



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 15TH JUNE 2005 AT 17:00.

(RESERVE DATE : MONDAY 20TH JUNE 2005 AT 17:00)

AGENDA

1. Apologies
2. Minutes of meeting held on 18 May 2005 (attached).
3. Public Question Time
4. BISHOPS LYDEARD AND COTHELSTONE - 06/2005/015
RESIDENTIAL DEVELOPMENT COMPRISING THE
ERECTION OF 23 DWELLINGS FOLLOWING THE
DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS,
KINGS YARD, TAUNTON ROAD, BISHOPS LYDEARD. REPORT ITEM
5. NORTON FITZWARREN REPORT ITEMS
25/2005/007 - ERECTION OF ONE BEDROOM UNITS FOR
SPECIAL NEEDS ACCOMMODATION IN SEVERAL ONE OR
TWO STOREY BUILDINGS IN ASSOCIATION WITH
TRENCHARD HOUSE WITH ACCESS OFF EXISTING DRIVE
AT TRENCHARD PARK GARDENS, NORTON FITZWARREN;
AND
25/2005/008 - CONTINUED USE OF TRENCHARD HOUSE
AND MEADOW COURT FOR SPECIAL NEEDS HOUSING
ACCOMMODATION AT TRENCHARD HOUSE AND
MEADOW COURT, TRENCHARD PARK GARDENS,
NORTON FITZWARREN (PART RETROSPECTIVE).
6. WELLINGTON - 43/2005/004 REPORT ITEM
RESIDENTIAL DEVELOPMENT (295 DWELLINGS),
AFFORDABLE HOUSING, RECREATIONAL OPEN SPACE,
STRUCTURAL LANDSCAPING AND ASSOCIATED WORKS,
LAND FORMING PART OF CADES FARM, TAUNTON ROAD,
WELLINGTON.
7. COMBE FLOREY - 11/2005/008
FORMATION OF 40 M X 20 M FENCED ALL WEATHER
DRESSAGE AREA ON LAND ADJOINING THE PADDOCK,
TREBLES HOLFORD, COMBE FLOREY AS AMENDED BY
LETTER DATED 26TH MAY, 2005 WITH ACCOMPANYING
DETAILS
8. CREECH ST MICHAEL - 14/2005/023LB

ERECTION OF TIMBER FRAMED CONSERVATORY,
ROCKHOUSE, ADSBOROUGH

9. CREECH ST MICHAEL - 14/2005/024
ERECTION OF TIMBER FRAMED CONSERVATORY,
ROCKHOUSE, ADSBOROUGH.
10. LYDEARD ST LAWRENCE - 22/2005/005
ERECTION OF TWO STOREY AND SINGLE STOREY
EXTENSIONS AT HOCcombe BARN, LYDEARD ST
LAWRENCE.
11. NORTON FITZWARREN - 25/2004/029
ERECTION OF TWO STOREY ONE AND TWO BEDROOM
WARDEN CONTROL RETIREMENT FLATS FOR PERSONS
OVER 55 YEARS, LAND AROUND EASTEND COTTAGE
AND FITZWARREN HOUSE, NORTON FITZWARREN AS
AMENDED BY LETTERS DATED 18TH NOVEMBER, 2004
AND 13TH APRIL, 2005
12. NORTON FITZWARREN - 25/2005/011
ERECTION OF 9 DWELLINGS AT LAND NORTH EAST OF
DABINETT CLOSE, NORTON FITZWARREN (PLOTS 1 - 9)
AS AMENDED BY AGENTS LETTER DATED 25TH MAY,
2005 AND DRAWING NOS. 3592/05 REV B AND 3603/05
REV B AND BADGER SURVEY RECEIVED 15TH APRIL,
2005
13. WELLINGTON - 43/2005/032
CONVERSION OF BAKERY STORE BUILDING AND FIRST
FLOOR EXTENSION TO REAR OF 13 HIGH STREET,
WELLINGTON TO FORM A TWO STOREY RESIDENTIAL
DWELLING WITH ACCESS FROM WHITE HART LANE
(RESUBMISSION)
14. ERECTION OF 2 NO. DETACHED DWELLINGS, THE
MANSE, FORD ROAD, WIVELISCOMBE (49/2004/067). MISCELLANEOUS ITEM

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

08 June 2005

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

Planning Committee Members:-

Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillor Mrs Allgrove
Councillor Miss Cavill
Councillor Clark
Councillor Croad
Councillor Denington
Councillor Floyd
Councillor Guerrier
Councillor Henley
Councillor C Hill
Councillor Hindley
Councillor House
Councillor Lisgo
Councillor Phillips
Councillor Mrs Smith
Councillor Stuart-Thorn
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:



Tel: 01823 356410
Fax: 01823 356329
E-Mail: g.dyke@tauntondeane.gov.uk

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

Planning Committee –18 May 2005

Present: Councillors Mrs Allgrove, Beaven, Miss Cavill, Croad, Denington, Floyd, Henley, Hindley, House, Lisgo, Miss Peppard, Mrs Smith, Stuart-Thorn and Wedderkopp

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)

A member of the press was in attendance for part of the meeting.

(The meeting commenced at 5.00 pm.)

(Councillors Miss Cavill and Lisgo arrived at the meeting at 5.20 pm and 5.43 pm respectively.)

51. Appointment of Chairman

RESOLVED that Councillor Miss Peppard be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

52. Appointment of Vice-Chairman

RESOLVED that Councillor Mrs Hill be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

53. Apologies

Councillors Guerrier, Phillips and Vail.

54. Minutes

The minutes of the meeting held on the 20 April 2005 were taken as read and were signed.

55. 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:-

14/2005/014

Erection of 18.7m high monopole mast with four antennae projecting to 20m, two transmission dishes, associated equipment cabinets and fencing at Creech Mills Industrial Estate, Mill Lane, Creech St Michael.

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 external surfaces of the structures shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) C201 – landscaping.

Reason for granting planning permission:-

The siting and design of the mast minimised harm to the landscape and there were no alternative sites or solutions with less environmental impact. As such, the proposal was in accordance with Taunton Deane Local Plan Policies S1, S2 and C14.

30/2005/006

Installation of air intake unit on existing kitchen roof and extract on west elevation, the White Lion Public House, Blagdon Hill.

Conditions

- (a) The dormer structure shall be finished in a stain or paint which shall be agreed in writing by the Local Planning Authority before it is constructed;
- (b) The applicant shall carry out works recommended in the Acoustic Consultant's report carried out by Hoare Lea Acoustics, reference number LET-SR-1001502-KS-200904-JAH-1, dated the 20 September 2004 (excluding points 2, 3 and 4) by the 23 June 2005;
- (c) The applicant shall carry out all works detailed in the letter from the Local Authority, reference number MDS/E70/MA6208, dated the 8 December 2004 (excluding points 2, 3 and 4 of the Acoustic Consultants letter and excluding the Noise Management Plan other than that relating to operating times between 9 am and 11 pm), by the 23 June 2005;
- (d) The applicant shall carry out all works relating to the air intake fan and extraction and ventilation system as detailed in the report compiled on the 4 February 2005 by the 23 June 2005;
- (e) The applicant shall install a silencer at the terminal end of the extraction duct by the 23 June 2005;
- (f) Noise emissions arising from the air intake or extraction equipment, to which this permission relates, shall not exceed background levels at any time by more than 3 dB, expressed in

terms of an A-Weighted two minute Leq when measured at any point at any residential or other noise-sensitive boundary, on Mondays to Sundays between 0900 and 2300 hours. At all other times, noise emissions shall not exceed background noise levels. 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;

- (g) 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 and by the 23 June 2005. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation. The cooking process shall cease if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

Reason for granting planning permission:-

The proposed development would not adversely effect visual or residential amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1 and S2.

30/2005/009

Conversion of barn to residential dwelling, Pitminster Farm Barn, Pitminster.

Conditions

- (a) C001 – time limit;
- (b) The external stone walls 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;
- (c) C112 – details of guttering, downpipes and disposal of rainwater;
- (d) Before the commencement of any works hereby permitted, details or samples of the materials to be used for cladding the walls of the building(s) shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (e) Before the commencement of any works hereby permitted, details of samples of the materials to be used for the roof of the

- building(s) shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (f) All windows and doors shall be of timber material and shall be recessed into the walls and full details of the windows and doors, including method of opening, profiles and sections shall be submitted to, and approved in writing by, the Local Planning Authority before development commences;
 - (g) Notwithstanding the details submitted, a detailed landscaping scheme shall be submitted to and approved by the Local Planning Authority. Such a scheme shall include the retention of any hedgerows, the details, species, siting and numbers of new hedgerow stock and details of boundary treatment/new fencing. The scheme shall be completely carried out within six months of the commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority and, for a period of five years after the completion of the planting scheme, the hedgerows shall be protected and maintained to the satisfaction of the Local Planning Authority and any part of the hedgerow that ceases to grow shall be replaced by similar hedgerow stock;
 - (h) Notwithstanding the details submitted, the curtilage of the barn conversion shall not be extended westwards beyond the western gable elevation of the barn, unless otherwise agreed in writing by the Local Planning Authority;
 - (i) C010 – drainage;
 - (j) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access, and extending to points on the nearside carriageway edge 33m in a north-easterly direction only. Such a visibility splay shall be fully provided before works commence on the conversion of the barn hereby permitted and shall thereafter be maintained at all times;
 - (k) Any entrance gates erected shall be hung inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
 - (l) The access over the first 6m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (m) 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;
 - (n) The gradient of the proposed access shall not be steeper than 1:10;
 - (o) 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;

- (p) P001A – no extensions;
- (q) P003 – no ancillary buildings;
- (r) P005 – no garages;
- (s) P006 – no fencing;
- (t) The access driveway shall be “dog-legged” in accordance with the block plan submitted by the applicant on the 29 April 2005;
- (u) No site works, clearance works or development works shall take place between the 1 March and the 31 October without the prior written approval of the Local Planning Authority;
- (v) Details of the means of access to the roof space for bats and provision of bird boxes shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site and shall be carried out as agreed prior to first occupation;
- (w) Access to the barn for barn swallow nests shall be maintained and entrances to the buildings to be converted shall be made secure to prevent birds entering and building their nests before conversion works commence;
- (x) If the development is not commenced before the 31 December 2005, a further wildlife survey shall be commissioned to ascertain any changes to bat and bird usage before works commence;
- (y) C927 – remediation investigation/certificate;
- (z) C601 – schedule of works to ensure safety and stability of structure.

(Notes to applicant:- (1) Applicant was advised that mitigation measures should include avoiding work during the nesting or bat roosting/hibernation period; (2) Applicant was advised that 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 develop mitigation proposals; (3) Applicant was advised that the Hawk and Owl Trust can provide Barn Owl nest boxes, as well as practical advice regarding their positioning and will survey buildings for signs of use by Barn Owls prior to conversion; (4) Applicant was advised that all operators on site shall be appropriately briefed on potential bat presence and instructed to stop work and seek expert advice should a bat be discovered. Workers must also be made aware that nesting birds are protected and if discovered must not be disturbed; (5) Applicant was advised that no walls, crevices or cavities should be filled unless they have been thoroughly checked for bats by a competent bat worker; (6) N061A – Highways Act Section 184 Permit; (7) N124 – Building Regulations).

Reason for granting planning permission:-

The proposed building was of permanent and substantial construction, was in keeping with its surroundings and its conversion would not

adversely effect the character of the building, visual or residential amenity, road safety and the surrounding landscape character. Accordingly, the proposed development did not conflict with Taunton Deane Local Plan Policies H7, S1, S2, EN12 and EN 5.

38/2005/148

Change of use of shop (A1) to café/takeaway (A3/A5) at 53 Hamilton Road, Taunton.

Conditions

- (a) C001 – time limit;
- (b) Prior to the commencement of the use hereby permitted, full details of equipment to suppress and disperse fumes and/or smell produced by food operation and cooking shall be submitted to, and approved in writing by, the Local Planning Authority. The approved equipment shall be installed and in full working order and shall be effectively operated as long as the use continues. The approved equipment shall be regularly maintained to ensure its continued operation to the satisfaction of the Local Planning Authority;
- (c) Noise from any air extraction system shall not exceed background noise levels by more than 3 dB(A) for a two minute Leq at any time when measured at the façade of residential or other noise-sensitive premises;
- (d) C733A – café/takeaway food – times of opening.
(Notes to applicant:- (1) N049 – environmental health; (2) N050 – environmental health; (3) N051 – environmental health; (4) N052 – fire safety).

Reason for granting planning permission:-

The proposed change of use of a retail unit to a café/takeaway complied with the requirements of the Taunton Deane Local Plan Policy S1.

42/2005/013

Erection of conservatory and retention of existing shed at 73 Killams Green, Taunton

Conditions

- (a) C001 – time limit;
- (b) C102 – materials.

Reason for granting planning permission:-

The proposed conservatory complied with Taunton Deane Local Plan Policy H17 in that there was no harm to the residential amenity of other dwellings and no harm to the form and character of the dwelling.

43/2005/024

Erection of seven industrial units at Wellington Trading Estate, Sylvan Road, Wellington.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) The existing hedge and trees on the east boundary of the site, adjacent to the rear gardens of properties at Sylvan Road, shall be retained to the satisfaction of the Local Planning Authority;
- (d) C201 – landscaping;
- (e) The parking area, shown on the submitted plan, drawing number 03/1402:02/02A, shall be marked out prior to the development hereby approved being first brought into use;
- (f) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use;
- (g) C708 – restricted use – no storage except where stated;
- (h) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 5 dB expressed in terms of an A-Weighted, five minute Leq at any time during the day and times indicated when measured at any point at the façade of any residential or other noise-sensitive boundary:- Monday to Friday 0800 -1800 hours and Saturday 0800 -1300 hours. At all other times, including Public Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics such as hum, drone or whine 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;
- (i) C926B – remediation investigation/certificate;
- (j) Prior to the commencement of the development hereby approved, details of any proposed lighting shall be submitted to, and approved in writing by, the Local Planning Authority.
(Notes to applicant:- (1) N048A – remediation strategy; (2) With regard to condition (h), applicant was advised that the noise restrictions would not preclude uses B1 and B8 within the units; (3) Applicant was advised to agree with Wessex Water, prior to the commencement of any work on site, a connection onto Wessex Water infrastructure).

Reason for granting planning permission:-

It was considered that the proposal complied with adopted Taunton Deane Planning Policies S1, S2 and EC1, in that the site had good transport links and neither residential nor visual amenity would be adversely effected.

47/2005/006

Erection of two -storey rear extension, 1 Ivy Cottage, West Hatch.

Conditions

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

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building or visual or residential amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2 or H17.

48/2005/019

Retention of detached garage at 4 Kyrenia Cottage, School Road, Monkton Heathfield.

Condition

The garage hereby permitted shall be solely used as a domestic garage in connection with 4 Kyrenia Cottage and shall not be used for any commercial purposes.

Reason for granting planning permission:-

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

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

52/2005/013

Secure outdoor play area, Comeytrove Hall, Pitts Close, Taunton.

Conditions

- (a) C001 – time limit;
- (b) C102 – materials;
- (c) C201 – landscaping.

Reason for granting planning permission:-

The proposed development, by reason of its location and impact on the character of the area, was considered to accord with Taunton Deane

Local Plan Policy S1 and material considerations did not indicate otherwise.

52/2005/017

Erection of single-storey rear extension at 6 Gill Crescent, Comeytrowe, Taunton.

Conditions

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

Reason for granting planning permission:-

The proposal, by reason of its size, design and impact on adjacent properties, was considered to comply with Taunton Deane Local Plan Policies S1, S2 and H17 and material considerations did not indicate otherwise.

- (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:-

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.

Reasons

- (a) The proposed dwelling lies outside of a recognised settlement in a location where new dwellings are strictly controlled to those required for agricultural purposes. In the opinion of the Local Planning Authority, the proposal would be contrary to the requirements of Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6;
- (b) 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 Planning Policy Guidance Note No 13 and Regional Planning Guidance No 10 and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000).

34/2005/007

Erection of two dwellings on land adjacent to No 2 Mill Rise, Staplegrove.

Reasons

- (a) The site comprises a small area within a Housing Allocation under Policy T13 of the Taunton Deane Local Plan, 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. It is considered that such piecemeal development 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 and a flood mitigation scheme and the delivery of important contributions to affordable housing and transportation and education facilities, contrary to the detailed requirements of Taunton Deane Local Plan Policy T13;
- (b) The site has several trees which are on, and adjacent to, the site which are worthy of retention and which make it difficult to develop the site as proposed, contrary to Taunton Deane Local Plan Policy EN6.

38/2005/099

Partial demolition, alteration and extension of former Four Alls Public House to accommodate Class 3 (Food and Drink) and Class A2 (Financial and 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.

Reason

The proposed building by reason of its scale, form, bulk and general design will be over-dominant in the street scene at variance with the established character of the area contrary to Taunton Deane Local Plan Policies S1(D), S2 and EN14.

56. Erection of stables and tack room in field to rear of Springfields, Hatch Beauchamp (19/2005/001)

Reported this application.

RESOLVED that 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 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) The stables and tack room shall be used for private and domestic purposes only and not as a commercial establishment;
- (d) Before the development is commenced, details of the disposal of foul drainage and surface water shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) Animal waste shall be satisfactorily stored and regularly disposed of so as to minimise any nuisance to neighbouring properties by reason of odour and to prevent the pollution of any watercourse (including drainage ditches). Details regarding the storage and disposal of animal waste shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any works;
- (f) C712 – restricted use – no burning on site;
- (g) 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 floodlights shall be erected on the site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) Applicant was advised that the site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage; (3) Applicant was advised that 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; (4) Applicant was advised that the subsequent disposal of collected wastes must be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Water; (5) Applicant was advised that there must be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct to watercourses, ponds or lakes or via soakaways/ditches; (6) Applicant was advised that the proposed development is situated within 250m of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and, where appropriate, remediate against the possibility of gas migration affecting the development site).

Reason for planning permission, if granted:-

It was considered that the proposed stables/tack room were of an acceptable scale and design and that the scheme would not significantly harm neighbouring amenity or the visual amenities of the area. Furthermore, it was not thought that the development would cause pollution, harm public health or cause unreasonable nuisance to neighbouring properties. Therefore the proposal accorded with Taunton Deane Local Plan Policies S1, S2 and S7.

57. Enclosure of first floor roof by a stainless steel framed glass infill panel, hand rail, 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 (38/2005/138LB)

Reported this application.

RESOLVED that subject to the receipt of no objections from the Secretary of State for Culture, Media and Sport, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if listed building consent were granted, the following conditions be imposed:-

- (a) C002 – time limit – listed building;
- (b) Full details of all new windows and doors, including sections, mouldings, profiles and method of opening shall be submitted to, and approved in writing by, the Local Planning Authority before development commences;
- (c) All new windows and doors shall be recessed into the walls to match existing openings in the historic element of 2 Church Square and shall be of timber materials only.
(Note to applicant:- Applicant was advised that this consent relates to listed building consent only and does not authorise any works in the absence of planning permission).

Reason for listed building consent, if granted:-

The proposed development would not adversely affect the character or appearance of the listed building and therefore did not conflict with Taunton Deane Local Plan Policies EN16 and EN17.

58. Demolition of buildings and erection of 10 flats and associated parking and external works at British Red Cross Centre, Wilton Street, Taunton (38/2005/160)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement by the 27 May 2005, in respect of contributions for the provision of a children's play area and recreational open space, 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) Prior to the occupation of any of the units hereby permitted, the proposed access and visibility splays shown on Drawing No 16, Revision A, shall be provided on site to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter;
- (d) C330 – internal road to be kept free from obstruction;
- (e) The area allocated for car 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;
- (f) Provision shall be made for the parking of 10 cycles in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is commenced;
 - (g) Prior to the commencement of work on site, details of the proposed bin storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (h) C201 – landscaping;
 - (i) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 – 1800 hours; Saturday 0800 – 1300 hours. At all other times, including Public Holidays, there shall be no noisy working;
 - (j) C306 – access – gradient;
 - (k) There shall be no gates attached to the access or drive without the prior written consent of the Local Planning Authority;
 - (l) The windows in the first and second floor on the north elevation shall be glazed with obscure glass which shall thereafter be maintained as such. There shall be no alteration or additional windows on those elevations without the prior written consent of the Local Planning Authority;
 - (m) The windows on the southern elevation, as indicated on the approved plan No 0038/19/A as amended by the Agent's letter dated the 12 May 2005 shall all be obscure glazed and thereafter maintained as such. There shall be no alteration to, or additional windows in, this elevation without the prior written consent of the Local Planning Authority.
(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) Applicant was advised that the site is commercial land that could have had uses with the potential to cause contamination. If any contamination or unknown substances/structures are found during demolition and building works, the developer should carry out an assessment to identify any potential risks and, if necessary, carry out a site investigation and risk assessment to identify whether any remedial works are required; (5) N117 – crime prevention; (6) N041B – drainage/water).

Reason for planning permission, if granted:-

The proposal for residential development was in accordance with the Taunton Deane Local Plan Policies S1, S2, H2 and M4.

Also RESOLVED that in the event that the Section 106 Agreement was not completed by the 27 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.

59. Conversion of mill buildings into residential (149 dwellings) and commercial units and associated exterior works, Tonedale Business Park, Tonedale Mill, Milverton Road, Wellington (43/2004/119)

Reported this application.

RESOLVED that subject to:-

- (i) The further views of English Heritage, the County Highway Authority, the Conservation Officer and the Environment Agency on the amended plans;
- (ii) The satisfactory outcome of further discussions with the applicant in respect of the points of concern already raised by English Heritage;
- (iii) The satisfactory outcome of discussions with the County Highway Authority concerning the proposal to provide a further direct access into the site from Milverton Road;
- (iv) The applicants entering into a Section 106 Agreement to provide for:-
 - (a) A contribution of £200,000 towards 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 was practical, refurbishment premises were available for existing tenants who had 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 would identify defects and set out a programme of repairs; and
- (v) Subject to the views of the Secretary of State for Culture, Media and Sport on application No 43/2004/120LB,

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) C106 – second-hand materials;
- (c) C112 – details of guttering, down pipes and disposal of rainwater;
- (d) C201 – landscaping;
- (e) C205 – hard landscaping;
- (f) C207 – existing trees to be retained;
- (g) C208A – protection of trees to be retained;

- (h) C208B – protection of trees – no service trenches;
- (i) C210 – no felling or lopping;
- (j) C215 – walls and fences;
- (k) 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;
- (l) C302 – highways – roads, footpaths and turning spaces to be surfaced;
- (m) C314 – visibility splays;
- (n) C324 – parking;
- (o) C416 – details of size, position and materials of meter boxes;
- (p) 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;
- (q) The commercial premises shall be used for light industry only as defined in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by Statutory Instrument 84/2005;
- (r) C708 – restricted use – no storage except where stated;
- (s) C917 – services – underground;
- (t) P002 – no extensions;
- (u) P003 – no ancillary buildings;
- (v) P006 – no fencing;
- (w) P010 – no further windows;
- (x) 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;
- (y) C926B – remediation investigation/certificate;
- (z) 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 the Local Planning Authority and carried out as part of the development;
- (aa) 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;
- (bb) 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 dB, expressed in terms of an A-Weighted, two-minute Leq, when measured at any residential or other noise sensitive premises. Noise emissions having tonal characteristics such as hum, drone or whine 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;
- (cc) 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 2000 hours and before 0700 hours the following day;
 - (dd) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800-1800 hours, Saturday 0800-1300. At all other times, including Public Holidays, no noisy working;
 - (ee) C910B – programme of archaeological work;
 - (ff) 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;
 - (gg) C331 – provision of cycle parking;
 - (hh) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
 - (ii) Minimum finished floor levels for each building shall be as listed below:-
 - Building A – 50.60m AOD;
 - Building B – 50.90m AOD;
 - Building C – 50.90m AOD;
 - Building D (south) – 51.50m AOD;
 - Building D (north) – 51.50m AOD;
 - Building E – 51.20m AOD;
 - Building F – 50.69m AOD;
 - Building G – 51.10m AOD;
 - Building H – 52.07m AOD;
 - (jj) The western wall of Block D (south) shall require flood-proofing to a height of 600mm above ground level prior to occupation;
 - (kk) No development shall commence until:- (a) A detailed design has been submitted to, and approved in writing by, the Local Planning Authority for the flood attenuation lagoon; (b) The construction of the approved flood mitigation measures has been completed; and (c) A regime for the maintenance and operation of flood mitigation works has been agreed, including identification of the parties responsible for undertaking these works;
 - (ll) 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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall 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 shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;

- (mm) There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways;
- (nn) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings with the capacity for 100 or more vehicles 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;
- (oo) Before any development commences, detailed drawings to an appropriate scale of the siting, design and external appearance of the proposed new build within Block D shall be submitted to, and approved in writing by, the Local Planning Authority;
- (pp) Communal satellite/TV receivers shall be provided as part of the development in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N114 – meter boxes; (5) N051B – health and safety; (6) N066 – listed buildings; (7) N075 – Section 106 Agreement; (8) N048A – remediation strategy; (9) With regard to condition (z), applicant was advised that a protected species (Lesser Horseshoe Bats) are using buildings which are on the 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 shall 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 DEFRA in accordance with the Conservation (Natural Habitat etc) Regulations 1994; (10) With reference to condition (bb), applicant was advised that the County Archaeologist is happy to provide a specification for the work and a list of suitable archaeologists to undertake it; (11) Applicant was informed of the following advice received from the 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 the 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) Applicant was advised that it would be necessary to agree with Wessex Water points of connection for the satisfactory disposal of foul flows, surface water and water supply; (13) Applicant was advised that once the Westford Stream has been designated as Main River, Land Drainage Consent will be required from the Environment Agency for any proposed works in, under, over or within 8m of the watercourse bank top. It is currently proposed that the Westford Stream will be designated as Main River by the 1 April 2006. Until that date Land Drainage Consent is only required for culverting of the watercourse or any mill, dam, weir or other like obstruction. Where possible, the Environment Agency would wish to retain a clear strip of land 8m wide adjoining the watercourse for future improvements and maintenance. The Environment Agency does not accept any liability for the detailed calculations contained in the assessment and this certificate does not constitute approval of those calculations nor does it constitute the Environment Agency's consent or approval that may be required under any other statutory provision, byelaw, order or regulation. Flood risk cannot be eliminated and is expected to increase over time as a result of climate change and this certificate does not absolve the developers of their responsibility to ensure a safe development. It is recommended that the developer investigate the use of sustainable drainage systems for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water and include:- (a) interception and re-use; (b) porous paving/surfaces; (c) infiltration techniques; (d) detention/attenuation; and (e) wetland; (14) Applicant was advised that if off-site waste disposal is utilised, it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994; (15) Applicant was advised that during construction, the following pollution prevention measures must be adopted where applicable:- (a) Pumps used for pumping water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks; (b) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed; (c) Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage).

Reason for planning permission, if granted:-

The proposal would enable the restoration and redevelopment of the site which would protect and conserve its heritage. The proposals respected the

site's historical and architectural importance and provided a realistic basis for regeneration of the complex. The proposals were considered to be in compliance with Taunton Deane Local Plan Policy W2.

60. Conversion and alteration of mill buildings to form residential and commercial units and demolition of parts, Tonedale Business Park, Tonedale Mill, Milverton Road, Wellington (43/2004/120B)

Reported this application.

RESOLVED that subject to:-

- (i) The further views of English Heritage, the County Highway Authority, the Conservation Officer and the Environment Agency on the amended plans;
- (ii) The satisfactory outcome of further discussions with the applicants in respect of points of concern already raised by English Heritage;
- (iii) The satisfactory outcome of discussions with the County Highway Authority concerning the proposal to provide a further direct access into the site from Milverton Road;
- (iv) The applicants entering into a Section 106 Agreement to provide for:-
 - (a) A contribution of £200,000 towards 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 was practical, refurbishment premises were available for existing tenants who had 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 would identify defects and set out a programme of repairs; and
- (v) Subject to the views of the Secretary of State for Culture, Media and Sport,

the Development Control Manager be authorised to determine the application in consultation with the Chairman, and if listed building consent were granted, the following conditions be imposed:-

- (a) C002 – time limit – listed buildings;

- (b) 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;
- (c) C107 – second-hand materials;
- (d) 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;
- (e) C671 – making good building after demolition of adjoining structure;
- (f) Prior to any works of conversion and any associated demolition, for which consent is hereby granted, are commenced on any specified building block, a detailed photographic record, detailed measured survey and contextural plan of those elements to be demolished, removed, altered or compromised shall be submitted to, and approved in writing by the Local Planning Authority.
- (g) C103 – materials – listed buildings;
- (h) Any removal of the site’s historic, industrial artefacts and materials associated with the consent hereby granted shall not be undertaken until their relocation has first been approved in writing by the Local Planning Authority;
- (i) Prior to the works of conversion for which consent is hereby granted are commenced on any specified building block, detailed schedules of structural work and repairs, with associated detailed plans shall be submitted to, and approved in writing by the Local Planning Authority;
- (j) C677 - listed buildings – repairs – approach – workmanship;
- (k) Prior to any works of conversion for which consent is hereby granted are commenced on any specified building block, specific details of the following (where appropriate) shall be submitted to, and approved in writing by, the Local Planning Authority:- new doors (internal and external); architraves; skirtings; new and retained windows; finished treatment for joinery; staircases; lifts; floor finishes; ceiling finishes and their positions; venting of recovered roofs; venting of enclosed bathrooms/ensuites/wc’s; vent terminals; rooflights; air conditioning; garage doors; flues; fire separation; means of escape; sound insulation; guttering and downpipes;
- (l) C679 – listed buildings – new works – damp proofing – heating, lighting, plumbing and siting of associated meter boxes.
(Note to applicant:- N067 – listed buildings).

Reason for Listed Building Consent, if granted:-

The proposal would enable the restoration and redevelopment of the site which would protect and conserve its heritage. The proposals respected the site’s historical and architectural importance and provided a realistic basis for regeneration of the complex. The proposals were considered to be in compliance with Taunton Deane Local Plan Policies EN16, EN17, EN18 and W2.

61. 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 wash-down area, site drainage and strategic landscaping and formation of vehicular access into the A38, land OS Plots 6561/6770/7179/0061, Chelston Heathfield, Wellington (46/2004/018)

Reported this application.

RESOLVED that subject to:-

- (i) The removal of the Article 14 Direction imposed by the Highways Agency;
- (ii) The further views of the County Highway Authority, the County Archaeologist, the Environment Agency and Wessex Water and any further conditions they might 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 First Secretary of State under the Departure Procedures; and
- (vi) The applicants entering into a Section 106 Agreement to provide a contribution towards a tendered bus service,

the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission were granted, the following conditions be imposed:-

- (a) C005 – outline – reserved matters.
- (b) C010 – drainage;
- (c) C014 – outline – time limit;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) No work shall commence on the development site until details of 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;
- (g) The proposed development shall only be accessed by a new roundabout constructed in accordance with plans agreed in writing by the Local Planning Authority;
- (h) 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 into use;
- (i) C324 – parking;

- (j) C328 – loading/unloading area;
- (k) C330 – internal road to be kept free from obstruction;
- (l) C331 – provision of cycle parking;
- (m) 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;
- (n) C708 – restricted use – no storage except where stated;
- (o) 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);
- (p) C917 – services – underground;
- (q) 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;
- (r) 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;
- (s) 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;
- (t) 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.
- (u) 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;
- (v) Any works to attenuate surface water discharge to Haywards Water shall be set back at least 10m from the top of the bank;
- (w) 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;
- (x) 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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall 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 shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;

- (y) 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;
- (z) C916B – remediation investigation/certificate;
- (aa) The proposed archaeological mitigation measures shall be strictly adhered to;
- (bb) Before any development commences, details of lighting on the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such detail shall include use of appropriate location, orientation, timing, shading and power to avoid any illumination of off-site areas;
- (cc) Prior to the commencement of any works, an update survey of protected species shall be carried out and any further mitigation measures incorporated in the development;
- (dd) Details of the arrangements to be made for water supply to the development shall be submitted to and approved in writing by, the Local Planning Authority before any work commences.

(Notes to applicant:- (1) N118A – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) N054 – fire safety; (6) Having regard to the powers of the County Highway Authority under the Highways Act 1980, applicant was advised that a Road Opening Notice must be obtained from the Highway Services Manager, Taunton Deane area before access works commence; (7) Applicant was advised of the need to enter into an Agreement under Section 278 of the Highways Act 1980 before any work commences; (8) With regard to condition (b), applicant was advised that full advantage should be made of sustainable drainage techniques on the 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”. You are further advised to discuss with the Environment Agency how these techniques might be applied at this site. Please note that this only applies to roof water, clean yard areas and car parking/lorry parking areas; (9) The disposal of slurry must be undertaken in accordance with the DEFRA “Code of Good Agricultural Practice for the Protection of Water”. No farm effluent or

contaminated surface water, including wash-down water, should be discharged into any watercourses or water sources. Alternatively, with the water company's permission contaminated surface water, including wash-down water, could be connected to the foul sewer. Then, any manure/dung heaps could be sited in an area where it/they would not cause pollution of any watercourse or water source by the release of contaminated run-off; (10) Applicant was advised that the Environment Agency recommend that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, undertakings from the applicant should be sought 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 waste; (11) Applicant was advised that 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) Applicant was advised that 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 (b), applicant was advised that foul and contaminated drainage and trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows. 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) Applicant was advised that all animal waste and contaminated surface water, including wash-down water, must be taken to a total containment system prior to disposal to land in accordance with the DEFRA Code of Good Agricultural Practice. This should not be stored closer than 250m from a licensed abstraction or private water supply source; (15) Applicant was advised that 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) Applicant was advised that 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. Applicant's attention is drawn to the presence of two licensed groundwater abstraction wells in the vicinity – 1. Chelston House Farm, located approximately 350m to the north-west of the site and 2. Foxmoor Nurseries, located approximately 470m to the south-east of the site;

(17) Applicant was advised that 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 (u), applicant was advised that 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 occur naturally from the catchment and as calculated from a 1:1 year storm using 10% impermeability. Any excess flows should be dealt with by on-site attenuation. (b) The design storm for any attenuation system should be for a 1:25 year return period storm. (c) The Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors and headwall design. (d) Details should be submitted of proposed point of discharge to watercourse together with details of headwalls. (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 for dealing with urban run-off. It is strongly recommended that some form of sustainable drainage system is used at this proposed development. (19) With regard to condition (b), 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 will be required. (20) In line with Government protocol, applicant was advised to contact Wessex Water to see if any of the on-site or off-site drainage systems can be adopted. (21) Applicant was advised that 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 would be required to undertake the work. (22) With regard to condition (e), applicant was advised that 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 (y), applicant was advised that timing of works should be such as to prevent damage to nesting birds. (24) N048 – remediation strategy. (25) With regard to condition (e), applicant was advised that 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).

62. Change of use and conversion of barn to dwelling (revised proposal to include erection of attached garage) at Trents View, Trents Farm, Churchinford (10/2004/020)

Reported that planning permission was granted for the conversion of this barn in May 2003. A request had recently been received for a minor amendment for a new door and window in the east elevation of the garage.

Details of the proposal had been circulated to the Churchstanton Parish Council who had objected to the minor amendment. The grounds for objection were submitted in full.

In the view of the Development Control Manager, the impact on the character of the building of the new door and window proposed was not considered to detrimentally affect its character such as to warrant resisting this minor amendment.

RESOLVED that the minor amendment for the window and door be approved.

63. Appeals against refusal of planning permission for eight houses and 53 flats and formation of access at Pollards Way, Wood Street, Taunton (38/2004/324 and 38/2004/570)

Reported that planning application No 38/2004/324 had been refused by the Committee last September for reasons of loss of privacy to existing adjacent properties and the provision of inadequate off-street parking.

A revised application (38/2004/570) was subsequently submitted to the February 2005 meeting which included parking in excess of one space per unit. However, this had again been refused by Members because of the overbearing impact upon, together with loss of privacy to, adjacent properties in both Portland Street and Clarence Street.

The developers had now appealed against both decisions and a Public Inquiry was to be held on the 1 November 2005.

The Development Control Manager was satisfied that a case, in response to all issues relating to the impact upon surrounding dwellings, could be presented.

However, in the light of the site's location in the town centre, the availability of public car parking nearby and the Council's own policies relating to parking in town centre locations, Members were asked whether they wished to continue to defend the reason for refusal on the first application relating to inadequate parking provision.

RESOLVED that reason for refusal 02, concerning off-street parking in relation to application No 38/2004/374, be withdrawn.

64. Enforcement Notice at Rebmit House, Trull

Reported that outline planning permission for this house included a condition which required parking for two vehicles. The detailed plans included a garage with enough space in front to accommodate two vehicles.

Although a garage door was not subsequently fitted to what was to be the garage, the applicant claimed that the space for two vehicles in front of the building complied with the outline condition. However, an application to retain the garage as built was refused in June 2003 and enforcement action was authorised.

The matter was reported back to Committee in February 2004 on the basis that the available parking was in excess of what would normally be required under Policy M4 of the Taunton Deane Local Plan. Despite this, Members had again agreed that enforcement action should be taken.

An Enforcement Notice was served earlier in the year and an appeal had now been lodged by the applicant which was to be dealt with at an Informal Hearing.

In the light of the applicant's clear compliance with the Council's normal standards and policies, the Development Control Manager was of the view that it would be very difficult professionally for a Planning Officer to try and defend the Committee's decisions at the Hearing.

Members considered that, given the circumstances, it would not be appropriate for the appeal to proceed to the Hearing.

RESOLVED that the Enforcement Notice, served in respect of the non-provision of a garage at Rebmit House, Trull be withdrawn.

65. New fascia sign and external cowl lights at The Perkin Warbeck, Lloyds No 1 Bar, 22-23 East Street, Taunton

Reported that a complaint had been received concerning the new fascia sign and external brass coloured cowl lights, which had been installed at The Perkin Warbeck, Lloyds No 1 Bar, 22-23 East Street, Taunton.

The owners of the bar had been informed that advertisement consent to retain the illuminated sign was required but to date, no application had been received and the unauthorised sign continued to be displayed.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute proceedings in respect of the unauthorised externally illuminated fascia sign at The Perbeck Warbeck, Lloyds No 1 Bar, 22-23 East Street, Taunton unless it was removed within one month.

66. Retention of two notice boards at the entrance to Taunton School, Staplegrove Road, Taunton

Noted that this item had been withdrawn from the agenda.

67. Retention of roof-light at the Old Bear Restaurant, 13 Upper High Street, Taunton

Reported that a complaint had been received concerning the installation of a roof-light on the front elevation of the Old Bear Restaurant, 13 Upper High Street, Taunton which was a Grade II listed building.

The owner of the restaurant had applied for retrospective consent to retain the roof-light but this had been refused during December 2004. To date, no action to remove the roof-light had been taken and the Committee had therefore been recommended to authorise the taking of listed building enforcement action.

During the discussion of this item, Members took the view that as the roof-light was not visually prominent, no further action should be taken.

RESOLVED that:-

- (1) Listed building enforcement action be not taken in respect of the unauthorised roof-light at the Old Bear Restaurant, 13 Upper High Street, Taunton; and
- (2) The owner of the restaurant be invited to submit a further application for listed building consent to regularise the situation.

68. Display of banner at first floor level at the Tick Tock Toy Shop Limited, 4 St James Street, Taunton

Reported that despite advertisement consent being refused on the 5 April 2005 for the retention of a vertical banner sign on the front elevation of the Tick Tock Toy Shop Limited, 4 St James Street, Taunton, no action to remove the unauthorised sign had been taken.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised banner sign at the Tick Tock Toy Shop Limited, 4 St James Street, Taunton unless it was removed within one month.

(Councillor Henley left the meeting at 9.33 pm).

(The meeting ended at 10.49 pm).

06/2005/015

THE EXECUTORS OF W G KING

RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 23 DWELLINGS FOLLOWING THE DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS, KINGS YARD, TAUNTON ROAD, BISHOPS LYDEARD AS AMPLIFIED BY LETTER DATED 25TH APRIL, 2005 WITH ACCOMPANYING PLAN

16988/28992

OUTLINE

1.0 **RECOMMENDATION**

Subject to the views of the County Highway Authority and the applicant entering into a Section 106 Agreement to provide:-

- (i) Affordable housing based on 25% of the total number of dwellings. This provision to be on the basis of (at present) 2 No. one bedroomed flats, 2 No. two bedroomed flats and 1 No. two bedroomed house together with a financial contribution equating to 75% of the costs (to the developer) of providing a further 2 bedroomed dwelling. The flats to be rented and house shared equity; and
- (ii) A contribution towards sport and every dwelling with 2 bedrooms or more to contribute towards play at the current calculated rates at the time of permission be implemented;

the Development Control Manger 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 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- 02 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 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
- 05 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within 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, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 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 (Revised Deposit numbering).
- 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 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m

- high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.
- 09 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.
- 10 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 10 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.
- 11 The existing hedge on the north eastern boundary of the site shall be retained to the satisfaction of the Local Planning Authority.
- 11 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.
- 12 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.
- 12 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.
- 13 The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- 13 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.
- 14 The access to the site shall be based on the existing access from Taunton Road. There shall be no vehicular access from Mill Lane.
- 14 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 15 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.
- 15 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

- 16 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.
- 16 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 17 Before any of the dwellings hereby permitted are occupied all the existing buildings on the site shall be demolished and all materials resulting from the demolition shall be removed from the site.
- 17 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(D)
- 18 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).

- 18 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).
- 19 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 19 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Revised Deposit Policy S1 (A) and (E).
- 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), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 20 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2(A).
- 21 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.
- 21 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.
22. Prior to the demolition of any of the buildings or the commencement of development, a survey shall be carried out to ascertain the importance of the buildings and land for bats and nesting birds and slow worms, all species of which are legally protected under the Wildlife and Countryside Act 1981. If bats and nesting birds are to be affected, mitigation measures shall be submitted and carried out as part of the development.
- 22 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Policies EN4 and EN4(A) (Revised Deposit Numbering).

Notes to Applicant

- 01 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.
- 02 Copies of 'Sustainable Drainage Systems' produced by Somerset Local Authorities in conjunction with the Parrett Catchment Study and the Council's Design Guide for on site attenuation are attached to this certificate.
- 03 Accordingly to Wessex Water records indicate that there is a public water main close to the site and a foul sewer crossing 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 need to be agreed. You should agree with Wessex Water prior to the commencement of works on site any arrangements for the protection of infrastructure crossing the site. You should also agree with Wessex Water connections to their infrastructure for water supply and drainage.
- 04 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 05 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.
- 06 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 07 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.
- 08 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.
- 09 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station (01278) 363414 for further advice.
- 10 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).
- 11 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 12 The building(s) to which this proposal relates may provide a nesting site for owls or a roosting place for bats. These are protected species under Schedules 1 and 5 of the Wildlife and Countryside Act 1981. It is an offence to intentionally disturb owls while nesting or bats occupying a building or structure, and if you suspect that these species are present you are advised to contact English Nature (Telephone: Taunton 283211) for advice on this matter.

- 13 The Council seeks to achieve a high quality of individual design in new housing development. Your attention is therefore drawn to the enclosed Design Guide, the principles of which must be taken into account when submitting an application for reserved matters.
14. You are reminded that the submitted layout plan is for illustrative purposes only.

REASON(S) FOR RECOMMENDATION:- The site is located within the settlement limits of Bishops Lydeard where residential development is considered acceptable in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6A. The proposal is considered to meet the requirements of the Taunton Deane Local Plan Policies S1, S4, H2, H9, EC9, C4 and BL2 and material considerations do not indicate otherwise.

2.0 **THE APPLICANT**

The Executors of W G King.

3.0 **PROPOSAL**

The proposal is an outline application for residential development providing for the erection of 23 dwellings on land currently partly occupied by industrial buildings at Kings Yard, Taunton Road, Bishops Lydeard. The application also provides for the alteration of the existing access into the site. Although the application is in outline only an illustrative layout plan has been submitted indicating a development of 23 dwellings, comprising semi-detached and terraced 2 and 3 storey houses. In the event that the current application is approved, the details would need to be agreed by a subsequent reserved matters application. Water supply and drainage could be in existing mains infrastructure. The site extends to 0.58 ha. A contaminated land site investigation report was also submitted with the application.

4.0 **THE SITE**

The buildings and yard have previously been used for the repair of heavy goods vehicles and machinery. The site has been used as a repair yard for farm machinery from the 1920s, working first on steam engines and then on repairs of lorries and quarry machinery. The vehicle repair activities associated with the applicants quarry at Cannington have been transferred there.

The site is located within a predominately residential area and comprises an open yard area with associated industrial type buildings. The site is bounded by hedges and trees to the Taunton Road and Mill Lane frontage and timber fencing to the other boundaries.

5.0 **RELEVANT PLANNING HISTORY**

06/1988/024 Residential development on land between Taunton Road and Mill Lane and alterations of existing access, Bishops Lydeard. Outline permission granted November 1988. This site is to the south-east of the current site.

06/1992/006 Erection of 31 No. two storey dwellings and formation of access, Taunton Road, Bishops Lydeard. Full permission granted June 1992. This site is the same as the application above.

6.0 **RELEVANT PLANNING POLICY**

Regional Planning Guidance for the South West (RPG 10)

Policy SS19 Rural Areas

Policy EN4 Quality in the built environment

Policy EC3 Employment sites

Policy HO3 Affordable Housing

Local authorities, social housing providers and other agencies in their relevant plans, policies and programmes should aim to ensure that sufficient affordable housing is provided in order to meet community needs in both urban and rural areas. This should involve:

- the identification of targets in development plans indicating the levels of affordable housing required in each area; these should be based on local housing needs assessments undertaken to consistent standards across the region, which take into account both need and supply-side considerations;
- an indication of the circumstances in which 'exceptions' to planning policies in rural areas will be appropriate in order to meet affordable housing needs;
- setting out the circumstances, in accordance with Circular 6/98, which would justify the application of lower thresholds for the inclusion of affordable housing in new developments (i.e. down to 15 dwellings or 0.5 hectare in urban areas). Where local authorities can demonstrate that local circumstances, particularly the likely viability of developments, justify adopting a lower threshold, they should bring proposals forward through the development plan system;
- encouraging partnership approaches to the assessment and delivery of affordable housing by local authorities, registered social landlords, developers and other agencies operating in the same broad local housing market area; and
- making the most of the existing housing stock in meeting housing needs including, where appropriate, the purchase by registered social landlords of dwellings on the open market, especially in areas where it would otherwise be difficult to deliver affordable housing and where this would help the development of mixed communities.

In addition the Regional Planning Body should monitor the overall provision of affordable housing against a provisional indicator of 6,000-10,000 units a year. This

indicator should be reviewed in the light of the cumulative result of local needs assessments.

Policy HO5 Previously developed land and buildings

Policy HO6 Mix of housing types and densities.

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable development.

Policy STR6A Rural settlements

Policy 16 Provision of land for industrial, warehouse and business development.

Policy 48 Access and parking

Policy 49 Transport and development.

West Deane Local Plan

The site, together with the land to the south-east was originally allocated for housing development in the First Draft of the Plan, utilising the present access to the site. This did not proceed, since at the time the owners wanted to retain the vehicle repairing workshop. The land to the south-east has now been developed.

Taunton Deane Local Plan

Policy S1 General requirements

Policy S2 Design

Policy S4

Bishops Lydeard and Wiveliscombe are defined as rural centres, appropriate for selective development which enhances or maintains their local social and economic role and environmental quality and is unlikely to lead to a significant increase in car travel.

Policy H2

Housing development will be permitted within defined limits of settlements, provided that:

- (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criterion (B);
- (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the

expected number of trips generated by the development and minimise the proportion of car trips;

- (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car;
- (D) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking;
- (E) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity;
- (F) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings;
- (G) existing and proposed dwellings will enjoy adequate privacy and sunlight; and
- (H) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs, particularly those low-cost housing types which are under-represented in the current stock.

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 EC9

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

Policy M4 Residential parking requirements

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 EN4 Wildlife in buildings to be converted or demolished.

Policy EN6 Protection of trees, woodland, orchards and hedgerows.

Policy EN32

Development of contaminated land will not be permitted where harm to wildlife or the public would result. Any necessary remedial measures must be undertaken before any harmful effects can occur and the proposed development comes into use.

Policy BL2

New housing development will be restricted to small-scale developments, including infilling, within the defined settlement limits.

7.0 **CENTRAL GOVERNMENT POLICY GUIDANCE**

Planning Policy Statement 1- Delivering Suitable Development (PPS1)

Paragraph 4 Aims for sustainable development

Paragraph 5 Sustainable and inclusive patterns of urban and rural development.

Paragraphs 17/18 Protection and enhancement of the environment.

Paragraph 27 Delivering sustainable development – general approach.

Planning Policy Guidance Note 3 - Housing (PPG3)

Paragraph 14 A community's need for a mix of housing types, including affordable housing, is a material planning consideration which should be taken into account in formulating development plan policies and in deciding planning applications involving housing. Where there is a demonstrable lack of affordable housing to meet local needs - as assessed by up-to-date surveys and other information - local plans and UDPs should include a policy for seeking affordable housing in suitable housing developments.

Paragraph 16 Decisions about the amount and types of affordable housing to be provided in individual proposals should reflect local housing need and individual site suitability and be a matter for agreement between the parties. Local planning authorities and developers should be reasonably flexible in deciding the types of affordable housing most appropriate to a particular site. The objective should be to ensure that the affordable housing secured will contribute to satisfying local housing needs as demonstrated by a rigorous assessment.

Paragraph 17 The policy in this guidance on planning and affordable housing is set out in more detail in DETR Circular 6/98 *Planning and Affordable Housing*. Where a local planning authority has decided, having regard to the criteria set out in paragraph 10 of Circular 6/98, that an element of affordable housing should be provided in development of a site, there is a presumption that such housing should be provided as part of the proposed development of the site. Failure to apply this policy could justify the refusal of planning permission.

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 35 Windfall sites are those which have not been specifically identified as available in the local plan process. They comprise previously-developed sites that have unexpectedly become available. These could include, for example, large sites such as might result from a factory closure or very small changes to

the built environment, such as a residential conversion or a new flat over a shop.

Paragraph 42(a) Local planning authorities should consider favourably planning applications for housing or mixed use developments which concern land allocated for industrial or commercial use in saved policies and development plan documents or redundant land or buildings in industrial or commercial use, but which is no longer needed for such use, unless any of the following apply:

- the proposal fails to reflect the policies in this PPG (including paragraph 31), particularly those relating to a site's suitability for development and the presumption that previously-developed sites (or buildings for re-use or conversion) should be developed before greenfield sites;
- the housing development would undermine the planning for housing strategy set out in the regional spatial strategy or the development plan document where this is up-to-date, in particular if it would lead to over-provision of new housing and this would exacerbate the problems of, or lead to, low demand;
- it can be demonstrated, preferably through an up-to-date review of employment land' (refer to Annex D for practice guidance), that there is a realistic prospect of the allocation being taken up for its stated use in the plan period or that its development for housing would undermine regional and local strategies for economic development and regeneration

Paragraphs 57/58 Making the best use of land

Paragraph 62 Reviewing parking standards.

Planning Policy Statement 7 - Sustainable Development in Rural Areas (PPS7)

Paragraph 1 Key principles

Paragraph 8 The Government's planning objectives and policies for housing are set out in PPG3, *Housing*. The key aim is to offer everyone the opportunity of a decent home. The needs of all in the community should be recognised, including those in need of affordable and accessible, special needs housing in rural areas. It is essential that local planning authorities plan to meet housing requirements in rural areas, based on an up to date assessment of local need. To promote more sustainable patterns of development and make better use of

previously developed land, the focus for most additional housing in rural areas should be on existing towns and identified service centres. But it will also be necessary to provide for some new housing to meet identified local need in other villages.

Paragraph 12 Design and the character of rural settlements.

8.0 **CONSULTATIONS**

County Highway Authority

The formal consultations response had not been received at the date of compiling this Report.

The following comments were made by the County Highway Authority during pre-application discussions:-

“The access to the proposed site should be based on the existing access.

Visibility splays are to be provided as indicated on the enclosed plan. The distance as measured along the centre line of its access to be 4.5m with site lines to the extremities of the site in both directions.

The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.”

County Archaeologist

As far as we are aware there are limited or no archaeological implications to this proposal and therefore have no objections on archaeological grounds.

Wessex Water

”The development is located within a sewered area, with foul and surface water sewers available.

The developer has proposed to dispose of surface water to existing mains.

It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage.

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 sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, 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.

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 point of connection onto Wessex systems.”

Landscape Officer

“The Mill Lane and Taunton Road hedgerows are important features worthy of retention. Apart from four semi-mature trees within the site there are no significant trees. However the trees (conifer) along the northern boundary (off-site) provide considerable local amenity and minimising any damage to their roots should be a consideration in terms of housing layout.

Plots 19, 20 and 21 are too close to the existing conifers.”

Wildlife Species Co-ordinator

“Advise that a wildlife survey is undertaken on site. My main concern is the possibility of bats roosting in the buildings, nesting birds and possibly slow worms.”

Forward Plan

“As the site has previously been in employment use this proposal must be considered against policy EC9 of the adopted Taunton Deane Local Plan. This seeks to resist the loss of such land unless there are overriding benefits which outweigh its loss.

In this instance the site appears unused or certainly underused as an employment site. The buildings appear temporary/limited life span in nature and some are in a poor state of repair. It is surrounded on three sides by residential development and there is a new purpose built employment site within the village (Broadgauge).

On balance I conclude that the benefits of removing a site that has the potential to give rise to disturbance to adjoining housing, whilst increasing the supply of previously-developed housing sites at a time when completions within the Borough

are running at a rate below that required by the Structure Plan, outweigh the loss of a vacant or underused employment site, given the availability of a more appropriate alternative close to hand.

Regard must also be given to the advice in paragraph 42(a) of PPG3, concerning proposals for the residential development of redundant land or buildings previously in industrial or commercial use. This states that local planning authorities should consider such proposals favourably unless they fail any of three tests that are set out in the paragraph. In my view this proposal is acceptable in respect of all three, in that:

- it is a suitable site for development in terms of its previously-developed nature and location within a predominantly residential area within the settlement limit of a designated (within the Taunton Deane Local Plan) Rural Centre;
- its development would not undermine the planning strategy for the provision of housing in the Borough, nor would it lead to over-provision of new housing or create problems in relation to low demand; and
- in the light of alternative and better located opportunities for employment uses at the Broadguage Business Park, its loss would not undermine strategies for economic development and regeneration.

If the proposal is permitted it is important that, as a housing site within a Rural Centre, it provides dwellings of types and sizes to meet local needs arising within Bishops Lydeard and the adjoining rural parishes. In particular, it should contain an element of affordable housing in accordance with policy H9 of the adopted Taunton Deane Local Plan (TDLP), and provision of cheaper, entry level open market dwellings.

The provision of recreational open space, or financial contributions in lieu, will be required in accordance with policy C4 of the TDLP.”

Environmental Health Officer

“I refer to your memo dated 4th April, 2005 and the attached report concerning the above development (Interpretative Site Investigation Report. Environ. March 2005).

The report gives details of a site investigation and assessment of the site, which has been used as a repair yard, with storage of fuel/oil. It gives recommendations for additional site investigations and outlines some proposals for remedial works.

It is recommended that the standard contaminated land condition be placed on this application, (attached)

The above report would make up part of the information that would be necessary to meet the condition, along with details of any further sampling and risk assessment. I note that the Report refers to an Environmental Desk Study prepared by Integrate Environment (May 2004 that could also be submitted by the developer.

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, 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).

Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved 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.”

The following further response following representations received from the applicant’s property agents:-

“When advising Planning Control, this section would recommend that remediation proposals should be accepted only if the developer provides relevant information in line with current guidance, and can show that the remedial works would make the site suitable for the proposed use. There could be a number of ways to achieve this and it is up to the developer to decide which they think is most appropriate for the particular site.

Guidance on planning policy does recognise that the presence of contamination may limit or preclude development of land. The real or perceived costs of action to address the risks arising could act as a barrier to successful development, but a considered and informed approach can minimise such barriers.

Government guidance makes it clear that, where new development is taking place, it is the developer’s responsibility to carry out the necessary remediation and that, in most cases, the enforcement of remediation requirements will be through planning conditions and building control rather than through a remediation notice under Part IIA of the Environmental Protection Act 1990.

In determining applications the Local Planning Authority will need to be satisfied that the development does not create or allow the continuation of unacceptable risk arising from the condition of the land in question or from adjoining land.

For planning purposes, what constitutes an unacceptable risk is wider than for Part IIA purposes since planning is concerned with proposed development and future use. In addition, the range of receptors is wider than under Part IIA and includes, for example, general fauna and flora, landscape and amenity. When remediation of land affected by contamination is achieved by means of development, these differences between the two regimes should be recognised and allowed for by developers, their advisors and by LPAs.

The standard of remediation to be achieved through the grant of planning permission for new development is the removal of unacceptable risk and making the site suitable for its new use, including the removal of existing pollutant linkages. All receptors relevant to the site should be protected to an appropriate standard. As a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the EPA 1990.”

Drainage Officer

“It is a recommendation of this Authority that development of this size investigate the use of Sustainable Drainage Systems (SUDs) for the treatment of surface water disposal. This is in line with PPG25 and Building Regulations 2000 (Part H). I therefore enclose a copy of the Sustainable Drainage Systems produced by Somerset Local Authorities in conjunction with the Parrett Catchment Study and a design guide for on site attenuation.

The developer is advised to contact this section at an early stage and that no approval for the development to be given until an agreed method of surface water disposal is agreed.”

Leisure Development Manager

“The proposed development does not make provision for recreation and children’s play although it will generate additional needs.

In accordance with the Council’s policy every dwelling should contribute towards sport and every house with 2 bedrooms or more should contribute for play at the current calculated rates at the time of permission be implemented.”

Housing Officer

“The Housing Service would require 25%, 6 units for social housing in order to satisfy the sustainable need in this area.”

Parish Council

- “1. The Council supports the application.
2. Bearing in mind the open vista from the A358 by-pass, essential to restrict the dwellings to two storeys only.
3. Essential to provide footway connecting with existing and adjacent development at Webbers. If possible secure contribution for extension of footway westward along Taunton Road to Gore Square.
4. Ensure adequate off-street car parking for each dwelling and that the allocation is easily accessible to residents rather than a communal parking area i.e., not to repeat the Cotford St. Luke concept of collective areas which are grossly under-utilised.”

9.0 **REPRESENTATIONS**

No representations have been received.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposal comply with the Development Plan? POLICY

- B. Does the proposal make adequate arrangements for dealing with contaminated land? CONTAMINATED LAND
- C. Are the requirements for affordable housing provision met? AFFORDABLE HOUSING
- D. Is the proposed development likely to be financially viable? FINANCIAL VIABILITY
- E. Are the proposed access arrangements appropriate? ACCESS
- F. Is the proposed development sustainable? SUSTAINABILITY

A. Policy

The site lies within the settlement limits of Bishops Lydeard, which is defined as a rural centre. As such Policy S4 of the Taunton Deane Local Plan sees selective development which enhances or maintains the settlements' local social and economic role and environmental quality and is unlikely to lead to a significant increase in car travel as appropriate. Bishops Lydeard has a range of services and employment close to the site and is on a well-served bus route into Taunton.

The proposal would result in the loss of existing employment land and has therefore to be considered against Policy EC9 of the Taunton Deane Local Plan. This seeks to resist the loss of such land unless there are overriding benefits which outweigh its loss. The site is currently vacant with the buildings in a relatively poor state of repair. The site is surrounded on three sides by residential development and there is a relatively new purpose built employment site nearby. Given these factors, alternative use as proposed is considered acceptable.

The density of the scheme proposed would be approximately 40 dwellings per hectare, which is within the required range for residential development.

B. Contaminated Land

Because of the potential for contaminative activities, a site investigation report has been commissioned by the applicant. This recommended that:-

- (i) soil gases are re-monitored on two separate occasions during low atmospheric conditions in order to establish representative results of soil gas concentrations.
- (ii) A more detailed intrusive investigation is likely to be required prior to development. Results from any future investigations can then be used to refine the conceptual site model and provide a greater certainty with regard to the remediation scope.

The Report indicates that there are several options that can be considered with regard to the remediation works associated with the future redevelopment of the site. The first option would be to remove all of the made ground from across the

whole site and replace this with imported inert fill. An indicative total cost estimate for this is between £510,000 - £575,000. This represents the 'worst case' remediation scenario in that all contaminated shallow material must be removed from site. The second option is to remove made ground from garden areas only, which will significantly reduce disposal volumes. This would give a total cost of between £155,000 - £172,000. The consultants consider this option appears to be the most likely in terms of its applicability to the site. The final option is to provide a clean material across the site to include a capillary break layer. This would eliminate the pathway between the future site users and the identified chemical contamination. The approximate cost of this scheme would be in the order of £127,500.

The response of the Environmental Health Officer to the proposal is set out in section 8.0 above. He considers that the options given in the Site Investigation Report are only rough outlines of what could be carried out. The applicants would need to do a more site specific risk assessment before deciding what would be acceptable on the site. This is reflected in the recommended conditions.

C. Affordable Housing

Affordable housing is sought in accordance with Policy H9 of the Taunton Deane Local Plan. On suitable windfall sites such as this, the supporting text in the Local Plan indicates that the level of affordable housing to be provided on each site will be within the range 20 – 35%. The actual level is to be determined by any exceptional costs associated with the site which would threaten its economic viability and whether the provision of affordable housing would threaten other planning objectives which need to be given priority.

The Housing Officer is requesting that the required affordable housing (25%) be provided by 2 one-bed roomed flats, 2 two-bed roomed flats and 1 two-bed roomed house on site, plus a financial contribution equating to 75% of the costs (to the developer) of providing a further two-bed roomed dwelling. The flats would need to be available as rental units with the house on a shared equity basis.

D. Financial Viability

It is accepted that there are particular and abnormal costs in bringing forward the previously developed site. These include:-

- (i) the current use value of the site, which will have to be given up if it is to be developed residentially, assessed by agents at £350,000.
- (ii) the requirements of the Section 106 Agreement; and
- (iii) the costs of site remediation which has been the subject of a detailed investigation by environmental consultants. The clean up costs could vary from somewhere between £127,000 and a maximum to £575,000 at today's prices.

In recent months, property agents have advised the applicants with regard to the value of the property relating to its existing use and potential value for residential housing, assuming a viable planning consent is granted. Irrespective of the outcome of the current planning application, the applicants have been advised that they must weigh up carefully the marginal decision to dispose of the land given its existing use value, which has been assessed as being in the region of £350,000. There is consistently high demand for 'dirty sites' particularly transport yards which traditionally are not welcome nor provided for on modern employment sites. The high demand for sites is being fuelled by the imminent closure of Taunton Trading Estate where many existing companies are looking to relocate.

The most important issue affecting the decision to release the land for residential development is the amount of affordable housing that the development will be expected to bear. In this respect the viability of the proposal is dependent upon the total cost of ground remediation. In the experience of the applicant's property agent, the majority of residential housebuilders will only be interested in purchasing the site on the basis that a complete remediation package is agreed and then implemented. Of major concern to housebuilders is the need to satisfy purchasers, their surveyors and mortgage companies that the issue of ground contamination has been completely solved and will not return to haunt future property owners.

The Environmental Health Officer considers that, in general terms, both methods of remediation would be acceptable on a site where the site conditions and proposed use allow these methods to be used. There may also be other options that they have not yet considered.

As a valuer and agent specialising in the disposal of residential development land, the representative of the applicant's property agent has reservations regarding the viability of a scheme of 23 dwellings taking into account the requirements of any Section 106 Agreement. As Trustees, the applicants have a duty to obtain best value. They are also already foregoing the value of 4-5 building plots by agreeing to allow the adjoining church to continue in occupation. The church is seen as providing a valuable local facility where it is understood that congregations of between 60-80 are not unusual. Taking into account the required clean-up costs, affordable housing, recreation contributions and existing site value, the property agents consider that there is likely to be a total cost figure of approaching £1m. In their opinion, in order to make the site viable, the affordable housing requirement needs to be removed or at least significantly reduced, otherwise the land will simply not be released for development.

The applicants have indicated their willingness to the Authority considering the viability of remedial development of the site on an 'open book' basis. In the meantime it has been suggested to the applicants that they seek their property agents' indication of the value of the land taking into account the prevailing costs.

E. Access

To date of compiling the report, the consultation response of the County Highways Authority had not been received. However, pre application discussions did not raise any in principle objections to the proposed development. The further views of

the County Highway Authority will be reported verbally. It is not considered that there is any necessity to provide a pedestrian access into the adjacent development at Webbers. The County Highway Authority did not indicate a need for a footway link to Gore Square in pre-application discussions.

F. Sustainability

The site is located within an existing settlement which has a range of services and employment. The development site comprises previously used brown-field land. There are no wildlife implications of any significance. Bishops Lydeard is on a bus route with regular services linking it with Taunton. The proposed development has the benefit of removing a use or potential use which could have environmental impacts on the adjacent residential area.

11.0 **CONCLUSIONS**

The proposal is considered to be appropriate development of a brown-field site. It is within the limits of a settlement where limited development is considered to be acceptable. Residential development will be compatible with the existing adjacent residential areas.

Because of the size of the site, the proposed development attracts a requirement for developer contributions towards recreational facilities and affordable housing. Because of the value of the land in its existing use and the requirement to deal with contaminated land on the site, the applicants have indicated that the normal requirement for affordable housing should be removed or significantly reduced.

The range of provision for affordable housing in rural areas such as this is between 20 - 35% of the total number of dwellings. Greenfield sites would normally be expected to provide 35% of the dwellings as affordable housing. Other sites would attract a discounted figure band on abnormal costs associated with the development of the site which would threaten its financial viability. With allocated sites, only where it has been proved to the satisfaction of the Local Planning Authority that the site would become economically unviable has the lowest target of 20% been applied. The lower case text of the Taunton Deane Local Plan states that having discounted the targets to take account of site specific costs and constraints and viability considerations, the Council would not normally expect to have to make further reductions.

I consider that similar principles should be applied to windfall sites such as that under consideration. A figure of 25% affordable housing has been requested, reflecting the abnormal costs associated with the site. The onus is on the applicant to demonstrate conclusively to the satisfaction of the Authority that this figure is not attainable without jeopardising the viability of the proposed development. To date this has not been done.

My recommendation therefore reflects the requirements set out in the Taunton Deane Local Plan for appropriate contributions towards leisure facilities and affordable housing. In the absence of satisfactory evidence that the scheme would become unviable, a figure of 25% is sought for the affordable housing contribution

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

25/2005/007

JET-SET (EU) LTD

ERECTION OF 1 BEDROOM UNITS FOR SPECIAL NEEDS ACCOMMODATION IN SEVERAL 1 OR 2 STOREY BUILDINGS IN ASSOCIATION WITH TRENCHARD HOUSE WITH ACCESS OFF EXISTING DRIVE AT TRENCHARD PARK GARDENS, NORTON FITZWARREN

20079/26676

OUTLINE

1.0 RECOMMENDATION

That in the event that the Local Planning Authority were in a position to determine the application, the application would have been REFUSED for the following reasons:-

- 01 The site is located within an area of open countryside and it has not been demonstrated to the satisfaction of the Local Planning Authority that there is a clear and justifiable need for the accommodation that would be provided in the proposed accommodation. (Taunton Deane Local Plan Policy S7).
- 02 The proposed development will be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the proposed development derives direct access from a National Primary Route/County Route and an overriding special need or benefit has not been substantiated for the proposed development on this specific site (Somerset and Exmoor National Park Joint Structure Plan Review Policy 49).

25/2005/008

JET-SET (EU) LTD

CONTINUED USE OF TRENCHARD HOUSE AND MEADOW COURT FOR SPECIAL NEEDS HOUSING ACCOMMODATION AT TRENCHARD HOUSE AND MEADOW COURT, TRENCHARD PARK GARDENS, NORTON FITZWARREN (PART RETROSPECTIVE)

19984/26727

FULL

1.0 **RECOMMENDATION**

Permission be GRANTED subject to the following conditions:-

- 01 The existing access over the first 20 m of its length should be widened to 5.0 m, to accommodate two-way traffic, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such works should be carried out and completed within 4 months of the date of planning permission being granted.
- 01 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 02 The occupiers of the accommodation shall be subject to the terms of the 'Daily Agreement Conditions for Trenchard Park Gardens Occupancy' submitted with the planning application and the management of the establishment shall strictly enforce the Agreement with occupiers.
- 02 Reason: To ensure that the proposed development does not adversely affect the amenity of nearby dwellings as a result of increased noise, activity and disturbance in compliance with Taunton Deane Local Plan Policy H5.
- 03 Within 3 months of the date of this planning permission, 7 car parking spaces shall be provided in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority.
- 03 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.

25/2005/007 and 25/2005/008

2.0 **APPLICANT**

Jet Set (EU) Ltd

3.0 **PROPOSALS**

- (i) 25/2005/007 Erection of 1 bedroom units for special needs accommodation in several 1 or 2 storey buildings in association with Trenchard House with access off existing drive at Trenchard Park Gardens, Norton Fitzwarren.

This application is in outline only and the only plan submitted indicates the boundary of the site. The proposal is related to the continued use of Trenchard House and Meadow Court for special needs housing accommodation.

- (ii) 25/2005/008 continued use of Trenchard House and Meadow Court for special needs housing accommodation at Trenchard House and Meadow Court, Trenchard Park Gardens, Norton Fitzwarren (part retrospective)

Accompanying the application was a copy of the 'Daily Agreement Conditions for Trenchard Park Gardens Occupancy'. A copy of this appended to this Report.

There are 19 rooms at the present time over two floors.

4.0 **THE SITE**

The site is located on the A358 close to the Cross Keys roundabout. The Courtlands Industrial Estate lies to the south. The closest residential property is approximately 85 m distant. The site is accessed through an existing gateway at the eastern end of the property onto the A358. The property is located beyond the settlement limits of both Taunton and Norton Fitzwarren.

5.0 **RELEVANT PLANNING HISTORY**

25/1988021 Change of use of Courtlands to Guest House and dwelling and alterations to access, Norton Fitzwarren. Full permission granted August 1988.

25/1989/038 Change of use from guest house to hotel with 14 seat restaurant, Courtlands, Norton Fitzwarren. Full permission granted December 1989.

25/1990/003 Change of use of hotel/restaurant to long stay nursing home for the elderly, Courtlands Hotel, Norton Fitzwarren. Full permission granted February 1990.

25/1990/035 Erection of extension to form nursing accommodation, The Courtlands Unit, Norton Fitzwarren. Full permission refused January 1991.

25/1991/005 Erection of extension to psychiatric nursing home, Courtlands Nursing Home, Norton Fitzwarren. Full permission granted May 1991.

25/1991/009 Continued use of land to site caravan used as staff accommodation, The Courtlands Hotel Nursing Home, Norton Fitzwarren. Temporary (1 year) permission granted April 1991.

25/1992/026 Siting of caravan for office use, The Courtlands Hotel Nursing Home, Norton Fitzwarren. Temporary (1 year) permission granted September 1992

25/1999/021 Change of use from dwelling to residential home, Courtway, Courtlands, Norton Fitzwarren. Full permission granted January 1990.

25/2001/021 Change of use of nursing home to dwelling at Cornerwood House (formerly known as Courtlands), Norton Fitzwarren. Full permission granted August 2001.

25/2001/022 Change of use of nursing home to offices at Cornerwood House and Courtway, Norton Fitzwarren. Application withdrawn prior to determination.

25/2002/017 Change of use to hotel/bed and breakfast at Cornerwood House and Courtway, Norton Fitzwarren. Full permission granted August 2002.

25/2003/014 Erection of two storey extension to form additional letting accommodation (19 bedrooms) and single storey extension to form manager's flat, Trenchard House, Trenchard Park Gardens (formerly Cornerwood House and Courtlands), Norton Fitzwarren. Application withdrawn prior to determination.

25/2004/006 Erection of 1 bedroomed units for special need accommodation in several 1 or 2 storey buildings in association with Trenchard House, Trenchard Park Gardens, Norton Fitzwarren. Outline application refused July 2004. Appeal the subject of a Public Inquiry in August 2005.

25/2005/007 Erection of extensions to form additional special needs accommodation and change of use of property to special needs at Trenchard House (formerly known as Courtlands) and Meadow Court, Trenchard Park Gardens, Norton Fitzwarren. Full planning application refused July, 2004. The Council also resolved to take enforcement action to ensure compliance with the permitted use of the premises (hotel or bed and breakfast accommodation, to become effective on 1st April, 2005). Appeal the subject of a Public Inquiry in August 2005.

On 30th March, 2005, the Planning Committee resolved that, notwithstanding the previous decision with regard to enforcement, no further enforcement action be taken in respect of the existing use of Trenchard Park Gardens as a hostel. A copy of that Report is appended to this Report.

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable development

Policy STR6 Development outside towns, rural centres and villages

Policy 49 Transport requirements of new development

Taunton Deane Local Plan

Policy S1 General Requirements

Policy S2 Design

Policy S7 Outside settlements

Policy H5 The conversion of houses to bedsits, hostels or other types of non self contained accommodation will be permitted, provided that:

- (A) there is safe and convenient access by bus or on foot to a town centre, local centre or rural centre;
- (B) the proposed intensity of use will not, individually or cumulatively with other existing conversions or non residential uses, erode the character or amenity of existing residential areas;
- (C) the privacy and amenity of neighbouring dwellings would not be harmed as a result of increased noise, activity and disturbance likely to be associated with the higher intensity of occupation;
- (D) external changes do not harm the character and appearance of the building or street scene;
- (E) adequate refuse storage facilities are provided; and
- (F) car parking will be permitted only where it can be provided without harming the character and amenity of the area. Where possible secure cycle parking will be required.

Policy EN6 Protection of trees, woodlands, orchards and hedgerows

Policy M4 Residential parking requirements

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

Planning Policy Statement 1 'Delivering Sustainable Development' (PPS1)

Paragraph 4 The Government's aims for sustainable development

Paragraph 5 The promotion of sustainable and inclusive patterns of urban and rural development

Paragraph 13 Key principles

Paragraphs 14/15 Planning for sustainable development – social cohesion and inclusion

Paragraphs 17-19 Protection and enhancement of the environment

Paragraph 27 Delivering sustainable development – general approach

PPG3 'Housing'

Paragraph 1 The Government intends that everyone should have the opportunity of a decent home. They further intend that there should be greater choice of housing and that housing should not reinforce social distinctions. The housing needs of all in the community should be recognised, including those in need of affordable or special housing in both urban and rural areas. To promote more sustainable patterns of development and make better use of previously-developed land, the focus for additional housing should be existing towns and cities. New housing and residential environments should be well designed and should make a significant contribution to promoting urban renaissance and improving the quality of life.

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.

Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7)

Paragraph 1 National Planning Policies – Key principles

Paragraph 3 Location of Development

Paragraph 8 The Government's planning objectives and policies for housing are set out in PPG3, *Housing*. The key aim is to offer everyone the opportunity of a decent home. The needs of all in the

community should be recognised, including those in need of affordable and accessible, special needs housing in rural areas. It is essential that local planning authorities plan to meet housing requirements in rural areas, based on an up to date assessment of local need. To promote more sustainable patterns of development and make better use of previously developed land, the focus for most additional housing in rural areas should be on existing towns and identified service centres. But it will also be necessary to provide for some new housing to meet identified local need in other villages.

Paragraph 9

In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should:

- (i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people; and
- (ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.

Paragraph 17

The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses. These criteria should take account of:

- the potential impact on the countryside and landscapes and wildlife;
- specific local economic and social needs and opportunities;
- settlement patterns and accessibility to service centres, markets and housing;
- the suitability of different types of buildings, and of different scales, for re-use;
- the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

Paragraph 18 Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3, and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services.

8.0 **CONSULTATIONS**

25/2005/007

County Highway Authority

“The A358 is a National Primary Route. I would not wish to see a new development on this site nor the intensification of use of the access, which would generate additional traffic onto the A358. I would therefore recommend refusal of this application for the following reason:

- 01 The proposal is contrary to Policy 49 of the Somerset & Exmoor National Park Joint Structure Plan Review since the proposed development derives direct access from a National Primary Route/County Route and no overriding special need or benefit has been substantiated for the proposed development on this specific site.”

County Archaeologist

“I repeat my advice on the earlier (application 4/25/04/007) that the site is located very close to a nationally important monument and 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.

For this reason I recommend that the applicant be asked to provide farther 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.”

County Social Services

“Social Services has a statutory obligation to manage the needs of leaving care' clients who have to be supported financially from leaving care at 16 until their 18th birthday and offer practical support until their 21 ""birthday.

My role in leaving care is to ensure that our clients' accommodation needs are met. We have a range of accommodation from bedsits, flats, houses, supported lodgings and emergency accommodation. It is important to have a range of accommodation

to meet those needs. The choice of accommodation is suited and tailored to the individual client needs and those needs may change over time.

We have a contract with Trenchard Park Gardens for 4 beds per year although we occasionally increase our numbers, depending on circumstances. Trenchard House is owned and run by Mr and Mrs Eaton. They do more than just give bed and breakfast in supporting our clients. The clients are usually there as a result of a placement breakdown, which may or not be the client's fault. Mr Eaton is in regular contact with me by telephone with occasional meetings where appropriate in which we discuss the client's progress and needs, This is supplemented by a weekly visit to Trenchard House by either one of our leaving care workers or an accommodation worker. The clients are discussed at that meeting. Often arrangements are made at that meeting relating to clients needs. Mr Eaton will also come and collect clients, often outside normal working hours and allows clients the use of the telephone and also provides a "taxi" service to the town centre. Mr Eaton, as a Registered Mental Nurse, also gives advice on mental health issues where they are relevant, including in one particular instance, enabling a client to access psychiatric services when others did not believe that there was a mental health problem.

I would like to add that we appreciate the input that Mr and Mrs Eaton provide, offering support when our options are limited.

We value the service that we get from Trenchard House and I believe that if it did not exist our options would be diminished when dealing with clients as they move from care at the age of 16 years to independence at the age of 18.”

Avon and Somerset Police

No adverse comments to make.

Wessex Water

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

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

With respect to water supply, there are water mains within the vicinity of the proposal. 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.”

Landscape Officer

“The area of land provides a historic setting to the main house as part of the entranceway approach and should be considered against Policy EN5. If development is allowed there is a protected Horse Chestnut TD495, T9 which should be retained but will require a suitable area retained for its setting see guidance on attached leaflet. There are a number of other trees that may also be affected see attached TPO plan and schedule. An illustrative layout would be helpful to provide further guidance.”

Environmental Health Officer

No observations to make.

Drainage Officer

“Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).”

Housing Officer

“Would support if this was “move on” accommodation with, at least, assured shorthold tenancies –otherwise no additional hostel (B & B accommodation) required on this site.”

Parish Council

“The Parish Council has given due consideration to these applications, to reported changes in police attendance and to the views of local residents. The Parish Council must again emphasize that Trenchard Park Gardens is operating as a hostel without planning permission, and "Continued use' as sought by application 25/2005/008 is not appropriate, and must not be regarded merely as an extension of an existing legitimate operation. Had the change of use application submitted in 2002 been properly processed the Parish Council would have strongly objected then. However it was not given the opportunity.

It is the Parish Council's responsibility once again to raise the strongest possible objections to the above applications on the following grounds:-.

1.0 Crime and Disorder (Section 17) and Anti-social behaviour

Despite comments made by the police regarding a reduction on the demands made on them to attend incidents at Trenchard Park Gardens, incidents continue to occur. Section 17 relates as much to the perception and fear of crime as it does to actual crime, and it is clear that perception and fear of crime among local residents is intense. This continues despite current lower levels of occupancy at Trenchard Park Gardens and despite the house rules introduced by the owners. Despite having taken and publicised action to prevent use of Trenchard Park Gardens as a bail address, it has recently been used as a Section 47/3 bail address and residents report that they have experienced criminal behaviour as a result of this. Obviously, perception of fear and crime will increase should permission be granted

and the occupancy at Trenchard Park Gardens escalate. Residents are also concerned about any potential interaction with or implications on the neighbouring House of St Martins. On a broader scale, the Parish Council has concerns regarding the location of the property where fear of crime can rapidly spread as a result of its proximity to the proposed new playing fields for the primary school which is easily accessible by the well used footway from Trenchard Park running adjacent to the proposed school playing fields.

2.0 Location in Open Countryside

The site is in open country and outside of the normal settlement area in existing planning terms. The proposals do not meet any known criteria as there would be no benefit economically or otherwise for the local area. Indeed quite the contrary as there would be a detrimental impact on the character of the area. Furthermore, the appearance and character of the existing building would be adversely affected by the proposed extensions.

3.0 Sustainability

There is no sustainability for the proposed use of the properties in this location. There are no immediate facilities for grocery or other shopping and no leisure or recreational areas. The nearest grocery outlet is the Cross-Keys garage which has recently undertaken a Spar franchise that, in addition to a restricted food range, also offers a range of alcoholic drinks. Access to this will require residents of Trenchard Park Gardens to walk along and to cross the main A358 (see also 'Highway Issues' below).

In addition, the well-established House of St Martins already provides accommodation and support for former criminals in the immediate area. Local residents accept this and clearly demonstrate that their opposition to the Trenchard Park application is not a case of 'nimbyism' but one of serious and justifiable concerns for excessive and unnecessary concentration of such facilities in a small rural area.

4.0 Highway Issues

Access to and from Trenchard Park Gardens requires the use of footpaths alongside the very busy main A358 Taunton to Minehead road. These offer inadequate protection to those using them and, in places, buttresses force walkers even closer to passing vehicles. There is already a history of fatal accidents involving walkers on this stretch of the highway, but there continues to be reports of walkers - even at night whilst wearing dark clothing.

The Council wishes to stress its understanding of and sympathy towards the need for 'special needs housing' in the community as a whole, but shares the view of local residents that provision of further such accommodation in addition to the existing House of St Martins is wholly inappropriate, unnecessary and unacceptable in the small rural area that is the subject of these applications. The Council, therefore, has to register its strongest objections and advises that there is no option other than to refuse these applications."

25/2005/008

County Highway Authority

“Given that the proposed development is unlikely to generate significantly more traffic than the previous use, as a hotel, (granted against 25/2002/017), I would not wish to raise an objection to this proposal.

However in the event of permission being granted I would recommend that the following condition is imposed:-

1. The existing access over the first 20 m of its length should be widened to 5.0 m, to accommodate two-way traffic, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such works should be carried out and completed within 4 months of the date of planning permission being granted.”

County Archaeologist

As far as we are aware there are limited or no archaeological implications to the proposal and therefore have no objections on archaeological grounds.

Avon & Somerset Constabulary

No adverse comments to make.

Wessex Water

As on 25/2005/007.

Landscape Officer

The proposals are unlikely to have any landscape impacts.

Conservation Officer

No objection. Concerns re possible expansion, main building of merit.

Environmental Health Officer

No observations.

Drainage Officer

No observations to make.

Housing Officer

Totally support this application. B and B hostel accommodation.

Parish Council

As on 25/2005/007.

9.0 **REPRESENTATIONS**

8 letters of objection have been received (1 on behalf of the occupiers of 3 properties). Of these 5 were objections to both applications, one to application 25/2005/007 and two to application 25/2005/008.

The following points were raised:-

1. A concentration of vulnerable residents would find themselves located in a rural situation with inadequate public transport available.
2. Access to the properties would be on a very dangerous road for pedestrians, especially if prams or pushchairs are being used for young children. Likewise cyclists would be at risk as would motorists and other road users. There is no proper footpath or cycleway present between this location and the Cross Keys roundabout. When the weather is wet, pedestrians and cyclist use the road to avoid the long grass and mud on the verges.
3. There is a hostel of offenders on bail and those released from custody adjacent to and opposite Trenchard Park. Although full risk assessments are carried out on all residents at The House of St Martin, the likely residents of special needs accommodation could include some vulnerable and young people who themselves could be at risk. It is unlikely that vulnerable people placed at Trenchard Park would have any form of supervision, particularly at night.
4. Will impose a disproportionate number of deprived and vulnerable people upon a small rural community.
5. Understood property was to close down.
6. Property continues to be used as a rehabilitation centre and hostel for the homeless.
7. Bottles and drugs paraphernalia being found in gardens.
8. Noise late at night is a real problem with its invasion of peace and quiet.
9. Facilities for special needs already exist.
10. Increase in numbers of special needs residents could potentially cause security concerns for local residents, particularly in an area with many young children.

11. Further development would have an impact on the highway at Pen Elm, which is already severely overburdened with traffic, particularly in the holiday season, and is now an accident blackspot.
12. If the numbers of special needs residents were to increase, this would have an impact on the demographics of the area.
13. The site is in an semi-rural location which has neither frequent bus services, adequate footpaths or local amenities, which makes the siting of additional units both inappropriate and hazardous.
14. Nothing has changed since the previous refusal.
15. Would have a serious and negative impact on all local residents.
16. Extremely worrying that planning permission continues to be sought for such a dubious development despite considerable opposition.
17. Once planning permission is granted, there will not be the same incentive to control behaviour. Future managers/owners may adopt lesser degrees of control. With the increased numbers, control will be more difficult.
18. As the present clients are forbidden to give Trenchard House as a bail address, the 'crime' figures will not represent reality.
19. The site is on the edge of an employment area and the proposal will increase the present residential/industrial conflicts.
20. Overdevelopment.
21. Future noise, etc. from the B2 industrial zone will affect the property.
22. Insufficient amenities provided inside the curtilage of the property to cater for the needs of the existing clients, who find it necessary to play football in the entrance splay to the industrial estate, at considerable risk to both themselves and the drivers of vehicles entering the site.
23. Activities and perceived intimidation, which if this increases will become a considerable impediment to the property use of the industrial estate.
24. Danger from discarded syringes, needles and drug taking equipment along the grass verge from Courtlands to Cross Keys, at the entrance gate to Courtlands Estate and outside buildings there and in nearby residential gardens. The proposal is incompatible and a health risk.
25. It would appear the Taunton Deane Borough Council has drawn up a contract with the owner to continue using this hotel as a hostel despite numerous objections.

26. Concern at procedures surrounding the reconsiderations of the position of the police and the March Planning Committee meeting. The property should be closed as originally decreed.
27. Recent cases of unrest in Norton Fitzwarren and Pen Elm highlight the problems of antisocial behaviour.
28. Even though the police have withdrawn their objections under Section 17 of the Crime and Disorder Act, there are still grave concerns about the fear of crime and there is factual evidence of this. The police have withdrawn their objections when Trenchard park was almost empty of residents.
29. Increase in anti-social behaviour in the area since this unauthorised use commenced.
30. Description of the accommodation as being for special needs is misleading – it appears to be an unauthorised hostel.
31. Concern that the Authority's referrals to this hostel may have affected decisions on enforcement to the detriment of the interests of local residents. It seems extraordinary that no enforcement action has been taken against the background provided by Avon and Somerset Constabulary.
32. The development does not serve a purpose to the rural area. Any new build should be for the benefit of local employment, rather than for profitable gains by the developer only.
33. With the previous application, the police provided a very indepth report regarding all the social behavioural problems associated with the residents of Trenchard Park. This matter does not go away overnight.
34. The situation of the primary school being located so close to a development that would house people with major disorder problems cannot be allowed.
35. Concern at the procedures in dealing with the planning applications.
36. Incidences of bad language and shouting from groups of residents under the influence of alcohol.
37. Question the application for entry into the establishment – does not ask what special needs an application may required.
38. No need for the accommodation unless referrals are from other areas.
39. Highly likely that the applicant will not prove his regard for the law in the future.
40. If allowed, will contradict previous decisions.

Letter of objection from Ward Member making the following points:-

1. Join and fully support the Parish Council and several owners and occupiers of neighbouring properties in strongly objecting to the applications. Such is the strength of feeling with local residents that have received a petition against the use of the property as a hostel with nearly 70 signatures.
2. Planning permission has been granted for hotel/bed and breakfast use. No planning permission has been granted for use of property as a hostel, despite it being used as such since 2002. Officers recognise that there is a difference between hotel/bed and breakfast and hostel/bed and breakfast. The existing use of the premises is not, in planning terms, a legitimate operation, so the application must be treated as a new use for the premises. Despite the Committee's decision in March of this year to follow the Chief Solicitor's recommendation and not pursue enforcement action, the existing use of the premises remain, in planning terms, an illegitimate operation.
3. Somerset and Avon Police have withdrawn their objections to the proposals on the basis that they have had to attend the premises much less frequently in recent times. Whilst this may be attributable to improved management, it is also significant that there are far fewer residents there at the moment (6 or 7) and that they are nearly all female.
4. There remains a very significant fear of crime. A recent parish Council meeting heard of a recent crime incident in which a neighbour was a victim of aggravated robbery. The police acknowledged that the alleged perpetrator was a resident at Trenchard Park Gardens.
5. Concerns over the possible detrimental effects more known drug addicts housed in Trenchard Park Gardens might have on residents in The House of St Martin. The residents of Trenchard are also, due to their circumstances, vulnerable.
6. There is a significant risk of increased crime in this area if two such similar institutes are sited so close to one another. It is inappropriate and socially irresponsible to do so and it contradicts the Council's Corporate Strategy 2004-2007, which states that we will "use our influence in all that we do as a Council to reduce crime and disorder".
7. It is currently proposed to move the school playing field to behind Taylor Close, which is within one field of Trenchard Park Gardens.
8. The premises are outside the settlement area of the existing Local Plan. The provision of hostel accommodation for at least 55 'special needs' residents (essentially drug addicts) is not in keeping with the area, which is characterised by houses and bungalows, many of the occupants being retired.
9. The proposal will lead to a substantial increase in traffic to and from the site, there are no leisure facilities or recreational areas close by and there is no economic benefit to this application.

10. Concern over the entrance to and egress from the site onto a busy main road.
11. There is no footpath between the site and Cross Keys and resident, vulnerable people, have been observed on many occasions walking out on the road, leading to a significant risk of serious injury or even death.
12. The application is not in keeping with such an historic building, being the former home of the founder of the RAF.

Letter of objection from the County Councillor for the area making the following points:-

“The matter has been discussed a number of times at the parish council and indeed many residents have approached me direct expressing their serious concern about these 2 applications. I consider their objections are valid and in fact are substantially the same as raised over 6 months ago.

1. **Crime and Disorder.** Whilst the police may have withdrawn their objection, I can assure you that is not a view shared by the local residents. The policeman who it is alleged said that this change of use would be an asset to the community was not reflecting the views of those who will be directly affected. The fall in police call outs over the past 6 months may well be due to a reduction in the number of residents and that now most are now female. There have been serious incidents involving residents of Trenchard Park threatening local residents over the past 6 months.. There is justifiable concern that the House of St Martin (whose residents have co-existed happily within the community) may be adversely affected by the potential habits of the residents of Trenchard Park. Their residents need nurturing and do not need temptations put in their way.
2. **Location and Sustainability.** Trenchard House is outside the settlement in the current Local Plan and therefore there seems little justification for increasing the population by some 55 additional people. There are no nearby facilities.
3. **Highways.** The access via a the busy A358 is not easy and furthermore there is no footpath from Cross Keys to Trenchard House. There are significant dangers to pedestrians - particularly after dark.

In summary, I urge the planning committee to listen to the genuine concerns of the local residents and to refuse these two applications.”

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Do the proposals comply with the Development Plan? POLICIES
- B. Will the proposals result in an increase in crime and disorder in the area? CRIME AND DISORDER

C. Is the access to the site suitable? ACCESS

D. SUSTAINABILITY

A. Policy

Application 25/2005/007 is an outline planning application for new units for special needs accommodation within the grounds of Trenchard Park Gardens. Application 25/2005/008 provides for the change of use of the existing properties comprising Trenchard House and Meadow Court to special needs accommodation. Individual bedrooms would be provided, together with shared facilities. This form of accommodation is akin to a hostel use.

The existing premises have had previous uses for residential purposes, both a single dwellings and as a nursing home. There is also a valid planning permission on the Trenchard House part of the building for hotel/bed and breakfast use. A residential use is consequently considered to be generally acceptable. The proposal, the subject of application 25/2005/007, provides for non self-contained accommodation and therefore Policy H5 of the Taunton Deane Local Plan applies. This states that conversion of homes to bed sits, hostels or other types of non self-contained accommodation will be permitted provided that certain criteria are met. The Local Plan recognises that Homes In Multiple Occupation are a difficult issue in some parts of Taunton in that the intensity of use associated with them can cause noise and nuisance problems in residential areas, particularly if they become concentrated in formerly settled residential areas of single family dwellings. However it is also accepted that bed sits, hostels and other forms of non self-contained accommodation are an increasingly common form of cheap rental housing and therefore provide a form of affordable housing, particularly for the homeless or young single people. The Local Plan Inspector considered that the Plan should refer to the benefits of arrangement of this type of accommodation by Registered Social Landlords. PPG3 advises that conversion of the existing stock to meet new requirements is welcome, subject to the protection of residential character and amenity.

To accord with this guidance, Policy H5 sets out a number of criteria against which proposals to convert housing to non self contained accommodation will be considered. These include the need for good walking or public transport access to a range of facilities and employment and criteria to protect the amenity and character of the surrounding area. The various criteria are set out in full earlier in this report at Section 6.

The premises are on the A358, along which there is a regular bus service. They are also within a reasonable walking distance of commercial and community facilities within Norton Fitzwarren. Two of the criteria refer to the subject of proposals on the character of amenity of existing residential areas and the potential impact on the privacy and amenity of neighbouring dwellings as a result of increased noise, activity and disturbance associated with the form of occupation. The premises are adjacent to an employment area and the nearest house is approximately 85 m distant. My conclusion is that the proposal to convert the

existing building to special needs accommodation application 25/2005/008 will not unduly adversely affect the character and amenity of the nearby residential areas or the privacy and amenity of the occupants of the dwellings. However the aims related to Crime and Disorder covered in the next section of this report are also a consideration.

The second application (25/2005/007) refers to new units within the grounds of Trenchard Park Gardens. As the site lies outside the recognised settlement limits, Policy STR6 of the County Structure Plan and Policy S7 of the Taunton Deane Local Plan apply.

These policies provide for the strict control of development unless there is a clear and justifiable need and that the proposal would benefit economic activity, maintain and enhance the environment and does not foster growth in the need to travel. The Housing Officer would only support this application if it was for 'move on' accommodation with assured shorthold tenancies. On this basis the proposal would constitute new residential development in the open countryside, where there is a policy presumption against such uses. Although I accept that use of the existing buildings are acceptable as an alternative use in sustainability terms, the infrastructure and increase in the residential use of the premises will inevitably result in an increase in the need to travel, which I consider is inappropriate in this location.

B. Crime and Disorder

Section 17 of the Crime and Disorder Act recognises that increase in crime, disorder and anti-social activity or the public perception of such a risk in the area are material considerations.

When the previous planning applications were considered last year, there was a strong objection to the proposals from the Avon and Somerset Constabulary and the objections from local residents and the adjacent employment area also raised concerns in this regard.

Since those applications were considered, the police and the applicant have been working closely together in order to improve their working relationship and also the reputation of Trenchard Park Gardens within the local community. Although current application 25/2005/008 is for continued use of the premises, it must be pointed out that this use is unauthorised and the application seeks to regularise the situation retrospectively.

Subsequent to the previous refusals of permission, a number of new measures have been put in place. The most important of these is a house contract that all new residents sign. This not only outlines the house rules, but more importantly informs the residents that if they are charged with any criminal offence, then Trenchard Park cannot be used as a bail address and that they will no longer be allowed to reside at the establishment. A copy of this contract is appended to this Report.

The premises have been visited by a Police Crime Reduction Officer and the applicant has accepted his recommendations. The police confirm that there is already a comprehensive CCTV system in place and security in general is good. The Community Police Officer attends Trenchard Park Gardens once a week in order to speak to the applicant about any of the residents he feels are a potential problem or about any matter that is relevant.

Since these measures have been implemented visits by the police on investigative matters have substantially reduced. As a result of this previous objections the police had under Section 17 of the Crime and Disorder Act are now withdrawn.

Although there is still a clear perception from the local residents and occupiers of the adjacent employment units that the proposals will result in an increase in crime, disorder and anti-social behaviour, in the light of the current views of the police. I do not consider that it could be substantiated that the proposals would be in conflict with the provision of Section 17 of the Crime and Disorder Act.

C. Access

The access to the site is in the existing entrance from the A358. The County Highway Authority does not wish to see any new development on the site or an intensification of the existing access which would generate substantial traffic onto the A358. This can include both vehicular and pedestrian traffic, and as noted earlier, several of the objections refer to the lack of footways along the A358 to Cross Keys Roundabout and the associated danger from pedestrian walking in the road. The County Highway Authority concludes that no overriding special need or benefit has been substantiated for the proposed development at the premises. I therefore consider that a highway reason for refusal is appropriate for application 25/2005/007.

With regard to application 25/2005/008, the County Highway Authority consider that the proposal is unlikely to generate significantly more traffic than the previous use as a hotel and therefore do not object to the proposal.

D. Sustainability

Application 25/2005/008 provides for the re-use of an existing building. The site is relatively close to local facilities at Cross Keys and in the village of Norton Fitzwarren. The proposal the subject to application 25/2005/007 would constitute new development in the open countryside.

11.0 **CONCLUSION**

Application 25/2005/008 Continued use of Trenchard House and Meadow Court for Special Needs Housing Accommodation

The proposed developments have attracted a considerable level of objection from local residents and businesses and the Parish Council. However the concerns raised with regard to the compatibility of the proposals with Section 17 of the Crime and Disorder Act should be viewed in the context of the views of the police. I

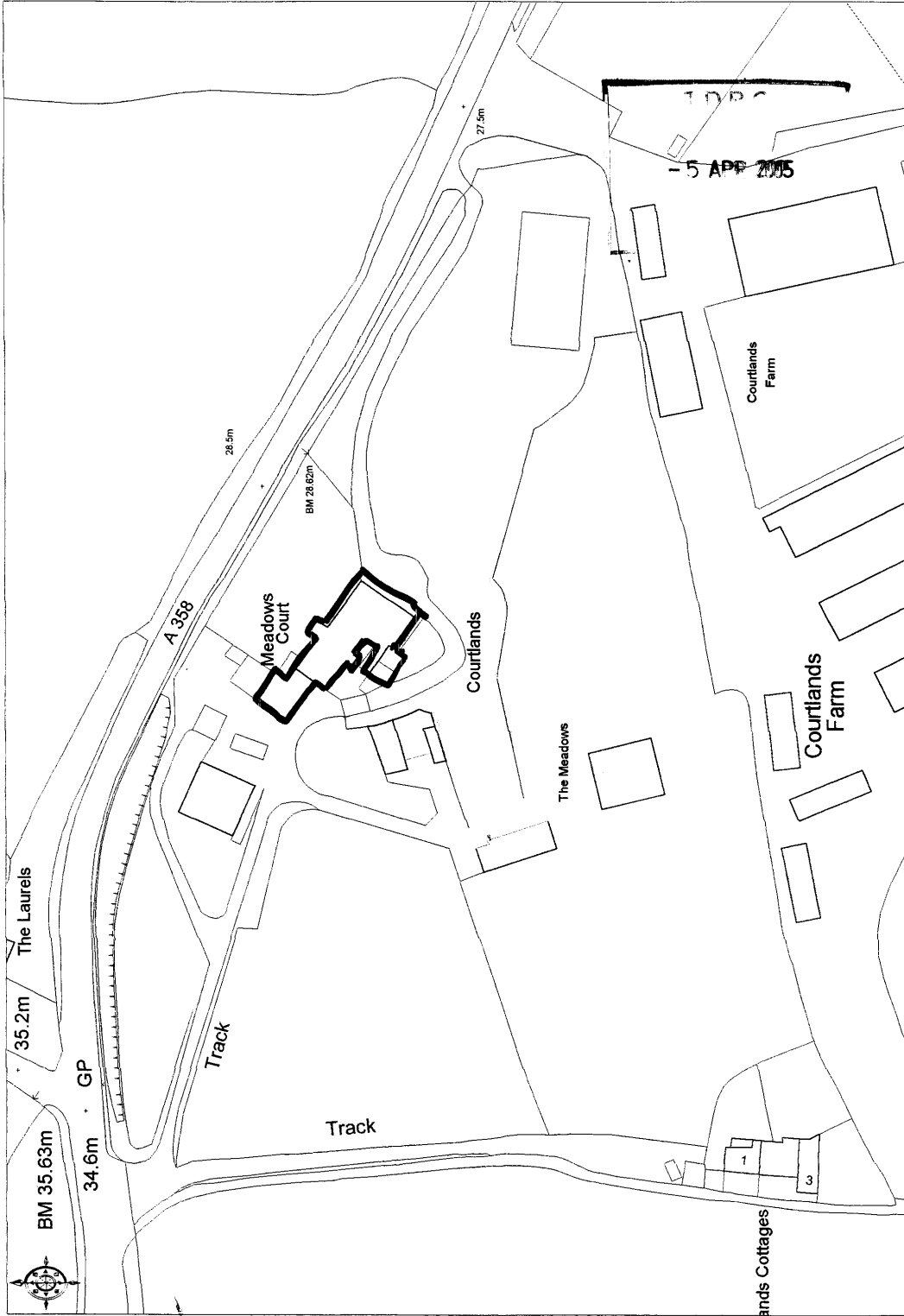
consider that as a result of the withdrawal of their previously stated objections it would be inappropriate to object to the application on these grounds. I therefore do not feel that there are any longer or any justifiable grounds to refuse this application.

Application 25/2005/007 New Units of Special Needs Accommodation within the grounds of Trenchard Park Gardens

In planning policy terms, the proposed additional accommodation in the form intended would be contrary to the Authority's policies for the open countryside and I do not see any overriding need such as to set aside this policy. Furthermore, the concerns of the Highways Authority in respect of additional traffic movements directly onto the A358 are agreed. However, the applicants have appealed against non-determination of the application by the Local Planning Authority within 8 weeks of its receipt. An Inspector will now make the decision on this proposal. My recommendation therefore gives the reasons that the application would have been refused if the Local Planning Authority had still been able to do so. This will set the framework for the issues to be considered by the Appeal Inspector. The applicants have requested the Planning Inspectorate to programme the consideration of the Appeal along with the other two outstanding appeals at the property due to be heard at a Public Inquiry in August.

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



© Crown copyright 2004. All rights reserved. Licence Number 10002049. Survey Scale - mixed. Plotted Scale - 1:1250

Ordnance
OS Survey



TURNER
 & TIGDEN

**DAILY AGREEMENT CONDITIONS FOR TRENCHARD PARK GARDENS
OCCUPANCY**

Name _____ Room No _____

Persons provided with accommodation (Called the 'occupier') at Trenchard Park Gardens for themselves and/or families and/or partners will:

Occupiers are not permitted to enter Trenchard Park Gardens after midnight. - 5 APR 2005
No music will be played after 11pm

Occupiers are not permitted out of their rooms after midnight unless using toilet facilities
Occupiers must not invite friends or others inside the building without consent of the Managers of Trenchard Park Gardens

No personal stereos or music machines of any sort are allowed in the premises

Occupiers must inform the Managers of Trenchard Park Gardens if they have been arrested for an offence whilst at Trenchard Park Gardens

Accept the above conditions unconditionally and understand that if I breach these conditions I will be immediately be required to leave

Occupier Sign _____ Date ____/____/____

Be responsible for the cost of making good any lost or damaged items (other than fair wear and tear), the care of all furniture, bedding, equipment and fitments provided for their use, and for all the damage to the accommodation (other than fair wear and tear) which may occur during the period occupied.

Keep in a clean condition and good order their accommodation and any parts of the building used in common with others to the satisfaction of the Managers of Trenchard Park Gardens.

Permit Managers of Trenchard Park Gardens to enter the occupier's accommodation to view the state and condition thereof and carry out such repairs or other work as necessary.

Promptly report any necessary repairs to the Managers of Trenchard Park Gardens.

Be responsible for the care of children and supervision of children at all times and not leave the children unattended.

Report any serious illness or any accidents occurring on or about the accommodation to the Managers of Trenchard Park Gardens.

Return all keys to the Managers of Trenchard Park Gardens when they are advised to leave.

Ensure compliance with the fire procedures and ensure the Health and Safety of those in the accommodation.

Furnishings must NOT be moved within or without the occupants' room

Vacate the accommodation without quietly, calmly and without abuse when in serious violation of Trenchard Park Gardens rules.

The occupier may be requested to change rooms at any time for operational reasons of Trenchard Park Gardens. As much notice as possible will be given if a move is required

**DAILY AGREEMENT CONDITIONS FOR TRENCHARD PARK GARDENS
OCCUPANCY**

Those provided with accommodation at Trenchard Park Gardens shall not:

Cause or permit to be caused any nuisance, annoyance or disturbance to the other occupiers in or about the accommodation or in or about the premises of which the accommodation forms part or to the occupiers of any adjoining premises.

Damage or cause to be damaged or disfigured the accommodation or any parts of it and pay for any damage which may occur either accidentally or otherwise.

Entertain visitors throughout the day or overnight in the accommodation except with the consent of Trenchard Park Gardens Managers.

Use or permit to be used any heating appliance in the accommodation other than supplied by of Trenchard Park Gardens.

Use or permit to be used any radio, television, record player or musical instrument in the accommodation at a noise level likely to cause annoyance to other occupants or persons in the vicinity.

To use or permit to be used at of Trenchard Park Gardens any vehicle that is not taxed, insured or MOT'd. The Managers of Trenchard Park Gardens reserve the right to refuse any illegal vehicle to be driven or parked on or within the grounds.

No animals will be allowed in or on the premises at any time unless valid reasons are given and accepted by the Managers of Trenchard Park Gardens.

Obstruct or cause to be obstructed any toilets, sinks or drains and if any such obstruction is caused by the occupier to pay the expense of removing such obstruction.

Carry on any business or trade from Trenchard Park Gardens.

Food is given out from the office daily between 8am and 5pm, it is the responsibility of the occupant/s to ensure that they request food within these times. If the office is unoccupied, a note may be placed under the door and food requested will be placed in the occupant's room by the managers.

POLICE ISSUES

If an occupier is arrested and subsequently charged for an offence committed (whether for actions or omissions within or without Trenchard Park Gardens) the Managers of Trenchard Park Gardens will refuse unconditionally to allow this building to be used as a Bail Address for that occupier

Signed..... Occupier Date / /

Signed..... Manager Trenchard Park Gardens Date / /

n.b. The agreement is terminated when the funding authority withdraws funding and the occupant must leave Trenchard Park Gardens promptly

The occupier may be requested to change rooms at any time for operational reasons of Trenchard Park Gardens. As much notice as possible will be given if a move is required

TRENCHARD PARK GARDENS

Application for Occupancy

Date occupancy begins: ____/____/____

Personal Details

Surname: _____ Forenames: _____

Previous Address: _____
Postcode: _____

Mobile Telephone No: _____

D.O.B: ____/____/____ National Insurance No: _____

Marital Status: [Married] [Single] [Divorced] [Widowed] [Separated]

I understand no car (whether owned or not by the occupier or their visitors) will be parked in Trenchard Park Gardens unless it is taxed and insured

Signed _____

Are you under arrest at this time Yes [] No [] Are you currently on Bail: Yes [] No []

Offence arrested for:

Have you been charged with an offence Yes [] No []

Are you likely to be arrested and charged for an offence in the next six months Yes [] No []

Offence likely to cause the arrest:

Have you been convicted of a Criminal Offence in the last six months Yes [] No [] please elaborate:

I confirm that all details are correct and true. Failure to honestly answer the above questions will result in the accommodation being withdrawn and the occupant being required to leave immediately.

Signed _____

Date: ____/____/____

PLANNING COMMITTEE – 30 MARCH 2005

Report of the Chief Solicitor

Miscellaneous Item - Trenchard Park Gardens, Norton Fitzwarren

Background

At its meeting on the 7 July 2004 the Committee considered an application for the erection of an extension to form special needs accommodation and the change of use of the property to special needs at Trenchard House and Meadow Court, jointly known as Trenchard Park Gardens, Norton Fitzwarren (application No 25/2004/007).

The application was refused and the Committee resolved to take enforcement action to ensure compliance with the permitted use of the premises which was as a hotel or bed and breakfast accommodation.

However, since the Borough Council had an existing contract with the owner to house homeless persons in the building which ran until the 31 March 2005, it was resolved that the action should not become effective until 1 April 2005. An appeal against the refusal of planning permission has been lodged and a public inquiry is due to take place on the 23 August 2005.

There were two reasons for refusal of the permission. The first related to the proposed extension only. The second was as follows:-

The proposal will result in a risk that crime and associated anti-social behaviour within the locality will increase and also give rise to a justifiable public perception of such risk which would be harmful to the level of amenity which the occupiers of properties in the area should reasonably expect to enjoy. The proposal will therefore be in conflict with the aims of Section 17 of the Crime and Disorder Act 1998 (Taunton Deane Local Plan Policy S8).

Members will recall there was a strong objection from the Police as well as from local residents and the Parish Council relating to the activities at Trenchard Park Gardens and concerns over crime and disorder. Appended to this report are the comments made by the Police at the time of the application, the comments of the Parish Council and the individual representations.

However, since that time the Police and the owner of Trenchard Park Gardens have been working to improve the situation, with additional measures being taken.

In particular, a house contract has been introduced which sets out rules for the residents and in particular prohibits the use of Trenchard Park Gardens as a bail address. Other steps have been taken and as a consequence whereas before July 2004 the Police were attending the property on a weekly basis and had arrested 34 people at the premises, since August 2004 the Police

have only attended the property on six occasions and one of those was to speak to a resident who was a victim of crime.

The Police have now written giving details of the changed circumstances and withdrawing their objection to the proposed use under Section 17 of the Crime and Disorder Act. A copy of the letter from the Police is appended to the report.

In the light of this, Members need to re-consider the decision to take enforcement action, and the reasons for refusal of the planning permission.

Without support from the Police it is difficult to sustain the decision to pursue enforcement action and refuse planning permission on the grounds of conflict with Section 17 of the Crime and Disorder Act .

The Parish Council and those who made representations at the time of the application have been notified that this matter is being further considered by the Committee.

RECOMMENDATION

It is therefore RECOMMENDED:-

1. That no further enforcement action be taken in respect of the existing use of Trenchard Park Gardens as a hostel; and
2. In respect of application No 25/2004/007 the appellant and The Planning Inspectorate be advised that the reason for refusal based on conflict with the aims of Section 17 of the Crime and Disorder Act will no longer be pursued.

Chief Solicitor

Contact Officer: Judith Jackson Telephone: 01823 356409 or
e-mail : j.jackson@tauntondeane.gov.uk

43/2005/004

HERON LAND DEVELOPMENTS AND WESTBURY HOMES (HOLDINGS) LTD

RESIDENTIAL DEVELOPMENT (295 DWELLINGS), AFFORDABLE HOUSING, RECREATIONAL OPEN SPACE, STRUCTURAL LANDSCAPING AND ASSOCIATED WORKS, LAND FORMING PART OF CADES FARM, TAUNTON ROAD, WELLINGTON AS AMENDED BY LETTER DATED 25TH FEBRUARY, 2005 WITH ENCLOSURES, AMPLIFIED BY LETTER DATED 1ST MARCH, 2005 WITH ACCOMPANYING ARCHAEOLOGICAL EVALUATION, LETTER DATED 1ST APRIL, 2005 WITH ACCOMPANYING GREAT CRESTED NEWT AND DORMOUSE MITIGATION STRATEGIES, LETTER DATED 8TH APRIL, 2005 WITH ACCOMPANYING DETAILS AND LETTER DATED 6TH MAY, 2005 WITH ACCOMPANYING TRANSPORT CUMULATIVE ANALYSIS REPORT

14491/21222

OUTLINE

1.0 **RECOMMENDATION**

Subject to:-

- (a) The views of the Secretary of State;
- (b) The receipt of further details regarding the proposed ecological corridor within the site;
- (c) The further views of the County Highway Authority; and
- (d) The applicants entering into a Section 106 Agreement to provide the following:-
 - (i) 35% of the proposed dwellings to be affordable;
 - (ii) a contribution of £1,017 per dwelling (index linked) towards improved secondary school provision at Court Fields Community School;
 - (iii) a contribution of £229,215 (on basis of 295 dwellings) towards improvement of the capacity of existing playing fields in Wellington;
 - (iv) a contribution of £177,022 (on basis of 295 dwellings) towards enhancement of the viability of existing sports facilities in Wellington;
 - (v) a contribution of £250,000 (on basis of 295 dwellings) towards improving local community facilities, 10% of which shall be provided prior to commencement of development;

- (vi) the provision of a comprehensive cycle and pedestrian network within the development area and linking into the network within the adjoining residential area to the west and the proposed employment allocation at Chelston House Farm to the east;
- (vii) improvements to the footway to the north of Taunton Road, linking the main site access to the town centre, these improvements to include conversion of the footway to shared use by pedestrians and cyclists to the appropriate standard;
- (viii) a package of public transport measures including:-
 - (a) bus pass offering one year's free travel for each dwelling, a pass at one-third of the retail price in year two for each dwelling and at two-thirds retail price in year three for each dwelling;
 - (b) a bus lay-by, information and shelters on the north and south sides of Taunton Road to serve the development;
 - (c) a safe pedestrian crossing facility across Taunton Road in the vicinity of the bus lay-bys referred to above;
- (ix) revision to the speed limit along Taunton Road;
- (x) cessation of agricultural use at Cades Farm buildings;
- (xi) the submission of an agreed Ecological Management Plan to cover the future maintenance responsibilities and management of the landscape framework, hedges, ponds and surface water attenuation areas, and mitigation strategies for great crested newts and dormice (including any necessary licences). The Plan shall provide for the payment of commuted sums where necessary.

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), 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 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- 02 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 03 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.
- 03 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.
- 04 Within a period of 3 years from the date of this permission, a programme of the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority, and the development of the estate shall not proceed other than in accordance with the approved programme.
- 04 Reason: The Local Planning Authority wish to ensure that the development of the estate proceeds in an orderly manner.
- 05 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.
- 05 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 06 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.
- 06 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 07 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within a period of time or a phased programme agreed with the Local Planning Authority before commencement of the development. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 07 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the

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

08 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.

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

09 Before any part of the development is commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority showing existing and proposed levels and contours of the development site and finished floor levels of the proposed dwellings.

09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area and does not result in flooding of the proposed dwellings in accordance with Taunton Deane Local Plan Policies S1 and S2.

10 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

10 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN7.

11 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.

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

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

12 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

13 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of

the development the existing soils levels around the base of the hedges so retained shall not be altered.

13 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.

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

14 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.

15 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.

15 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.

16 Public open space shall be provided in accordance with the Local Planning Authority's approved standards and detailed site layout shall provide for these accordingly. These areas shall be laid out to the satisfaction of the Local Planning Authority in accordance with a programme of development to be submitted to and approved in writing by the Local Planning Authority prior to commence of development and shall thereafter be used solely for the purpose of amenity open space.

16 Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.

17 A Local Equipped Area for Play and Neighbourhood Equipped Area for Play shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority in accordance with a programme of development to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and shall thereafter be used solely for the purpose of children's recreation.

17 Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.

18 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 the standards set down in the County Council's booklet "Estate Roads in Somerset". Details shall be submitted to and approved in writing by the Local Planning Authority before their construction is commenced.

18 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in

- accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 19 The access shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences.
- 19 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 20 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.
- 20 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.
- 21 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.
- 21 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 22 There shall be no vehicular access to the site other than from Taunton Road.
- 22 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.
- 23 The car parking areas shown on the submitted plan shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority prior to the car parking being brought into use.
- 23 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.
- 24 The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles (a motor vehicle) for domestic purposes only.
- 24 Reason: In order that satisfactory parking facilities are maintained in accordance with Taunton Deane Local Plan Policy M4.
- 25 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.
- 25 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 26 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.

- 26 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 27 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 27 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Revised Deposit Policy S1 (A) and (E).
- 28 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 28 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2(A).
- 29 No development approved by this permission shall commence until details for the provision and implementation of a surface water run-off limitation scheme have been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
- 29 Reason: To prevent the risk of flooding in accordance with Taunton Deane Local Plan Policy S1(E).
- 30 The submission of the details shall generally adhere to the principles laid down in the Design and Development Guide submitted with the current application.
- 30 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 31 Detailed drawings to an appropriate scale of any proposed sub-station or other utility building or structure shall be submitted to and approved in writing by the Local Planning Authority before it is erected.
- 31 Reason: The Local Planning Authority wishes to exercise control over the matters referred to in order to ensure that a well planned development takes place.
- 32 Prior to the commencement of each phase of development, details of proposed lighting to roads, footways, cycleways and amenity open space shall be submitted to and approved in writing by the Local Planning Authority.
- 32 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN7.
- 33 The memorial seat at the junction of Taunton Road and Nynehead Road shall be relocated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

- 33 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.

Notes to Applicant

- 01 With regard to Condition 26 the County Archaeologist (Telephone: 01823 355619) would be willing to provide a specification for this work and a list of suitable contractors to undertake it.
- 02 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 03 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.
- 04 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 05 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.
- 06 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.
- 07 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station (01278) 363414 for further advice.
- 08 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, Somerset County Council, Taunton Deane Area , Burton Place, Taunton, TA1 4HE , telephone 01823 321501 at least three weeks before works are intended to commence.
- 09 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).
- 10 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 11 The Council seeks to achieve a high quality of individual design in new housing development. Your attention is therefore drawn to the enclosed Design Guide, the principles of which must be taken into account when submitting an application for reserved matters.

- 12 With regard to Condition 17 there should be a minimum buffer zone of 30 m from the areas to any residential curtilage.
- 13 With regard to Condition 32, lighting should be designed to avoid spillage into retained wildlife habitats.
- 14 With regard to Condition 07, strategic planting to a depth of approximately 20 m should be provided along the northern, eastern and southern boundaries of the site.
- 15 You are advised that any surface water disposal scheme will require the prior approval of Taunton Deane Borough Council as the Land Drainage Authority.
- 16 Your attention is drawn to the attached guidance notes for developers on surface water drainage issues.
- 17 The following advice is given by the Environment Agency:- (a) For information, surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach. (b) Further information on SUDS can be found in PPG25 paragraphs 40-42, PPG25 appendix E, in the CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk. (c) According to Agency records there is a landfill site within 250 metres of the proposed development. The landfill site Environment Agency ref WML 28 was issued to Wyvern Waste Services Ltd (originally operated by Somerset County Council) for the tipping of controlled waste at Poole Waste Disposal site Poole, Wellington (ST 152217). The licence permits the disposal of household waste; commercial and industrial; clinical waste and some difficult wastes. The licence has recently been modified to remove special waste and bonded asbestos from the list of waste types that may be deposited. The licence is still valid. It is thought that the site is at a high risk from the production of landfill gas. Waste Management Paper No 27 states:- "Where development is proposed within 250 metres of a landfill site the developer will need to take account of the proximity of the proposed development to the landfill". (d) If recycled inert material (e.g. rubble, hardcore, topsoil, subsoil) is to be imported into the site for landscaping or other purposes, a formal exemption from Waste Management Licensing may be required. Under such circumstances, a written application, including details of the nature and quantity of material to be used and a location

plan, should be submitted to the Agency's West Somerset Area Environment Management Team, at this office, prior to works commencing. (e) During construction the following pollution prevention measures must be adopted, where applicable: (i) Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. (ii) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed. (iii) Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage. (iv) The Environment Agency must be notified immediately of any incident likely to cause pollution.

2.0 **APPLICANTS**

Heron Land Developments and Westbury Homes (Holdings) Ltd.

3.0 **PROPOSAL**

The proposal provides for residential development (including affordable housing), recreational open space, structural landscaping and associated works on land forming part of Cades Farm, Taunton Road, Wellington. Although the application is in outline, approximately 295 dwellings are envisaged, including the affordable housing provision. Access to the proposed development will be via a new 4 leg roundabout at the current junction of Taunton Road with the road to Nynhehead.

All matters are reserved for subsequent approval, apart from the means of access.

The application was accompanied by the following documents:-

- (i) Planning Statement;
- (ii) Design and Development Statement – including assessments in respect of landscape, ecology and archaeology;
- (iii) Transport Statement;
- (iv) Arboricultural Statement
- (v) Archaeological Statement;
- (vi) Ecological Appraisal; and
- (vii) A Flood Risk and Drainage Statement.

These documents provide, illustratively, a detailed indication of the proposed development. Approximately 8.5 ha of the land is proposed for residential development.

A public exhibition has been held in Wellington for local people.

4.0 **THE SITE**

The site extends to 12.5 ha and is currently used for agricultural purposes. It lies to the south of Taunton Road and to the east of the existing built up area at Wellington. The site is bordered by the Priory housing estate to the west, Taunton Road to the north and further agricultural fields to the south and east.

The site consists of small, enclosed fields, divided by tall dense hedgerows, many of which are established on banks and contain mature hedgerow trees. There is a small watercourse and associated drainage ditches, the majority of which are seasonal and are associated with three ponds.

Cades Farm is a collection of farm dwellings and agricultural buildings, which are of various age, design and condition. The majority of these buildings are excluded from the development site. It is intended that the agricultural use is ceased and this land retained solely in residential use.

5.0 **RELEVANT PLANNING HISTORY**

43/1974/002 Development for residential purposes of land at Cades Farm, Wellington and formation of estate roads. Outline application refused August 1974.

43/1995/074 Residential development with ancillary facilities and roads, land at Cades Farm, Taunton Road, Wellington. The applicants appealed against non-determination of the application by the Local Planning Authority within 8 weeks of its receipt. This appeal was subsequently withdrawn.

43/1996/115 Development of retail food store (Class A1) of 3384 sq m gross floorspace, parking for 348 cars, petrol filling station comprising kiosk and six islands for pumps, recycling collection point and necessary earthworks on land at Cades Farm, Taunton Road, Wellington. Application withdrawn.

6.0 **RELEVANT PLANNING POLICY**

Regional Planning Guidance for the South West (RPG 10)

Policy VIS1 Expressing the Vision

Policy VIS 2 Principles for Future Development

Policy SS2 Regional Development Strategy

Policy SS6 Other Designated Centres for Growth

Future development in the region outside the PUAs should:-

- generally avoid significant growth in the larger towns within easy commuting distance of PUAs and especially housing development proceeding out of step with employment.

Development plans should:-

- provide for balanced development and growth at identified centres designated to meet sub-regional growth needs outside the PUAs while maintaining and enhancing the range of employment, housing and other facilities in the area;
- recognise the Camborne and Redruth area as one where there are major regeneration issues and where policies, plans, proposals and programmes will need to promote opportunities for employment growth in particular.

Paragraph 3.41 The area has some potential for further growth due to its good communication links and relatively few physical constraints. It has a pivotal role to help spread economic development westwards through the region. Exeter and Taunton are key locations, with other towns playing a supporting role. There is a need to develop the local economic and service functions of other towns such as Bridgwater, Wellington and Tiverton, to foster self-containment and to provide important local linkages to the rural areas they serve.

Policy H03 Affordable Housing

Policy H06 Mix of Housing Types and Densities

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable Development

Policy STR2 Towns

Policy STR4 Development in Towns

Policy 1 Nature Conservation

Policy 35 Affordable Housing

Policy 49 Transport Requirements of New Development

Taunton Deane Local Plan

- Policy S1 General Requirements
- Policy S2 Design
- Policy H9 Affordable Housing within General Market Housing

Policy 10

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
Cades Farm	W3	35%

- Policy M4 Residential Parking Requirements
- Policy C1 Education Provisions for New Housing
- Policy C4 Standards of Open Space Provision
- Policy C6 Public Rights of Way
- Policy EN2 Sites of Special Scientific Interest
- Policy EN3 Local Wildlife and Geological Interests
- Policy EN5 Protected Species
- Policy EN6 Protection of Tees, Woodlands, Orchards and Hedgerows
- Policy EN9 Tree Planting
- Policy EN23 Areas of High Archaeological Potential
- Policy EN25 The Water Environment
- Policy EN28 Development and Flood Risk
- Policy EN34 Control of External Lighting

Policy W3

A site of 12.6 hectares at Cades Farm, Wellington, as shown on the Proposals Map, is allocated as an urban extension for approximately 250 dwellings, to accommodate the following uses:

- (A) housing (8.5 hectares maximum);
- (B) recreational open space (1.8 hectares);

(C) structural landscaping (2.3 hectares).

The development shall make the following key provisions:

- (D) the relocation of activities within the Cades Farm buildings to a location that minimises residential disturbance and can be accessed and landscaped with minimal impact;
- (E) affordable housing provision in accordance with policies H9 and H10;
- (F) primary and secondary school provision in accordance with policy C1;
- (G) provision of recreational open space in accordance with policy C4;
- (H) a financial contribution towards enhanced community facilities within Wellington;
- (I) a comprehensive cycle and pedestrian network within the development area and linking into the network within the adjoining residential area to the west and the proposed employment allocation at Chelston House Farm to the east;
- (J) improvements to the footway to the north of Taunton Road, linking the main site access to the existing town centre. These improvements will include conversion of the footway to shared use by pedestrians and cyclists to the appropriate standard;
- (K) a package of public transport measures including a bus pass offering one year's free travel for each dwelling, a pass at one-third of the retail price in year two for each dwelling and at two-thirds retail price in year three for each dwelling. The package shall also include a bus lay-by, information and shelters on the north and south sides of Taunton Road to serve the development;
- (L) a safe pedestrian crossing facility across Taunton Road in the vicinity of the bus lay-bys;
- (M) archaeological investigations; and
- (N) flood mitigation works.

7.0 **CENTRAL GOVERNMENT POLICY GUIDANCE**

Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)

Paragraph 4 The Government's aims for sustainable development

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 13 Key principles

Paragraphs 17 – 19 Protection and Enhancement of the Environment

Planning Policy Guidance Note 3 – Housing (PPG3)

Paragraph 3 Providing sufficient housing

Paragraph 11 Creating Mixed Communities – Influencing the type and size of housing

Paragraphs 14 – 17 Delivering affordable housing

Paragraph 21 The Government is committed to promoting more sustainable patterns of development, by:

- concentrating most additional housing development within urban areas;
- making more efficient use of land by maximising the re-use of previously-developed land and the conversion and re-use of existing buildings;
- assessing the capacity of urban areas to accommodate more housing;
- adopting a sequential approach to the allocation of land for housing development;
- managing the release of housing land; and

- reviewing existing allocations of housing land in plans, and planning permissions when they come up for renewal.

Paragraph 30 In identifying sites to be allocated for housing in local plans and UDPs, local planning authorities should follow a search sequence, starting with the re-use of previously-developed land and buildings within urban areas identified by the urban housing capacity study, then urban extensions, and finally new development around nodes in good public transport corridors. They should seek only to identify sufficient land to meet the housing requirement set as a result of the RPG and strategic planning processes. In doing so they do not need to consider all the land in their area: they should not extend the search further than required to provide sufficient capacity to meet the agreed housing requirement.

Paragraph 39 Proposals to develop any greenfield land for housing which, in themselves or as part of a wider but contiguous allocation for housing, relate to a site of 5 hectares or more, or comprise 150 dwellings or more regardless of size of site, and which the local planning authority resolves to approve, should be notified to the Secretary of State before permission is granted. The Secretary of State will be issuing a direction to this effect. Applications for permission which are departures from the development plan and which fall within the scope of the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 should be referred to the Secretary of State in the usual way.

Paragraphs 47/48 Linking Development with Public Transport

Paragraph 52 The Government attaches particular importance to the 'greening' of residential environments. Greening initiatives can enhance quality, assist the permeability of land for storm drainage and contribute to bio-diversity. Well designed layouts can also contribute to the energy efficiency of new housing. Landscaping should be an integral part of new development and opportunities should be taken for the retention of existing trees and shrubs, and for new plantings.

Paragraph 53 Local planning authorities should have clear policies for the protection and creation of open space and playing fields, and new housing developments should incorporate sufficient provision where such spaces are not already adequately provided within easy access of the new

housing. Developing more housing within urban areas should not mean building on urban green spaces. PPG17: *Sport and Recreation* gives further guidance on the provision of open space and playing fields.

Paragraph 57 Local planning authorities should avoid the inefficient use of land. New housing development in England is currently built at an average of 25 dwellings per hectare but more than half of all new housing is built at less than 20 dwellings per hectare. That represents a level of land take which is historically very high and which can no longer be sustained. Such development is also less likely to sustain local services or public transport, ultimately adding to social exclusion. Local planning authorities should therefore examine critically the standards they apply to new development, particularly with regard to roads, layouts and car parking, to avoid the profligate use of land. Policies which place unduly restrictive ceilings on the amount of housing that can be accommodated on a site, irrespective of its location and the type of housing envisaged or the types of households likely to occupy the housing, should be avoided.

Paragraph 58 Local planning authorities should therefore:

- avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net - see definitions at Annex C);
- encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and
- seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.

Paragraph 67 Planned extensions to existing urban areas are likely to prove the next most sustainable option after building on appropriate sites within urban areas, especially where it is possible to utilise existing physical and social infrastructure, there is good access to public transport (or where new public transport provision can be planned into the development), and there is good access to jobs, schools, shopping and leisure facilities.

Planning Policy Guidance Note 13 – Transport (PPG13)

Paragraph 4 This advises that the objectives of this Guidance are to integrate planning and transport at the national, regional, strategic and local levels.

Paragraph 19 Accessibility

Paragraph 23 Assessment

Paragraphs 83 – 85 Planning Obligations

8.0 **CONSULTATIONS**

Highways Agency

“Our development control consultants, Colin Buchanan, have now examined the Transport Assessment submitted in support of the application and have advised us that there are several points of concern regarding the methodology, which has been employed. As a result of these concerns we are not able to come to a conclusion regarding the acceptability of these proposals and, consequently, must issue the enclosed Article 14 Direction restraining your Authority from granting permission until we are satisfied that the development will either have no significant impact on the M5 in the area or that suitable mitigating measures are available and secured to make any impact acceptable.

You will recall, no doubt, that at the time of the Local Plan Inquiry the Agency conditionally withdrew its objections to the Revised Deposit Draft Local Plan following undertakings from both your Authority and Somerset County Council that further work would be carried out using the Taunton Strategic Road Traffic model to investigate how the impact of large scale residential development in Wellington, which had been demonstrated by the model, could be ameliorated.

To date, we are not aware that any such work has been done. Whilst we are conscious that the allocated level of development in Wellington has been reduced following the Inspector's comments and recommendations, it does not necessarily follow that this reduction is sufficient to remove our concerns. We, therefore, require that the potential impacts of the currently allocated development in the Wellington area be investigated using the Taunton Strategic Road Traffic model, as was agreed by yourselves and Somerset County Council, before any consents for further residential development in the area are issued.”

The reason for the Direction was ‘To allow sufficient time for the impact of the development to be assessed for possible adverse effects on the M5 motorway.’

County Highway Authority

The following comments have been received from the Authority's Estate Roads Team in response to the submitted Design and Development Statement:-

Section 3 pg 18 - General Development Principles - comments that the streets will be relatively narrow and meandering - there is no indication in the brief as to what they mean by narrow.

Pg 20- Tree lined boulevard - ok in principle, should not compromise visibility.

'Footpath links from the adjacent existing residential.....' - should also include cycle links.

Section 4 pg 22- Plan of Environmental Framework - identifies surfaced footpaths but does not include a reference to cycleways.

- includes a reference to grass paths but does not seem to show these.

I notice there are newt tunnels to be provided - on other sites where newts were present the detailed drainage is designed to accommodate this i.e. provision of 'newt friendly' gullies etc.

Pg 25 Residential street trees –

Acer campestre 'streetwise' - acceptable

Pyrus calleryana 'Chanticleer' - acceptable

Prunus avium 'Plena' - may be ok depending on available space

Sorbus intermedia - suggested Sorbus aria 'Lutescens'

Tilia cordata 'Greenspire' - may be ok depending on available space

Principle of street trees planted in the highway is acceptable - however they will need to be maintained either under licence or via a commuted sum.

Section 5 - there does not seem to be any reference to phasing or timing of the development - especially in relation to how the infrastructure will be delivered - junction works, cycle/footpath infrastructure on and off site etc.

Order required to change existing public right of way to cycle way.

Pg 33 Loop road - no direct access onto tree lined boulevard to 'island' or focal building on the far side of open space.

Pg 34 - Ped/cycle routes - how are they able to achieve link to the south east of the site - land ownership?

The accompanying planning statement again contains no reference to phasing and timing.”

The following comments have also been received with regard to junction capacity:-

“The distribution of traffic is in accordance with observed turning movements at junctions (TA paragraph 5.6), except at the North St/South St junction where the split is equally divided between arms. This is acceptable.

The year of assessment is 2011. It should be 2015. The rationale for using 2011 is the assumed year of completion. Normal SCC policy for assessment year is 10 years hence 2015. Whilst accepting the inherent difficulties of predicting to 2015, particularly with respect to local planned development, there is a need for a consistent approach. It is recommended that the final document be changed to 2015, or more conveniently to 2016, if this is the year of assessment of the Cattle Market site.

Junction Tests

The analysis of the Chelston roundabout suggests that it works satisfactorily in 2011 with 85% flows. Maximum RFC ratio on any arm is below 0.82, however it is likely that some arms will be over capacity in 2015, or when traffic from the adjacent development is included.

ARCADY models with multi-lane approaches often fail to account for uneven lane use caused by differing turning proportions. In the case of the predicted flows as shown in appendix 4 of the TA, it would seem reasonable to assume that all lanes will have roughly equal demand, and so the model is valid. This may change with inclusion of nearby developments. If so, the model must be shown to take some account of uneven lane use

The High St/South St signal junction. I assume that the signals section is looking at the LINSIG analysis”

Further observations from the County Highway Authority are awaited.

County Education Officer

“The modified Local Plan includes a residential allocation for this site, envisaging about 250 dwellings. The Plan states that the development shall make provision for primary and secondary school provision as it would be of a sufficient scale to exceed capacity at existing primary and secondary schools and refers to the provisions of Policy C1. Policy C1 itself includes pupil population forecasts, although these unfortunately date from 1998. The planning statement submitted with the application states that education requirements will be considered in negotiation with the Council.

The current application suggests that the development could actually provide a total of 295 residential properties of a range of type and size, although no schedule has been provided.

As the Local Plan explains, the Local Education Authority would expect, on average and across all types of accommodation, that for each additional 150

units, places for 30 primary-aged children (or one classroom) could be expected to be required.

Residential schemes in Wellington (including at Tonedale Mill and the recently completed Weaver's Reach scheme, together with the current Cades Farm proposals) will total almost 500 additional new properties. Taking all these developments in entirety therefore, places for about 100 primary-aged pupils will be needed. The most recently produced pupil forecasts indicate that the three existing primary schools serving the town currently have a Net Capacity of 924 places with a number of surplus spaces. However by the year 2008, this surplus will reach over 160 spaces, which would enable additional primary-aged children moving into the town to be accommodated, provided existing temporary buildings are not removed and not replaced. In this particular case, therefore, contributions will not after all be sought towards primary education.

The situation in respect of secondary education is very different. The LEA anticipates the need to provide secondary education places for 30 additional secondary-aged students for every 210 new residential dwellings. However, the way this translates into accommodation requirements is not as straightforward as in the case of primary education. Policy C1 of the Local Plan does not accurately reflect this, nor the current circumstances or pupil forecasts.

In June 2002 the Government introduced a new statutory way of calculating the capacity of schools. This is called 'Net Capacity' and was described in the document "Assessing the Net Capacity of Schools". The principle applied in the document for the assessment of the capacity of secondary schools is that it is based on "the number, size and type of teaching spaces and the age-range of the school". The Department for Education and Skills (DfES) has provided formulae which calculate a certain number of basic work places for each particular space. The DfES accepted (in a re-draft of the above publication) that some 'teaching spaces' (e.g. assembly halls, libraries, etc.) are not readily available for timetabled teaching and the total number of basic work places is reduced by 60 thus producing, in effect, the gross capacity of the school.

The DfES also recognises that, in secondary schools, allowance must be given for the teaching strategies employed by the school, the different types of spaces and, importantly, the operating practicalities which means that all spaces are only partially used. The amount of usage depends on the type of space as specialist spaces will have a lower frequency of use because there is a need to have vacant rooms so that these rooms can be prepared for lessons. The DfES refers to this allowance as 'the Utilisation Factor', which is a decimal fraction equivalent to the average proportion of time that any workplace is in use. For 11-16 secondary schools the utilisation factor is 0.75, but this varies according to the age range of the school.

When the utilisation factor is applied to the gross capacity of the school the net capacity is produced. As an example, a classroom (with an area above

the minimum described by the DfES) will have a gross capacity of 30 but a net capacity of $30 \times 0.75 = 22.5$. This number is then rounded down (to take account of the 60 place reduction) to give 22.

For the reasons explained above, contributions from developers should therefore be based on 22 additional pupils and the resultant costs of the equivalent of a classroom for every 154 dwellings.

Having regard to the developments referred to earlier, the additional total demand for secondary places in Wellington will be about 70 places. The existing Court Fields Community School has a current Net Capacity of 780, within a DfES range of 770-856. Most recent forecasts, not taking into account new developments, indicate that by the year 2008, there will be a requirement to accommodate 893 secondary pupils in the town, although this figure would have risen to over 900 in the interim. The estimated additional 42 pupils arising from the Cades Farm development would therefore seriously exacerbate this shortage and developer contributions towards necessary secondary accommodation are therefore essential, in accordance with the provisions of the Local Plan. Contributions will be sought on a per-dwelling basis and it is important that contributions are paid at a sufficiently early stage of development.

The amount of affordable housing that may be included within the development is not clear at present. In any event, the impacts of affordable housing are at least as great as they are for open market housing; children living in affordable housing also need educating and it would therefore be erroneous to omit this element from calculations for contributions.

County Archaeologist

“The site lies within an area where earlier investigations have revealed evidence of Roman pottery manufacture. I have attached a letter which I have sent to CPM as I am slightly unhappy about their conclusions within the archaeological assessment document and the attached copy makes clear. I am also aware that an archaeological evaluation is being carried out at present and until the results of this have been reported I advise that this application not be determined as without the results of the evaluation it will be impossible to make a reasoned judgement concerning the impact of this proposal on any 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 this application. This is likely to require a field evaluation.”

The applicant has commissioned further field evaluation. The following further response was received following the receipt of the Evaluation Report:-

“It seems from the evaluation that there are archaeological remains relating to Roman occupation including cremations present on one area of the site. Therefore, I advise that this area should be excavated in advance of

development to ensure full recording of the remains particularly in light of the cremation.

For this reason I recommend that the developer be required to excavate archaeologically those areas that are to be disturbed by the development. 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

(initial response)

“The Environment Agency OBJECTS to the proposed development, as submitted, on the grounds that it may present a significant flood risk from the generation of surface water run-off and will, in part, be at risk from flooding.

Notwithstanding the above, the application has not been accompanied by a flood risk assessment (FRA) as required by PPG 25.

The majority of the application site is located in Flood Zone 1 which is land outside the floodplain as shown on the Environment Agency's Flood Zone Maps. However, a small portion of the site is situated within Flood Zone 3 (map attached). Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year).

Whilst the majority of the site is outside the floodplain, development in this category (i.e. over 1 ha) can generate significant volumes of surface water. The impact and risks posed by this will vary according to the characteristics of both the development and the catchment.

The Applicant must submit a FRA which fully addresses the risk of flooding to the proposed development and that associated with any increase in surface water run off from the site.

Guidance on FRA requirements for general development in Flood Zones 1 and 3 can be found in the Agency's FRA notes 2 and 4, copies of which have been forwarded to the applicant.

It should not be assumed that the production of a FRA will in itself make a proposed development acceptable in flood risk terms.

The FRA must demonstrate to the Agency's satisfaction that the development can proceed without creating an unacceptable flood risk either to future occupants or elsewhere. If it cannot do this, the Agency will maintain its objection.

Where the FRA is acceptable the Agency will advise on flood risk conditions or make recommendations as appropriate.

Should your council be minded to approve the application contrary to the Agency's objection, paragraph 65 of PPG25 advises that the Planning Authority should re-consult the Agency, in order to explain why and to give the Agency the opportunity to make further representations. Should your council refuse planning permission and the applicant subsequently lodges an appeal, the Agency would be prepared to support your council and provide evidence at any public inquiry or informal hearing.

For information, surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach.

Further information on SUDS can be found in PPG25 paragraphs 40-42, PPG25 appendix E, in the CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk

In the event of the Agency's objection to this proposal being subsequently overcome, the following comments must be noted:

According to Agency records there is a landfill site within 250 metres of the proposed development.

The landfill site. Agency ref WML 28 was issued to Wyvern Waste Services Ltd (originally operated by Somerset County Council) for the tipping of controlled waste at Poole Waste Disposal site Poole, Wellington (ST 152217). The licence permits the disposal of household waste; commercial and industrial; clinical waste and some difficult wastes. The licence has recently been modified to remove special waste and bonded asbestos from the list of

waste types that may be deposited. The licence is still valid. It is thought that the site is at a high risk from the production of landfill gas.

Waste Management Paper No 27 states:-

"Where development is proposed within 250 metres of a landfill site the developer will need to take account of the proximity of the proposed development to the landfill".

In view of the above, the applicant has been forwarded a copy of the Agency's landfill gas information sheet, for information.

If recycled inert material (e.g. rubble, hardcore, topsoil, subsoil) is to be imported into the site for landscaping or other purposes, a formal exemption from Waste Management Licensing may be required. Under such circumstances, a written application, including details of the nature and quantity of material to be used and a location plan, should be submitted to the Agency's West Somerset Area Environment Management Team, at this office, prior to works commencing.

During construction the following pollution prevention measures must be adopted, where applicable:

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

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

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

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

The Agency would be pleased to receive a copy of the Ecological Assessment undertaken by CPM in respect of the above site."

Further discussions took place between the applicant's consultants and the Agency and the following further response was received from the Agency:-

"Following the recent submission of the Design and Development Statement, the Agency hereby formally withdraws its flood risk related objection to this proposal.

The Agency is satisfied with the submitted statement, in principle, but will expect a full Flood Risk Assessment with the detailed application.

Notwithstanding the above, the Agency must request that any approval is subject to the following condition:

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

REASON: To prevent the increased risk of flooding.

All other comments contained in the Agency's letter dated 1st February, 2005, still apply.”

The applicants subsequently commissioned a Flood Risk Assessment (FRA) and the following further letter to the applicant's consultants was received:-

“The Agency would confirm that your FRA is considered to meet the requirements of Planning Policy Guidance Note 25 and that the proposed development is in accordance with the guidelines contained therein. Please accept this as a 'Letter of Compliance' from the Agency, which should accompany your FRA in support of the planning application. Providing there are no material amendments to the proposals the Agency will not object to the development, or request any planning conditions, on flood risk grounds.

The Agency does not accept any liability for the detailed calculations contained in the assessment and this letter does not constitute approval of those calculations nor does it constitute the Agency's consent or approval that may be required under any other statutory provision, byelaw, order or regulation.

Flood risk cannot be eliminated and is expected to increase over time as a result of climate change. This letter does not absolve the developer of their responsibility to ensure a safe development. “

Wessex Water

(initial response)

Foul Drainage The most suitable point of connection appears to be Mitchell's Pool SPS (Site ID 14394). An appraisal of this SPS will be required to ascertain whether any upgrade works are required. This appraisal will be funded by the developer, and needs to be carried out at this the planning stage. Once the broad principles have been established, then the details can be agreed.

Surface Water Drainage Surface water is to discharge to local land drainage with the consent of Taunton Deane Borough Council. No doubt the applicant will be required to consider using SUDS techniques in order to minimise the rate and volume of run-off.

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 may be adopted under a Section 104 Agreement.

Wessex Water Developer Services Riverside Chilton Trinity TA6 3JS

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

Supply A network analysis is required to establish what mains reinforcement works will be required to service this site. This should also be funded by the developer and carried out at the planning stage.

The following further response has been received with regard to foul drainage:-

“We confirm that the nearest point of adequacy for this development is the 300 mm public foul sewer to the north the A38. Sewage will have to be pumped to this point by means of a new pumping station. Wessex Water may require the applicant to design this pumped system to allow for future connections from other proposed developments in the area.

Avon & Somerset Constabulary

No adverse comments to make.

Somerset Wildlife Trust

“We have studied the response of the Somerset Environmental Records Centre, which indicates that there are records of great crested newts from within the application site, part of which forms Cades Farm Ponds County Wildlife Site.

This site has been designated due to the presence of a population of great crested newts. As such, and in order to avoid potential problems at any later stage, we strongly recommend that a survey and evaluation be conducted for this species at this stage.

Following such a survey and evaluation we recommend that a detailed mitigation strategy be submitted for consideration by the Authority prior to the determination of any planning permission.

We understand that a number of the hedgerows are to be removed from within the application site as part of the proposals. However, as more than

half of these hedgerows are considered 'important' under the Hedgerow Regulations 1997, they should, in our view, be retained.

Ancient and or species rich hedgerows are habitats of "principal importance for the conservation of biodiversity in England" under Section 74 of the CROW Act. While PPG9 (paragraphs 16-17) reminds Local Planning Authorities that the European Habitats Directive obliges member states to encourage the management of features of the landscape of major importance to wild flora and fauna such as hedgerows and ponds.

Overall we would wish to see no net loss of hedgerows, preferably a net gain, and therefore welcome the proposal to compensate for any losses through replacement planting with native species. We would recommend that a long term maintenance plan be secured in addition to this compensatory planting to ensure that any losses are replaced and that the hedgerows remain in sympathetic management over the long run.

The retention of the hedges is particularly important given the fact that these hedgerows are considered to provide optimal habitat for dormice and a number of dormice were recorded within the hedgerows during the field survey.

Given the presence of dormice within the application site we would recommend that a detailed mitigation strategy be submitted for consideration by the Authority prior to the determination of any planning permission.

We believe all of the above issues should be resolved prior to the determination of any planning permission. Should the Authority, none the less, be minded to grant permission at this stage, we would recommend that all the mitigation determination of any planning permission. Should the Authority, none the less, be minded to grant permission at this stage, we would recommend that all the mitigation and compensation measures outlined in the Ecological Appraisal are secured through the use of appropriate conditions or obligations to ensure they are actually implemented on the ground."

Open Spaces Society

"I have seen the display at the URC and made the point that the footpath exit from the north east corner of the site leads directly on to the fast main road. Please will you support an alteration so that the definitive route may be retained here (WG 17/18). It crosses the road from a new stile to a newly installed Bristol gate opposite. The visibility of fast traffic coming from the east is better and therefore safer.

Another exit from the south of the site to link with path WG 17/19 to Chelston would be appreciated

I expect that the developers are aware that before any diversion can be considered the definitive route must be open and easy to use. At the moment there are two tied and unhinged gates with much mud and pools which make

access very difficult. If these are improved soon the public will be afforded a much better view .

It is to be hoped that the council will be on it's guard against the current tendency to dual cycle tracks with footpaths with consequent mutual aggravation.

The new roundabout will be an asset as long as the memorial seat can be sympathetically resited and I wonder if the council could support the provision of a footway leading north as far as the rail bridge. I note that the red line on the plan looks to include the removal of some of the hedge. The rest of the way is grass verge.

Nynehead Parish Council has long suggested the provision of a better walkers route to Wellington. Now the opportunity exists with the creation of a simple field edge path to Wharfe Cottage to connect with the Grand Western canal path and the Nynehead footpath network. No more hedge would be lost. This will not only benefit Nynehead but the caravaners in the huge site nearby and the residents of the new estate.

This all seems to me a too good an opportunity to miss and I hope that your council will give it's support.”

Ramblers Association

“I note that the footpath WG17/18 is shown on the plans but little is said about it in the accompanying text. The Master Layout however seems to show it repositioned mainly along the estate roads. This surely is not acceptable. The estate will bring more people into the area. They and the present inhabitants of Wellington will want to use the footpaths and they will want them to be away from estate roads. I trust that I will be consulted further on this.

The Ramblers Association are looking forward to the diversion of WG 17/19 and WG14/16 and will want to make increasing use of this and WG17/18 for access into and out of Wellington. It would be good to think that this development could assist the development costs of the diversion of these paths and others in the near vicinity. It is also to be hoped that the final plans could be sensitively drawn up to include more hedges than fences and some good stands of trees in the development and sufficient funds to ensure that everything is well maintained until the trees and fences achieve maturity.”

English Nature

“English Nature has concerns about this proposed development in relation to two European Protected Species - the dormouse and great crested newt that are on the site.

The great crested newt is Britain's most strictly protected amphibian. It is protected under The Wildlife & Countryside Act 1981 (as amended) and is included in The Conservation (Natural Habitats, &Co.) Regulations 1994. Its

protection is afforded it because of the considerable decline that it underwent in the last century. Although the great crested newt depends on water to breed it spends most of its life on land - it often ventures up to 500 m from a pond. One of the ponds and some of the terrestrial habitat surrounding the ponds at Cades Farm will be affected by this development.

Evidence of the dormouse was found. The dormouse is fully protected under The Wildlife and Countryside Act 1981(as amended) and the Conservation (Natural Habitats, & c.) Regulations 1994. This application is likely to have an impact on the local dormouse population. Dormice lives and feeds among the branches of trees, hedgerows and shrubs and rarely descends to the ground except for hibernation

English Nature will want to see a mitigation strategy that will maintain favourable conservation status for the dormouse and the great-crested newt on the site before we are able to comment further.

I had a word with David Westbrook, of the Somerset Wildlife Trust, last week, and he agreed that one way forward is for us to meet with the applicants and their wildlife consultants to discuss the detailed proposals. We look forward to hearing from you in due course.”

Further discussions have taken place with the Council's Wildlife Co-ordinator, English Nature, Somerset Wildlife Trust and the applicant's consultants. Mitigation Strategies have been produced for both great crested newts and dormouse. In general, English Nature is happy with the layout of the proposed development, with the wildlife area being retained in the centre of the development around two of the existing great crested newts ponds. There are concerns in respect of the proposed layout in the creation of a bottle neck which means the animals may not find it easy to access the adjacent countryside. More details have been requested on how the ecological corridor can be created to ensure that protected species are not marooned in the wildlife area.

Somerset Environmental Records Centre

County Wildlife Site (Cades Farm Ponds) at the site. Ponds with legally protected species together with linking hedgerows and rough ground.

One of more legally protected species found at the site. Four other County Wildlife Sites and one or more legally protected species found within 1 km of the site.

Landscape Officer

“Overall the scheme as illustrated, offers opportunities for integrating the residential development into the urban fringe areas of Wellington. My main concerns however are:-

- i. It is vital, when relying on hedgerows and landscape buffers that they are part of the public open space provision and not privately owned. Public ownership of the open spaces will provide the opportunity to manage the spaces longer term.
- ii. The main views into the site are from the Wellington and Nynehead Roads as well as local public footpaths to the south. My landscape assessment of the site points to the need to:-
 - Increase the landscape buffer in the north eastern corner of the site to soften the impact from the east driving west.
 - Provide tree and shrub planting to the south eastern boundary of the site which is illustrated as meadow.
 - and continue the landscape buffer around the roundabout rather than have 'focal point' buildings.
 - The suggested planting list is good subject to some minor amendments.
 - The hedgerows are predominately elm which will need careful longer term management if they are to provide softening to the development.
- iii. In this urban fringe area street lighting can be visually intrusive and needs to be carefully considered.

The main landscape policies that need to be addressed are EN5, EN13, EN26 and S2."

Nature Conservation Officer

"CPM's ecological appraisal identifies further survey work is required to establish the use of the site by great crested newts and bats. Dormice are known to inhabit the site and it is encouraging that a mitigation strategy is underway.

My main concern is that habitats will be fragmented and species isolated with development. Unless careful enhancement of habitats, through planning and sustainable management is agreed and protected through planning agreements, I believe there will be pressure from future residents (to remove hedgerows, for example) which will impact unfavourably on protected species."

Further submissions have been made and further discussions taken place. The following is an extract from a recent letter from the Wildlife Species Co-ordinator to the applicant's Ecology consultant, which sets out her current views:-

“TDBC welcomes the proposal to maintain the two existing viable ponds as the focus of open space giving some continuity of habitat for amphibians with the tunnels allowing access beyond the pond areas. The specification for the trees, which are proposed to give arboreal road crossings for the dormice, as well as proposals to minimise light pollution, will be key factors in helping to prevent the isolation of this open space for dormice.

TDBC supports the retention of existing hedgerows on site and along with the proposal, discussed, to increase scrub and provide coppice areas to further habitat opportunities for dormice. However, I suggest that existing hedgerows must not form part of garden boundaries as the pressures from residents to change management regimes, once the houses are occupied, will undo the initial good intentions.

I would recommend that the long term management and monitoring of the site will best be secured through a Section 106 agreement. In addition, Linda's suggestion that the management plan could include monitoring through the National Dormouse Monitoring Programme should be investigated. I would expect that the mitigation strategies will be implemented through conditions of any planning consent and would cover the necessary licensing issues.

Thank you again for the opportunity to comment on the draft mitigation strategies. I look forward to hearing the results of the survey work for great crested newts. Meanwhile please contact me if you would like to discuss my comments.”

Forward Plan

“The application is consistent with policy W3 (Cades Farm) of the adopted Taunton Deane Local Plan (November 2004) and is therefore supported in principle.

The application is in outline, requiring many matters, including the built form as matters for a later detailed application. The Forward Plan unit have met the developers and agents to discuss such matters and therefore wish to be again consulted/involved when any detailed application is submitted. For example, the 'Development Structure' plan on page 30 of the supporting statement indicates rear gardens backing onto the large open space areas. These should FRONT onto it for both a better visual interface and for security. In short, much work needs to be progressed on any layout.

A certain number of issues can however be addressed from the outline application and I comment on these below:

The application states a site area of 12.5 hectares, consistent with policy W3. However, their supporting statement (Map, Section 5 page 28) indicates 13.23 hectares and this excludes Cades Farm itself, which is included within the Councils 12.5 ha allocation. This needs to be clarified since this could effect land available for the environmental infrastructure etc.

At approximately 8.5 ha of proposed residential land, the development area is consistent with policy W3 (A) of the Local Plan. The remaining 4 hectares are for landscaping/open space/habitats etc.

Although largely schematic, the extent of landscaping to the northern (Taunton Road) and eastern boundaries in particular would appear to be less than the c20 metres set out in the supporting text for policy W3. This should be adhered to under the detailed submission. This can presumably be conditioned at the outline stage to ensure any later details are worked up within defined parameters.

Policy W3 covers a number of other requirements such as affordable housing (for which we would seek 35%), educational commuted sum, public transport enhancement etc. we would also wish to know details of other implications, for example who will be responsible for future maintenance of attenuation ponds?"

Drainage Officer

"I note the comments made in the Design and Development Statement and await the requested Flood Risk Assessment.

Any surface water disposal scheme will require this sections approval as TDBC are the Land Drainage Authority.

The following conditions should be placed on any approval given and will need to received approval before any works commence on site.

1. A flood risk assessment to be carried out.
2. Any scheme for attenuating surface water on site.
3. Any attenuation scheme must include the use of a Sustainable Drainage System (SUDs).
4. A maintenance agreement needs to be reached for any attenuation system and it is recommended that maintenance should be the responsibility of a publicly accountable body, which will require the payment of a commuted sum.

I attach a copy of the Authority's Guidance Notes for Developers on Surface Water Drainage issues. "

Rights of Way Officer

There are a number of points that need to be taken into account before permission is granted for this site. This is in accordance with Advice Note 2/93 annex 4'.

The hedgerow survey forms used as part of the environmental survey are inaccurate on two counts. Their basic measuring information vitally confuses a "footway" with a "public footpath". This has led to the hedgerows beside the footpath WG17/18 not been given the correct identification.

Although there is an indication in the text that WG17/18 exists, it is not actually shown on the plans.

The alternative proposed for the diversion of the footpath has not been agreed with Taunton Deane, still the relevant authority in this case. No approach has been made over a diversion order and therefore this contravenes 2/93 annex 4.

The proposal to route the footpath around estate roads is also in contravention of 2/93 annex 4, especially on the eastern section.

We have for some time been working on a diversion order associated with WG14/16, and it is about to be published. This improves the route by taking it away from the industrial area of Chelston Farm and , and making it more suitable for a circular route for those walkers to the east of Wellington. I enclose a sketch showing the new location A-B-C-D.

We have also been asked in the past by the owners of Billy Brook House if a diversion of WG17/5 is possible to a new route - G-H, for obvious reasons.

The new development at Cades Farm will certainly increase the pressure on the footpaths in the area and therefore some additional gain should be transferred to the external infrastructure. This should include the diversion of WG17/18 to a new route E-G, to align all the routes in the area to a safer position. The costs of the diversion of WG14/5 and WG17/18 and improved infrastructure should be included in this gain.”

Further details have been received correcting the points regarding the environmental survey.

Housing Officer

The Housing Service will be expecting 35% of the total number of dwellings built for social housing on this valuable site where there is a proven need.

Leisure Development Manager

“Summary of requirements for recreation;

- the total amount of public open space on the site is acceptable.
- the developer must provide a NEAP and LEAP on the site for play and active recreational use by young people
- provision to engage a professional designer for the play areas should be made
- this development should contribute £250,000 towards community centre facilities in the town.
- the off-site contribution for playing fields is £229,215 to be used to improve existing provision to allow additional use
- the developer should be required to make a contribution of £177,022 towards indoor sports facilities to accommodate additional use.

PUBLIC OPEN SPACE

Policy C4. Requires 2.6 Ha public open space per thousand population divides into 0.08 Ha/000 population for play (both equipped play areas and general play space) and 1.8 ha/000 population for playing fields laid out and equipped for formal sports but available to the general public at other times for informal recreation.

Assuming occupancy of 2.3 per house, 295 houses on the development = 690 residents.

690 population requires 1.8 Ha of public open space therefore the total amount of public open space on the site is acceptable.

PLAY PROVISION

Within the 1.8 Ha of open space is shown a single LEAP (Local Equipped Area for Play). The definition is attached, but overall it is a play area for young children only. The site chosen seems to be well located and within the required 5 minutes walk of every home (300 metres)

The Local Plan states that on large developments a NEAP is required (Neighbourhood Equipped Area for Play) in addition to a LEAP. The definition is attached. This caters for older children and includes wheeled activities and ball games. This should be provided on this development and designed with local young people to ensure it is according to their needs. The buffer zone is a minimum of 30 metres from residential curtilages.

The developer must provide a NEAP and LEAP on the site

COMMUNITY FACILITIES

Past experience has shown that new communities need community facilities and, for example, at Cotford St Luke 650 new dwellings required the building of a new community centre. At current prices the approximate cost of such a centre is £550,000 or £846 per dwelling. If such a sum were applied here the total would be £250,000. However, Wellington already has a community centre in White Hart Lane which is not likely to be a viable proposition for investment on this scale to cater for an increased use by the new residents. I believe this building could be sold for development if the people of Wellington were in agreement and the resulting funds (added to the developer contribution) used to construct a new community facility possibly as an annexe to an existing public building in the town. However this would require legal confirmation of my understanding of the covenants on the building. This development should contribute £250,000 towards improving local community facilities.

PLAYING FIELDS

Whilst the development is providing space for playing fields within the 1.8Ha of public open space, it is not proposing to prepare the site and provide the

facilities for formal sports use. The costs for doing so have been calculated for other developments and the cost per dwelling is £777.

For this development it will be acceptable for an off-site contribution based on the costs of equipping and laying out the playing fields to be made and for this to be used to improve the capacity of existing playing fields in the town. Our Playing Pitches Strategy identifies Wellington as a priority area for investment in the drainage of pitches and improvements to changing facilities. The plan identifies improvements estimated to cost £320,000 which include improved changing facilities for football players and officials, 2 new changing rooms for junior football players, drainage works to the Recreation Field, improvements to the car park, and drainage and preparation of the Beechgrove site for rugby. The off-site contribution for playing fields would be a total of £229,215, which should be a requirement of this planning application.

SPORT

The Local Plan in policy C6 recognises the importance of sports centres to the population. Sport England's Facilities Calculator is a tool, which enables one to calculate the additional demand for indoor sports facilities generated by a development and the value of that additional demand. It is equipped to 'weight' the cost of new facilities by County. This development would generate demand equivalent to £61,676 for swimming pool improvements and £115,346 for sports hall improvements - a total of £177,022.

Identified improvements to enhance the usability of Wellington Sports Centre are air conditioning in the aerobics hall, new flooring in the main sports hall and aerobics hall and, additional separate changing rooms for non swimmers, lighting in the car park and CCTV.”

Wellington Town Council

“You will recall that at last night's planning meeting, the town council approved the above application in principle.

You mentioned a number of possible Section 106 suggestions and the town council would like to be involved/consulted on these to achieve the best possible deal from this development for the community.

I am aware that in other districts some town/parish councils have been involved in these discussions and the town council feels it would be advantageous if it could be so involved. It was suggested that a small working party/group could be established to do this and I would be grateful for your ideas/suggestions on how this might be set up.”

Nynehead Parish Council (neighbouring Parish)

“1. The Council continues to be concerned about the general increase in traffic in the area, the impact on the Chelston roundabout and roads in

Nynehead which would be exacerbated by this and other proposed developments.

2. The access roundabout on the A38 shown on the illustrative material would benefit traffic from Nynehead. This part of the scheme should include a footway north from the roundabout at least to the entrance to Lodge Copse, which could form part of a continuous footway/footpath to Nynehead from Wellington.
3. The Council would support the provision of footways and a cycleway through the development into Wellington which would provide a safe alternative to the A38 for Nynehead residents wishing to walk or cycle into the town.”

9.0 **REPRESENTATIONS**

7 individual letters of objection and 8 standard letters of objection have been received making the following points:-

1. Plans show a block of flats to rear of property, which would overlook house and garden and be an invasion of privacy.
2. People will look into properties from open space.
3. These houses will not benefit the people who live on the Priory Estate now, other than by having a short cut through the new estate to reach the main road.
4. Increased traffic, noise and pollution from car fumes.
5. Children will climb through hedges and get onto people's property.
6. The area is notorious for road accidents.
7. Taking out fields and hedges will reduce the wildlife.
8. The present sewer will not cope with the extra water and sewage. The streams and ponds will not be able to take it.
9. The ponds will encourage children to go to them and there will be rubbish thrown in which will cause the water to stagnate.
10. Question whether the developer will do everything that they say will be done.
11. The only ones gaining will be the farmer, the developer and the two Councils.
12. There should be no development on fields to the south of Wellington. All future development, if it is impossible to stop further development,

should be restricted to Longforth Farm and should wait until the area is approved for development.

13. No buildings should be visible at the entrance to the site and dense planning/landscaping should be used to hide the development as far as possible in order to retain the current rural atmosphere. A 'gateway' is just what is not required.
14. The sketches show pastiche design which, on past experience of most new developments, will be badly proportioned and detailed.
15. Consideration should be given to the appearance of the development when approaching from Nynehead.
16. All screen planning should do that and not be a taken gesture.
17. If there are any dormice, would be very surprised if they decide to stay should the housing go ahead.
18. Green wedge should be retained for the fields between the Cades Farm and Chelston House Farm developments. This will give the opportunity to retain a view of the Wellington Monument from the main road.
19. Object to any further unsympathetic lighting if it can be seen for miles around and adds further to the light pollution of the Vale of Taunton.
20. Proposed development will be of no benefit to Wellington.
21. Will spoil views from property.
22. Use of the footpath from the proposed estate into Priory would increase the amount of people walking and cycling through the estate, causing extra litter, noise and increase in security risk and damage to property.
23. Will cause delays and congestion at the proposed access to the new development.
24. Will be even more cars transporting and collecting children from the local primary school in Priory, which is already an immensely congested area with very limited parking.
25. Despite recent new developments, there is still only one secondary school and one youth centre. What are our young and youths to do but hang around streets.
26. Bats are present in the area and more survey work should be carried out.

27. Question measures to be taken by the developer to protect the retained hedgerows during the construction period. They need to be adequately and properly fenced off to prevent destruction. No construction debris should be allowed to contaminate the retained hedgerows, water courses, etc.
28. Run-off from the roads should not be allowed to enter the ponds as these will be contaminants that will destroy the wildlife.
29. Density of the proposed housing is too high.
30. Question whether the stream is capable of taking the increase in instantaneous run-off (due to the existing ground being identified as being impermeable).
31. Will the water supply to other parts of the town suffer as a consequence of water supply for this development.
32. Question whether the existing infrastructure for waste water and sewerage is adequate to cater for the increase in effluent.
33. Increased pressure on the infrastructure of the town, e.g. schools.
34. Question regarding the form of the proposed development.
35. Question provision for the safety of residents, visitors and car drivers on the Priory estate due to cycleway links.
36. Restriction of daylight.
37. Increase in dog mess.
38. Increased light pollution from additional street lighting to rear of property.
40. No provision for extra facilities such as shops, schools or doctors surgery.
41. Proposed cycle link through Priory will result in nuisance to residents, increased noise and additional hazards for drivers and pedestrians.
42. The development will be counterproductive.
43. There has already been too much housing development in Wellington with no increase in facilities.
44. Farmland should not be developed.
45. Mystified that the Longforth Farm development has not been given the go-ahead in – local views have been ignored. Longforth Farm offers

the opportunity to truly develop the town – with much better road links to its northern side, the possibility for a new school and even the re-opening of the railway station. Cades Farm, on the other hand, offers nothing other than meeting the anticipated housing need – with little or no infrastructure in place to support it.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposed development accord with the development plan policies for the area? POLICY
- B. Is the access to the site adequate? ACCESS
- C. Is adequate affordable housing provided? AFFORDABLE HOUSING
- D. Is the design concept for the proposed development appropriate? DESIGN CONCEPT
- E. Will the ecology of the site be adversely affected? ECOLOGY
- F. Is the site important for archaeological remains? ARCHAEOLOGY
- G. Is the surface water drainage adequate? SURFACE WATER DRAINAGE
- H. Is there capacity for the adequate disposal of foul drainage? FOUL WATER DRAINAGE
- I. Is appropriate landscaping proposed for the development? LANDSCAPING
- J. Has adequate provision been made for improved community facilities to serve the proposed development? COMMUNITY FACILITIES
- K. Is the proposal sustainable? SUSTAINABILITY
- L. OTHER ISSUES

A. Policy

The proposals have emerged through the Local Plan process, following the recommendations of the Inspectors that considered objections to the Taunton Deane Local Plan. Following their Inquiry, they reported and recommended specifically the need for housing growth in the Wellington area at about 400-450 dwellings during the Plan period. This included the proposed allocation of up to 150 dwellings at Tonedale Mill. The Inspectors' recommendation of 400-450 dwellings was lower than that proposed by the Planning Authority in the Revised Deposit Plan. The Inspectors' Report concluded that the housing allocation for this part of the Borough should be reduced to a figure which could more closely reflect the role and function of the town and would foster

greater self-containment. Cades Farm was recommended as a potential housing site, for approximately 250-300 dwellings.

The Planning Authority proposed modifications to the Local Plan following the Inspectors' Report and following consideration of representations on those Proposed Modifications, the Council has now formally adopted the Plan, including the residential allocation at Cades Farm.

Policy W3 of the Taunton Deane Local Plan, which specifically covers the Cades Farm site requires certain key provisions from the development, which have either been met with the documents submitted with the planning application or are secured through the recommended Section 106 Agreement.

B. Access

Due to the location of the site on the edge of Wellington, it is considered essential that the development is provided with good footpath, cycle and public transport links to Wellington and Taunton.

The development will therefore make provision for pedestrian and cycle facilities to the town centre and to the proposed Chelston Home Farm development. The internal pedestrian and cycle routes will link with existing connections to the adjoining housing area to the west to provide alternative routes to the town centre and local facilities.

The developers will make a contribution towards bus season tickets as required by the Local Plan. Bus lay-bys will be provided on each side of Taunton Road on the site frontage, with bus shelters and pedestrian crossing facilities on Taunton Road.

Vehicle access to the development will be via a new four-leg roundabout at the existing junction between Taunton Road and the road to Nynehed. The existing road to Nynehed will be incorporated into the junction.

The internal roads will be designed to reduce speeds to 20 mph or less by means other than road humps. A design code setting out the basis of detailed internal road design will be prepared as part of the detailed layout planning.

A Transport Assessment was submitted with the application. This concludes that the proposed development will accord with sustainable transport objectives and the traffic generated by the development would make no material difference to conditions on the approach road network.

At the request of the County Highway Authority, a cumulative traffic analysis has been carried out, taking account of other proposed developments within and around Wellington. These comprise the redevelopment of the existing Kwiksave store, the development at Chelston House Farm and the proposed relocation of Taunton Livestock Market to Chelston. This concludes that the addition of traffic from the Cades Farm development would make no material difference to traffic conditions at the following junctions:

- (i) the North Street/South Street/Fore Street/High Street junction;
- (ii) the proposed Cades Farm site access;
- (iii) the Chelston roundabout; and
- (iv) the livestock market relocation/Chelston Home Farm proposed access roundabout.

The County Highway Authority's views on this further document are awaited and my recommendation reflects this.

C. Affordable Housing

Policy H9 of the Taunton Deane Local Plan requires that the provision of affordable housing will be sought on sites over 1 ha or at least 25 dwellings. The supporting text notes that in assessing the level of provision on individual sites, regard will be paid to the need to balance other important planning requirements and any abnormal costs associated with the development of the site which would threaten its financial visibility. Policy H10 sets indicative targets for individual allocated sites and as no excessive costs are anticipated in bringing forward this greenfield site for development, the target is 35%. This is to be secured through the recommended Section 106 Agreement.

D. Design Concept

The site is generally well contained by hedgerows with trees to the north, south and east. Together with the nature of the topography and the presence of existing properties on the western boundary, these hedgerows prevent direct views into the site from surrounding public vantage points.

The Design and Development Statement submitted with the application states that the development will feature streets and pavements of variable widths and meandering in character to give a local distinctiveness to the central area and passive control of vehicle speeds. A range of densities and built forms will be included in the scheme. The average overall density will be 35 dwellings per ha. This is in accordance with Central Government advice in PPG3 that densities should normally be in the range 30-50 dwellings per ha. There will be an affordable housing element incorporated within the scheme to promote a balanced community. The highest density area will be concentrated towards the south of the site, one section of this adjacent to the Priory housing area.

The Design and Development Statement gives the following objectives for the development:-

- Provide for 8.46 ha of residential development with design for approximately 295 dwellings;

- Respect the existing topography and site constraints;
- Retain important trees and hedgerows and reinforce the planting to boundaries;
- Visually screen and filter views of the development from the Taunton Road;
- Reflect the local character;
- Allow for permeability and to encourage walking and cycling;
- Provide a mix of housing that meets a range of needs and promotes a balanced Community;
- Create a vibrant built environment and a sense of place by providing areas of different densities and character;
- Provide a built environment that is 'legible' with variety of building types and interlocking spaces;
- Link the adjacent development to the proposed by a network of pedestrian and cycle routes;
- Feature a number of focal buildings;
- Respect the sensitive boundaries and adjacent buildings;
- Provide a central core of open space which links into the existing open space network; and
- Create safer vehicle speeds through the development.

Six distinct residential areas are proposed, with densities ranging from 26 to 40 dwellings per ha.

The proposed development will offer strong frontages to the primary loop road. A statement group of buildings at the entrance to the site and at key points on the primary roads will create a strong built form.

Focal buildings are proposed at selected locations within the development, for example, at node points or at the end of vistas. Focal buildings will be given prominence by scale or building mass, for example, by providing a 2½ storey building in a predominantly 2 storey part of the development and architectural treatment such as detailing and contrasting materials.

The scheme will be predominantly 2 storey with some 2½ and 3 storey towards the southwest part of the site where the topography of the site is lower.

G. Ecology

Part of the site, comprising existing ponds together with linking hedgerows and rough ground, is designated as a County Wildlife Site.

The most recent ecological appraisal of the site was undertaken during 2004, which updated similar appraisals undertaken during 1998 and 2001. There is no evidence of badger activity or reptile species within the site. Others are not expected to use the site due to the absence of suitably large watercourses. Detailed surveys were undertaken with respect to bats and dormice, both of which were found to be present within the site. Bat foraging opportunities will be maintained within the site through the retention of hedgerows. As additional enhancement measures, it is proposed to erect roosting and hibernation boxes on mature trees within the areas of public open space. The Master Plan allows for the retention of hedgerows and hedgerow connections and the provision of landscape buffer zones to retain and where possible, enhance the habitat for dormice. As further habitat enhancement measures, the landscape planting will incorporate fruit and berry-bearing trees and shrubs with bird nest boxes erected on mature trees within areas of open space. The development will be subject to an Ecological Management Plan (EMP). As part of this, the dormouse population will be monitored and hedgerow management undertaken sympathetically for dormice.

A detailed survey for great crested newts is currently under way. An initial mitigation strategy notes that the proposed development will result in the loss of terrestrial habitat adjacent to the ponds, but this will be mitigated through the enhancement of retained terrestrial habitat. Two of the three ponds will be retained and enhanced, while the third pond, which is considered sub-optimal for great crested newts, will be removed. The loss of the pond will be mitigated through the creation of four new ponds, which will be designed to provide optimal opportunities for great crested newts. The proposed layout enables linkages to suitable habitat to the south of the site to be retained. This will avoid the isolation of the population within the site and enable the population to interact with any great crested newts beyond the site boundary. Tunnels will be provided where roads cross this area. Both English Nature and the Council's Nature Conservation Officer have requested further details of the measures to achieve this wildlife corridor. Areas of great crested newt habitat that will be removed or disturbed during the implementation of the proposed development will be subject to a capture/translocation exercise. The existing retained ponds are considered to currently provide sub-optimal habitat for great crested newts, primarily due to dense shading from adjacent trees and shrubs. This will be resolved by the partial removal of scrub and the pollarding or coppicing of adjacent trees, enabling aquatic flora to re-establish. Long-term management of the ponds will prevent them becoming overly shaded in the future. Another element of the long-term management of the ponds will be the undertaking of a rotational programme of de-silting. The terrestrial habitat retained in the immediate vicinity of the ponds will be enhanced.

The grassland is considered to be of negligible ecological value. The hedgerow network is considered to be of local ecological value. A detailed hedgerow survey has identified some hedgerows as fulfilling the ecology criteria for 'important' hedgerows in accordance with the Hedgerow Regulations 1997.

The watercourses and ponds are locally important habitat. There is scope to enhance these habitats for wildlife such as water voles, primarily by reducing the amount of shading from adjacent shrubs.

The Master Plan has been designed on the assumption that great crested newts were present, although their presence is not as yet confirmed. Areas of terrestrial and aquatic habitat are retained with connectivity to the wider landscape beyond the site boundary. Measures to conserve the population in the long-term will include the retention and enhancement of sufficient terrestrial habitat, the retention and restoration of two of the existing ponds and the creation of new aquatic habitats.

F. Archaeology

The only currently known archaeology relates to an area of Iron Age and Roman activity in the fields to the west of Cades Farm. Further field evaluation has been carried out in relation to this. This evaluation identified two possible Roman-British boundary/enclosure ditches with a human cremation. The evaluation recorded no other significant archaeological features.

G. Surface Water Drainage

A watercourse forms the south-eastern boundary of the site. The site slopes gently down towards the east to a low point where the watercourse exits the site flowing eastwards. The watercourse is prone to overflowing its banks during heavy rainfall. However, due to the site topography, this only affects a relatively small part of the site.

There are no public surface water drains in the vicinity of the site. The existing public drainage systems in the area are all combined systems. The newest foul drainage gravity system north of Taunton Road is also a combined sewer, to which Wessex Water will not permit any further surface water connections to be made.

The site drains naturally into the adjacent watercourse, so it is proposed to similarly discharge the site drainage into the watercourse at equivalent greenfield run-off rates such that the flows are not increased by the development. A new surface water drainage system incorporating Suitable Urban Drainage Systems (SUDS) elements will collect the surface water run-off from the roofs, highways, and hard-standings and discharge into the watercourse that forms the southern boundary of the site. It is proposed to collect the surface water run-off with piped systems gravitating to balancing

ponds/wetlands adjacent to the watercourse, where the flows will receive first flush treatment and be attenuated to discharge at equivalent greenfield rates. At the detailed design stage, consideration will be given to the incorporation of other SUDS elements such as permeable paving and swales that could serve to slow down the rate of flow to the balancing ponds/wetlands.

No development is proposed within the flood plain, which is to be taken as a minimum of 8 m from the top of the bank of the watercourse. This will allow for possible out of bank flows during high return storm events. This means that the development will not be the cause of any loss of existing flood storage, so no flood compensation measures are proposed. However, the Environment Agency required the preparation of a Flood Risk Assessment to include the following:

- (i) a topographical survey of the site;
- (ii) details of finished floor levels and any other flood mitigation measures;
- (iii) details of any loss of flood storage and compensation measures; and
- (iv) detailed surface water strategy, showing calculations for the Greenfield run-off rate and appropriate on-site attenuation facilities.

H. Foul Water Drainage

Wessex Water initially recommend an appraisal of the capacity of the Mitchells Pool Pumping Station, to the south of the site. However, the lowest point of the site is in the eastern corner and the applicant's consultants consider that a rising main could equally discharge to the public (gravity) foul sewer adjacent to Taunton Road without affecting/upgrading the existing pumping station. Wessex Water have confirmed that this would be acceptable.

I. Landscaping

The main principle of the Illustrative Master Plan for the built development is to set it within the existing landscape framework of small scale fields enclosed by hedgerows. This will allow the development to integrate with the surrounding landscape. To achieve this, the existing hedgerows and hedgerow trees will be retained where possible and practical, dividing the proposed development in small parcels of land which relate to the character of the surrounding landscape. This approach allows for views of the development to be screened from the surrounding area and provides opportunities to enhance the value of the hedgerows. Hedgerow breaks will be required for access roads and footpaths.

To provide a buffer between the public open space and the new development and to strengthen the containment of the site, new hedgerows with trees are proposed. In addition, a buffer of trees and shrubs, widening the existing hedgerows along the northern and eastern boundaries of the site to 10 m is

designed to soften the edge of the development when viewed from Taunton Road.

The Environmental Framework, prepared as part of the Design and Development Statement, identifies a large area of public open space, centrally on the site. This area will link with the site ponds and watercourse and the wider countryside beyond, providing a recreational and wildlife corridor. In addition, the public open space is extended along the northern bank of the watercourse where it will provide a valuable landscape buffer within the 1 in 100 year flood plain as well as further benefits and opportunities in the form of a streamside footway/cycleway. Distant views from the site, and in particular from the open space and public footpaths, to the Blackdown Hills and Quantock Hills will be retained where possible and emphasised as part of the development layout.

J. Community Facilities

Policy C4 of the Taunton Deane Local Plan requires that developers of new housing will provided landscaped and appropriately equipped recreational open space in accordance with a range of standards. The Design and Development Statement submitted with the application sets out how these will be provided.

The scale of the proposal does not justify the provision of on-site community provision, but is of sufficient scale to make a financial contribution to enhancing existing community facilities within Wellington itself.

Policy W3 of the Local Plan requires a financial contribution towards enhanced community facilities within Wellington. Preliminary discussions have taken place with Wellington Town Council with regard to this issue.

The off-site contributions required under Policy W3 of the Local Plan are to be secured through the recommended Section 106 Agreement.

K. Sustainability

By foot or cycle, the town centre to the south-west is approximately 600 m from the north-western boundary of the site and approximately 700 m from the western boundary of the site. The site is approximately 700 m from the proposed Chelston House Farm employment allocation, by foot and proposed cycleway and within 1,000 m of the Chelston Business Park. It is therefore considered to be a sustainable location for development from a transport point of view.

Key existing features will be retained, including hedgerows and ponds, and these will be supplemented by new attenuation ponds, and sustainable urban drainage system elements. Measures are secured which enable wildlife interest on the site to be retained and enhanced.

L. Other Issues

The Environment Agency has stated that the site may be at high risk from the production of landfill gas from the nearby Poole Waste Disposal Site migrating to the site. However, the monitoring of boreholes in recent months has shown that the possibility of landfill gas migration is not a high risk.

Policy C1 of the Taunton Deane Local Plan requires contributions from developers to school places. The County Education Authority has requested contributions towards secondary school provision and this will be secured through the recommended Section 106 Agreement.

11.0 CONCLUSIONS

The proposed development is in accordance with the allocation of the land for residential development contained in the Taunton Deane Local Plan. The proposals will provide for approximately 295 dwellings, at an overall density at the lower end of the range of that recommended in PPG3, at 35 dwellings per ha. The proposal will enable a range of house types to seek to meet local needs, including a significant proportion of affordable housing, which accords both with Central Government advice and the relevant policies in the Taunton Deane Local Plan. The proposal will provide for contributions towards secondary school provision and community facilities in Wellington. The proposal provides for significant areas of recreational open space, as well as informal areas of open space associated with land to be kept free from development, which is potentially liable to flood. The proposal includes a package of public transport measures and measures for cyclists and pedestrians. The above provisions are to be secured by means of the recommended Section 106 Agreement.

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

11/2005/008

MR & MRS WATSON

FORMATION OF 40 M X 20 M FENCED ALL WEATHER DRESSAGE AREA ON LAND ADJOINING THE PADDOCK, TREBLES HOLFORD, COMBE FLOREY AS AMENDED BY LETTER DATED 26TH MAY, 2005 WITH ACCOMPANYING DETAILS

14987/33015

FULL PERMISSION

PROPOSAL

Formation of a fenced all-weather dressage area measuring 40 m x 20 m. The proposed surfacing of the dressage area would be grey.

The applicant is a Member of the Council.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER site is discreet within the local area and subject to maintaining a reasonable distance from the stream, 8 -10m, should be possible to landscape dressage area. Recommend reinforcing the boundary hedgerows with another run of hedging plants and some tree planting (oak) at 6 - 8 m intervals, post and rail fencing throughout the rest of the field should be avoided and if possible controlled through a condition. DRAINAGE OFFICER as surface water discharge is proposed to be connected to the adjacent watercourse there may be a possibility of a pollution incident, details of the proposed connection should be forwarded for approval before planning consent is given.

POLICY CONTEXT

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments, Policy S8 of the same plan states that 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 meets certain criterion. It is considered that these criteria are met with the current proposal.

ASSESSMENT

It is considered inappropriate to impose a condition restricting further post and rail fencing within the field. The proposed development will have no significant impact on the visual amenity of the area and subject to the recommended conditions is considered to be acceptable.

RECOMMENDATION

Subject to the views of the Drainage Officer on the submitted drainage 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, landscaping, drainage and details of any lighting. Note re landscaping.

REASON(S) FOR RECOMMENDATION:- The proposed development will not have a significant impact on the visual amenity of the area in accordance with Taunton Deane Local Plan Policy S7.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

14/2005/023LB

MR & MRS M PHILLIP

**ERECTION OF TIMBER FRAMED CONSERVATORY, ROCKHOUSE,
ADSBOROUGH**

27774/29167

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The proposal comprises the erection of a timber framed, gable roof conservatory to the rear of a detached farmhouse.

The farmhouse with attached barn is an attractive and imposing Grade II listed building.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER proposal deemed detrimental to simple form and detailing of existing building. Objection raised.

PARISH COUNCIL this application is unanimously supported subject to listed building regulations.

POLICY CONTEXT

Policies EN17 and EN16 of the Taunton Deane Local Plan, together with Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, seek to safeguard the character and appearance of listed buildings.

ASSESSMENT

A key characteristic of the farmhouse is its simplicity of form and detailing and the introduction of an extension of any size or design would disrupt this harmony. Accordingly it is considered that the character and appearance of this listed building would be adversely affected.

RECOMMENDATION

Permission be REFUSED for the reason that the proposed extension would have a detrimental effect on the simple form and detailing of the listed building.

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:

14/2005/024

MR & MRS M PHILLIP

ERECTION OF TIMBER FRAMED CONSERVATORY, ROCKHOUSE, ADSBOROUGH.

27774/29167

FULL PERMISSION

PROPOSAL

This application seeks planning permission for works as set out in previous report (14/2005/203LB).

The proposal comprises the erection of a timber framed, gable roof conservatory to the rear of a detached farmhouse.

The farmhouse with attached barn is an attractive and imposing Grade II listed building.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL this application is unanimously supported.

1 LETTER has been received raising the following issues:- no objection but requests some screening to provide a degree of privacy.

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. Policies EN16 and EN17 seek to protect, preserve and enhance listed buildings.

ASSESSMENT

A key characteristic of the farmhouse is its simplicity of form and detailing, and the introduction of an extension of any size or design would disrupt this harmony. Accordingly it is considered that the character and appearance of this listed building would be adversely affected as would visual amenity.

RECOMMENDATION

Permission be REFUSED for reason that the proposed extension would have a detrimental effect on the simple form and detailing of the listed building and would adversely affect visual amenity.

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:

22/2005/005

DR & MRS J PEPPERELL

**ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSIONS AT
HOCCOMBE BARN, LYDEARD ST LAWRENCE.**

11343/29878

FULL PERMISSION

PROPOSAL

The proposal provides for the erection of two storey and single storey extensions to the existing dwelling which is a barn conversion. There is an outstanding planning permission for the erection of a single storey extension to the dwelling. The current proposal provides for a second floor to be provided above this agreed extension and extend this over part of the roof of the existing dwelling. This would allow for a large living room on the ground floor with the provision of additional bedroom accommodation and bathroom on the first floor. The single storey extension would provide for a utility room.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL no objection.

SIX LETTERS OF SUPPORT the design would be quite in keeping with the existing building and fit in well with others in the surrounding area; as the barn conversion is only single storey, an extension which would convert it into a two storey property would be more in keeping with the character of the existing properties in Hoccombe, which are all farmhouses and rural cottages; would add significantly to the viability of the property as a family home adding both light and space to a building which is at the moment a little lacking in both; the roadside elevation of the new upper wing would sit comfortably with the original usage as an agricultural building; will not overlook other properties; will add visual interest to the present building.

POLICY CONTEXT

The dwelling is the result of the conversion of a former barn. Policy H7 of the Taunton Deane Local Plan states that outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless certain criteria are met. Policy H17 of the same plan states that extensions to dwellings will be permitted provided they do not harm (a) the residential amenity of other dwellings; (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. I do not consider that criterion (c) is met with the current proposal.

ASSESSMENT

The applicant contends that the other traditional and historic dwellings in the near vicinity are all double storey and that many of these have adjoining single-storey elevations. The current barn conversion is single storey along its length and the applicant considers that a single storey barn of this length would usually have been part of a farmyard complex or a group of adjoining larger barns and somewhat incongruous in isolation.

I consider that the existing character of this barn conversion is as a single storey building. That is the form it was when it was in agricultural use and the extensions that have been carried out to the building have been in keeping with this character. The provision of a two storey element at one end of the building would have a detrimental impact on that single storey character of the existing building. Notwithstanding the assertions of the applicant, the proposed two-storey extension would not be considered to be subservient to the existing single storey dwelling. This is a requirement of the Local Plan policy on extensions to dwellings.

RECOMMENDATION

Permission be REFUSED for reason that the existing dwelling is the result of the conversion of a former agricultural building of traditional character, where the Local Planning Authority's policies require that the appearance, structure and surroundings of the building should remain materially unaltered. The proposed 2 storey extension, by reason of its size and form will have a detrimental impact on the architectural integrity and traditional character of the existing dwelling and detract from the visual amenities of the locality (Taunton Deane Local Plan Policies H7 and H17).

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

25/2004/029

J & B SMALL PARK HOMES

ERECTION OF TWO STOREY ONE AND TWO BEDROOM WARDEN CONTROL RETIREMENT FLATS FOR PERSONS OVER 55 YEARS, LAND AROUND EASTEND COTTAGE AND FITZWARREN HOUSE, NORTON FITZWARREN AS AMENDED BY LETTERS DATED 18TH NOVEMBER, 2004 AND 13TH APRIL, 2005

19884/25791

OUTLINE APPLICATION

PROPOSAL

The proposal provides for the erection of two storey 1 and 2 bedroom warden control retirement flats for persons aged over 55 years. The site extends to 0.27 ha and comprises part of a mobile home site together with two former dwellings which it is proposed to demolish.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection to the principle of development. However the development of a considerable number of residential flats within the development site will generate significant additional traffic movements to and from the B3227. The existing access to the mobile home site is substandard in terms of visibility, particularly to the west. This is restricted by the cottage immediately to the west of the junction, which would need to be demolished in order to improve the access. There is enough frontage for visibility splays of 4.5 x 90 m with no obstructions above 300 mm above carriageway level. Requests a Grampian condition requiring these to be provided before a start of development on site, together with a general estate road condition. COUNTY ARCHAEOLOGIST as far as are aware there are limited or no archaeological implications to this proposal and therefore have no objections on archaeological grounds. COUNTY EDUCATION OFFICER in this particular case the numbers of children likely to be resident in the development will probably be insufficient to necessitate additional education provision. ENVIRONMENT AGENCY do not wish to comment. WESSEX WATER there is sufficient spare foul drainage capacity to serve the site. Connections can be made to either or both sewers that cross the site. There should be no new building within 3 m of the sewer. The applicant is advised to contact Wessex Water with regard to adoption of drainage systems. The sewage treatment works and terminal pumping station has sufficient capacity to accept the extra flows. There is sufficient spare capacity in the water supply distribution system to service this development on the assumption that there will be no more than 100 units. CHIEF FIRE OFFICER observations with regard to means of escape, access for appliances and water supplies. AVON AND SOMERSET CONSTABULARY no adverse comments to make at this stage. SOMERSET ENVIRONMENTAL RECORDS CENTRE no statutory and non statutory sites and species at the application site. One County Wildlife Site, one County Geological Site and one or more legally protected species found within 1 km of the application site. SOMERSET WILDLIFE TRUST no comments to make. TAUNTON AND DISTRICT CIVIC SOCIETY noted the very high number of apartments proposed for this fairly small site. Feel that the implied density is unacceptable. Feel that

applications that are so lacking in detail yet seeking to create such broad approval should be refused on grounds of inadequate evidence for approval, even if they are only outline applications. Glad to know that the application has now been modified to delete all reference to the number of proposed apartments. Approval will not now automatically create a potential density problem and therefore have no objection to outline approval. Given that the proposal is for two storey accommodation, shall look to examine any detailed application for apartment layout (would regard apartments split over two floors as intrinsically undesirable for persons who require to be in warden controlled premises), good provision of lifts, etc, adequate for mobility equipment for those above ground level, and adequate parking for visitors, services, etc and storage of mobility equipment.

LANDSCAPE OFFICER the trees to the south of Fitzwarren House have some local amenity but are not worthy of a TPO. Otherwise the proposals may be acceptable subject to landscape proposals. WILDLIFE SPECIES CO-ORDINATOR the derelict nature of the buildings and their proximity to the brook and river mean that it is likely to be a roost site for bats. A bat/wildlife survey must be carried out at suitable times to include an emergence survey (April - September). Advise that if permission is granted this should be conditioned. ENVIRONMENTAL HEALTH OFFICER recommends conditions regarding noise emissions from site during construction phase and contaminated land investigation and remediation. DRAINAGE OFFICER no observations to make. LEISURE DEVELOPMENT MANAGER a contribution towards community facilities reflecting the size of the development should be sought together with a community open space on site suitable for older users in accordance with Local Plan standards.

PARISH COUNCIL the Council positively support the principle of such accommodation as it provides for a need within the village. However would wish to ensure at this stage that adequate provision is included for public transport, i.e. the installation of a bus stop and shelter as near as possible to the development. The flooding issue should be taken into account, which despite several attempts over a number of years to solve is still a concern in this area. Councillors did express concerns about the number of dwellings as stated within the application, but understand that the number of dwellings is no longer specified. Also understand that there is no intention to demolish existing buildings, which form part of the village, but will convert them. This is also supported.

THREE LETTERS OF OBJECTION have been received raising the following issues:- will block views and most of the natural light from rear of property; windows placed in the rear and side of the flats will overlook adjacent properties; query right to use one of the access points; will result in many more vehicles requiring access to the proposed development and parking; both accesses are situated on bends and although there is a 30 mph speed limit, it is already quite dangerous here with visibility of oncoming cars from both directions being considerably restricted; understood that no development would take place here until a flood prevention scheme had been completed; main road floods to a depth of two feet during storms, on average some five times a year;

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that 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. Policy S2 of the same plan provides guidelines for the design of new developments. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. It is considered that these criteria are met with the current proposal.

ASSESSMENT

One of the amending letters deleted reference to any particular number of flats and the other confirmed acceptance to the demolition of East End Cottage to provide the visibility splays required by the County Highway Authority. There are existing bus stops close to the site. The principle of development as proposed is acceptable and therefore the outline application is considered to be acceptable.

RECOMMENDATION

Subject to the applicants entering into a Section 106 Agreement to provide for a contribution of £846 per flat towards community facilities and provision for affordable housing in the event that the number of dwellings proposed at the reserved matters stage exceeds 25, the Development Control Manager be authorised to determine the application in consultation with the Chair/Vice Chair and permission be GRANTED subject to conditions of details, time limits, materials, landscaping (hard and soft), retention/protection of trees, no service trenches beneath trees, no felling, boundary treatment, visibility splays, estate roads, parking, occupation by persons over 55 years of age, meter boxes, wildlife survey, no demolition prior to contract being let and contaminated land. Notes re contaminated land, disabled access, energy/water conservation, meter boxes, CDM Regulations, Section 106 Agreement, no buildings within 3 m of foul sewer, contact Wessex water, water supply, Chief Fire Officer's advice and noise during construction phase.

REASON(S) FOR RECOMMENDATION:- The proposed development makes effective use of a brownfield site within the urban area and does not adversely impact on the amenity of adjacent residents. The development is therefore in compliance with Taunton Deane Local Plan Policies S1, S2 and H1.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

25/2005/011

WEST OF ENGLAND DEVELOPMENTS LTD

ERECTION OF 9 DWELLINGS AT LAND NORTH EAST OF DABINETT CLOSE, NORTON FITZWARREN (PLOTS 1 - 9) AS AMENDED BY AGENTS LETTER DATED 25TH MAY, 2005 AND DRAWING NOS. 3592/05 REV B AND 3603/05 REV B AND BADGER SURVEY RECEIVED 15TH APRIL, 2005

19923/26108

RESERVED MATTERS

PROPOSAL

The proposal comprises the clearance of all reserved matters following previous outline application 25/2000/024. This application for nine dwellings represents the majority of the site granted outline permission with access from Dabinett Close.

The remainder of the site granted outline permission is subject to a current application (25/2005/009) for 2 dwellings with access from Valberie Close.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY comments awaited. COUNTY ARCHAEOLOGIST no objections. WESSEX WATER no objections. SERC statutory and non-statutory species have been identified within 1 km of the site. SOMERSET WILDLIFE TRUST no objections subject to the mitigation measures of the wildlife survey are appropriately conditioned.

LANDSCAPE OFFICER subject to landscape details, including a boundary native hedge it should be possible to integrate the local street scene and soften its impact from the Norton Hill Fort special landscape feature. ENVIRONMENTAL HEALTH OFFICER no observations. DRAINAGE OFFICER no objections to the revised drainage details. LEISURE DEVELOPMENT OFFICER no objections.

PARISH COUNCIL object to the introduction of an agricultural access, when there is none at present, and we also object in principle to the introduction of an agricultural access through a residential area. We are concerned on the affect on wildlife, as there a colony of Slow Worms at the site-which are protected. There is also concern over the potential detrimental effect on drainage affecting the wider area. There has been a history of problems with some properties at Taylor Close and Dabinett Close flooding with run off water from the land above the site. Adequate drainage provision should be made, to ensure that the new dwellings are properly protected.

THREE LETTERS OF OBJECTION have been received raising the following issues:- construction traffic represents a clear danger to children who play in the area; significant difficulty with existing on-street parking and a clear nuisance in terms of noise, mud and dust; a formal risk assessment of the latter should be undertaken and investigate any

alternative option for temporary site access prior to permission being granted; working hours, noise, mud, dust and other antisocial activities should be restricted.; Dabinett Close is a quiet cul-de-sac with views of the fields and hills beyond that would be eroded; I was informed this was a green belt; most houses these days are two car household, the increased traffic movements would cause considerable affect; the cider factory and trading estate are being developed, surely that is enough without taking open countryside.

TWO LETTERS OF REPRESENTATION has been received raising no objections to the proposal but would like noise and disturbance from construction traffic kept to a minimum; an overlooking landing window should be obscurely glazed; and covenants be placed to maintain a quiet domestic environment that apply to the existing properties at Dabinett Close.

POLICY CONTEXT

Taunton Deane Local Plan Policies are relevant:-

Policy S1 covers general requirements, including one stating that the accessibility of the development by public transport, cycling and pedestrian networks should be consistent with its likely trip generation and minimising the need to use the car. Policy S2 of the same plan provides guidelines for the design of new developments. Policy H2 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. Policy M4 sets out guidelines for residential parking standards. Policy EN5 states that development should not harm protected species.

Policy T15 (E) - sites allocated for residential development (Dabinett Close). A triangular site, directly north of the turning head at the end of Dabinett Close, which is part of a modern residential estate. The site currently forms the corner of a large open field which slopes down south-eastward from Norton Camp. It is separated from modern housing by wire fences to south and north-east, and by dense trees to the south-east. The western boundary is not marked by any features on the ground. The site adjoins the Norton Camp Hill Special Landscape Feature, necessitating sensitive design, layout and landscaping. No public sewers are available to the site. Discharge of foul flows to mains drainage will require an easement from all private property owners involved. Land surface water problems have been experienced. All surface water systems are private, necessitating owners consent to drain water from the site. Planning permission for the site's development was granted in March 2003.

ASSESSMENT

The principle of residential development on the site has already been established by the previous outline planning permissions. The site is allocated for housing in the Local Plan and within the defined development limits of Norton Fitzwarren. The previous outline applications included a completed S106 agreement providing off-site contributions to sport facilities and play areas.

The provision of 8 semi-detached and one detached property makes the best use of the land, whilst reflecting the existing form of development at Dabinett Close. The design and character of the properties are in-keeping with those in the area, offering an appropriate choice of house types and external appearances. The design and layout of the dwellings are considered acceptable and are located sufficient distance away from neighbouring properties not to cause any detrimental overlooking or loss of light. One letter of representation has been received requesting that the first floor, south west elevation landing window of plot 9 be obscure glazed and an appropriate condition is proposed. Subject to appropriate planting the proposal would therefore not cause any detrimental loss of residential or visual amenity.

In terms of addressing the objections received, construction and associated traffic will be restricted to reasonable times by an appropriate condition. Concerns regarding on-street parking are met as the dwellings meet the appropriate parking standard and no objections have yet been raised from the Highway Authority. Other nuisance factors identified such as mud and dust etc are controlled by Environmental Health legislation.

The inclusion of an agricultural access to the surrounding field is not considered to result in any detrimental loss of residential amenity. The access between two properties would be screened from view by garden fences.

RECOMMENDATION

Subject to the receipt of no adverse comments from the County Highway Authority, the Development Control Manager in consultation with the Chair/Vice Chairman be authorised to determine and permission be GRANTED subject to additional conditions regarding details to be submitted of the future maintenance and management of the drainage screens, piped system throughout the development and attenuation bund, implementation of the mitigation measures for badgers and restriction of hours of operation. Notes re compliance with the conditions of the outline permission, energy and water conservation and that separate consent from the Highway Authority is required to form the access.

REASON(S) FOR RECOMMENDATION:- The reserved matters of this development are considered to be acceptable and would not harm visual nor residential amenity. Therefore, the scheme accords with Policies S1, S2, H2, EN5, M4 and T15 of the Taunton Deane Local Plan.

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:

43/2005/032

MR P & MRS A WEST

CONVERSION OF BAKERY STORE BUILDING AND FIRST FLOOR EXTENSION TO REAR OF 13 HIGH STREET, WELLINGTON TO FORM A TWO STOREY RESIDENTIAL DWELLING WITH ACCESS FROM WHITE HART LANE (RESUBMISSION)

13895/20720

FULL PERMISSION

PROPOSAL

The proposal provides for the conversion of a former bakery store building to the rear of 13 High Street (Warrens Bakery), with a first floor extension to a residential dwelling. The existing brick walls and slate roof will be retained. No parking is provided and pedestrian access is obtained from White Hart Lane. The site is within the Wellington Conservation Area.

A previous application to convert the building (43/2004/056) was granted Condition Approval on the 24th June 2004.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection; sheltered cycle rack for 2 cycles should be made a condition of the application. WESSEX WATER developer to agree points of connection; three metre easement to be provided; protection to integrity of Wessex Water.

CONSERVATION OFFICER no objection. NATURE CONSERVATION OFFICER wildlife Survey should be undertaken.

TOWN COUNCIL strongly objects due to loss of privacy for neighbours at 2,3 and 4 White Hart Lane as it will cause considerable overlooking and because, with the proposed first floor extension, it will create an oppressive and over-bearing development in a very tight site.

TWO LETTERS OF OBJECTION have been received raising the following issues:- light and privacy will be taken away from existing dwellings; proposal will over-power courtyard; previous use of building had no overlooking or noise which will occur with the proposed extension; existing rotary washing line would be directly in front of proposed front entrance; extension is just 6 - 8 m from the rear of my dwelling; obscure first floor plan could be changed later; extension would block out light from rear windows and would be overbearing; privacy to rear garden lost and from only entrance to dwelling; concerns over noise nuisance.

POLICY CONTEXT

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that 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. Policy H1 states that housing development within defined units of settlements provide certain criteria are met. It is considered that these criteria are met with the current proposal. Policy EN15 of the Taunton Deane Local Plan states that development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the appearance of the Conservation Area. It is considered that the proposal will meet the criterion.

ASSESSMENT

Previous planning permission has been granted for conversion of the existing building to a dwelling. The current proposal varies from that proposal in that it provides for a first floor extension above the single storey lean-to section of the existing building. The current proposal increases the height of the eaves from 2.6 m to 4.3 m, an increase of 1.7 m. Above that is proposed a gable end rising to 7.6 m in height. This is immediately adjacent to an area of garden. There are no windows proposed on the gable end and all the windows proposed in the extension are high level roof lights. It is not considered that the proposed first floor extension is so overbearing as to justify refusal or permission. The proposal is an effective use of an existing redundant building within the central area of Wellington.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, meter boxes, timber doors/windows, removal of GPD rights for extensions and doors/windows, cycle parking and wildlife survey. Notes re disabled access, energy/water conservation, meter boxes, encroachment, contamination and contact Wessex Water.

REASON(S) FOR RECOMMENDATION:- The proposal is to convert and extend an existing building within the urban area to residential use. The proposals are not considered to have any significant adverse effect on the amenity of the occupiers of neighbouring properties and the application is therefore considered to be in accordance with 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: 356461 MR J HAMER

NOTES:

PLANNING COMMITTEE – 15 JUNE, 2005

Report of the Development Control Manager

MISCELLANEOUS REPORT

49/2004/067 ERECTION OF 2 NO DETACHED DWELLINGS, THE MANSE, FORD ROAD, WIVELISCOMBE

The above reserved matters application was approved by the Planning Committee on 24 November, 2004.

The approved plans indicated the position of one of the proposed dwellings approximately 7m from the boundary with properties in Lion d'Angers. Although not part of the application site or proposal, the submitted site layout plan indicated the position of a proposed garage for the existing dwelling, The Manse. During the case officer's site visit, it was noted that the new garage building, being erected under householder permitted development rights, was being erected closer to the position of one of the proposed dwellings than as indicated on the submitted plan. This was pointed out to the developer, who was informed that, if approved, the new dwelling should be built in the position indicated on the submitted plan, i.e. 7m from the boundary with the Lion d'Angers properties.

Construction commenced and complaints were received that the position of the proposed dwelling as being built was not in accordance with the approved plans. The Enforcement Officer checked the measurements on site and confirmed that the position of the proposed dwelling was not in accordance with the approved plans, being closer to the boundary with the Lion d'Angers properties. An Enforcement Report was on the Committee Agenda for 20 April, 2005, but an amended plan was submitted by the developer seeking approval of the revised siting as a minor amendment. The item was therefore withdrawn from the Agenda. The minor amendment indicates that from the corners of the proposed dwelling to the boundary is indicated as 6.05m from one corner and 6.20m from the other, a difference of approximately 950mm and 800mm respectively.

The Parish Council has responded as follows:-

"It is noted that the site plan submitted with detailed planning application is a photocopy of the site plan submitted by the Wiveliscombe Evangelical Congregational Church's outline planning application (49/2003/11 Drawing BFH/317/5) which has been altered by the Applicant, and having compared the two plans this photocopy is not to a scale of 1:500 (photocopying often distorts scale drawings). Further, the Applicant's revised amended site plan is also a photocopy and measurements should therefore not be scaled off either of these photocopied plans. The church's plan is a print direct off the Architect's negatives and you will have a copy on file, scaling off this plan would suggest that the distance between the gable of the property and the boundary to the east should be 7m. The Parish Council note that in the

Applicant's letter dated 18 April, 2005 he says that Taunton Deane Officers have stated that the measurement should be 7m and the Parish Council concur with this view. The Applicant mentions that in his view this distance should be 6.5m and the Parish Council believe that this arises as a result of scaling off inaccurate photocopied plans. The Applicant states that the property has now been erected between 6200mm and 6050mm from the boundary, some 0.80 – 0.95m closer to the neighbouring properties than detailed on the approved plans. This is a significant variance on a 7m distance. Given the height of the property, distance to the boundary, and size of the neighbour's garden there may be negative impact on light to the neighbour's house caused by shadows from the property now being closer to the neighbours home.

Looking at the site plan attached to the outline consent the gable should be 7m parallel to the boundary and not offset, as the Applicant's measurements would suggest.

For the above reasons The Parish Council object to the amended plan. In addition the Parish Council are aware of local residents' concerns as well as that of the Planning Authority (having received a copy of the Enforcement Officer's recommendation that enforcement action be taken), and wish to see the matter referred to the full Planning Committee so that all parties can make representations. The Parish Council believe that given the poor quality of the applicant's site plan and possible inaccuracies in positioning the new Manse garage, that the Planning Authority should arrange for an independent survey to be undertaken of the whole site referencing the position of all structures thereon to the correct positions as detailed on the site plan approved as part of the outline consent (this being a professional scale drawing) which will bring to light any further matters and confirm the site measurements currently being debated. In addition, a light impact assessment should be undertaken to assess any detriment caused to the neighbouring property by closer proximity of the new dwelling. The Parish Council supports the principle of enforcement action, subject to the findings of an independent survey and light impact assessment."

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

"I actually made representation at the Planning Meeting on the 24 November, 2004 when the initial planning application was heard.

At that meeting the Members put forward two conditions:-

1. That there was to be no access through Lion d'Angers past the under-fives nursery and therefore the right of way dismissed. There have been incidents of when this condition has not been met, and the gateway into the building site has still not been blocked off. This is a Health & Safety issue when you have young children able to access this site easily. We have all been waiting for such an accident to occur but luckily this has not been the case, therefore the residents of Lion d'Angers would like this access to be blocked off immediately.

2. Hours of working on site. - There has been blatant disregard of this condition with the applicants or their employees working Saturdays and Sundays and outside of the hours of 8 a.m. to 6 p.m., even over the Easter weekend. The applicant has been seen and heard throwing off blocks and wood from the top (roof height) of the scaffolding onto the floor at 9 p.m. at night on several occasions. This has been repeated on numerous occasions. Trusses etc have been delivered on a Sunday morning. Too many incidents to list.

At the November meeting Mr Langdon brought to the Committee's attention that the building was too close to his boundary. It has now been established that Mr Langdon was correct. When this error was brought to the applicants' attention by your Enforcement Officer, Mr Hardy, the applicants were asked to stop building work. This request has been ignored now both houses are externally finished. I understand that the applicants have been warned on several occasions that to continue building work would be foolish given the situation. These requests have also been ignored and the applicants have blatantly carried on ignoring the Enforcement Officer's requests and the conditions imposed by the Members themselves.

The applicants were at the November Meeting and heard the Members discuss the two conditions imposed on the planning approval and it was made quite clear by several Members at the meeting that these conditions were to be strictly adhered to otherwise consent would be withdrawn. The applicants have never had, nor ever will have, any intention to stick to these conditions. The applicants have had total disregard of the planning laws that every other law abiding citizen has to stick to. It has shown the surrounding residents of this building site that anyone can break the law and get away with it.

This is the point that will be going through the minds of many people and unless they see something physically happen to these houses they will also wonder what has happened to let the applicants get away with this injustice. This does not show the Council in a good light. Not only has the applicant upset the residents of Lion d'Angers and Ford Road by breaking the law but they have also put Mr Langdon (and his neighbours) into the situation of having a house built too close to his home therefore cutting out light and air and this should be rectified. The Council has done nothing about this situation and has allowed the building to continue to its last stages, perhaps the applicants believe that by finishing the houses they will not be required to comply with planning. I would implore the Council to show the applicants that disregarding the law does not pay and the house/s should be moved back into the correct position."

The Planning Enforcement Officer has been investigating the compliance with conditions related to the development.

The closest point from the first floor of the adjacent dwellings in Lion d'Angers to the proposed dwelling as being constructed is 13 m on an angle. The only window on the gable of the proposed dwelling is a bathroom window, which will be obscure glazed. It is considered that the distances of the gable end of

the new dwelling to the dwellings in Lion d'Angers are within normal planning standards and will not have such a detrimental impact on the existing dwellings as to justify refusal of the minor amendment. My recommendation is therefore a favourable one.

RECOMMENDATION

That the minor amendment be APPROVED.

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