“I have two further points arising from the submitted Environmental Impact Assessment (Environmental Statement).

- Firstly, Swan Paul's Landscape Appraisal suggests mitigation can in part be achieved through allowing hedges to develop and strengthening through replanting (para 7.2). The Appraisal itself refers to this being required off site also. This should be followed through in the event of a planning approval, via part of the S106 agreement.
- Secondly, the assessment of alternative sites (Appendix 7) is very brief and assessment/dismissal of some sites weak, (for example Site 4 Walford Cross). These may need further work to satisfy an Inspector if the application were 'called in'. Moreover, the assessment excludes the Sedgemoor site on which an application has already been submitted (37/04/054 and 099). This should be amended.

Finally, I note that under the agents Notice under Article 8 (dated 19 Jan 2005) the application is referred to as 'not according with the provisions of the development plan in force in the area'. If the application is recommended for approval it should be referred to the Government Office.”

Economic Development Officer

No observations to make.

Environmental Health Officer

“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 nuisance to neighbouring premises will not be caused.

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.

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, 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.”

Drainage Officer

“I note that surface water flows from the proposed outline application states that surface water will be discharged to an on site surface water attenuation system.

I enclose a copy of our standard guidance notes for developers for such a system.

This document should be made a condition of any outline approval given.”

The following further response was received following submission of the Environmental Statement:-

“I note that the majority of surface water run-off will be disposed of via an attenuation pond.

Calculations will be required regarding the sizing of the pond and an agreed rate of discharge and I enclose a copy of our standard design guidance notes that should be made a condition of any approval.

It is also a requirement that any storage facility (attenuation pond) incorporates some form of Sustainable Drainage System (SUDs) and again I enclose a copy of our guidance notes for such a system.

It is strongly recommended that the developer discusses the proposals with this department at an early stage, especially with regard to the future maintenance and adoption of any system.”

West Somerset District Council

“The council has no objection to the proposed relocation of the livestock market. The effect of relocating the market on the farming community in West Somerset & Exmoor is predicted to be negligible, but improved access to the M5 may have beneficial implications on animal welfare when they are transported from market.

The shortest route from Exmoor to Wellington is via Wiveliscombe. Consequently it is considered that the effect on the rural road network needs to be fully addressed.

From a West Somerset perspective, a livestock market at Wellington is preferable to one located further north on the M5 corridor, because of the additional travel distance and implications on animal welfare.”

Exmoor National Park Authority

It is not considered that the proposed development will adversely impact on National Park purposes and the general view is that investment in livestock markets should be supported.

Sedgemoor District Council

Planning Policy

It is noted that the application site is outside of the development limits of Wellington within open countryside. Policies seek to carefully control development in such locations and generally restrict this to uses that specifically require such a location.

The livestock market and associated uses do not require such a countryside location and therefore need to be considered as a departure from adopted local planning policy. In order to justify such a departure it would be expected that alternative sites should be assessed. Unfortunately the available material in support of the application does not include such an assessment although reference is made to this.

It is therefore unclear why for example the allocated employment land to the west of the proposal has not been considered, particularly given that such an allocation is no longer justified on the basis of providing employment opportunities for future significant housing development at Wellington.

Alternative Sites

As mentioned above, the appendix setting out an assessment of alternative sites is not available with the supporting Environmental Statement. It is therefore unclear as to why this site is proposed and what alternative sites were considered. It is noted that locational criteria suggest a site on the urban fringe of Taunton with good access to the County Route network.

There are alternative sites that meet these criteria and that are financially viable, notably at Junction 24. It is entirely appropriate that in deciding on a planning application for a use and activity that has a sub regional/regional impact and role careful regard is had to alternate proposals beyond the boundary of Taunton Deane. This is especially the case as it is extremely unlikely that two new livestock markets could be sustained along the M5 corridor in Somerset. Without doubt achieving a long term viable livestock market in Somerset is important for the rural economy of the County.

Location

The site is located in open countryside approximately 1.5km from the edge of Wellington. It is well related to the strategic highway network. As such it seems likely that travel to work will be predominantly by use of the private car.

Reference is made in the revised Environmental Statement of the need to provide either new pedestrian links to the north of Chelston roundabout, or to provide in partnership with the bus operating company, a new bus service. This latter suggestion appears unlikely without considerable subsidy.

It should be noted that this contrasts with alternative site at Junction 24 for a livestock market (as part of a wider Regional Rural Business Centre) currently subject to a planning application. This site adjoins the A38 strategic public transport corridor that benefits from a regular "quality" bus service (Service 21). This site is also located in close proximity to a proposed sustainable urban extension that is subject to current planning applications. It therefore offers excellent opportunities to encourage walking, cycling and use of public transport for journey to work trips.

Viability

The viability of a stand-alone livestock market, in the knowledge of the rationalisation of such facilities and the emergence of "agricultural business centres" that include markets across the region, should be carefully and robustly considered if a departure from the local plan is to be justified. The Local Planning Authority should be in a position to know that the scheme can be achieved without other associated development which would itself be a departure from the local plan but is not part of the current planning application. The evidence provided with the application is considered to fall significantly short of providing this assurance.

I therefore request that the above comments are fully taken into account when your Development Control Committee discusses this matter. Should

Taunton Deane Borough Council be minded to recommend approval of this application it should be referred to the Secretary of State as a departure and the District Council afforded the opportunity to make further representations."

Nynehead Parish Council (neighbouring parish)

"We are greatly concerned about the potential increase in traffic through Nynehead that would be generated by the market. All roads in the parish could be affected, but in particular the road past the village school. While it is noted that the market would operate only on Tuesdays and Saturdays we are sure that to maximise the investment in the site there would be pressure to use it on other days for non-livestock market activities. We are aware that traffic through the village is already increasing, partly in response to recent industrial developments

at Poole and Chelston, and believe that a northern relief road for Wellington is essential. A full and independent traffic impact study should be carried out which takes Nynehead's concerns into account.

The following further response was received following the submission of the Transport Statement:-

“It was agreed that the information contained in the applicants' report did not address the council's concerns about the impact of traffic on the parish. It is not clear if the document received is the independent traffic assessment requested by the planning authority. There was no assessment of the number and type of vehicles likely to be using Nynehead's roads, in particular the one past the school. The peak hour for traffic going to the market on a Tuesday would coincide with journeys to school. The Council request that baseline traffic counts be made on the Langford Budville - Nynehead and Nynehead - Wellington roads as part of the traffic assessment.”

Wellington Town Council (neighbouring parish)

In favour, but would like to comment further when the environmental impact and traffic impact assessments are available.

Wellington Without Parish Council (neighbouring parish)

“I am writing to offer the observations made by the Parish Council at their 14 June meeting on the proposed livestock market at Chelston Heathfield.

The Council are generally supportive of the move of the Livestock Market from Taunton but have grave concerns that the proposed road layout in the application will only transfer the traffic problems from Taunton to the Wellington area.

It was noted that the applicant estimates some 100 vehicles an hour for the Saturday market and the Council firmly believe that most of this traffic will use the M5 as it will be the quickest and most direct route. The main entrance to the market should therefore be sited on the M5 approach road and a roundabout should be constructed to allow market access and egress.

A poorer second option would be to form an additional access to the market from the M5 approach road for traffic coming from the M5 motorway but this would still be better than the proposed arrangements that will force all the traffic through two roundabouts to interfere with Wellington to Taunton local traffic.

The location of the proposed market is very visible from the escarpment of the Blackdown Hills and strong feelings have been expressed in Wellington Without Parish that if the market goes ahead it should fit as comfortably as possible in the area and not be an eyesore. Therefore great attention needs to be paid during

the detail stages to ensure roof coverings and elevations blend well with the present rural character of the area from both close and far distances.”

The following further response was received following the submission of the Transport Statement:-

“Councillors consider the survey and projections in the traffic statement support their concerns that traffic arrivals to the market will cause the most impact to local traffic and that the proposed road layout is unsatisfactory.

The Parish Council remain supportive of the market move to Chelston but stand by the observations made in their letter of the 15th June, 2004.”

Bradford on Tone Parish Council (neighbouring parish)

“At their last meeting on 21st July, 2004, Councillors voiced their concerns over the extra traffic movements that would occur through Bradford on Tone should the livestock market be relocated from Taunton to a site at Chelston.

Given that a weight and width restriction order exists over Bradford bridge, villagers have seen a considerable increase in traffic since the opening of Oake Golf Course and the building of Cotford St Luke. These increases were confirmed in a traffic survey carried out by villagers a couple of years ago.

Could you please let the Parish Council have your comments on how the increase in traffic through Bradford on Tone as a result of relocating the livestock market would be dealt with”

West Buckland Parish Council

Refer back to previous letter to the (then) Chief Planning Officer, stating that the Parish Council did not support a proposed rural agricultural business centre/livestock market. The Parish Council still has reservations about drainage, potential flooding, highways matters and water supply to the market affecting the supply to other residents.

Following the receipt of the Environmental Statement the Council discussed the proposal further and considered that all objections had been satisfied.

8.0 **REPRESENTATIONS**

One letter of representation has been received making the following points:-

1. Unequivocal support for Taunton Livestock Market, whether it remains on its current site or is relocated. Believe that the vast majority of farmers and landowners within the south-west will also continue their support.

2. Taunton can achieve little in growth without a second motorway junction. This could be at Walford Cross, where there would be an opportunity of moving the market to.
3. Understand that the only reason the market has to move is to create a vacant site for the 'Seat of the Regional Assembly' and to create the opportunity for a Government Ministry say 2,000 jobs, and to build 'landmark buildings' with architectural merit for the status of Taunton. But it will be many years before these decisions are taken.
4. Believe Taunton Livestock Market has the largest sale in Britain for store cattle and adds great significance to Taunton as a location. Those working, participating and observing on market days give it similar employment significance to a Ministry relocation.
5. Query why all the haste to create Tangier Mark 2, which has remained idle for decades.

9.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Is the proposal compliant with the Development Plan Policies? POLICY
- B. Is access to the site adequate? ACCESS
- C. Is the site capable of being satisfactorily screened? LANDSCAPING
- D. Will the proposal be acceptable from a noise point of view? NOISE
- E. Are the proposed drainage arrangements acceptable? DRAINAGE
- F. Are the arrangements for water supply to the site adequate? WATER SUPPLY
- G. Would the ecology of the site be adversely affected? ECOLOGY
- H. Are there any archaeological implications with the proposed development? ARCHAEOLOGY
- I. Are there alternative sites that may be more suitable? ALTERNATIVE SITES
- J. Does the proposal provide for sustainable development? SUSTAINABILITY
- K. OTHER ISSUES

A. Policy

One of Central Government's objectives for rural areas is to promote thriving, inclusive and sustainable rural communities which allows for sustainable economic growth and diversification. Promoting sustainable, diverse and adaptable agriculture sectors is a central part of this and facilitating healthy and diverse economic activity in rural areas is a key policy of Central Government. PPS7 states that people who live or work in rural areas should have reasonable access to a range of services and facilities and that planning authorities should adopt a positive approach to planning proposals designed to improve services and facilities. The existing livestock market in Taunton serves a wide agricultural catchment and the current proposal would enable this to continue.

The Development Plan policy context for the site is set out in the Country Structure Plan and the Taunton Deane Local Plan. The existing livestock market in Taunton is on a site which is part of major redevelopment proposals set out in the Local Plan. Furthermore, the Plan goes on to say that there is a need for the livestock market to relocate in order to provide enhanced facilities that will enable it to compete with other prominent markets in the south-west. The Plan indicates that a site of approximately 8 ha would be required which is easily accessible to the highway network which serves its wider catchment. The Plan notes that there are no available opportunities within the urban fabric of Taunton for a site of the size required. It is therefore considered inevitable that, in order for the major development proposals set out in the Taunton Deane Local Plan (and also include within the Taunton Vision document) to proceed a site beyond settlements will need to be found.

The application site lies within an open countryside area where there is a general presumption against development unless they are of economic benefit to the area, such as development associated with agriculture and forestry. Apart from enabling the regeneration of a larger area of underused land in urban Taunton, the proposal will also be of economic benefit to the rural areas of Taunton Deane and beyond. It is envisaged that the new operation will be on similar lines to the current livestock market and it is therefore not considered to be likely to have any significant detrimental effect on the local economy of neighbouring rural areas.

B. Access

The Borough Council commissioned a study of the existing market operation in Taunton in 2003. The results of this study form the basis of traffic forecasts for the relocated market. In order to ensure that vehicle movements are not underestimated, an increase of 15% was applied to the study report. This has resulted in projected traffic generation of 316 vehicles on Tuesday and 642

vehicles on Saturdays arriving at the relocated market. A traffic survey was also carried out at Chelston roundabout and safety records examined.

The proposed development will be served by a single point of access via a new roundabout off the A38.

On the basis of the detailed traffic analysis carried out in the Traffic Assessment, the applicant's consultants conclude that a site access roundabout could be provided that would serve both the relocated market and the proposed Chelston Home Farm employment development to the west. They also conclude that relocated market traffic would have no material impact on traffic conditions at Chelston roundabout or on the slip roads of junction 26 of the M5 motorway.

The County Highway Authority has no objection in principle to the proposal, but is seeking off-site transport improvements. The Highways Agency has issued a Direction under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 which directs that the planning authority shall not grant permission for the application until they have assessed the impact of the development for possible adverse effects on the M5 motorway.

The further cumulative analysis Report submitted has the following conclusions:-

1. The proposed market relocation site at Chelston provides convenient access from a wide catchment area including for heavy good vehicles.
2. The proposed relocation site is better related to the catchment area than the existing market site in Taunton.
3. A site access roundabout can be provided which would serve both the relocated market and the proposed employment allocation to the west.
4. Relocated market traffic would have no practical effect on traffic conditions at the Chelston Roundabout.
5. Market traffic would have no practical effect on traffic conditions on the slip roads of M5 Junction 26.
6. The site would have satisfactory accessibility by non-car means because of links with the proposed pedestrian/cycle facilities in the area, the future enhanced bus services to the Chelston House Farm employment area and existing bus services in the area.

C. Landscaping

The Environmental Statement indicates that landscaping and planting works are to form an integral part of the design. The landform is relatively level and no grading works are required across the site, apart from some limited cut and fill to

form development platforms and earth mounding to be constructed around the periphery. The mounding will be planted with a mix of trees and shrubs, with further planting through the site. It is considered that with appropriate conditions to ensure that adequate planting is provided to soften the impact of the new building, the proposal is acceptable from a landscaping point of view.

D. Noise

The Noise Assessment Report submitted as part of the Environmental Statement noted that there is only one residential property not owned by the applicants close to the site. The consultants concluded that there would be no special noise investigation required as a result of the proposed development. The proposal is therefore considered acceptable from a noise point of view.

E. Drainage

With regard to surface water drainage, soakaway tests carried out on the site effectively failed, indicating that the discharge of water via soakaways is not a viable option at this site. Consequently surface water run-off from the front of the site and by members of the public will be segregated from the livestock and will be collected in an interim storage facility, feeding into a retention lagoon and then into controlled discharge to Haywards Water. Roof water will be collected in suitable storage tanks for reuse as part of the washdown facility.

The Environment Agency has advised that their preference is for foul drainage to be discharged to public sewers. The applicants have indicated their preference to connect to the existing services at Chelston Business Park. However, Wessex Water had indicated that there is no spare capacity in this sewerage system to accept extra flows. The nearest point of connection is north of Cades Farm and Wessex Water has offered to enter into discussions involving a possible joint scheme also involving the developers of Cades Farm and Chelston House Farm.

F. Water Supply

Provision of domestic water supply to the concourse part of the building will be by connection to the existing Wessex Water main running along the western side of the A38. However, Wessex Water has indicated that network analysis is required to determine whether the existing system can serve the proposed development. Off-site mains reinforcement may be required.

The applicants are also in discussion with the Environment Agency with regard to the construction of a bore-hole, subject to the necessary grant of an abstraction licence.

A condition is proposed to ensure that appropriate water supplies are provided which do not have an adverse effect on existing networks.

G. Ecology

The Ecological Report prepared as part of the Environmental Statement has assessed the fields, hedges, protected species and surrounding areas in association with the proposed development.

With regard to the fields, the low quality of weed species present and other factors such as the small sizes of the fields, indicate low potential value for farmland birds. Because the land has previously been intensively farmed it has been concluded that the grassland is of minimal conservation value.

In respect of the hedges, the Ecological Report concludes that there is some conservation value, but the extent of this value varies substantially in respect of protected species, there is nothing to indicate that the site is of value. The surrounding areas consist of intensively managed farmland roads and buildings and are of minimal nature conservation value.

The proposed new landscaping at the Business Park will provide opportunities for the enhancement of wildlife habitats on the site.

H. Archaeology

An Archaeological Assessment has been prepared as part of the Environmental Statement.

Whilst there were no archaeological finds or sites recorded the site is considered to have a significant archaeological potential because locations in the surrounding parishes have yielded significant archaeological sites of prehistoric dates.

The potential for the survival of archaeological deposits dating from the prehistoric and Roman periods in the study area is considered in the Assessment to be moderate to high, but has not been tested archaeologically. The potential for the survival of archaeological deposits from the medieval and later period is considered to be lower, but is still untested. The Assessment concludes that, on the basis of the evidence gathered during this study it is advised that a further stage of archaeological evaluation, by means of a geophysical survey would be appropriate in order to ascertain the presence or absence of significant burial archaeological remains within the Study Area. This work is being carried out and my recommendations make allowance for this.

I. Alternative Sites

Following the publication of the Taunton Deane Local Plan Deposit Draft, which contained the proposal for the redevelopment of the current Taunton Market site, a search for alternative units was initiated. Prime requirements in the overall

strategy were accessibility with ease of access for all by the M5 motorway being a pre-requisite, together with availability of land, the ability to satisfy planning and other statutory requirements and preferably to find a site within the Taunton Deane area.

A total of 9 alternative sites (including the current site) were assessed, with the application site being selected as the most appropriate location for the market.

J. Sustainability

The proposal enables the redevelopment and regeneration of a major area of land with urban Taunton, which will result in a mixed-use development in a highly sustainable location close to facilities.

The application site is close to the motorway and the main road network which is required for this type of operation which is reliant on good communication links for HGVs travelling from the catchment area around.

The site is of limited ecological value and the proposal enables enhancement and diversity of wildlife interest in the area.

The applicants are being urged to adopt sustainable drainage methods.

K. Other Issues

The site has been in agricultural use throughout known history and there has been no contamination uses on the land itself.

BT telecommunications apparatus runs along the eastern side of the A38 and should be suitable to serve the proposed market. Gas services can also be provided from the Transco main running along the eastern verge of the A38.

There are existing 11kv electricity supplies at the Chelston Business Park to the north and Chelston Nursery to the south. Western Power Distribution has indicated that it would need written confirmation of expected demand before any detail regarding electricity supply can be made available. They also indicate that a new sub-station may need to be established at the site.

The proposal does involve the use of Grade 2 agricultural land. However, in view of the consideration of alternative sites concluding that the current site best meets the locational requirements for the proposed development and in view of the regeneration proposals on the operators current site, the development is considered appropriate in this respect.

11.0 CONCLUSIONS

The current livestock market site in Taunton is of key importance to the Firepool proposals in the Taunton Vision and Taunton Deane Local Plan. These cannot progress if the market remains on its current site.

The proposed development will provide the enhanced facilities that are required to ensure that the market is in a position to compete with other prominent market's within the southwest. The proposed location will be convenient to the markets large catchment area and allow for HGVs and other vehicles to access the site, without having an unacceptable impact upon the wider highway network.

The issue of a new motorway junction is not crucial to the relocation of the market. That decision lies with the Highways Agency at Central Government level and it is likely to be some considerable time before any decision is made. The relocation of the livestock market cannot be delayed that long neither in the interest of the operators nor the delivery of the Vision. Priority is to be given to the delivery of the Firepool proposals and it is the Council's aim to secure its development in accordance with the Vision principles as a first phase of delivery. For the market to remain on its present site would jeopardise this and threaten the delivery of the Vision, which itself is focused on promoting sustainable development in the centre of Taunton. Relocation of the market to Chelston offers the best prospects for success both for the market operators and the delivery of the Vision, enabling the acquisition of an extensive area of underused land. It also enables the auctioneers to have updated premises that will meet the requirements of stringent regulations for the operation of livestock markets.

The current proposal is purely for an agricultural livestock market and is therefore solely agricultural related. In this respect it differs from the proposal adjacent to junction 24 of the M5 which is in the form of an agricultural business centre incorporating a large area of employment land.

The Environmental Statement identifies no habitat of value either on the site or in the surrounding area, other than the local hedgerow network. No species that are either legally protected, are rare or threatened with identified on or close to the site.

In conclusion, against the background of the planning proposals for the operators' current site, the proposal is considered to be acceptable and my recommendation is therefore 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

14/2005/014

VODAPHONE LTD

ERECTION OF 18.7 M HIGH MONOPOLE MAST WITH 4 ANTENNAE PROJECTING TO 20 M, TWO TRANSMISSION DISHES ASSOCIATED EQUIPMENT CABINETS AND FENCING AT CREECH MILLS INDUSTRIAL ESTATE, MILL LANE, CREECH ST MICHAEL.

26734/25412

FULL PERMISSION

PROPOSAL

Permission is sought for the installation of a telecommunications mast and 3 associated base units. The proposed mast is a 18.7 m high monopole with 4 antennae and 2 dishes. The site lies within Creech Mills Industrial site and is approximately 80 m west of units 19-21. The railway line borders the northern edge of the site. The River Tone is to the south and the Bridgwater/Taunton Canal is to the north.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection.

LANDSCAPE OFFICER does not object to the proposal and feels that the reduced height should help to significantly reduce the landscape impact . Landscape planting will be needed to screen fencing.

PARISH COUNCIL support application.

9 LETTERS OF OBJECTION have been received raising the following issues:- obstructing view of countryside; potential health risk and radiation risks; impact on landscape; height exceeding height of industrial buildings; devalue properties in Crufts Meadow.

POLICY CONTEXT

C14 Applications for the installation of telecommunications masts will be permitted provided that: (A) their siting and appearance would minimise harm to the landscape; (B) there are no alternative sites or solutions with less environmental impact which could be used; (C) there is satisfactory evidence that existing masts or other structures cannot be used. S1 Proposals for development, taking account of any mitigation measures, will be required to meet the following criteria, in addition to any other Plan policies which apply in a particular case: (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; S2 Development must be of a good design. Its scale, density, height, massing, 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; (F) minimise adverse

impact on the environment, and existing land uses likely to be affected; EN12 The site is located within the 'River Flood Plain' Landscape Character area. As such development proposals must be sensitively sited and designed to respect the distinct character and appearance of the area. EN25 Development which would harm the landscape, character, wildlife and recreational potential of the water environment will not be permitted. Development proposals near rivers, canals, still waters and watercourses must respect, enhance and maximise the benefits of a waterside location.

Somerset and Exmoor National Park Joint Structure Plan Review Policy S5 Landscape Character

PPG8 Telecommunications "whilst local planning authorities are encouraged to respond positively to telecommunications development proposals, they should take account of the advice on the protection of urban and rural areas in planning policy notes.

PPS5 The Countryside - Environmental Quality and Economic and social Development.

ASSESSMENT

The application follows a recent refusal for a 20 m high monopole mast at the same site. The grounds of refusal were the adverse impact the mast would have upon the landscape and the visual amenities of the area.

The applicant has reduced the height of the proposed mast by 1.3 m to reduce the impact upon the landscape. If the mast was further reduced in height, the applicant would be unable to obtain the desired coverage for the railway.

It is accepted that there would be some impact upon the landscape from the proposals. However, the proximity of the mast to the industrial building and the nearby existing trees will help to reduce this impact. The use of a grey monopole instead of a lattice tower also helps to minimise the impact upon the environment.

The supporting information submitted with the application shows that the applicant has considered alternative sites but that these were unsuitable for various reasons. For example the land to the north of the railway would be closer to residential dwellings, applicants unable to gain landowners permission to accommodate equipment on existing industrial buildings, land adjacent to Mill Lane Car Park would result in greater impact upon environment.

In summary it is considered that the proposal is in accordance with Taunton Deane Local Plan Policy C14 in that the reduced height minimises harm to the landscape and there are no alternative sites with less environmental impact.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials and landscaping.

REASON(S) FOR RECOMMENDATION:- The siting and design of the mast minimises harm to the landscape and there are no alternative sites or solutions with less environmental impact. As such the proposal is in accordance with Taunton Deane Local Plan Policies S1, S2 and C14.

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

CONTACT OFFICER: 356313 MRS F WADSLEY

NOTES:

14/2005/020

MR R J JEANES

DEMOLITION OF AGRICULTURAL BUILDING AND ERECTION OF A SINGLE DWELLING UTILISING EXISTING BARN TO PROVIDE GARAGING AT HAM FARM, HAM, CREECH ST MICHAEL

28482/25007

OUTLINE APPLICATION

PROPOSAL

The proposal is for the demolition of an existing concrete block barn with a tin sheet roof and the erection of a detached dwelling and garage. The existing access to the north west of the plot would be closed and a new access further to the south would be created. The curtilage would comprise the existing coral area for the cattle using the barn.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed development site is remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition. Ham does not benefit from a public transport bus service. As a consequence, occupiers of the new development are likely to be dependent on private motor vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to Government advice given in PPG13 and RPG10 and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000). ENVIRONMENT AGENCY the site lies within a Flood Zone 3 area where proposals for development must be accompanied by a flood risk assessment. In the absence of the required flood risk assessment the Agency object to the proposal as the site lies within a Flood Zone 3 area. (The flood risk assessment may prove that the proposal is unacceptable in this location).

ENVIRONMENTAL HEALTH OFFICER no objection subject to contaminated land condition and note to applicant.

CREECH ST MICHAEL PARISH COUNCIL views awaited.

4 LETTERS OF SUPPORT have been received raising the following issues:- the existing barn backs onto the main road through the village and is a plain modern building out of keeping with the residential properties around it; the existing access gives poor visibility and is dangerous to cyclists and pedestrians; the proposal would enhance the character of village; the existing barn houses animals and feed stuffs and is in close proximity too residential properties and has noisy farm vehicles around the site; similar plots in the area have been developed; whilst it is claimed that the site lies in a flood plain the area did not flood in 2000 and the Environment Agency are undertaking flood prevention to a 1 in 100 year standard; the site should be considered

as an infill plot; the height of the new dwelling should not exceed Ham Dairy; the dwelling would stop the farmyard waste being in view of the village.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review STR1, Policy 49. Taunton Deane Local Plan Policies S1 General requirements, S2 Design, S5 villages, S7 development outside settlements, EN28 Development and Flood Risk.

ASSESSMENT

The proposed development lies outside of a recognised settlement in the Taunton Deane Local Plan and new development is resisted unless:- a) it is for agriculture, this is not; b) accords with a specific development plan proposal, this does not; c) is necessary to meet other legislation, it is not; d) supports the vitality and viability of the rural economy in a way which could not be sited within the defined limits of a settlement. This proposal meets none of these criteria.

The site is located in an unsustainable location where movements to services and employment would all need to be by car. New residential development in such areas is against local and structure plan policy. Planning policy Guidance note 25 requires development in floodplain areas to submit a flood risk assessment to establish the dangers associated with a development and any protection measures in place or needed. In this case there has been no such assessment provided with the application and the precautionary principle should apply whereby planning permission is deemed unacceptable.

RECOMMENDATION

Permission be REFUSED for the reasons of outside development limits contrary to Local Plan policy S7 and Somerset and Exmoor National Park Structure plan policy STR1, STR6; lack of flood risk assessment contrary to the requirements of PPG25, non-sustainable location contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and Government advice in PPG13 (Transport and RPG10).

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:

19/2005/001

MR R & MRS G PRING

**ERECTION OF STABLES AND TACK ROOM IN FIELD TO REAR SPRINGFIELDS,
HATCH BEAUCHAMP AS AMENDED BY AGENTS LETTER AND PLANS
RECEIVED 30TH APRIL, 2005**

30324/20600

FULL PERMISSION

PROPOSAL

The proposal is for the erection of an 'L' shaped building, which will comprise 3 stables and tack room. The proposal is located with an agricultural field, which is to the south-east of the property Springfields. The field in question lies outside of the identified settlement limits of Hatch Beauchamp and the proposed stables/tack room are located adjacent to the shared boundary between the field and Hatch Mews Business Park. The building will measure approximately 8.5 m x 12.35 m at its extremities and have a maximum height of 3.5 m. The walls are to be covered with stained horizontal shiplap cladding and confirmation of the roof materials is awaited.

CONSULTATIONS AND REPRESENTATIONS

ENVIRONMENT AGENCY no objections in principle to this proposal, however, the following comments must be noted:- (1) the site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage; (2) manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off; (3) the subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water; (4) there must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soak ways/ditches; (5) the proposed development is situated within 250 m 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.

ENVIRONMENTAL HEALTH OFFICER Drainage- (a) the site should be drained on a separate system with all clean and surface water being kept separate from foul drainage; (b) all foul drainage, including foul surface water run-off, is disposed of in such a way as to prevent any discharge to any well, spring or watercourse including dry ditches with a connection to a watercourse; c) manure/dung heaps are sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off; and (d) the subsequent storage and disposal of collected wastes is undertaken in accordance with the MAFF Code of Good Practice for the Protection of Water and the Protection of Air. Bonfires - no bonfires are to be permitted on site.

PARISH COUNCIL objects on the following grounds:- the materials proposed are inappropriate in this location; the development in this location is likely to cause a

nuisance to neighbouring properties and be prejudicial to health as it is sited too close to other properties.

47 LETTERS OF OBJECTION have been received raising the following issues:- the submitted plans are inadequate and inaccurate; the application site encroaches on land outside of the applicants ownership; the Council failed to inform all interested parties of the application; access is not shown and no visibility splays could be provided; on the narrow lane without loss of hedgerow and encroachment on neighbouring land; traffic generation; vehicles serving stables are large and there is inadequate road width and turning space; a track and manoeuvring space would inevitably need to be formed; the building is out of character and the materials inappropriate; a metal roof is inappropriate in terms of horse welfare and in such close proximity to power lines, which needs to be sanctioned by Western Power; in making the stable in blockwork, would the next thing be to turn it into a dwelling?; the land is agricultural; there is insufficient need and the potential for commercial livery to start; the development is of a business scale and even if it were for domestic use how can this be allowed on farm land?; commercial stabling should be resisted and if domestic, would an increase in garden curtilage be required?; the applicant refers to a personal use, this is not our understanding; conditions should restrict the keeping of horses for private use only; the proposal will cause noise nuisance and light pollution; it will set a precedent; the proposal will generate a large amount of horse waste, leading to vermin, flies and smell nuisance, this will lead to health problems for neighbouring properties; the application contains no details of how waste is to be stored and disposed of, there have been previous instances of waste being thrown into the business park; there are existing problems of smell due to burning waste, which has made staff on the business park unfit to work; the Authority's Environmental Health Section are dealing with this; the stables are a fire hazard; the proposal is alongside a natural drainage channel, the Environment Agency requires stables and muck heaps to be 10 m from water courses; there is nothing shown on the plans to prevent effluent entering the water table, contrary to environmental regulations; the stables are in the worst possible location, near industrial units, dwellings and within a Special Landscape Area; when the business park was built tree planting was carried out at great expense to protect the visual amenities of the area; the Council has previously advised that the land in question is an important landscape buffer between the business park, open countryside and the houses beyond, reflecting the character of the village; the Council further advised that extensions/intrusions into this open countryside location would be unacceptable, surely this prevents the stables being erected in front of this important landscape buffer; there needs to be consistency to ensure the standards imposed on others are used as a basis for resisting the proposal; there are more appropriate locations elsewhere, such as outside of the village where odours would blend into the surroundings; the proposal is significant, prominent and visible for many areas; it will stand out to the detriment of the visual amenity of the area; loss of privacy, as there is a window overlooking the business park.

POLICY CONTEXT

Policies S1 (general), S2 (design) and S7 (outside settlements) of the Taunton Deane Local Plan are of most relevance. These policies stipulate that, inter alia, development proposals should not harm the character of any landscape setting, lead to pollution or nuisance, and that buildings should be designed and sited to minimise impact.

ASSESSMENT

The submitted plans are of sufficient quality to allow the proposal to be properly considered and adequate publicity was carried out for the application. The agent has been requested to submit a block plan to reflect the amended stables/tack room.

Ownership is not a planning consideration, however, the applicant has been asked to clarify site ownership in order to address the concerns raised.

The site is currently agricultural land. The grazing and stabling of horses on agricultural land is considered to be de minimis i.e. not significant to justify a change of use.a

Agricultural uses are capable of generating traffic, often involving vehicles which are large in nature. It is not considered that the current proposal for stables/tack room would significantly increase the level of traffic beyond that reasonable associated with an agricultural use. As such it is not thought that the scheme would worsen the existing situation with regard to highway safety.

The Environment Agency has raised no objection to the principle of the development, but recommend conditions to ensure there is no pollution of any watercourse. Conditions/notes are to be imposed which address the need to satisfactorily dispose of foul drainage and surface water and to satisfactorily store and dispose of animal waste. The Environmental Health Officer does not consider the scheme would cause unreasonable nuisance to neighbours by reason of noise, odour, vermin/flies, light pollution or that it would harm the health of residents. Conditions are recommended to prevent the installation of floodlights, burning of waste, and to ensure that the stables/tack room are used for livery purposes only.

The scheme has been amended to provide more appropriate materials. The walls are to be clad with shiplap boarding and the roof is no longer to be metal. Confirmation of an alternative roof material is awaited. The windows have been deleted from the building and therefore loss of privacy is not an issue. Whilst the application site lies in open countryside, within an important landscape buffer, it is not unreasonable or uncommon for stables and other types of agricultural style buildings to be accommodated on such land. The stables/tack room are of an acceptable scale, are well related to the existing dwelling and will not be over prominent or significantly harm the visual amenities of the area.

The other issues raised are not planning consideration. For these reasons the proposal is considered to be acceptable.

RECOMMENDATION

Subject to the receipt of a revised block plan, clarification over land ownership, confirmation of the roof material and no further letters of representation raising new issues on the revised details the Development Control Manager in consultation with the

Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, livery purposes only, details of foul drainage and surface water disposal to be submitted and agreed, details of storage and disposal of animal waste to be submitted and agreed, no burning of waste and no floodlights to be erected. Notes re work to be carried out in accordance with the approved plans, drainage, manure/dung heaps, MAFF Code of Good Agricultural Practice, contamination of water courses and landfill site with 250 m.

REASON(S) FOR RECOMMENDATION:- It is considered that the proposed stables/tack room are of an acceptable scale and design and that the scheme will not significantly harm neighbouring amenity or the visual amenities of the area. Furthermore, it is not thought that the development would cause pollution, harm public health or cause unreasonable nuisance to neighbouring properties. Therefore the proposal accords with Taunton Deane Local Plan Policies S1, S2 and S7.

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

CONTACT OFFICER: 356468 MR A GRAVES

NOTES:

30/2005/006

EAT DRINK AND BE MERRY PUB COMPANY

INSTALLATION OF AIR INTAKE UNIT ON EXISTING KITCHEN ROOF AND EXTRACT ON WEST ELEVATION, THE WHITE LION PUBLIC HOUSE, BLAGDON HILL.

21112/18265

FULL PERMISSION

PROPOSAL

Permission was granted in April 2004, reference 30/2004/006, for a single storey extension, new entrance, mechanical kitchen extract. Because of the close proximity of the kitchen and mechanical extract to the adjoining property 'Green Hedges', appropriate noise and odour control conditions were imposed on the decision notice. However, whilst the extension and entrance were implemented in accordance with the approved drawings, the mechanical extract was not. An air intake unit and a separate ventilation extract to the rear were constructed without the benefit of permission. A retrospective application was subsequently submitted, and this was refused permission in January 2005, reference 30/2004/026, because of the adverse impact of noise and smell on the neighbouring property. The current application was then submitted, which amended the proposal by boxing the extract and lining it with acoustic foam to assist noise reduction, and by enclosing the air intake unit with a 'dormer' like structure with louvres to the front. The fan is proposed to be fixed with noise stop spring mounts and lined with acoustic foam.

CONSULTATIONS AND REPRESENTATIONS

ENVIRONMENTAL HEALTH OFFICER recommends conditions which include deadlines for work to be carried out by 23rd May, 2005.

PARISH COUNCIL essential for Environmental Health to agree conditions for sound insulation and odour. If this cannot be agreed then the application should be refused. Visual aspect satisfactory.

6 LETTERS OF OBJECTION have been received raising the following issues:- the extract box should be provided with a set of acoustically treated baffles to minimise airborne noise; the louvered box will do very little to reduce the main cause of noise; the fan motor associated vibration, as well as other electric motor noise are the source of the problem, and just lining the box will not prevent noise levels; no mention has been made of the elimination of noise from commercial refrigerators, freezers and extraneous ventilation fans; smells emanating from the extract are obnoxious; neighbours adjacent to the pub are suffering absolute misery through noise and smell pollution; suggestion has been made that conditions imposed under reference 30/2004/006 be re imposed.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard visual amenity and to protect residential amenity from pollution.

ASSESSMENT

There was not a problem in visual terms with regard to previous applications, and nor is there a problem this time. The sole and contentious issue has consistently been assessment of the impact of noise and smells on the neighbouring properties, and specialist advice with regard to this issue has consistently been provided by the Environmental Health Officer. The Environment Health Officer now advises that permission be granted subject to conditions which include the carrying out of works by the 23rd May, 2005, which closely coincides with the date of compliance with a noise abatement notice. The works that they suggest be carried out, are manifold, and including the following:- (1) an attenuator to the extract fan; (2) lagging the whole length of the ductwork, attenuator and fan; (3) provision of acoustic foam; (4) imposition of kitchen management plan, to include operating times froth e extract system between 9 a.m. - 10 p.m., isolating the fridge from the walls, and no banging and clattering of radios; (5) boxing in the extract duct; (6) building of a dormer window structure to hold the air intake fan sot that it can be mounted horizontally or vertically on noise stopped spring mounts.

Point 5 has clearly already been carried out and forms part of the basis of the current retrospective application, and the points regarding fridge isolation, banging, or clattering of radios, are not aspects that can be controlled by the Local Planning Authority. Accordingly the recommended conditions have been amended slightly to omit the above. The remaining works are achievable, but the recommendation that they be carried out by 23rd May, 2005, which is to tie in with the noise abatement notice, is considered too short a period. I would accordingly recommend that an additional month be given by the Local Planning Authority in order that the works can be properly and effectively carried out.

RECOMMENDATION

Permission be GRANTED subject to noise and odour control conditions.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual or residential amenity and therefore does not conflict with Taunton Dean Local Plan Policies S1 and S2.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

30/2005/009

MRS E GOODING

CONVERSION OF BARN TO RESIDENTIAL DWELLING, PITMINSTER FARM BARN, PITMINSTER.

22002/19443

FULL PERMISSION

PROPOSAL

The proposal comprises the conversion of an historic stone barn to form a 3 bedroom dwelling.

Two walls are stone, and the remaining two walls and roof are galvanised steel cladding. The building is timber framed.

Although the building is within open countryside, it immediately abuts the settlement limit of Pitminster.

An existing agricultural access and track serve the barn, and the applicant has specified that a new agricultural access would not be required.

A structural engineers report advises that the stone walls are sound and that the building can be converted to a dwelling.

A wildlife survey has also been submitted and this concludes that bats do not appear to use the building but that its conversion has the potential to create bat roosting sites, owls do not use the buildings and other bird species use the building including swallow that nest here.

The applicant advises that the original hand-made rosemary tiles have been saved and these would be re-used. She also advises that alternative uses have been considered but believes that residential use would ensure the safeguarding of its character, and that security for businesses is a problem.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY in detail in the applicants supporting letter it is stated that this barn is away from the main farm complex and is a disused structure that is possibly a very old building which has been allowed to run into disrepair due to non-use. Therefore if the barn has fallen in to non-use the traffic patterns for the proposed residential use may be considerably higher with nature of the trip patterns being quite different with a higher level of longer distance trips. The village of Pitminster does not accommodate adequate services and facilities, such as, education, employment, health, retail and leisure, and the public transport services within the village are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private

vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provision of policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000). Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the retention of the building for re-use and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car. In the event of permission being granted I would recommend that conditions are imposed.

ENGLISH NATURE views awaited. SOMERSET WILDLIFE TRUST views awaited.

LANDSCAPE OFFICER my main concerns are:- (1) the proposals would be contrary to policy EN13 in that the domestic curtilage would impact on the local landscape character of the area; (2) the proposals are close to the Poundisford Park which is a medieval deer park and would have detrimental impact on its character. However, if the proposals are acceptable in planning terms I would recommend the following:- (1) provide a hedge bank (up to 1 m high) with native planting above around the whole site (post and rail is not acceptable); (3) maintain most of the site as agricultural land use and plant with a traditional style orchard; (4) the access drive should be 'dog-legged' so that it does not form such a strong axis feature. WILDLIFE SPECIES CO-ORDINATOR if planning permission is granted on that barn I advise that conditions are made to maintain access for bats and swallows. Landscape proposals would play an important part in maintaining the very rural nature of the site which would be of key importance to bats and swallows. RIGHTS OF WAY OFFICER I assume that the entrance will be within the development area and will not affect the footpath. ENVIRONMENTAL HEALTH OFFICER recommends condition and notes.

PARISH COUNCIL broadly in support of this application. Landscaping will be essential with native hedges being a condition. It will be very important to blend the very long access drive into the design. The barn is of great architectural significance. Having had discussions with the owner it appears he is dedicated to the refurbishment of it in a very sympathetic manner. Materials used should be of high quality and reflect the age of the barn. The drawings showing the design were favourably received.

4 LETTERS OF OBJECTION have been received raising the following issues:- loss of privacy would result; some nuisance with noise and dust would occur; if permission is granted conditions should be imposed to include restoring of topsoil along the drive; rear boundaries of The Green to be realigned, the verge to be mown regularly, fences to be erected, the drive to be surfaced to keep noise and dust to a minimum, and no farm business to be conducted from the property; a precedent may be set whereby other houses would be built; the bus service is very sparse; the mains sewerage should not be interfered with; the barn should not be extended; and the vehicular access poses a road safety problem.

POLICY CONTEXT

Policy H7 of the Taunton Deane Local Plan seeks to resist conversions of buildings to residential use unless, inter alia, the building is of permanent and substantial

construction, is in keeping with its surroundings, and is unlikely to attract a suitable business re-use. Policy EN12 seeks to ensure that proposals are sensitively designed to respect the distinct character and appearance of Landscape Character Areas. Policy EN5 seeks to safeguard protected species. Policies S1 and S2 seek to safeguard, inter alia, the character of buildings, visual and residential amenity, and road safety.

ASSESSMENT

The structural engineers report confirms that the building is of permanent and substantial construction and capable of conversion. The building is also historic, vernacular, very attractive, and worthy of conversion to residential use. The Highway Authority's concern over the issues of sustainability is considered unreasonable in this instance, particularly given the location of the building adjacent to the Pitminster village boundaries. The public footpath will clearly be unaffected by the proposal and it is not considered that the immediate landscape would be affected. The principle of conversion of this building to residential use is consequently considered acceptable, and wildlife issues and reasonable concerns of local residents could be addressed by the imposition of suitable conditions.

RECOMMENDATION

Permisison be GRANTED subject to conditions of time, materials, drainage, landscaping, windows and doors to be timber and recessed with full details to be submitted, GPDO extensions, no additional buildings, garages, fences, wildlife protection, contamination, highway conditions and curtilage specification.

REASON(S) FOR RECOMMENDATION: The proposed building is of permanent and substantial construction, is in keeping with its surroundings, and its conversion would not adversely affect the character of the building, visual or residential amenity, road safety, and the surrounding landscape character. Accordingly, the proposed development does not conflict with Taunton Deane Local Plan Policies H7, S1, S2, EN12 and EN5.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

34/2005/007

MRS E J MARCHANT

ERECTION OF TWO DWELLINGS ON LAND ADJACENT TO NO.2 MILL RISE, STAPLEGROVE.

20760/26162

OUTLINE APPLICATION

PROPOSAL

The site is currently part of the garden of No. 2 Mill Rise in Staplegrove. Vehicular access to the site is Mill Rise from Silk Mills Road to the north of Bindon Road. The site has a number of sheds and outbuildings on it, including two which are shared between Nos. 2 and 3 Mill Rise. There are also a number of mature trees of character on the site and in close proximity to the boundary, and it has a hedge to the boundary with the road. A feasibility plan shows two semi-detached properties constructed centrally on in the plot approximately in line with Nos. 1 and 2. A new type 'A' waiting bay with access gates opening inwards is proposed on Mill Rise.

In May 1990 permission for residential development on land between Mill Rise, Silk Mills Lane and Staplegrove Road (including the current application site) was refused on grounds of being outside settlement limits, being a Green Wedge, in open countryside, no justification for further releases, and insufficient consideration of approach routes into Taunton. This decision was based on policies in the now superseded Taunton Local Plan.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections, require parking, visibility, waiting bays, and suggests conditions. WESSEX WATER foul and surface water sewers are available, no objection subject to notes on connections.

LANDSCAPE OFFICER several trees on and adjacent to the site, would make it difficult to develop the site as proposed. POLICY SECTION the site falls wholly within a site allocated for residential development in the Taunton Deane Local Plan (policy T23 of Revised Deposit, as amended by Proposed Modification M/T/35). Its development for housing is therefore acceptable in principle. However it is a small part of the allocation, which if developed in isolation would establish a pattern of piecemeal development that could be repeated on a number of similar sites along Mill Rise. This would undermine the co-ordinated and comprehensive development of the site as a whole, including the provision of essential infrastructure such as improved access arrangements to affordable housing and transportation and education facilities. DRAINAGE OFFICER soakaway note.

PARISH COUNCIL no objection.

ONE LETTER OF OBJECTION has been received raising the following issues:- outbuildings not shown on plan; a suitable fence needed between site and property; and

any 'half -buildings left standing should be made secure and weather-tight; the form states that main sewerage connection available - there are no main sewers in Mill Rise.

POLICY CONTEXT

S1 General requirements, EN6 Protection of trees etc., T13 East of Silk Mills Lane - A site of 3.6 hectares east of Silk Mills Lane as shown on the Proposals Map is allocated for a minimum of 80 dwellings, provided that: (A) vehicular access to the site is gained only via Silk Mills Lane; (B) a landscaped acoustic buffer zone to Silk Mills Lane is provided; and (C) flood mitigation measures are provided, to be implemented prior to the commencement of the development. In association with the development, the following will be sought: (A) localised improvements to the cycle network, including links to and along Bindon Road; (B) affordable housing in accordance with policies H9 and H10; and (C) contributions towards educational provision in accordance with policy C1.

The Local Plan text indicates that this is a very prominent site providing an attractive green approach to Taunton. A new landscaped buffer would be needed to help protect new dwellings from traffic noise from Silk Mills Lane. Both a Flood Risk Assessment with details of mitigation measures and a Transport Assessment will be required in relation to development of the whole site. It is envisaged that cycle facilities to avoid Silk Mills Lane would also form part of the scheme. Affordable housing would be sought and possibly contributions towards education and recreation provision.

ASSESSMENT

Whilst the site is within the settlement limits and within a site allocated for housing; it is considered that the isolated development of this site in isolation could give rise to further incremental development proposals, which would undermine the whole concept of a comprehensive development of the whole 3.6 ha, and with implications for the provision of affordable housing, education and flood mitigation measures. Thus it is not considered acceptable to allow the development of this small area of land at this stage. Furthermore the scheme as suggested could result in the loss significant trees which are worthy of retention and would make it difficult to develop the site as proposed.

RECOMMENDATION

Permission be REFUSED for the reason of being a small part of the housing allocation of the area, which if developed in isolation would establish a pattern of piecemeal development that could be repeated on a number of similar sites along Mill Rise. This would undermine the co-ordinated and comprehensive development of the site as a whole, including the provision of essential infrastructure such as improved access arrangements to affordable housing and transportation and education facilities. The trees on and adjacent to the site are also of merit and their retention is considered to be important.

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

CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)

NOTES:

38/2005/099

GADD HOMES LTD

PARTIAL DEMOLITION, ALTERATION & EXTENSION OF FORMER FOUR ALLS PUBLIC HOUSE TO ACCOMODATE CLASS 3 (FOOD & DRINK) AND CLASS A2 (FINANCIAL & PROFESSIONAL SERVICES) ON GROUND FLOOR AND PART OF FIRST FLOOR, TOGETHER WITH PROVISION OF 17 FLATS AND CAR PARKING AT FOUR ALLS, CORPORATION STREET, TAUNTON AS AMENDED BY AGENTS LETTER DATED 11TH APRIL, 2005 AND DRAWINGS ATTACHED AND TRANSPORT ASSESSMENT SUBMITTED BY PETER EVANS PARTNERSHIP DATED 4TH APRIL, 2005

22528/24454

FULL PERMISSION

PROPOSAL

An initial proposal to demolish the former Four Alls and replace it with a modern five storey building accommodating 21 flats and two office suites was withdrawn in March 2004 following a recommendation of refusal. A second application retaining the Four Alls frontage with a large extension to the rear of a more traditional design was refused in September 2004 on the grounds of its scale in relation to existing buildings in Bath Place and highway safety. This third proposal reverts to a more modern design whilst retaining the appearance of the Four Alls when viewed from the Park Street direction. The building to the rear is primarily four storeys in height with part fifth storey accommodation with the roofspace. The majority of the former Four Alls building is proposed as Class A3 (restaurant) with the remainder of the ground floor comprising three Class A2 (Financial and Professional Services) uses and seven parking spaces. The application is supported by a Transport Assessment which seeks to overcome the County Highway Authority's previous concerns relating to conflicting traffic movements. The upper floors of the building are proposed for residential use. The architect has also submitted street elevations showing this as Phase 1 of a development incorporating that adjacent, Castle Moat Chambers site. However, the applicants have clarified this, stating that the two sites are quite separate and that any redevelopment would constitute 'two distinct developments'. The current application must therefore be considered on its merits as any subsequent redevelopment of the adjoining site cannot be guaranteed.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY my first preference is as before for a car free development. If this is not forthcoming then we must look at ways mitigating against the increased traffic that will be generated at a sensitive location. To this end I have been in discussion with Andrew Kenyon from Peter Evans Partnership, acting for Gadd, regarding the possible highway works that could be carried out to overcome the Highway Authorities concerns. He is consulting with his client over our suggestions and will no doubt get back to me soon. I am aware that there are concerns being expressed regarding cycle safety issues in the vicinity of the site near the mini roundabout. There is a concern here as the available space for all road users is limited by the siting of the 4

Alls building. I am afraid that as the frontage is to remain, we cannot significantly improve the lot for all. Rest assured, however, that any improvements/alterations carried out will be the subject of safety audits to ensure that they are acceptable for all road users. (Further comments to follow). COUNTY ARCHAEOLOGIST the site lies within an Area of High Archaeological Potential as defined by the Local Plan (Policy EN24). It lies in the area identified by the English Heritage Executive Urban Survey as being part of the Saxon town and burials have been discovered very close to the proposal site. Although it is accepted that there may be disturbance to the remains in this area, it is likely that significant archaeology will be impacted by this proposal. However, at present the application contains insufficient information concerning the affects on remains. For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of the application. This is likely to require a field evaluation. I am happy to provide a specification for this work and a list of able archaeologists to undertake it. ENVIRONMENT AGENCY standing advice requires Flood Risk Assessment. WESSEX WATER The development is located within a foul sewer 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 'existing' As there are no existing separate 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). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water. According to our records, there is a public water main close to the site and a foul sewer crossing the site. Please find enclosed a copy of our records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, 3 m, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site. It should be noted there is a culverted watercourse crossing the site, however this is not Wessex Waters responsibility. With respect to water supply, there are water mains within the vicinity of the proposal. 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. CHIEF FIRE OFFICER 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; Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000; 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 HERITAGE do not wish to make any representations. COMMISSION FOR ARCHITECTURE AND THE BUILT ENVIRONMENT We are consulted about more schemes than we have the resources to deal with and, unfortunately, we will not be able to comment on this scheme. Please note that this literally means 'no comment' and should not be interpreted as tacit endorsement of the scheme. CIVIC SOCIETY Compared to the two previous applications (38/2004/025 and 287) this must be considered to be an enlightened

design, which gives some consideration to the interests of the Bath Place Conservation Area (BPCA). The prospect that GADD could develop the site adjacent to Hunts Court in harmony with this site must be welcomed, as it should allow a more holistic view to be taken for this very sensitive area. We have recently commented on the Landscape and Heritage team's re-appraisal of the BPCA, and will make the same points here: a. The appraisal noted that when the area was set up it was on the basis of the grouping of individual buildings rather than on the perception of the area as a whole. We suggested that the Conservation Area should be redefined to include the north east corner area (from 21 Fore St round to the Old Library), and the buildings on Corporation Street between Hunts Court and the (previously) Four Alls site, thus ensuring control of the whole southern face of Corporation street. b. We recommended that any part of the GADD Homes Phase 1 site not in the Conservation Area should be included within it as a condition of approval, and that when and if later phases are developed (up to Hunts Court) they must also be included within the Conservation Area. c. Furthermore we said that any developments adjacent to or in the area must be sensitive to the scale of Bath Place, both in changes to access and usage, and in materials and mass. Overbearing development must be avoided. d. We also suggested that if as a result of future developments an alternative vehicular access to the Castle Moat Chamber area could be opened either from the south, or from Corporation street via a later phase of the Four Alls development, thus avoiding vehicle use of the long access to the west, then the opportunity should be seized to make Bath Place's western access to the Crescent wholly pedestrian. On this Planning Application our comments are: 1. We welcome the retention of the Four Alls frontage and initial roofline as seen from Park Street. 2. While we appreciate the concept of the design increasing in height and mass as it progresses eastwards towards Hunts Court, and think that this works to some extent on the Corporation Street face, the eastward end of the southern side shows little relationship to Bath Place and the quite modest cottage buildings in front of in along Bath Place. 3. We acknowledge that (as John Foden said in one of our earlier letters) "the redevelopment of this site is difficult and challenging". He went on to say that "much of the design problem clearly relates to the amount of accommodation Gadd Homes Ltd are trying to squeeze onto it". That was in the context of 19 flats: this proposal is for 17, and perhaps, along with a quite different design, that does account for the improvements we perceive, but the closeness of the ground and first floors to the cottages along Bath Place is still a cause for concern. The outlook from the proposed flats (units 7 and 8 on the first floor) must be poor and there may be overlooking issues between these units and the cottages. 4. As the second and third floors are stepped back the issue for these is reduced (partly a presumption on our part as the documents on file show no plan for the second floor the one titled as such is of the third floor), but while we can agree the Design Statement claim that the visual impact of the upper stories from Bath Place itself will be negligible, we are concerned that the whole effect may not be consistent with the general nature of the BPCA. 5. The quality of the Corporation street frontage is most important. 5.1. Here we almost feel that the architect is "trying too hard". It seems overbusy, with a plethora of surfaces, materials etc. 5.2. While there are no overlooking issues on Corporation Street, the easterly end will heavily shade Corporation Street, and rises straight to the third floor balcony rail. As the street is not particularly wide, and has a high building roughly opposite, might this not be a little oppressive? Also, is it compatible with the trees currently in the street? 6. Some of us doubt the Design Statement's view that the skyline will be subtle, particularly in relation to the small mezzanine (topmost) floor. It could be said that there will be a stylistic mismatch across the different rooflines. 7. Access and Parking. 7.1. How will

deliveries be made, either to domestic premises or (more often) to the Commercial premises? Will this involve heavy use of Bath Place by barrows or power trolleys? The suggestion made at (d) above for alternative access to Bath Place might be useful in alleviating any problems of this sort. 7.2. Car parking is naturally constrained (7?), but who is it for? The offices or the residents? What provision will be made for residents who do not have allocated spaces? Will GADD Homes Ltd. be allowed to provide them spaces elsewhere? 7.3. What are the safety and disruption effects of the fairly tight exit onto Corporation Street (a road that is likely to remain very busy for some years)? 8. Finally, in line with (c) above, we would point out that it must be made clear to GADD Homes Ltd. that any Phase II development must be sensitive to the scale of Bath Place and the materials and design of the adjacent Hunts Court frontage.

CONSERVATION OFFICER Legislative/Policy Context - 1.1 This proposal clearly affects the historic environment and in particular: a) the Bath Place Conservation Area; b) Mos Food, Hunts Court and the Mecca Bingo Club - Listed Buildings; c) the unlisted but prominent former Four Alls Public House, which acts as a positive focal point, on the approach to Taunton from the west and is within the designated Conservation Area. In this context, the proposal needs to be considered in the light of relevant Government Legislation and Guidance - as required at Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, with guidance (of direct relevance) at paragraphs 4.14 - 4.18 of Planning Policy Guidance: Planning and the Historic Environment (PPG15), Likewise, the associated local policies, as adopted by the Somerset & Exmoor National Park Joint Structure Plan Review and the Taunton Deane Local Plan, are of direct relevance, being Policy 9, EN14 and EN16. 1.2 To summarise, the above requires/advises: a) Section 66 of the Act - Local Planning Authorities are required to "have special regard to the desirability of preserving the building or its setting" (my emphasis). b) Section 72 of the Act (and noted at paragraph 4.14 of PPG15) - Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area (my emphasis). c) Paragraph 4.15 of PPG15 - mindful of the status accorded to the development plan by Section 54A of the principal Act, it is particularly important that Local Planning Authorities' policies for Conservation Areas should be set out in the Local Plan. d) Paragraph 4.16 of PPG15 - conservation area status does not prevent all new development. Emphasis needed on controlled and positive management of change. Any new development to accord with the areas special architectural and historic interest. e) Paragraph 4.17 of PPG15 - gap sites and buildings that make no positive contribution to the character of a conservation area should be viewed as a stimulus, to imaginative, high quality design. Such should be seen as an opportunity to enhance the area with proposals not directly imitating earlier styles but designed with respect to context. f) Paragraph 4.18 of PPG15 - detailed plans required for new development. Special regard should be had for matters such as scale, height, form, massing, respect for traditional pattern of frontages, vertical or horizontal emphasis and detailed design (e.g. scale and spacing of window openings and nature and quality of materials). Application Proposals - 2.1 Appropriately, a Design Statement has been submitted. The premise, however, is that this is the first phase of a projected redevelopment which would ultimately include the adjacent site, next to Hunts Court. As the latter is NOT included in the current application site and such future redevelopment cannot be assured, the extant application must be determined on its own merits. 2.2 As such, the submission that "the principal compositional proposition underlying the projected Phase 1 development is to adopt a spiralling 'massing' to make an appropriate

transition between the essentially 'domestic' scale of Bath Place and 'civic' scale of Corporation Street" is not accepted. 2.3 Whilst the retained parts of the former Four Alls is cited as being "pivotal in this compositional arrangement" with "articulated blocks would rise incrementally in height around the corner", I consider the transition to be too soon, non traditional, too high and dramatic, thus undermining the value/importance of the former Four Alls and the scale of buildings in Bath Place. 2.4 I accept that the predominant character of Corporation Street is that of "civic buildings", i.e. Municipal Buildings, Old Library, Hunts Court, Mecca Bingo. This said, each of the former stands largely "alone, have individual presence and, indeed, are still providing a public statement of their original design/purpose, as public buildings. In my opinion, to equate the proposal in the context of the former is not valid. Hence, I cannot support the civic scale of development advocated. 2.5 I welcome the intention to provide commerce at ground (on the Corporation Street frontage) with residential above. Such uses are appropriate to the particular site, the established mixed use character of the Conservation Area and in line with adopted Local Plan policies. 2.6 Retention of the former Four Alls main facade and its frank buildings in Bath Place is to be welcomed and I agree that such is pivotal to any design for adjoining redevelopment. HOWEVER, I also consider that the scale and hence relationship to existing adjoining structures to be of importance, i.e. Mos Food and the C19 cottages in Bath Place and the essentially single storey buildings between the application site and Hunts Court. In this respect, I cannot concur with the submission that "the variously set back upper levels would reduce the apparent bulk and height of new buildings from the surrounding streets". Indeed, given the modest set backs at upper levels on Corporation Street and the open vistas of Bath Place from The Crescent, I believe the bulk and height of the proposal would be apparent from Corporation Street, The Crescent, Tower Street and Park Street. Mindful of the latter, I consider that the "sculptural lift shaft tower" and curvilinear roofs would, in particular, appear as incongruous features. Indeed the agents submission states that "The uppermost set back levels would be terminated by various shallow curved roof planes based upon sections generated with a view to both providing a subtle but distinctive skyline (my emphasis) to the building and minimising visual impact".

Conclusions - 3.1 Given the varying characteristics of the site, a satisfactory/acceptable design statement is difficult to achieve. 3.2 In line with Government guidance, I do not advocate pastiche and indeed would welcome an inspired, high quality, contemporary design which respected its context. In my opinion, the curvilinear roof, lift shaft tower, scale and massing of the proposal does not respect the context of the site and is overbearing in terms of its relationships to adjoining properties. 3.3 I can therefore only raise objection as contrary to Government Guidance (PPG15) and adopted policies: Policy 9, EN14 and EN16.

ENVIRONMENTAL HEALTH OFFICER 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 , Saturdays 0800-1300. All other times, including Public Holidays no noisy working. Odour - Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use. The extractor equipment shall be regularly maintained to ensure its continued satisfactory operation. The external ducting should be so designed that the flue discharges not less than 1 meter above the roof eaves level. Reason: To ensure that unsatisfactory cooking odours outside the premises are minimized in the interests of the amenity of occupiers of nearby properties. Noise - Prior to occupation of dwellings to

which this permission relates, the developer should ensure that residential flats should not be exposed to internal noise levels of 40 dB(A) LAeq 16 hour in all rooms during the day (07:00 ? 23:00) and 30 dB(A) LAeq 8 hour during the night. In addition a 45 decibel LAm_{ax} applies in all bedrooms during the night. LEISURE DEVELOPMENT OFFICER the proposed development does not make provision for children's play or sport, although it will generate additional needs. I would therefore request a contribution of £777.00 per each of the 9 x 1 bed dwellings for sport and £2,562.00 per each of the 8 x 2 bed dwellings for sport and play in the local area, a total off site contribution of £27,489.00 in line with local plan policy.

3 LETTERS OF OBJECTION have been received raising the following issues:- concern in respect of construction work on Unison car park; vehicular access needs to be maintained along Bath Place still and unless Castle Moat Chambers is developed; objection on the grounds that proposal inhibits the creation of new safe cycle lane at this point in Corporation Street.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 - 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: (i) provide access for pedestrians, people with disabilities, cyclists and public transport; (ii) 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, not derive access directly from a National Primary or County Route; and, (iii) in the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements. Taunton Deane Local Plan Policy 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; (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development. Policy 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; (G) include facilities to encourage recycling; (H) make full and effective use of the site; (I) subject to negotiation with developers, incorporate public art; and (J) include measures to promote energy efficiency. M4 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: (A) the impact on urban design; (B) the location of the development, and its accessibility to employment opportunities and services; (C) the type and mix of the proposed dwellings. The Borough Council will not permit more than an average of 1.5 car parking spaces per dwelling on any residential development. A significant reduction in this average will be expected for elderly persons, student and single persons accommodation, and for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to achieve. Car-free residential developments will be sought in appropriate locations, such as within or adjoining Taunton and Wellington town centres. The Borough Council will require all residential developments to make provision for the parking and storage of bicycles with a minimum provision as follows: (D) 1 space for all residential units with between 1 and 3 bedrooms; (E) 2 spaces for residential units with four bedrooms or more. EN14 Development within or affecting a conservation area will only be permitted where it would preserve or enhance the appearance or character of the conservation area. EN15 There is a strong presumption against the demolition of buildings which make a positive contribution to the character or appearance of a conservation area. Proposals involving the demolition of other buildings within or affecting a conservation area will not be permitted unless acceptable proposals for any redevelopment or new use for the site have been approved. This requirement will also apply in the very rare circumstances where proposals involving demolition of buildings which make a positive contribution are allowed. C4 In the event of the increased demand for open space not being met by existing facilities, developers of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards: (A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones; (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones; (C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations; (D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and (E) developers will be required to arrange for maintenance of the recreational open space.

ASSESSMENT

The principle to a mix of A2, A3 and residential use is acceptable. The retention of the frontage of the Four Alls is also welcomed. However, its retention means that significant improvements for cyclists in Corporation Street is not possible. Whilst this is a location where a development with no off road parking would be acceptable, some parking is proposed. The applicant has tried to address the Highway Authority's previous concerns, although a detailed response is awaited. This is a most important site in terms of both the character of the Bath Place Conservation Area and as an entrance to the town centre. It is therefore deserving of a high quality design solution. The Conservation Officer concerns in respect of bulk, detailed design and impact are

accepted. However, in light of the importance of the proposal, I have commissioned consultants to provide additional architectural advice. If permission were to be granted a Flood Risk Assessment and Archeological Appraisal would be required, as would a S.106 Agreement relating to sport and recreation provision.

RECOMMENDATION

Subject to observations of architectural consultants and further observations of the County Highway Authority the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED for reasons of scale, form, bulk and detailed design, overdominant in the street scene.

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

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

38/2005/138LB

MISS B HOLLAND

ENCLOSURE OF FIRST FLOOR ROOF BY A STAINLESS STEEL FRAMED GLASS INFILL PANEL HANDRAIL ENLARGEMENT OF FIRST FLOOR OPENING WITH TWO PAIRS OF SLIDING TIMBER DOORS, REPLACEMENT OF WC WINDOW WITH DOOR, NEW FIRE EXIT AND ALTERATIONS OF STAIRCASE, AURA, 2 CHURCH SQUARE, TAUNTON.

22829/24634

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The proposal comprises the enclosure of a first floor flat roof to enable its use as an open air restaurant. Although 2 Church Square is a Georgian Grade II* listed building, the proposed development relates to a significant extension to the building which was constructed in the 1980s. The proposed enclosure comprises a modern stainless steel handrail with a laminated glass infill. Other alterations proposed include the enlargement of a first floor opening with two pairs of sliding timber doors, the replacement of a w.c. window with a door, a new fire exit, and alterations to the staircase.

The planning application 38/2005/137 relating to the development has recently been refused permission.

CONSULTATIONS AND REPRESENTATIONS

ENGLISH HERITAGE do not wish to make any representation on this occasion.

CONSERVATION OFFICER only affect on the historic fabric is the introduction of a new fire door into the existing residential accommodation at first floor. Existing flat roofed extension is to be regretted in terms of its form, bland openings, lack of articulation and materials. Contemporary design approach to be welcomed. No objection from a listed building point of view but clearly there may be concerns solely relating to planning issues.

34 LETTERS OF OBJECTION have been received, 11 of which specifically object to the adverse impact on the character and appearance of the listed building.

POLICY CONTEXT

Policies EN16 and EN17 of the Taunton Deane Local Plan seek to safeguard the character, appearance and setting of listed buildings.

ASSESSMENT

Despite the very recent refusal of planning permission, in relation to adverse impact on residential amenity in terms of noise and disturbance, the issue to be addressed with this listed building application relates solely to the impact on the character and appearance of the listed building. Given that the proposed alterations all relate to a large modern 1980s extension, with no alteration proposed to the historic body 2 Church Square, it would be unreasonable to resist the proposal on listed building grounds.

The granting of this consent does not give the applicant permission to carry out the works in the absence of planning permission.

RECOMMENDATION

Subject to no objections being raised by the Secretary of State consent be GRANTED subject to conditions of time, details of windows and doors, and doors and windows to be recessed and of timber. Note re listed building consent only.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect the character or appearance of the listed building and therefore does not conflict with Taunton Deane Local Plan Policies EN16 and EN17.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

38/2005/148

D F BARRETT

CHANGE OF USE OF SHOP (A1) TO CAFE/TAKEAWAY (A3) AT 53 HAMILTON ROAD, TAUNTON.

24117/24852

FULL PERMISSION

PROPOSAL

The proposal is for the change of use of an existing retail unit to a cafe with take away food at 53 Hamilton Road. The premises are one of a block of three properties fronting onto Hamilton Road and located to the west of the Roman Road junction with Hamilton Road. There is an existing fish and chip shop at 49 Hamilton Road. There are residential properties to the west and north of those properties with a Public House to the east. Immediately to the east is a private access drive but this does not form part of the application site. To the front of the group of three properties is a small lay-by offering 4 car parking spaces.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited.

ENVIRONMENTAL HEALTH OFFICER no objection subject to conditions for extraction equipment to be fitted and limit the amount of noise from the air extraction equipment.

6 LETTERS OF OBJECTION have been received raising the following issues -the premises is located in close proximity to the Roman Road junction where there is already illegal parking and the additional traffic associated with the use would exacerbate this; there are only 4 car parking spaces available outside of the shops and this is inadequate to serve the traffic generation of an additional take-away contrary to highway safety; parking elsewhere in Hamilton Road is restricted and busy with people who are parking to walk into town so that alternative parking is not available; the adjacent takeaway has restricted opening hours to [protect the amenity of surrounding properties and this should be maintained on this site; the provision of two takeaway businesses in this location would multiply potential problems of litter, smell and noise to the detriment of the amenity of local residents and would be to the detriment of the reputation of the existing business; any air extraction units should not be located adjacent to the living accommodation above the existing fish and chip shop to avoid a noise or smell nuisance for the neighbour; the replacement of the existing shop by a takeaway is likely to result in the loss of an important local facility that may be difficult to reinstate should the take-away not succeed; opening seven days a week without any restriction on opening hours would be detrimental to the amenities of the existing residents; the extractor is to be located adjacent to the neighbours garden and will result in smell and noise problems; a second takeaway is not needed in this location; there are already sufficient take-away facilities in East Reach, the adjacent Rose Inn and Fish and Chip shop; there are no local toilet facilities for the public in the area; if opening hours are not restricted early morning and late night opening will disturb local residents;

internal works have already commenced on site prior to the relevant planning permission; the premises is not located in the High Street where pedestrians regularly pass and the use would attract people to the area leading to anti-social behaviour, traffic and litter; windows in the side elevation would overlook the adjacent property; people will come down the adjacent drive and urinate; will there be more rubbish collection?; where will the bins go?; will they be open Sunday; will there be smells ?, how high will the extractor chimney be?; will they put gates up in the drive?; can they see alcohol; will they be open all hours?.

1 LETTER OF REPRESENTATION has been received raising the following issues:- I require 24-hour access to be maintained and would like to know where the waste would be kept.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following policy is considered relevant: - Policy 49 Transport Requirements of New Development.

Taunton Deane Local Plan the following policies are considered relevant: - S1 General Requirements for Development (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems (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.

The Local Plan policy EC11 referred to in a letter of objection defines a Local Centre as a small group of local shops usually comprising newsagents, a grocery store, a sub-post office, and occasionally a hairdresser and other small shops of a local nature. I do not consider that the number and range of shops at Hamilton Road are large enough to be considered as a local centre and I do not consider that this policy is applicable to the proposal.

ASSESSMENT

The proposed change of use is located in a primarily residential area where it is important to ensure that it will not result in an unacceptable, adverse impact on the amenity of the adjacent residents. The Environmental Health Officer has not raised an objection to the proposed use, although aware of the proximity of residential properties provided the applicant installs an adequate air extraction system whose noise will not effect residents. In addition there is already an attraction for the public to visit the existing take-away facilities in the area. I consider that the proposed facility is likely to compliment this use and I recommend the restriction of opening hours, in line with the fish and chip shop to protect the residential amenity of the area, as this appears to be successful. The unit currently has an approved retail use that is likely to attract many customers by car. Detailed comments are awaited from the County Highway Authority

on the likelihood and impact of any additional traffic associated with the proposed use and this will be incorporated within the update sheet for this item. Should an objection be raised it is likely that my recommendation will be changed to one of refusal.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, opening hours, air extraction system to be fitted and maintained, noise levels for the air extractor system. Notes re food hygiene, workplace regulations, Fire Officer.

Reason(s) for recommendation:- The proposed change of use of a retail unit to a cafe take-away complies with the requirements of the Taunton Deane Local Plan Policy S1.

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:

38/2005/160

BRITISH RED CROSS SOCIETY

DEMOLITION OF BUILDINGS AND ERECTION OF 10 FLATS AND ASSOCIATED PARKING AND EXTERNAL WORKS AT BRITISH RED CROSS CENTRE, WILTON STREET, TAUNTON.

22297/24037

FULL PERMISSION

PROPOSAL

Planning permission for the erection of a two storey block of 10 flats (incorporating an additional 3rd level of accommodation within the roof) was refused December 2004 for three reasons:- the bulk, depth and height were out of keeping with the street scene, overlooking of adjacent residential properties and poor siting of the access resulting in unacceptable visibility splays. The current proposal is still for 10 flats but has redesigned the building to reduce its bulk, height and overlooking. There would still be a 3rd storey in the roof but 2 gable features in the front elevation would visually provide the third storey. The proposed flats would bridge the height difference that exists in ground levels between 2a Wilton Street, located at street level and 10 Wilton Street that lies approximately 3.3 - 3.5m above the adjacent street level. The access has remained in the existing location, which affords the best possible visibility splays for the site frontage. This access would go beneath an arch to give access to 12 parking spaces located around the boundary of the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST no objection. WESSEX WATER the development is in a foul sewer area with foul and surface water sewers available, water mains are available; records indicate a public foul sewer is close to the site.

LANDSCAPE OFFICER subject to suitable landscaping the proposal should be able to be integrated into the local area. CONSERVATION OFFICER views awaited. ENVIRONMENTAL HEALTH OFFICER noise emissions from the site during construction should be controlled by condition. LEISURE AND RECREATION OFFICER a contribution to children's play area and recreational open space is required in accordance with the Council's standards.

10 LETTERS OF OBJECTION (including one from the Wilton and Sherford Community Association) have been received raising the following issues:- the proposal attempts to reduce the impact on the surrounding area by reducing the depth and height of the building but it would still tower over 2a Wilton Street; the building should be reduced to two storey to reflect the area; the frontage should have half rendered elevations to match its neighbours with a tiles not slate roof; the 20- 22 m window to window distance appears to have been infringed; the building would be imposing to the property on its south side, reducing the amount of light to the property; the applicant has compared the building to those in the area that cannot be seen from this site and this is inappropriate;

the parking provision 1 space per unit plus 2 visitor spaces will be insufficient and result in more chaos for street parking in the area; the windows in the northern elevation will overlook the adjacent property; the proposals are out of keeping with the area; Visibility splays will result in reduced on street parking in the area; the do not appear to be any facts submitted on the current traffic flows at present there is a small amount of traffic using the site through out the week; the building will effect outlook from an adjacent property; the existing facilities are used by the local community and its loss is to be regretted, making it difficult for the community to meet locally at all.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 sustainable Development; STR2 Towns; Policy 49 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.

Taunton Deane Local Plan Policies S1 General Requirements for Development; S2 Design; H2 Housing Development Within Taunton EN16 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. EN23 Area of High Archaeological Potential; M4 Residential Parking Provision.

ASSESSMENT

The proposed development is for the construction of a block of flats within an existing street scene that is characterised by houses. It is therefore important that the proposed development should take account of the nature of the existing houses and aim to compliment their character whilst maximising the development potential of the site in line with advice contained within PPG3 on the redevelopment of brown field sites within Town Centres. There is a significant difference in site levels between 2a and 10 Wilton Street and the proposal seeks to use this to its advantage. The street scene submitted with the proposal shows that the proposed block will be lower than 10 Wilton Street and will be reduced in height adjacent to 2a Wilton Street to minimise the impact on these properties. Care has been taken to ensure that windows on the north and south of the development are obscure glazed where necessary to avoid direct overlooking of existing properties. The objectors consider that the development would be out of keeping with the area and suggest it is reduced to two storey and the materials altered to reflect the render/brick and tile characteristics of the street. Bearing in mind the level differences across the site and the need to maximise the development potential of the site, I do not consider it necessary to alter the height of the proposal. However, I consider that an amendment to the materials will help the development to be integrated into the street scene. Objectors are also concerned about the relationship of the development to 10 and 2a Wilton Street. 10 Wilton Street is located at a higher level than the development site. The erection of a three-storey building in this location will have no greater impact than to a two-storey development at the same ground level as the house. As such I do not consider the development to be too high in this location. Siting of the development ensures that the building does not project beyond the rear of the existing dwelling. There are two windows in the side elevation of number 10 but

these are separated from the boundary of the site by a driveway to the garage. The development is located an additional 1.9-2.4m away from the boundary and I consider this relationship to be acceptable. Toilet and kitchen windows are located in the wall of the new development. The kitchen windows would be out of alignment with those of no 10 but the toilet windows would be closer to the windows of the existing property. As a result it is proposed to obscure glaze the toilet windows on this elevation. Number 2a Wilton Street lies to the south of the proposed development and is situated at a lower ground floor level with a 3m driveway separating it from the development site. The development has been reduced in height so that the wall is only 0.9 m above the wall height of number 2a and the roof has been designed to slope away from the boundary. I consider that the relationship between the heights of the buildings is acceptable. The proposed development projects beyond the rear wall of 2a Wilton Street (main house) by approximately 6m and the ground floor extension by approximately 4.4 m and it will effect the sunlight reaching the rear of the existing dwelling. Bearing in mind the 3m drive, the additional 1.4 m to the wall of the development and the slope of the roof away from the boundary, I consider that any loss of sunlight would not be such as to warrant refusal. Where the toilet windows might result in overlooking of the rear of 2a Wilton Street they have been obscure glazed and would be retained as such by condition. The proposed development has been redesigned to introduce traditional gables into the front elevation, in character with the adjacent houses and a cat slide roof to the front to reiterate the two storey design of the housing. The rear projection in the original scheme, that created overlooking problems, has now been deleted. Overall the proposal is now considered acceptable.

RECOMMENDATION

Subject to the completion of a S106 Agreement by 27th May, 2005 for contributions for the provision of children's play area and recreation open space and the receipt of amended plans showing a render /brick and tile elevations, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, access, turning/parking, internal access road free from obstruction, no gates, access gradient, cycle parking, bin storage, landscaping, obscure glazing, noise during construction, no additional windows in the north or south elevations. Notes re disable persons, energy conservation, meter boxes, contaminated land, secure by design, infrastructure.

REASON(S) FOR RECOMMENDATION:- The proposal is for residential development in accordance with the Taunton Deane Local Plan Policies S1, S2, H2 and M4.

Should the S.106 agreement not be completed by 27th May, 2005 with Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED.

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:

42/2005/013

MR D LEWIS

**ERECTION OF CONSERVATORY AND RETENTION OF EXISTING SHED AT 73
KILLAMS GREEN, TAUNTON**

23668/22417

FULL PERMISSION

PROPOSAL

Permission is sought to erect a conservatory measuring 3.75 m x 3.1 m at the rear of the property and in addition for the retention of a 2.3 m x 1.8 m wooden garden shed in the rear garden. The existing dwelling is detached and constructed of brick under a tiled roof. The materials for the proposed conservatory will match the existing property. A 2 m high wooden fence encloses the garden and a mature hedge screens the property behind the fence towards the motorway to the rear. The shed is positioned in the southern corner of the garden. Permission is required due to the withdrawal of permitted development rights.

The applicant's wife is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

None received.

POLICY CONTEXT

H17 Extensions to dwellings state:- Extension to dwellings will be permitted provided they do not harm: A. The residential amenity of other dwelling; B. The future amenities, parking, turning space and other services of the dwelling to be extended; and C. The form and character of the dwelling and are subservient to it in scale and design.

ASSESSMENT

The proposed conservatory and existing shed will have no material impact on neighbouring properties and complies with Policy H17.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit and materials.

REASON FOR RECOMMENDATION: - The proposed conservatory complies with Taunton Deane Local Plan Policy H17 in that there is no harm to the residential amenity of other dwellings and no harm to the form and character of the dwelling.

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

CONTACT OFFICER: 356462 MRS S MELHUISE

NOTES:

43/2005/024

TAUNTON DEANE BOROUGH COUNCIL

ERECTION OF 7 INDUSTRIAL UNITS AT WELLINGTON TRADING ESTATE, SYLVAN ROAD, WELLINGTON AS AMENDED BY AGENTS LETTER DATED 24TH MARCH, 2005 AND DRAWING NOS. OB8/1402:02/01A AND OB/1402:02/02A

14215/20507

REG 3 TDBC APP

PROPOSAL

The proposal seeks to erect a single building that would be divided internally into 7 light-industrial units of varying internal dimensions. The footprint of the building would measure 55 m x 15 m and 7.5 m to the ridge. The building is proposed to use brick dwarf walls and corrugated steel sheeting for the remainder of the walls and roof.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections. WESSEX WATER no objections.

ENVIRONMENTAL HEALTH OFFICER no objections subject to conditions restricting noise levels and survey of contaminated land. The noise restrictions shall be to the equivalent of use classes B1 (light industrial) between Monday - Friday 0800 hours to 1800 hours and Saturdays 0800 hours to 1300 hours at all other times, including Public Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. Background noise level for the purposes of the condition shall be those levels of noise which occur in the absence of noise from the development to which this permission relates.

TOWN COUNCIL no objections provided there are suitable conditions covering hours of work, loading and unloading, noise levels and landscaping to protect existing screen hedging and trees.

TWO LETTER OF OBJECTION have been received raising the following issues:- there is little room for turning on the site and lorries will have to reverse raising a noise problem with lorries now fitted with alarms; lorries should be limited to the road end of the site only; could a condition be placed to keep the area in a tidy and clean condition, as there is waste on site; the perimeter hedge should be retained.

POLICY CONTEXT

Policies S1 (general requirements), S2 (design) and EC1 (Employment Development) of the Taunton Deane Local Plan are relevant to this application.

ASSESSMENT

The site is located within the established industrial estate area formally known as the Wellington Trading Estate and now known as the Blackdown Business Park. The development is located on the former site of a larger industrial unit than that proposed that formally carried out more intensive industrial processes in terms of noise than that proposed. The scale of the proposed development is therefore considered acceptable within the context of surrounding buildings and the visual amenity of the area will be an improvement to the original building. Similarly the noise restrictions as recommended by the Environmental Health Officer, which are for those light industrial uses that are compatible adjacent to residential area, i.e. the properties adjacent to the east boundary of the site that front Sylvan Road. The restrictions not only restrict the volume of noise, but outside certain times and days the level of noise should not be any louder than background noise levels. This will ensure, as per the Town Council's concern that sufficient restriction covering hours of work, loading and unloading and noise are all enforceable. It would therefore appear unreasonable to restrict the hours of work and loading and unloading as outside the prescribed times no noise should be audible above background noise level. Restricting the hours of work is also considered unreasonable given that there are no such restrictions on any other units on the trading estate.

The County Highway Authority has raised no objection to the proposal. The plans show a lorry route that enables vehicles to enter and exit the site in a forward gear thus reversing would only occur to access each bay. Noise from reversing vehicles would be covered by the noise restriction condition. Conditions are also proposed that would bolster existing screening whilst maintaining the existing hedge and trees on the east boundary of the site facing the rear of the Sylvan Road properties. A condition is also proposed to restrict any outside storage of material that may otherwise result in an untidy appearance. With the restrictions imposed the residential amenity of the area will not be detrimentally affected.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, hedge and trees to be retained, landscaping, compliance with parking area, surface water to highway, no outside storage, noise restrictions, land contamination, lighting details to be submitted.

REASON(S) FOR RECOMMENDATION:- It is considered that the proposal complies with Adopted Taunton Deane Local Plan Policies S1, S2 and EC1, in that the site has good transport links and 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: 356586 MR R UPTON

NOTES:

47/2005/006

MR & MRS J WILLIAMS

ERECTION OF 2 STOREY REAR EXTENSION, 1 IVY COTTAGE, WEST HATCH.

27289/19738

FULL PERMISSION

PROPOSAL

Planning permission was granted in September, 2004, reference 47/2004/008, for the erection of a two storey side extension and the replacement of a single storey lean-to extension with a modest two storey extension of some 2.8 m in depth. The current proposal seeks to extend this approved rear extension by another 2.7 m.

The property is a traditional stone and pantile semi-detached cottage.

The applicant is a Member of the Council.

CONSULTATIONS AND REPRESENTATIONS

Neighbour advises no objection to proposal.

POLICY CONTEXT

Policies S1, S2 and H17 of the Taunton Deane Local Plan seek to safeguard, inter alia, the character of buildings, and visual and residential amenity.

ASSESSMENT

It is not considered that either the character of the cottage, or visual amenity, would be further adversely affected. There is some concern however, about the impact of the scale of the extension on the adjoining semi which has had rear single storey bedroom extension constructed following permission in October 1992, reference 47/1992/011, and which incorporates a bedroom window in the elevation most affected. The applicants agent is now prepared to incorporate a hipped roof in the proposed extension instead of a gabled roof. It is not considered that neighbour would be adversely affected in terms of loss of light and the proposal would not have significant greater impact than that already approved.

RECOMMENDATION

Subject to the receipt of satisfactory revised drawings the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit and materials.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect the character of the building, or visual or residential amenity and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2 or H17.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

48/2005/019

MR D CLEERE

RETENTION OF DETACHED GARAGE AT 4 KYRENIA COTTAGE, SCHOOL ROAD, MONKTON HEATHFIELD.

25490/26810

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

A previous application 48/2004/074 was considered at the meeting in January, 2005 for the retention of a domestic garage at 4 Kyrenia Cottage which was refused for the following reason: The biding by reason of its bulk and roof height will detract from the amenities and outlook of adjoining dwellings. The garage measures some 9 m x 5.1 m in ground area and 4.6 m to ridge height. It is constructed of rendered concrete block and concrete interlocking tiles, incorporates patio doors in one elevation, and is sited at the bottom of rear garden on an end of terrace cottage. The adjoining terraced unit also has a garage which immediately adjoins the proposal. Vehicular access is via an unadopted private highway which serves a large residential parking area. Planning permission was granted in June 2003, reference. 48/2003/031, for a two storey side extension, new porch, rear conservatory and detached garage. The approved garage was in the same location as that built, comprised the same length of 9 m but was 3.9 wide, and incorporated a mono-pitch of 3 m in height. An appeal has been lodged against the recent refusal.

The current proposal whilst identical to the earlier refusal provides additional information in the form of a statement which advises inter alia, of the following:- the garage is not for commercial use but is a private garage; the materials used are complementary to the house extension; there are a great many garages of a similar if not larger roof size within the locality (photographs of examples included);a access to the neighbouring property's garage has not been compromised; he acknowledges that it was remiss of him to undertake the development without first obtaining planning permission; prior to the work commencing, the property was in a decrepit state of repair with a harmful impact on visual amenity; a boundary fence has recently been reinstated and accordingly a significant part of the garage is no longer openly visible. 6 letters of support accompany the application.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the garage fronts a private garage area, and one additional garage would not substantially increase traffic using the access road, there is sufficient space for turning, although current parking arrangements block access to the garages, the garage area and small access road are not adopted highway.

PARISH COUNCIL The Parish Clerk has received this morning notification of an appeal being lodged on refusal of planning permission. The comments of the Parish Council are unchanged by the notification of the appeal. The comments are that the Parish Council remains extremely dissatisfied that the building was put up not in accord with

the plans for which permission had originally been granted. The original building had a flat or slightly sloping roof, in keeping with the area, but the unauthorised building has a much higher roof line with an apex roof, too high for the immediate environment. The Parish Council considers that the planning process is being brought into disrepute, by the building of a structure for which planning permission had not been given, by the subsequent application for retrospective planning permission, and then the subsequent lodging of an appeal against the decision of the Local Planning Authority. The Parish Council objects to this apparent disregard for regulations. Furthermore, the structure as it stands is of a construction and a scale that are out of keeping with the area, and the materials are not in accord with locally used building materials. If the structure remains it is likely to affect the neighbouring properties' enjoyment of the area. The Parish Council notes that, whilst not in itself a planning objection, the orientation of the garage, and the access door on the east side of the garage, thus leaving French doors and two windows on the south elevation facing the property, leave some unanswered questions about vehicular access to the east facing door.

6 LETTERS OF OBJECTION have been received raising the following issues:- no accurate plans have been submitted; the building does not appear to be an everyday garage; regulations and legislation should be adhered to; the building has a huge over exaggerated roof, and is too large.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard, inter alia, visual and residential amenity.

ASSESSMENT

Previous application was refused because Members considered that the bulk and height would detract from visual amenity. Clearly therefore there is not an issue relating to impact on residential amenity in terms of light or privacy. The fact that the application is retrospective is not a reason for refusal in itself despite the Parish Council's comments. The sole issue relates to impact on visual amenity and given that a similarly sited garage has already been granted permission (48/2003/031), given that the property has been dramatically improved visually, and given that the recently built timber fence makes the garage less open to view, I can only reiterate my previous recommendation that visual amenity has not been adversely affected, and that permission should therefore be granted.

RECOMMENDATION

Permission be GRANTED subject to condition re domestic use only.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual or residential amenity and therefore does not conflict with Taunton Deane Local Plan Policies S1 and S2.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

52/2005/013

COMEYTROWE HALL COMMITTEE

SECURE OUTDOOR PLAY AREA, COMEYTROWE HALL, PITTS CLOSE, TAUNTON.

21483/23437

FULL PERMISSION

PROPOSAL

Permission is sought for the creation of a children's secure outside play area alongside the east elevation of Comeytrowe Hall. Currently there is a pathway running to the rear of the hall and a grassed and planted area. It is proposed to remove two trees. The new area will be enclosed with a 1.8 m high timber fence. This will be erected to the rear of the retaining walls alongside the side of the existing path and on the line of the section of wall to be taken down. Access to the play area will be via a gate with a minimum width of 1 m to match the existing. A planting scheme is proposed with thorny shrubs and two new trees will be planted to replace those to be removed.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL oppose the above application on the grounds that (i) the application is appropriate development for the area, (ii) the fence, is a solid close boarded fence, is too high and would have a detrimental effect and impact on the street scene and the frontage of this community development, even if there is suitable planting adjacent to the fence, (iii) the play area would be totally enclosed and would create a hidden area, which could lead to additional vandalism problems in the area, (iv) the enclosed play area with a barrier around it of up to 8/9 feet high would be inappropriate for small children, (v) the use of the play area would be for short periods of time, (vi) the play area would enclose the present fire route for the hall and the existing fire door from the large hall would be used to gain access to and from the play area.

POLICY CONTEXT

Taunton Deane Local Plan Policy 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.

ASSESSMENT

The site lies within the Comeytrove Local Centre site and would provide a small play area approximately 11m x 7.5m adjacent to the existing Community Hall and car park. The area would be enclosed by 1.8m high timber fencing and proposed additional planting is intended to replace that lost and help screen the area from the highway. The Parish have raised objection to the scheme on a number of grounds including it being inappropriate, having a detrimental visual impact and the area being used by vandals for unwanted activities.

The area proposed is to be enclosed by fencing and can easily be monitored by users of the Community Hall. The objection on the grounds of anti-social use, while of a concern is not considered such to warrant refusal of the application. The provision of landscape planting is considered a necessary condition and planting around the roadside of the fencing will prevent any significant adverse visual impact. In light of the above considerations it is considered that the proposal is acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials and landscaping.

REASON(S) FOR RECOMMENDATION:- The proposed conservatory complies with Taunton Deane Local Plan Policy H17 in that there is no harm to the residential amenity of other dwellings and no harm to the form and character of the dwelling.

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

CONTACT OFFICER: 356462 MRS S MELHUISE

NOTES:

52/2005/017

MR & MRS A WOODLAND

**ERECTION OF SINGLE STOREY REAR EXTENSION AT 6 GILL CRESCENT,
COMEYTROWE, TAUNTON.**

20979/23151

FULL PERMISSION

PROPOSAL

Erection of single storey lean-to extension on rear elevation 3.3 m x 7.1 m.

Application is before Members as it is from a member of staff.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL observations awaited.

POLICY CONTEXT

S1 general requirements, S2 design and H17 extensions to dwellings.

ASSESSMENT

The proposal involves a single storey rear extension across the back of the existing house in matching materials. The extension is considered in keeping with the design and character of the building and not to have any adverse neighbour impact. It is therefore considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit and materials.

REASON(S) FOR RECOMMENDATION:- The proposal by reason of its size, design and impact on adjacent properties is considered to comply with Taunton Deane Local Plan Policy S1, S2 and H17 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES:

PLANNING COMMITTEE – 18 MAY, 2005

Report of Development Control Manager

MISCELLANEOUS ITEM

10/2004/020 CHANGE OF USE AND CONVERSION OF BARN TO DWELLING (REVISED PROPOSAL TO INCLUDE ERECTION OF ATTACHED GARAGE) TRENTS VIEW, TRENTS FARM, CHURCHINFORD

1.0 PURPOSE OF REPORT

- 1.1 To seek approval under the minor amendment procedure for a new door and window in the east elevation of the new garage.

2.0 PLANNING HISTORY

- 2.1 Planning permission was originally granted for the conversion of this barn to a dwelling in May 2003.
- 2.2 A revised application for an attached garage to the barn was submitted in August 2004 and was approved on 1 October, 2004.

3.0 PROPOSAL

- 3.1 The applicant requested a minor amendment to insert a window and door in the eastern (rear) elevation of the new garage.
- 3.2 The Parish Council were notified of the proposal and have raised objection stating that it must object to the proposal as it “flies in the face” of Policy Guidance set out in Taunton Deane Borough Council’s “Rural Building Conversions” document. This guidance suggest people living in converted buildings should adopt their lives to the building not vice versa; attached garages detrimentally affect the original form of the building and thus harm its intrinsic character, every effort should be made to retain the original simplicity of the building and creation of new opening should be avoided during conversion.

The Council feels the property is in grave danger of becoming an exact replica of drawing on page 3 of the Guidance which purports to be an illustration of any unsympathetic residential conversion which bears no resemblance to the original barn. It is felt a very attractive collection of old barns is now a collection of new houses. The Council was unanimous in its objection to the latest amendment for the above reasons.

4.0 ASSESSMENT

4.1 The proposal provides for a new door and window in the rear elevation of the new build garage. As this was not part of the original barn its alteration is not viewed in the same way.

4.2 While there is a condition on the original permission requiring approval of all new windows in the future this was not the case with the doorway.

The impact on the character of the building of the new door and window proposed is not considered to detrimentally affect its character such as to warrant resisting this minor amendment.

5.0 **RECOMMENDATION**

5.1 The minor amendment for the window and door be GRANTED approval.

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

CONTACT OFFICER: Mr G Clifford Tel: 356398

PLANNING COMMITTEE – 18 MAY, 2005

Report of the Development Control Manager

MISCELLANEOUS ITEM

38/2004/324 & 38/2004/570 APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR 8 HOUSE AND 53 FLATS AND FORMATION OF ACCESS AT POLLARDS WAY, WOOD STREET, TAUNTON

The above application was refused at the meeting on 29 September, 2004 for the following reasons:-

- 01 The development proposed will result in loss of privacy to existing adjacent properties exacerbated by the increase in site levels necessary for the purposes of flood prevention. The proposal is therefore contrary to Taunton Deane Local Plan Revised Deposit Policy H1(I).
- 02 The proposed development provides inadequate off-street parking, which together with the loss of existing garaging on the site, will exacerbate parking problems in the area contrary to Taunton Deane Local Plan Revised Deposit Policy

Negotiations took place with the applicant and a revised application was considered on 16 February, 2005. Parking in excess of one space per unit was proposed, but members still had concerns in respect of the impact on surrounding properties and resolved to refuse permission for the following sole reason:-

The development proposed will result in an overbearing impact upon, together with loss of privacy to adjacent properties in both Portland Street and Clarence Street. The proposal is therefore contrary to Taunton Deane Local Plan Policies H1(H) and (I) (Revised Deposit numbering).

Appeals have been lodged against both decisions and a Public Inquiry is to be held on 1 November, 2005.

I am satisfied the Taunton Deane's officers will be able to provide a case in response to all the issues relating to impact upon surrounding dwellings.

However, in light of the site's location in the town centre, the availability of public car parking nearby and the Council's own policies promoting reduced parking and even car-free schemes in appropriate locations in the town centre, together with recent appeal decisions, Members are requested to consider whether they wish to continue to defend a reason for refusal (which relates to the first appeal only) relating to inadequate parking provision and if so whether transport consultants be appointed to act as expert witnesses.

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

CONTACT OFFICER: Mr T Burton Tel: 356464

PLANNING COMMITTEE – 18 MAY, 2005

Report of the Development Control Manager

MISCELLANEOUS ITEM

42/2003/023 Enforcement Notice at Rebit House, Trull

Outline permission for this house included a condition requiring parking for two vehicles. The detailed proposal included a garage which in addition had enough space in front to accommodate two vehicles.

However, the developer did not put in a garage door, claiming that by allowing enough space for two vehicles he had complied with the outline condition. An application to retain the garage as built was refused in June 2003 and enforcement action authorised.

In light of the parking available being in excess of what would normally be required (Policy M4 of the local plan requires a maximum of 1.5 spaces) the matter was reported back to Committee in February 2004. However, Members resolved once more than an enforcement be served giving the reason "The failure to provide a garage door in accordance with the approved drawings will result in an inadequate level of parking in relation to other properties in Ladylawn which will not be in the interests of either highway safety or the character of the street and is therefore contrary to Policy S1 of the Taunton Deane Local Plan." A notice was served and an appeal subsequently lodged.

The appeal is to be dealt with by means of a hearing. In light of the developers clear compliance with the Council's normal standards and policies, I strongly contend that to ask a Planning Officer to defend this decision at a hearing would put them in a very difficult position professionally.

Members are therefore requested whether in light of this it would be appropriate to ask a Member of the Planning Committee to present the Council's case at the hearing.

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

CONTACT OFFICER: Mr T Burton Tel: 356464

PLANNING COMMITTEE – 18 MAY, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complaint Number** E441/38/2004
2. **Location of Site** The Perkin Warbeck, Lloyds No1 Bar, 22 - 23 East Street, Taunton.
3. **Names of Owners** J D Weatherspoon PLC
4. **Names of Occupiers** The Perkin Warbeck
5. **Nature of Contravention**

New fascia sign and external cowl lights.

6. **Planning History**

A complaint was received regarding the new fascia sign and external brass coloured cowl lights on 14 December, 2004. A letter was sent to the property Manager at the head office informing them that Advertisement Consent is required for the sign. The reason for this is that concealed trough lighting illuminated the original fascia sign but the new sign is now illuminated by a number of external cowl lights, which illuminate both the lettering and the background. A reply was received from J D Wetherspoon PLC stating that it will be given their urgent attention, however, to date no application has been received and the sign continues to be displayed.

7. **Reasons for taking Action**

The cowl lights are considered contrary to the Advertisement Control Policy Guidance document due to their modern design and bright colour on what is a prominent traditional building. Also the excessive number of cowl lights result in a detrimental impact on the character of the building and the visual amenities of the area contrary to Policy Ec25 of the Taunton Deane Local Plan.

8. **Recommendation**

The Solicitor to the Council be authorised to commence prosecution proceedings in order to secure the removal of the external illumination.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

PLANNING COMMITTEE – 18 MAY, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complaint Number** 38/2004/161A – E81/38/2005
2. **Location of Site** Taunton School, Staplegrove Road, Taunton.
3. **Names of Owners** Mr D J A Taylor, Bursar, Taunton School
4. **Names of Occupiers** Taunton School
5. **Nature of Contravention**

Retention of two notice boards at entrance to Taunton School for which advertisement consent has been refused.

6. **Planning History**

The notice boards were brought to the Council's attention in March 2004. An application was requested for their retention and was received on 13 March, 2004. This application was subsequently refused under delegated powers on 7 June, 2004. The signs were later removed but have recently reappeared and to date remain in situ.

7. **Reasons for taking Action**

The signs would add to those at present displayed at the entrance and would result in a multiplicity of advertising matter which would spoil the appearance of the entrance and school buildings and detract from the visual amenities of the area.

The signs are therefore contrary to Policy EC26 of the Taunton Deane Local Plan and Policy ADV/10 of the Taunton Deane Borough Council Advertisement Control Policy Guidance. Also the signs would have an adverse effect upon the setting of the Listed Buildings of the School by reason of their size and the changeable nature of their design. The signs are therefore also contrary to Policy EN16 of the Taunton Deane Local Plan.

8. **Recommendation**

The Solicitor to the Council be authorised to commence Prosecution Action to secure the removal of the signs, their associated fittings and any appropriate repair required to the stonework after the fittings are removed.

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

CONTACT OFFICER: Mrs A Dunford Tel: 356479

PLANNING COMMITTEE – 18 MAY, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complaint Number** 38/2004/529LB – E351/38/2004
2. **Location of Site** The Old Bear, 13 Upper High Street, Taunton.
3. **Names of Owners** Ms Roderick
4. **Names of Occupiers** Old Bear Restaurant
5. **Nature of Contravention**

Retention of rooflight

6. **Planning History**

A complaint was received on 1 October, 2004 regarding the installation of a rooflight on the front elevation facing the highway. The owners were contacted and informed that as the building is listed an application for Listed Building Consent would be required in order to regularise the unauthorised rooflight. An application was submitted on 4 November, 2004 and subsequently refused under delegated powers on 15 December 2004. The rooflight remains in place and no appeal has been lodged against the decision

7. **Reasons for taking Action**

It is considered that the rooflight is a visually prominent and incongruous feature in the roof slope, which is detrimental to the special character and appearance of this listed building. It is therefore contrary to Taunton Deane Local plan Policies EN17 and EN18.

8. **Recommendation**

The Solicitor to the Council be authorised to serve a Listed Building Enforcement Notice to secure the removal of the rooflight and to take prosecution action subject to satisfactory evidence should the Notice not be complied with.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

PLANNING COMMITTEE – 18 MAY, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complaint Number** 38/2005/077A – E168/38/2004
2. **Location of Site** Tick Tock Toy Shop Ltd, 4 St James Street, Taunton.
3. **Names of Owners** Louise Leigh
4. **Names of Occupiers** Tick Tock Toy Shop Ltd.

5. **Nature of Contravention**

Display of banner at first floor level.

6. **Planning History**

The banner sign was initially brought to the Council's attention on 3 June, 2004. The sign is a vertical banner sign fixed on two horizontally mounted projecting poles one fixed at first floor window cill level and the other at second floor window level. The owners were contacted and informed that advertisement consent was required. An application was submitted on 21 February, 2005 and subsequently refused on 5 April, 2005 under delegated powers

7. **Reasons for taking Action**

It is considered that the proposed sign by reason of its design, size and height constitute an intrusive element in the street scene which is detrimental to the visual amenities of the area. Furthermore, if allowed, it is considered that the sign would set an unfortunate precedent. Therefore the sign is in conflict with Policy EC21 of the Taunton Deane Local Plan (Revised Deposit Numbering).

8. **Recommendation**

The Solicitor to the Council be authorised to commence Prosecution Action to secure the removal of the sign

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479