



## 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 23RD MAY 2007 AT 17:00.

(RESERVE DATE : THURSDAY 24TH MAY 2007 AT 17:00)

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### **AGENDA**

1. Appointment of Chairman of the Planning Committee.
2. Appointment of Vice-Chairman of the Planning Committee.
3. Apologies.
4. Minutes of the meeting of the Committee held on 18 April 2007 (attached).
5. Public Question Time.
6. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
7. Taunton - 38/2007/025 Report item  
Demolition of pavilions, stands and subsidiary accommodation on south side of ground and erection of cricket school, pavilion, seating stand and 16 flats with commercial ground floor use to St. James Street/Priory Avenue, Taunton.
8. Wellington - 43/2007/026 Report item  
Erection of Medical Centre with attached services, including car parks, external works and landscaping and formation of access to Mantle Street, land to south and west of 112B Mantle Street (Part of Trinity Farm), Wellington.
9. BISHOPS LYDEARD - 06/2007/012  
ERECTION OF TWO AND A HALF STOREY BUILDING TO PROVIDE ACCOMMODATION FOR COMMERCIAL/COMMUNITY USE ON GROUND FLOOR (A1, A3, A5, D1, ACCOMMODATION AGENCY, ACCOUNTANT & TAX ADVISOR, BANK, BUILDING SOCIETY, CITIZENS ADVICE BUREAU, CHARITABLE & VOLUNTARY ORGANISATION, EMPLOYMENT AGENCY, ESTATE AGENT, FINANCIAL ADVISOR, FITNESS CENTRE,

GYMNASIUM, HEALTH CENTRE, LAUNDERETTE, SOCIAL SERVICES CENTRE, SOLICITOR, TAXI BUSINESS, TOURIST INFORMATION CENTRE, TRAVEL AGENT), BASEMENT MULTI-USE APARTMENT (RESIDENTIAL, SELF CONTAINED OFFICE (B1) USE, OR COMMERCIAL USE AS PART OF THE GROUND FLOOR USE) AND 12 SINGLE BEDROOM APARTMENTS ON FIRST AND SECOND FLOORS AND 1 SINGLE BEDROOM APARTMENT IN BASEMENT AT LAND ADJACENT TO ROGERS WALK, COTFORD ST LUKE

10. KINGSTON ST. MARY - 20/2007/010  
CONVERSION OF BUILDING INTO TWO UNITS FOR HOLIDAY LETS (REVISION TO 20/2006/026) AT SWALLOWS BARN, PARSONAGE LANE, KINGSTON ST MARY
11. LANGFORD BUDVILLE - 21/2007/009  
DEMOLITION OF SKITTLE ALLEY AND ERECTION OF DWELLING AT THE MARTLETT INN, LANGFORD BUDVILLE AS AMPLIFIED BY AGENTS LETTER DATED 9TH MAY, 2007
12. MILVERTON - 23/2006/044  
ERECTION OF DWELLING ON LAND ADJACENT TO QUEENSMEAD, SILVER STREET, MILVERTON (RESUBMISSION OF 23/2006/030) AS AMENDED BY AGENTS LETTER DATED 6TH JANUARY, 2007 AND ACCOMPANYING PLAN NO. 3016 DWG 2 REV D
13. NORTON FITZWARREN - 25/2007/003  
ERECTION OF AN ATTACHED DWELLING ON LAND ADJACENT TO 12 MANOR PARK, NORTON FITZWARREN
14. TAUNTON - 38/2007/094  
ERECTION OF TWO STOREY BUILDING COMPRISING 8 NO. FLATS WITH ASSOCIATED COMMUNAL AREAS, BICYCLE PARKING AND BIN STORAGE AT FORMER ROWBARTON ADULT SCHOOL, HARCOURT STREET, TAUNTON AS AMENDED BY LETTER DATED 8TH MAY, 2007
15. TAUNTON - 38/2007/111  
ERECTION OF SINGLE STOREY EXTENSION, 72 WHITMORE ROAD, TAUNTON
16. WEST BAGBOROUGH - 45/2006/025  
ERECTION OF FOUR HOLIDAY CHALETS, QUANTOCK ROSES, WEST BAGBOROUGH
17. Objection to Taunton Deane Borough (Kingston St Mary No. 1) Tree Preservation Order 2007 - Roadside trees on the Tetton Estate, west of Quantock Way, Kingston Countryside item

St. Mary.

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| 18. | Enforcement notice relating to Hunter's Cottage, Hemyock Place, Monument Hill, Wellington.          | Miscellaneous enforcement item |
| 19. | E55/04/2006 - Occupied caravans/motor home sited on land adjacent to Paddocks, Bickenhall, Taunton. | Enforcement item               |
| 20. | 10/2006/034 - Construction of sand arena at Fairfield Stables, Churchinford, Taunton.               | Enforcement item               |
| 21. | E284/38/2006 - Provision of large satellite dish in rear garden of 14 Thames Drive, Taunton.        | Enforcement item               |
| 22. | 49/2002/069 and 49/2002/071LB - Covered walkway to the rear of 9 The Square, Wiveliscombe.          | Enforcement item               |

G P DYKE  
Democratic Services Manager  
16 May 2007

Tea for Councillors will be available from 16.45 onwards in Committee Room No.1.

Planning Committee Members:-

Councillor Mrs Allgrove  
Councillor Bishop  
Councillor Bowrah  
Councillor Cavill  
Councillor Critchard  
Councillor Denington  
Councillor Floyd  
Councillor Henley  
Councillor C Hill  
Councillor Mrs Hill  
Councillor House  
Councillor Miss James  
Councillor McMahon  
Councillor Mrs Smith  
Councillor Ms Webber  
Councillor A Wedderkopp  
Councillor D Wedderkopp

(Note: One Liberal Democrat to be nominated.)



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



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



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

## Planning Committee – 18 April 2007

Present:- Councillor Mrs Marie Hill (Chairman)  
Councillor Mrs Marcia Hill (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Croad, Denington,  
House, Lisgo, Phillips, Stuart-Thorn and Wedderkopp

Officers:- Mr T Burton (Development Control Manager), Mr J Hamer  
(Development Control Area Manager – West), Mr G Clifford  
(Development Control Area Manager – East), Mrs J Moore  
(Development Control Principal Officer – East), Mrs J M Jackson  
(Senior Solicitor) and Mr G P Dyke (Democratic Services Manager)

Also present:- Councillor Bishop.

(The meeting commenced at 5.00 pm)

### 51. Apologies

Councillors Floyd, Henley, C Hill and Hindley.

### 52. Minutes

The minutes of the meeting held on 28 March 2007 were taken as read and were signed.

### 53. 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:-

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:-

#### **06/2007/002LB**

**Conversion of, and alterations to, Chapel to form public house, restaurant, take-away and managers flat and associated works, St Lukes Chapel, Graham Way, Cotford St Luke.**

#### **Conditions**

- (a) C002B – time limit – listed building;
- (b) C106 – second hand materials;
- (c) Repairs to the building shall be strictly and fully carried out in accordance with the submitted schedule before the building is brought into use;
- (d) C677 – listed building – repairs – approach – workmanship;

- (e) Extant figures and fittings (including screens and pews) shall be re-used in the building in accordance with a detailed schedule and annotated plan, which shall first be agreed in writing by the Local Planning Authority and therefore retained and maintained in the agreed locations, unless any variation thereto is first approved in writing by the Local Planning Authority;
- (f) The apostle wall paintings shall be consolidated/repared by a suitably qualified conservator approved by the Local Planning Authority with such work being undertaken prior to the building being brought into use;
- (g) New plaques to replace those stolen or beyond repair shall be commissioned and installed, prior to the building being brought into use, in accordance with details which shall first be approved in writing by the Local Planning Authority. Such plaques shall thereafter be maintained in the agreed locations;
- (h) Prior to the works for which consent is hereby granted are commenced, specific details of the physical junction/construction arrangement for the first and second floors shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details;
- (i) C679 – listed building – new works – damp proofing – heating, lighting, plumbing;
- (j) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented and maintained strictly in accordance with the approved details:- temporary refuse store; extraction equipment including terminal locations/details; means of ventilation including terminal locations/details; doors/linings/architraves/skirtings; bar fittings; staircases and location of meter boxes.

(Note to applicant:- Applicants attention is drawn to the planning permission No 06/2007/003 relating to this site/these premises.)

**Reason for granting listed building consent:-**

The proposed development would secure a beneficial future use for this Grade II listed building in accordance with Taunton Deane Local Plan Policy EN17.

**06/2007/003**

**Conversion of, an alterations to, Chapel to form public house, restaurant, take-away and managers flat, including provision of car parking areas, vehicular access and associated works, St Lukes Chapel, Graham Way, Cotford St Luke.**

**Conditions**

- (a) C001A – time limit;
- (b) C106 – second hand materials;
- (c) C201 – landscaping;
- (d) C208E – protection of trees to be retained;

- (e) C208C – trenching works within the canopy spread of trees;
- (f) C210 – no felling or lopping;
- (g) C215 – walls and fences;
- (h) Prior to commencement of works on site, an emergence survey for bats undertaken between 1 May and 31 August shall be undertaken by a qualified Environmental Consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard bats in accordance with the law. Once these measures are approved, the works shall take place in accordance with the agreed scheme to protect bats and their roosts and thereafter the scheme shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the bat roosts and related accesses has been fully developed;
- (i) C304 – access point;
- (j) C314 – visibility splays;
- (k) C324 – parking;
- (l) C331 – provision of cycle parking;
- (m) Prior to commissioning, details of the materials to be used for footpaths, car parking, marking out of parking bays and details of associated bollards shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter strictly implemented and maintained in accordance with the approved details;
- (n) P009 – entrance gates set back;
- (o) C416 – details of size, position and materials of meter boxes;
- (p) C927 – contaminated land – small sites;
- (q) Prior to commissioning, specific details and the location of a permanent refuse store shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter strictly implemented and maintained in accordance with the approved details;
- (r) Equipment that will effectively suppress and disperse fumes and/or smells produced by cooking and food preparation as impacting upon neighbouring residential properties shall be installed and be in full working order in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the use hereby permitted. The equipment shall be effectively operated for as long as the use continues. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation;
- (s) 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;
- (t) Full details of the proposed temporary refuse store shall be submitted to, and approved in writing by, the Local Planning Authority prior to the use hereby permitted being commenced;
- (u) Full details of the proposed low wall and railings around the perimeter of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the use hereby permitted being commenced;



- (v) C917 – services – underground;
- (w) The café/take-away food outlet shall not open other than between 07:30 and 21:30 hours;
- (x) Prior to the commencement of use of the proposed take-away, a Code of Practice addressing the issue of litter from the premises shall be submitted to, and approved in writing by, the Local Planning Authority. There shall be no variation to the code unless otherwise agreed 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) Applicants attention is drawn to the listed building consent relating to this property No 06/2007/002LB; (7) Applicant was advised that the section of Graham Way that provides access to the site is currently not a publicly maintained highway but falls under the ownership of Cofton Limited; (8) Applicant was advised that the proposal may result in the need for a street lighting column to be relocated. The applicant must approach the Highway Lighting Manager and seek approval as to where the lighting column is to be re-located. No works on lighting columns can take place without the agreement of the Highway Lighting Manager; (9) Applicant was advised that there may be an existing carriageway gully located within the entrance to the customer car park. Should this be the case then the gully will need to be fitted with a pedestrian friendly frame; (10) Dependent upon finished ground levels, applicant was advised to ensure that no surface water from private areas, including parking bays, will discharge across the respective publicly maintained highway. Separate private drainage measures will need to be installed; (11) N126 – potential ground contamination; (12) N049A – environmental health; (13) N049B – environmental health; (14) Applicant was advised that 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 Regulation stage. Access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards; (15) Applicant was advised that condition (h) requires the submission of further survey work to inform a strategy to protect bats through the development stage and to provide future roosting opportunities. It should be noted that the protection afforded to species under UK and EU Legislation is irrespective of the planning system and the applicant should ensure that any activities they undertake on the application site must comply with the appropriate wildlife legislation.)

**Reason for granting planning permission:-**

The proposed development would secure a beneficial future use for this Grade II listed building and would bring additional community facilities to the village in accordance with Taunton Deane Local Plan Policies S1, EC11 and EN17.

**38/2007/084**

**Erection of two storey and single storey extensions to rear of 31 William Street, Taunton.**

**Conditions**

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) P011 – no windows on the south or north elevations.

**Reason for granting planning permission:-**

The scale and design of the extensions was considered to be acceptable and it was not thought that they would harm the appearance of the street scene or neighbouring amenity. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1, S2 and H17.

**46/2007/002**

**Proposed barn conversion to residential and single storey extension to create an office at Higher Ruggin Farm, West Buckland.**

**Conditions**

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) Prior to the commencement of works for which consent is hereby granted, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details:- schedule of structural works; schedule of repairs; means of venting new and re-covered roofs; means of compliance with upgrading thermal elements of the structure in accordance with Part L1B of the Building Regulations;
- (d) Prior to the works of construction for which consent is hereby granted are commenced, a sample panel of stonework shall be erected on site for the approval of the Local Planning Authority and, thereafter, stonework shall be constructed strictly in accordance with the approved sample panel;
- (e) C201 – landscaping;
- (f) C205 – hard landscaping;
- (g) C215 – walls and fences;
- (h) C416 – details of size, position and materials of meter boxes;
- (i) P001A – no extensions;
- (j) P003 – no ancillary buildings;
- (k) The new windows and doors 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;

- (l) Before any part of the development hereby permitted is occupied, the existing dutch barn and the modern garage in the south-west corner of the site shall be removed from the site;
- (m) C1103 – bats – where survey work showed significant numbers and where possibly more survey work and a DEFRA licence would be needed;
- (n) C1112 – Swifts and Hirundelles, Swallows or House Martins – development affecting buildings where one of these species is known to nest.

(Notes to applicant:- (1) Applicant was advised that bats are known to use the building as identified in Kestrel's report dated December 2006. It should also be noted that the protection afforded to bats under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activities they undertake on the application site must comply with the appropriate wildlife legislation. Where any aspect of the proposal directly affects bats or their roosting sites, work must be taken under licence which must be obtained from Natural England; (2) Applicant was advised that condition (m) requires the submission of a strategy to protect bats through the development stage and to provide future roosting opportunities in line with the report recommendations. Further survey work to meet the requirements of a European Protected Species Licence may be necessary; (3) Applicant was advised that house sparrows have nested in the buildings to be demolished and converted. This species is of conservation concern and consideration should be given to the provision of suitable nest sites in the future for this species; (4) Applicant was advised to contact the Environment Agency with regard to a licence for the proposed private septic tank; (5) Applicant was advised that the soakaway should be constructed in accordance with Building Research Digest 365 (September 1991).)

**Reason for granting planning permission:-**

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, H7, M4, EN4, EN5, EN6, EN12, EN16, EN17 and EN18 and material considerations did not indicate otherwise.

**46/2007/003LB**

**Proposed barn conversion to residential and single storey extension to create an office at Higher Ruggin Farm, West Buckland.**

**Conditions**

- (a) C002B – time limit – listed building;
- (b) C103 – materials – listed building;
- (c) Prior to the commencement of works for which consent is hereby granted, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details:- schedule of structural works; schedule of repairs; means of venting new and re-covered roofs; means of compliance with upgrading thermal elements of the structure in accordance with Part L1B of the Building Regulations;

- (d) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details:- sample slate; weatherboarding; windows; doors – external and internal; architraves; skirtings; floors; staircases; roof lights; glazing to the south elevation; finish of corrugated cladding; new cruck posts, cast iron guttering, hoppers and downpipes for new rainwater goods and to replace existing UPVC and finished treatment for all joinery;
- (e) Prior to the works of construction for which consent is hereby granted are commenced, a sample panel of stonework shall be erected on site for the approval of the Local Planning Authority and, thereafter, stonework shall be constructed strictly in accordance with the approved sample panel;
- (f) C416 – details of size, position and materials of meter boxes;
- (g) No bell casts shall be formed over door or window heads;
- (h) The new windows and doors 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;
- (i) The flat roof to the store, for which consent is hereby granted, shall be constructed of lead unless any variation is agreed in writing by the Local Planning Authority.

**Reason for granting listed building consent:-**

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, EN16, EN17 and EN18 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 in relation to works affecting a listed building and material considerations did not indicate otherwise.

**54. Flats not built in accordance with the approved plans at the former British Red Cross Centre, Wilton Street, Taunton.**

Reported that it had come to the Council's attention that flats being constructed on the former British Red Cross Centre site at Wilton Street, Taunton, were not being built in accordance with the approved plans. As such, the flats caused unacceptable overlooking of the rear garden of the adjacent residential property.

In addition, none of the conditions listed in the report which had been applied to the existing planning permission and which were considered necessary to enable an acceptable development had been complied with. This could result in future alterations to the development that would result in unacceptable access onto the highway, unacceptable internal roadway conditions, unacceptable parking and turning facilities, bike storage, bin storage, landscaping and additional overlooking windows with an unacceptable impact on the surrounding residential amenity.

**RESOLVED** that:-

- (1) Enforcement action be authorised to secure the demolition of the unauthorised development unless a legal agreement was provided within six weeks from the date of the meeting, that secured the conditions as applied to the planning permission with the addition of a requirement for the first and second floor kitchen windows on the northern elevation to be restricted to a maximum opening of 300 mm, obscured glazed and maintained as such thereafter; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should any enforcement notice issued not be complied with.

**55. Unauthorised externally illuminated signs at The Cricketers, 78 Station Road, Taunton.**

Reported that despite an application for advertisement consent being refused under delegated powers, an externally illuminated fascia sign, wall sign and hanging sign together with external lighting currently remained in position.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised signs advertising The Cricketers, 78 Station Road, Taunton unless they were removed within one month.

**56. Business requiring to be dealt with as a matter of urgency.**

The Chairman reported that she had certified that the item covered by Minute No 57 below should be dealt with as an urgent matter.

**57. Authority to deal with planning applications delegated to the Chairman by the Committee.**

The Chairman reported that she would not be standing at the forthcoming Borough Council elections on 3 May 2007. It was therefore necessary to put in place arrangements to enable planning applications which had been delegated by the Committee to the Chairman to be cleared until a new Chairman had been appointed.

**RESOLVED** that Councillors Mrs Marcia Hill, Mrs Allgrove and Bishop be all authorised to determine applications which had been delegated by the Planning Committee to the Chairman.

**58. Chairmans Thanks**

The Chairman thanked the Committee and the Officers for their support over the past four years. She also wished the retiring members all the very best for the future.

(The meeting ended at 5.50 pm)

SOMERSET COUNTY CRICKET CLUB

**DEMOLITION OF PAVILIONS, STANDS AND SUSIDIARY ACCOMMODATION ON SOUTH SIDE OF GROUND AND ERECTION OF CRICKET SCHOOL, PAVILION, SEATING STAND AND 16 FLATS WITH COMMERCIAL GROUND FLOOR USE TO ST JAMES STREET/PRIORY AVENUE, TAUNTON AS AMENDED BY PLANS RECEIVED 9TH MAY, 2007**

322868/124974

FULL

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1.0 **RECOMMENDATION**

Subject to the provision of a Section 106 Agreement to secure an off site contribution to recreation and children's play facilities of £859 per one bed unit and £1785 per 2 bed+ unit (index linked) and no further representations raising new issues on the amended plans by 24th May, 2007 the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 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.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 Details of a sample panel of the brickwork including the structure and colour of the mortar to be used shall be constructed on site for approval in writing by the LPA prior to the construction of the cricket school or flats commencing and the agreed panel shall be used as a template for the wall construction thereafter.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 04 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise

extended with the agreement in writing of the Local Planning Authority.  
(iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 Before any demolition is carried out details shall be submitted to and approved by the Local Planning Authority of the making good of any existing structure abutting any of those to be demolished.
- 05 Reason: To protect the setting and character of the adjacent listed building in accordance with Taunton Deane Local Plan Policy EN16.
- 06 Details of the ground floor shop frontages onto St James Street/Priory Avenue shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing.
- 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 Prior to the new stand being brought into use the applicant shall provide a Green Travel Plan which shall be submitted to and approved in writing by the Local Planning Authority and thereafter so implemented as agreed in writing.
- 07 Reason: To ensure the most sustainable form of development is proposed in compliance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1.
- 08 Details of any exterior public art to be provided on the external brickwork shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing.
- 08 Reason: To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect on the appearance of the building(s) in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 09 Development shall not commence until the extant riverside flood defence has been raised to provide flood protection to the 1:100 year standard with an allowance for climate change and freeboard, as identified in the A2 Flood Risk Assessment, Section 5.3. Details of the design and phasing of the up-rating works to the flood defences shall be submitted to and approved in writing by the Local Planning Authority before implementation.
- 09 Reason: To minimise flood risk to the proposed development in accordance with Taunton Deane Local Plan Policy EN28.
- 10 Minimum finished ground floor levels, excluding the 'concourse', must be no lower than set at 16.43 m AOD.
- 10 Reason: To minimise flood risk to the development in accordance with Taunton Deane Local Plan Policy EN28.



- 11 Construction shall not commence to those areas of the development set below 16.43 m AOD until the details of flood resistance, resilience and evacuation have been submitted to, and approved in writing by the Local Planning Authority.
- 11 Reason: To minimise flood risk to the development and the public in accordance with Taunton Deane Local Plan Policy EN28.
- 12 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.
- 12 Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Taunton Deane Local Plan Policy EN28.
- 13 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 13 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy EN28.
- 14 The foul drainage must be connected to the public sewerage system.
- 14 Reason: To prevent pollution of the water environment and in accordance with Circular 3/99 (Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development) in accordance with Taunton Deane Local Plan Policy EN28 .
- 15 The foul drainage is kept separate from clean surface and roof water.
- 15 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy EN28.
- 16 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 16 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy EN28.
- 17 Details of the new green roof system to the cricket school and flats shall be submitted to and agreed in writing by the LPA and thereafter so maintained for a minimum period of 5 years.
- 17 Reason: : In the interests of sustainability and the character of the area in accordance with Taunton Deane Local Plan Policies S1 and S2.
- 18 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.

- 18 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 19 Details of the provision of bin storage areas shall be provided prior to construction commencing and thereafter provided prior to occupation of the flats.
- 19 Reason: In the interests of the amenity of the area in compliance with Taunton Deane Local Plan Policy S1.
- 20 Details of external vehicular or pedestrian gates to the ground shall be submitted to and approved in writing by the Local Planning Authority prior to being erected.
- 20 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 21 Details and samples of the materials to be used for the surfaces of the footpaths, access and parking areas 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.
- 21 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Deposit Policies S1(D) and S2(A).
- 22 Details of the external finish to any electrical substation enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to its erection and shall thereafter be carried out as agreed.
- 22 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 23 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied.
- 23 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 24 Provision shall be made for combined radio and TV aerial facilities to serve the development hereby permitted and no external radio or TV aerial shall be fixed on any individual residential property or flat or other unit of living accommodation.
- 24 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy C15.
- 25 Details of the making good of the end of the old cricket school following demolition of the Ondaatje Pavilion shall be submitted to and approved in writing by the Local Planning Authority prior to demolition.
- 25 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

### Notes to Applicant

- 01 The Environment Agency recommends that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.
- 02 The proposed development appears to lie over the culverted watercourse the Stockwell Stream which is supplied from the Black Brook. The route of the Stockwell Stream is unclear from the submitted information but we believe that it should be determined and the condition of the culvert investigated. For Information, the Environment Agency normally objects to any development, which lies on top of a culverted watercourse. The responsibility for maintaining the watercourse normally rests with the riparian owner. The Agency also looks for opportunities to break out culverts where this is possible provided that the culvert or its habitat is not of ecological or historic interest.
- 03 If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.
- 04 The Environment Agency owns the land along the back of the Cricket Club Site adjoining the River Tone. Any developments of the site involving the Environment Agency's Land will require easements to be granted by the Environment Agency. The club or its representatives should contact the Environment Agency Estates Department to discuss the way the development may affect our land. Please contact Kevin Aylott (Estates Department) on 01392 352423 to discuss this matter further.
- 05 Water mains installed should be of sufficient size to permit installation of hydrants to British Standards. If it is proposed to carry out the burning of materials following demolition you are required to notify Somerset Fire and Rescue Service Command & Mobilising Centre on 01823 364500 at least 48 hours before commencement so that the appropriate Fire Station may be made aware of this burning.

REASON(S) FOR RECOMMENDATION:- The proposed development is on a site within the settlement limits where redevelopment will enhance the facilities of the County Cricket Club and provide housing and is considered to accord with Taunton Deane Local Plan Policies S1, S2, H2, C4, M4, EN16 and T33.

## 2.0 **APPLICANT**

Somerset County Cricket Club

### 3.0 **PROPOSAL**

The redevelopment of the Somerset County Cricket Club and of the County Ground remains a huge challenge, but one which is of vital importance if the Club is to provide itself with long term stability. Many of the current facilities are too old and reaching the end of their natural life, the capacity is too small, and the Club are unable to make best use of the commercial advantage that the town centre location affords. Furthermore, the Club has the opportunity to make a huge contribution to the delivery of Project Taunton.

With this in mind the Club have a clear objective for the redevelopment of the ground. The Club wish to ensure that the future of first class cricket is secured and maintained at Taunton and the south west of England. The existing cricket pitch dimensions and outfield are not satisfactory for international cricket and they need to be improved so that they are capable of holding one day international matches. In addition the Club are seeking to guarantee their first class status over the medium to long term and provide the home for England's women's cricket. In terms of ground capacity the permanent facilities need to be able to provide for 10,000 seats with an additional 5,000 temporary seats for major matches and events. The redevelopment of the facilities needs to be completed by 2009, after which future television sponsorship revenues are uncertain. In addition the cricket ground needs to provide a multi use facility to benefit the town, the county and the region. It needs to provide access to the widest possible cross section of society.

The proposal consists of various demolition works of pavilions and stands on the south side of the cricket ground and the erection of a new cricket school, stand with seating for 2,800, a new pavilion, 16 flats and commercial ground floor retail area. The new ground floor commercial area fronts onto Priory Avenue with three floors of flats above. The new pavilion and stand is designed to have a sweeping canopy roof which is kept as low as possible so as not to compete with the Church towers of the Taunton skyline. It is also intended that the roof be used for rainwater collection which could then be used for irrigation or re-cycled for toilet flushing. The back of the stand is intended to be a timber screen. The roof of the cricket school and flats is intended to be a green roof system in order to achieve an eco-homes 'Very Good' rating. The wall materials of the cricket school and flats is intended to be a brick to match in with the established character of the area.

### 4.0 **THE SITE**

The site comprises the southern side of the cricket ground including the existing two storey residential accommodation on St. James Street adjacent to a pair of 3 storey listed dwellings, the boundary wall and entrance turnstiles, the car park, the Old Pavilion, St James Street boxes, the stands, shop and fitness facility and the Ondaatje Pavilion. All of these elements will be demolished to make way for the new development proposals. A new access onto Priory Avenue will be provided to the north east of the existing access.

The development site is bounded by the 3 storey listed properties, the Almshouses in St James Close and the graveyard to the west, the Malthouse building to the south across the road and the two storey residential properties in Priory Walk to the east.

The cricket ground has a long established D2 use and its redevelopment for similar purposes is proposed as part of the current scheme.

## 5.0 **PLANNING HISTORY**

There have been a number of applications over the years relating to the provision of new pavilions and refurbishment of the ground with improved facilities. The current vision for the site as part of Project Taunton involves considerable change over the existing situation. The one relevant application in relation to the current scheme that has been approved is as follows

**38/2006/503** Demolition of a Section of Boundary Wall to Churchyard, Change of Use of Land and Erection of new Stand and Boundary Wall at St James Church, St James Street, Taunton - Application approved.

## 6.0 **CENTRAL GOVERNMENT PLANNING POLICY**

### **Planning Policy Statement 1 – ‘Delivering Sustainable Development’ PPS1**

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

Paragraph 27 Delivering Sustainable Development – General Approach

Paragraph 29 In some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case, the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated, or compensated for.

Paragraphs 33 - 39 Design

### **Planning Policy Statement 3 – ‘Housing’ (PPS3)**

Paragraphs 12 – 19 Achieving High Quality Housing

Paragraphs 25/26 Market Housing

Paragraphs 27 - 30 Affordable Housing

Paragraph 40 A key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.

Paragraph 45 Using land efficiently is a key consideration in planning for housing. Regional Spatial Strategies should set out the region’s housing density policies, including any target.

Paragraph 69 In general, in deciding planning applications, Local Planning Authorities should have regard to:-

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

### **Planning Policy Guidance Note 13 – ‘Transport’ (PPG13)**

The introduction of this document gives the underlying objectives as integrating planning and transport at the national, regional, strategic and local level in order to:-

- (i) promote more sustainable transport choices for both people and for moving freight;
- (ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
- (iii) reduce the need to travel, especially by car.

The underlying theme is that all traffic generating developments should be accessible by a choice of means of transport. Paragraphs 4 - 6 Objectives

Paragraphs 12 - 17 Housing

Paragraphs 28 - 30 Design, Safety and Mix of Uses

Paragraphs 49 -55 Parking

Paragraphs 72 - 74 Public Transport

Paragraphs 75 - 77 Walking

Paragraphs 78 - 80 Cycling

Paragraph 82 Planning Conditions

Paragraphs 83 - 86 Planning Obligations

Central Government guidance on the use of planning agreements and obligations is contained in Circular 5/2005. In particular, the Circular states that planning obligations should be sought only when they are:-

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

### **PPG17 Planning for Open Space, Sport and Recreation**

Paragraph 22 Planning permission for stadia and major sports developments which will accommodate large numbers of spectators, or which will also function as a facility for community based sports and recreation, should only be granted when they are to be located in areas with good access to public transport. Planning permission for additional facilities (such as retail and leisure uses)

should not be granted for any out-of-centre developments unless they comply with the policy set out in PPG6.

## 7.0 **RELEVANT PLANNING POLICIES**

### **RPG10 – Regional Planning Guidance for the South West**

SS5 – Principal Urban Areas

EN3 – The Historic Environment

EN4 – Quality in the Built Environment

HO3 – Affordable Housing

HO5 – Previously Developed Land and Buildings

### **Somerset and Exmoor National Park Joint Structure Plan Review**

POLICY STR1 – Sustainable Development

POLICY STR4

DEVELOPMENT IN TOWNS

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

Policy 9 – The Built Historic Environment,

Policy 33 – Provision for Housing

Policy 35 – Affordable Housing

POLICY 48

ACCESS AND PARKING

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

The level of car parking provision associated with new development should:

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



## Policy 49 – Transport Requirements for New Development

### **Taunton Deane Local Plan Policies**

#### S1 – General Requirements,

##### S2 – Design

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

- (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved;
- (B) incorporate existing site features of environmental importance;
- (C) reinforce nature conservation interest;
- (D) minimise the creation of waste in construction and incorporate recycled and waste materials;
- (E) include measures to reduce crime;
- (F) minimise adverse impact on the environment, and existing land uses likely to be affected;
- (G) include facilities to encourage recycling;
- (H) make full and effective use of the site;
- (I) subject to negotiation with developers, incorporate public art; and
- (J) include measures to promote energy efficiency.

#### H2 – Housing in Settlements

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.

H9 – Affordable Housing,

M3 and M4 – Parking,

C4 – Play and Recreation,

EN14 – Conservation Areas,

EN16 – Setting of Listed Buildings,

EN28 – Development and Flood Risk,

T33 – Taunton’s Skyline

Development which would detract from the distinct character and attractiveness of Taunton’s skyline will not be permitted.

## 8.0 **CONSULTATIONS AND REPRESENTATIONS**

### **County Highway Authority**

Comments awaited.

### **Environment Agency**

“The Agency has no objections in principle to the proposed development subject to the inclusion of conditions, which meet the following requirements.

CONDITION: Development shall not commence until the extant riverside flood defence has been raised to provide flood protection, to the 1:100 year standard with an allowance for climate change and freeboard-as identified in the A2 Flood Risk Assessment, Section 5.3. Details of the design and phasing

of the uprating works to the extant flood defences must be submitted to, and formally approved in writing by the local planning authority before implementation.

REASON: To minimise flood risk to the proposed development.

CONDITION: Minimum finished ground floor levels, excluding the 'concourse', must be no lower than set at 16.43 m AOD.

REASON: To minimise flood risk to the development.

CONDITION: Construction shall not commence to those areas of the development set below 16.43 m AOD until the details of flood resistance, resilience and evacuation have been submitted to, and approved in writing by the Local Planning Authority.

REASON: To minimise flood risk to the development and the public.

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

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

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

CONDITION: The foul drainage must be connected to the public sewerage system.

REASON: To prevent pollution of the water environment and in accordance with Circular 3/99 (Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development).

CONDITION: The foul drainage is kept separate from clean surface and roof water.

REASON: To prevent pollution of the water environment.

CONDITION: No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

#### INFORMATIVES

In addition the following comments must be noted.

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

The proposed development appears to lie over the culverted watercourse the Stockwell Stream which is supplied from the Black Brook. The route of the Stockwell Stream is unclear from the submitted information but we believe that it should be determined and the condition of the culvert investigated. For Information, the Agency normally objects to any development, which lies on top of a culverted watercourse. The responsibility for maintaining the watercourse normally rests with the riparian owner. The Agency also looks for opportunities to break out culverts where this is possible provided that the culvert or its habitat is not of ecological or historic interest.

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

The Agency owns the land along the back of the Cricket Club Site adjoining the River Tone. Any developments of the site involving the Agency's Land will require easements to be granted by the Agency. The club or its representatives should contact the Agency Estates Department to discuss the way the development may affect our land. Please contact Kevin Aylott (Estates Department) on 01392 352423 to discuss this matter further.

The Agency would recommend that the County Archaeologist be consulted regarding an appropriate programme of archaeological investigation.” (12th March, 2007)

“No objections in principle to the development subject to the inclusion of conditions of floor levels at 16.43 m AOD, grampian condition re no commencement until flood defence is raised to the standard specified in the Flood Risk Assessment, surface water drainage, details of flood resistance and evacuation for areas below 16.43 m AOD, storage of oils/fuels, foul drainage kept separate from surface/roof water, trapped gullies, water discharge from excavations and notes re protecting water environment, culverted watercourse, waste management regulations and right of access.”

#### **Wessex Water**

“There is foul sewerage capacity to serve the site. Surface water should discharge to the culverted water course crossing the site with the consent of the Land Drainage Authority. The sewage treatment works and pumping station have sufficient capacity to accept the extra flows this development will generate. The existing main is adequate to supply the proposed development.”

#### **Police Architectural Liaison Officer**

“I have had opportunity to examine the plans and would make the following base comments. Vehicles should be prevented from parking underneath/close to stadium arena, pavilions, stands etc (the plans appear to indicate that parking is proposed under the future north pavilion and stands near the community fitness facility). Access control measures should be implemented for both persons and vehicles on both event and non-event days. This is particularly important in respect of goods delivery and refuse disposal vehicles. Goods delivery and refuse storage areas should be monitored and controlled. No deliveries or collections should take place on match/event days. There should be clear demarcation between public/private areas with appropriate access control into/out of private areas. The use of litter bins should be avoided, built-in waste receptacles may be more appropriate. All voids should be lockable and controllable, e.g. inspection hatches and storage areas, especially those infrequently used. A monitored/well maintained cctv system should be installed as part of an integrated security system. Such a system should monitor all entrances and exits and be capable of detecting intruders, confirming alarms, obtaining images of evidential quality and monitoring crowd movement/safety. The installation of a monitored intruder

alarm system shall and suitable lighting are essential elements of the security system.”

### **Chief Fire Officer**

“Means of escape should comply with Approved Document B1 and detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. If the club intend to play through the phases of development full details of how the club intend to meet the current safety certificate will be required. Access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000. It is unclear if access for an aerial appliance has been considered. Water mains installed should be sufficient to install fire hydrants conforming to British Standards. Note re burning during demolition.”

### **English Heritage**

“This application represents a significant development close to Taunton town centre and because of the scale of the development, in particular the new cricket stand, its visual impact goes beyond the immediate area and we believe that it has the potential to affect some of the iconic views of Taunton town in which the towers of a number of historic churches are a prominent feature. The supporting information presents a number of visualisations of the new development in its wider context but these do not sufficiently represent the most important viewpoints from our perspective and where they do, we are not convinced that the impact on historic features is fully illustrated. We therefore consider that further information is required to allow a proper assessment of the wider impact of the development. This should include a number of the longer perspective views of the historic church towers of the town and how the new stand would affect those views, plus a greater range of views from different vantage points within the cricket ground, including the view that features on the introduction page to the Design and Access Statement, showing the existing view and how it would appear with the new development. There is currently a major strategic initiative underway in Taunton intended to promote its economic and cultural status. Part of that initiative is the reinforcement of the strong identity of the town. The view across the town of the church towers is an iconic image frequently used to promote its identity and whilst we recognise the importance of the County Cricket Club to the vitality of the town it is important that its development does not compromise other significant aspects of the town’s identity. The production of the additional information requested would give the opportunity to reassure us that this would not be the case.”

### **South West Design Review Panel**

“We are glad that cricket is to remain on this site enriching the life of the town centre. We support the redevelopment of the ground in principle and welcome the aspiration of the club to upgrade the venue for international cricket and to provide a new home for the national women’s cricket team – this level of ambition complements the ambition of Taunton to be much more than a

market town. The scheme as a whole is a tremendous positive for Taunton. We found the master plan concept convincing and hope the whole project can be completed within a reasonable time span. Phase 2 has much to commend it but we do have some issues. Our main concern was the building on St James Street. We did not see an entrance here that would befit a county cricket club, as national team base and a major sporting venue. The club entrance did not announce itself very clearly, did not allow a clear view of the pavilion and did not integrate the school into the club frontage, in fact there was an oddity of scale between the school and the adjoining building. It seemed unfortunate to have the turnstile entrance for spectators at the end of a blank wall; the experience would be more like going into a car park than a cricket ground. We suggest a single composition of the school and the club building or at least interlock the two architecturally, and hope a way could be found to announce the to the street that this is not another routine building but that something important regionally and nationally is here.

Within the ground the new pavilion will be the dominant building and the design meets the ambition without domineering the rest of the ground and without diminishing the pre- eminence of the church tower. However we did think the pavilion will be high in relation to other buildings around the boundary: its roofline, its dominant feature, exceeds the notional datum for the ground as a whole. We accept that this ground like many others in England, has a mixture of buildings by scale and height but argue that some family coherence is desirable and that a horizontal datum line around the ground is the best way to tie the diverse parts together. We do not wish to see the building re-worked: rather we suggest the subtle strengthening of the band of corporate boxes and to lighten the connection between the roof and the stand beneath. Then it will be not the roof but the lower corporate boxes that provide the datum. The masterplan should set a clear policy on the architectural language and materials for the whole project and pick up the datum line as well as issues such as the definition of entrances, the composition of the views to the church, materials, colours etc. We would like to see significant clumps of trees planted strategically between the main stands/buildings and particularly on the riverside edge.”

### **Landscape Officer**

“Given the proposed apartment building’s elevation hard against the street there is little opportunity for public tree planting to soften the impact of the building. There may be some scope for climbers, such as Virginia Creeper to soften its harsh southern elevation. My other concern is the west elevations even harsher relationship with the almshouses and the church. Green roofs will help reduce the buildings sustainability impact.”

### **Conservation Officer**

“The proposed scheme will have a direct impact upon the setting of a listed building together with others within the local townscape and also upon a conservation area (proposals for the extension of which to include affected properties are currently under consideration).

With this in mind the proposals for the cricket school and associated housing are alarming.

1. The demolition of 26 St. James Street will be detrimental to the setting of listed Nos. 24 and 25 with whom it forms a townscape grouping of contemporary character. This has relevance in terms of its relationship with Canon Street and Middle Street - to which it forms a terminus, and is visible respectively, also in terms of the broader townscape which on the whole has a distinctive Georgian-early nineteenth century character. Considerable harm has already been inflicted upon the historic character of the area within St. James and a high priority should be placed upon conserving those buildings surviving. While the insertion of modern windows to the ground floor of the building has harmed its appearance this is a cosmetic issue easily reversed. It is worth noting that this was identified as an important building by O'Rourke in the 2004 study.
2. The proposed cricket school forms a startling juxtaposition with the listed property that is wholly inappropriate. It breaks the continuity of the street frontage while presenting a slab like and monolithic blank face. It respects in no way the vertical emphasis of both this and other buildings within the area – the quality of which is currently highlighted by the grouping of the listed building with that proposed for demolition on one side and the almshouses on the other – and is alien in terms of roof form and materials. This proposed structure will form a most uninspired terminus to Canon Street and blight potential to improve the amenity of the space to its front.
3. The associated residential scheme continues the theme. It displays an even stronger horizontal emphasis, alien roof-form, materials, and pattern of fenestration and is overpowering in terms of its height and massing. The Malthouse opposite is atypical within the area in terms of its bulk and in this sense forms something of a landmark. Its traditional roof form softens its impact and profile. The proposed residential will compete with, dominate and erode this quality, the relationship between slab on one hand and sleek pitched roof on the other stark and imbalanced. Clearly the immediate setting of the conservation area will be harmed along with the appearance of buildings within it. It is worth noting that in terms of the wider townscape the residential block towers above the standard three storey pattern and the listed properties which exhibit it. It is worth noting PPG15: 2.17:

*The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them. Such areas require careful appraisal when proposals for development are under consideration, even if the redevelopment would only replace a building which is neither itself listed nor immediately adjacent to a listed building.*



4. The visual impact of the cricket stands will be undeniably strong particularly if clad in white material. In this way development within the O'Rourke in the 2004 study that has been ignored here.
5. The design and access statement does not fully consider impact upon the listed building, setting of listed buildings or the conservation area. It is uninformed by an historical appreciation of the area within which development is proposed (for this see draft St Mary - St James Conservation Area Appraisal) or current car park area should ideally aim to create more of a buffer while respecting the established street scene. This also appears to have been the conclusion of proper architectural appraisal of its qualities. In this sense the proposals completely fail to fulfil the requirements of PPS1: 24 and 25 and PPS3: 37 and PPG15: 2.14.
6. It may be worth noting that residents in the upper storeys of the residential development will probably be able to look right into the loft apartments opposite.

### **Planning Policy**

"The principle of the development is obviously supported as the redevelopment of the County Ground to include facilities suitable for international cricket, forms an important part of the Taunton Town Centre Action Plan(TCAAP). It seems a good idea to create a built frontage to Prior Avenue/St James Street and to use upper floors for residential development. The proposed creation of an active street level frontage in Priory Avenue, including the club shop will enliven this section of the street, and seems to reflect the aims of the Urban Design Framework and the Taunton Design Code. The proposed use of 'green roofs' is welcome. The indoor cricket school has windows at street level so that cricketers can be seen from the street and this seems a good idea. The only concern is that the masonry cladding above the glass is a large undivided area of brickwork. Perhaps this aspect could be reconsidered. Is there scope to commission public art to enliven the upper façade? The building fronting Priory Avenue appears to be 13m high. Although this will result in a height : width ratio of about 1:1 - quite a tight feel to the street as it is only around 13 wide at this point – it seems to reflect the recommendations in the Design Code which suggested a ratio in the range 1:1 to 1:1.25. The Design Code did however show buildings on this frontage 3.5 storeys high, whereas the proposals are for a full 4 storeys. It seems difficult to design the scheme to fit in with any existing context, suggesting the aim should instead be to make the street frontage as distinctive as possible. The desire to set back the ground floor in Priory Avenue (perhaps reasonable enough in view of the restrictive pavement width) tends to create a non-traditional, horizontal emphasis to the buildings. The buildings on Priory Avenue will tend to be viewed from an acute angle and/or at close range owing to the narrowness of the street. The applicant might possibly be asked to provide illustrations of the development viewed from such angles. The quality detailing of the facades, particularly the use of

colour and relief seems important. At a more detailed level one might query whether the brown brick implied on the Priory Avenue elevation is appropriate to Taunton – red or buff seem more characteristic of the adjoining streets.

### **Building Control Officer**

“Demolition Notice for works is required under Section 80 of the Building Act 1984.”

### **Drainage Officer**

“I note from the Flood Risk Assessment that the proposed floor levels and emergency access and egress are to comply with the Environment Agency document Flood Risk Management Guidance for the Taunton Vision area and that these exceed the maximum requirements contained in PPS25. A condition to any approval given should require that full flood resilience and flood mitigation measures should be submitted for approval when details applications are made for Phases 1, 2 & 3. These should also include details if proposed of Sustainable Drainage techniques to be installed.”

### **Housing Officer**

“16 flats currently fall under the threshold of 25 for Taunton. This is a main centre site where there is very little affordable housing nearby so should there be further applications at this site I would be very interested.”

### **Leisure Development Team**

“In accordance with the Local Plan policy C4 provision for play and active recreation must be made. The development makes no on-site provision for community recreation. Public open space in the town could be improved for the benefit of new residents on the development to provide outdoor recreation opportunities. Therefore I require a contribution of £859 per dwelling towards active recreation and £1785 per each 2 bed + dwelling towards children’s play facilities, both sums to be index-linked.

## 10.0 **REPRESENTATIONS**

Letters of objection from 7 local residents have been received raising the following issues:-

1. The 4 storey building will cause overlooking.
2. Loss of privacy.
3. Concern over proximity of entrance to boundary wall and damage.
4. Fuel fumes.

5. Overshadowing of Priory Walk and have an adverse health affect due to loss of light and increase in utility bills.
6. The development will have an overpowering even a cavernous feel and impact on the street, out of scale with the Malthouse and Priory Walk.
7. The flats would obscure the view of the church.
8. The flats should be reduced to 3 storey.
9. Concern over future noise nuisance.
10. Need for viable business plan.
11. Road and parking improvements should be linked to any development.

## 11.0 PRINCIPAL ISSUES FOR CONSIDERATION

- A. Is the design and impact of the development appropriate in terms of policy and the context of the Project Taunton vision? POLICY AND DESIGN
- B. Should the development make a contribution towards provision of affordable housing? VIABILITY
- C. Is access and parking provision suitable? ACCESS
- D. Are adequate measures provided to protect against flooding? FLOOD RISK
- E. Is adequate recreation provision being made? RECREATION
- F. Is the proposed development sustainable? SUSTAINABILITY

### **A. Policy and Design**

The site lies within the settlement limit of Taunton and has been identified as part of the Project Taunton redevelopment of the town. As part of the redevelopment the Phase 2 scheme seeks to provide improved facilities at the ground including a new cricket school, pavilion, stand, ground floor retail space and 16 flats as part of a mixed use development.

The residential element of the development has to be assessed in terms of policy H2 of the Local Plan. The original scheme was for the four storey building 13.5 m high set on the St James Street Road frontage and 8 m away from the eastern boundary. The development has been revised by re-positioning to lessen the impact and overlooking in relation to the new Malthouse flats and the properties in Priory Walk. The building has been set

back to give a separation distance across the road of 15 - 22 m from the new flats and allows for planting to street the frontage. To the side the window has been removed so there are now only windows back and front and the separation to the eastern boundary has been increased to 10 m. While the development will have some impact on the outlook of existing properties in Priory Walk and across the street the impact of this in this urban setting is considered to be an acceptable one. The impact of the development on the western side has also been considered and while the cricket school creates a long blank wall this is not considered to adversely affect the rear elevations of the Almshouses as there are no rear windows looking out in an easterly direction. The cricket school will impact on the adjacent listed building as this will form a new boundary along its eastern side, although this lies beyond the historic garden boundary. This impact has to be assessed in terms of whether it causes harm and preserves the setting of the building. Neither the South West Design Review Panel nor English Heritage have raised concern over this issue.

The design of the flats and cricket school in terms of their impact on the street scene and adjacent properties has been carefully considered and in light of the concerns of the Conservation Officer the Authority sought the views of the South West Design Review Panel. Their opinion was that the scale and flat roof design in this location was acceptable but there needed to be an improvement to give an appropriate entrance into the ground, a better integration between the cricket school and club frontage and to allow views of the new pavilion and stand. The revisions to the design are considered to overcome these concerns. There is now a more prominent link between the cricket school and club facilities while creating a greater separation from the residential units. In setting back the residential flats the scheme improves the relationship and impact on the setting of the listed building on St James Street. The Club entrance is now more prominent and allows for a larger height opening in the frontage to give views of the pavilion beyond. The extent of brickwork to the frontage above the glazed cricket school window and the adjacent shop is considered a design issue and a means of breaking this up with some form of public art and signage relating to the cricket club is considered appropriate. Signs are covered separately by the Advertisement Regulations. However, the provision of public art on the exterior wall can be covered by the imposition of a condition. The materials for the flats are intended to be brick with a green roof, while the main stand will have a sweeping arched canopy roof and timber screening to the rear south elevation to act as a shade to the stand as well as a screen to the residential properties. The canopy roof will be of a stretched fabric that is self cleaning, is air permeable and allows 95% UV protection. The design issues have to be considered in light of Local Plan policy S2 and given the standard of the design, the advice received and sustainable nature of the approach taken, overall the scheme is considered a positive one.

The design of the new stand and pavilion was considered to be positive and whilst a dominant feature, it should not be domineering in relation to the ground as a whole. The stand building will be approximately 18.5 m high and the impact of the development in terms of its skyline impact has to be

considered in terms of policy T33. English Heritage initially raised concern over the impact on the iconic views of the church towers of the town. Further information has been sought and provided and the setting of the church towers and main views of them is considered to be protected by the current scheme design. English Heritage has now confirmed that the scheme is considered to be acceptable.

Having taken specific design advice from a qualified panel of architects and seen revisions to address the issues that were being raised it is considered that the proposed scheme is considered one that can be supported on design and policy grounds.

### **B. Viability**

The provision of affordable housing is covered by policy H9 of the Local Plan and states that the provision of affordable housing will be sought based on identified 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. The current scheme proposes 16 flats and while this is below the original identified threshold of 25 in the Local Plan this has since been revised in the new PPS3 which came into force in April. The revised threshold is 15 and clearly the proposed scheme exceeds this. The proposals for the site however have been developed over some considerable time and there are issues identified with the funding of the development and a reliance on third party sources to reduce the gap. The imposition of an affordable housing requirement has been identified as having a significant affect on the scheme. In terms of the Phase 2 development the view has been taken that the importance of the scheme's success, given the social and economic benefits to the town that the redevelopment would result in, is sufficient to not require a contribution towards affordable housing in this instance.

### **C. Access**

The access to the ground on the southern side is to be altered from the existing situation. A pedestrian access to the ground floor retail units and ticket office is provided directly off St James Street with similar access to the cricket school. A separate access to the flats is provided towards the eastern end of the building while pedestrian access into the ground is provided at the end of the residential building. A new vehicular access is also provided at the eastern end of the building set back from the road with parking for 28 cars in an area with landscaping between it and the back of the stand. The revised access is considered acceptable by the Highway Authority.

The submission includes a Transport Statement which identifies the potential increase in capacity of the ground by up to 3000. It has been identified that on completion of Phase 2 parking at the site will be reduced with the loss of the all day public car parking. The Statement predicts that as there will be no increase in available parking in the vicinity of the cricket ground, traffic

volumes should not increase in the surrounding area. Additional spectators generated by improved capacity will predominantly use other modes of travel to reach the ground. A Travel Plan for the re-development is being proposed to assist in reducing the reliance on the car for employees and visitors to travel to the ground. The package of measures could include the increased use of coaches, better information and marketing on public transport services, provision of a park and ride service on match days that would pass the ground and increasing the number of park and ride buses operating at peak times. A condition to secure the provision and implementation of a Travel Plan is considered as being necessary in relation to the future development of the site.

#### **D. Flood Risk**

The application site lies within the identified flood risk area of the River Tone and a Flood Risk Assessment has been carried out as part of the submission in compliance with PPS25. The Environment Agency raise no objection to the proposed development but do recommend a number of conditions to address potential flooding issues. These include the provision of improved flood defence works prior to commencement and finished floor levels at 16.43m AOD. Subject to the conditions proposed the development is considered to adequately address the flood risk of the site.

#### **F. Recreation**

The policy on recreation provision for residential development is set out in Taunton Deane Local Plan policy C4. The proposed development includes a mix of one and two bed roomed flats, including 10 two bed units and 6 one bed roomed flats. There is insufficient space available and it is impractical to provide for on site facilities and so a sum is requested for provision off site. The request is considered reasonable in light of policy and the applicant has agreed to provide this contribution so a Section 106 Agreement is proposed to secure this provision.

#### **G. Sustainability**

Both national and local planning policies support and encourage sustainable development on previously developed land in central locations and the current proposal is entirely compatible with these policies. The site lies within easy walking distance of the town centre, the railway station and the bus station, all of which are within the recommended preferred walking distance of 800m. A Travel Plan is also proposed and would be a condition of any approval.

The design incorporates reusable materials where possible and proposes a green roof to the roof of the cricket school and flats. The Architects have taken an environmental design strategy to try and minimise energy use, CO2 production and use of refrigerants. The building will utilise natural ventilation whenever possible to reduce energy use associated with mechanical ventilation and cooling. Low carbon technologies will be considered in detail as part of the approach including ground source heat pumps under the

pavilion, solar hot water panels on the cricket school roof. Potential rainwater collection from the pavilion roof is also being considered with a view to its reuse for pitch irrigation or toilet flushing. It is intended that the flats will achieve as a minimum Ecohomes "Very Good".

## **12.0 CONCLUSION**

The proposal provides for a high quality design scheme creating a mixed use development within easy reach of the town centre and accessible by a range of modes of transport. The buildings have been sensitively designed to address sustainability issues, flooding, listed building, skyline and residential amenity impacts. The limitations of the site make the location of the new cricket school difficult other than as proposed. The impact on the adjacent listed building forms the weakest part of the scheme. However in view of the other benefits achieved from the proposal in respect of recreation contributions and the provision of a main part of the Project Taunton vision the proposal is considered to be one worthy of support.

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

**CONTACT OFFICER: 356398 MR G CLIFFORD**

NOTES:

43/2007/026

TRUSTEES OF WELLINGTON MEDICAL CENTRE

**ERECTION OF MEDICAL CENTRE WITH ATTACHED SERVICES, INCLUDING CAR PARKS, EXTERNAL WORKS AND LANDSCAPING AND FORMATION OF ACCESS TO MANTLE STREET, LAND TO SOUTH AND WEST OF 112B MANTLE STREET (PART OF TRINITY FARM), WELLINGTON AS AMENDED BY FLOOD RISK ASSESSMENT RECEIVED ON 23RD APRIL, 2007 AND LETTER DATED 11TH MAY, 2007 WITH ASSESSMENT OF BULFORD SITE PREMISES, OUTLINE LANDSCAPE ASSESSMENT, DESIGN AND LANDSCAPE STRATEGY, REVISED TREE SURVEY AND ASSESSMENT AND DRAWING NOS. DSW340/DRG 02A, 03 AND S60-PL-03 REV A**

313437/120208

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## 1.0 **RECOMMENDATION**

Subject to:-

- (i) the views of the Secretary of State under the Departure Procedures;
- (ii) the receipt of no further representations raising new issues on the amended plans by ...;
- (iii) views of Wessex Water and the further views of the Environment Agency;

the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 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.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be



completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

- 03 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.
- 04 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.
- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837: 2005. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of B.S.5837:2005.
- 05 Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and EN8.
- 06 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.
- 06 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.

- 07 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 07 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.
- 08 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.
- 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 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings . If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 10 Details of siting of temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil is to be stored on site.
- 10 Reason: To safeguard the existing landscape features and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 11 The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a wildlife mitigation and biodiversity enhancement plan. The plan shall detail measures for the avoidance of harm, mitigation and compensation in respect of legally protected species affected by the development, in particular great crested newts, badgers, breeding birds and bats, and measures for the enhancement of biodiversity through the provision of habitats and features and their future management. The proposed methods shall be informed by up to date surveys.
- 11 Reason: To protect legally protected species in accordance with Taunton Deane Local Plan Policies EN4 and EN5.
- 12 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.
- 12 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

- 13 Before any development hereby permitted is commenced, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Reason: In the interests of suitable development in accordance with Taunton Deane Local Plan Policy S1.
- 14 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 14 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 15 All services shall be placed underground.
- 15 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).
- 16 Prior to the commencement of development, details of the arrangements to be made for the disposal of surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority.
- 16 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels.

#### Notes to Applicant

- 01 Your attention is drawn to the requirements of The Building Regulations 2000 Part M Access and facilities for disabled people, the advise in BS 8300 and the Disability Discrimination Act. Generally speaking a level access will be required for your proposed building(s). An early assessment of site levels will avoid expensive alterations at a later date. If you would like to discuss your proposal with the Councils Access Surveyor, Mr E J Norton, please do so on 01823-356476.
- 02 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 04 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.
- 05 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is

available from the Health and Safety Executive Infoline (08701 545500).

- 06 You are advised to contact the Divisional Fire Officer, Lisieux Way, Taunton regarding fire safety measures to be incorporated in the proposed development/works.
- 07 You are advised that in accordance with the highway works set out on the submitted plan, a Section 278 Agreement will need to be entered into with the County Highway Authority incorporating the provision of double yellow 'no waiting at any time' lines between the adjacent access to the east and Trinity Close to the west.
- 08 With regard to Condition 16, you are advised that soakaways should be constructed in accordance with Building Research Digest 365 and results should be forwarded for agreement before any works commence on site due to the probability that the ground is not suitable. If tests prove that soakaways are not suitable, then means of disposal will have to be investigated and any such means of disposal will have to be investigated and any such means will require on-site attenuation of flows before final discharge.

REASON(S) FOR RECOMMENDATION:- A site of suitable size is unlikely to become available for the proposed development within the settlement limits in the foreseeable future and therefore an exception to the normal 'strict control' of new development in the open countryside in accordance with Taunton Deane Local Plan Policy S7 is considered to be appropriate in the interests of community provision. Furthermore, it is not considered that the integrity of the green wedge, Taunton Deane Local Plan Policy EN13, within which the site lies, will be adversely affected by the proposed development.

## 2.0 **APPLICANT**

Trustees of Wellington Medical Centre

## 3.0 **THE SITE**

The site is located on the south side of Mantle Street approximately ½ mile west of Wellington town centre. It is currently agricultural grazing land with a number of parkland trees. It extends to just over 1 ha in size and slopes up away from Mantle Street.

The site is generally bounded on three sides by residential development, but is open on the fourth to the remainder of the agricultural land.

The location of the site is approximately 550 m from the existing Bulford site.

## 4.0 **PROPOSALS**

The proposal provides for the development of a new medical centre and attached services, including car parks, external works, landscaping and new access onto the public highway. The proposed development will replace the practice's existing facility at Bulford.

The building will be two storey (with a partial semi-basement area) with a net internal floor area of 1.945 sq m with 66 car parking spaces for visitors/patients and staff, including 4 spaces for disabled users.

The medical centre will occupy 1.550 sq m (about twice the size of the existing to meet current guidance), attached services 395 sq m including the pharmacy, dentist and registrar (all co-locating) and a new office base for Somerset County Council adult primary care team.

The proposed materials are to be red brick with timber panels for the walls with a dark grey metal roof. The plinths for the walls and gate piers will be stone or brick.

The existing medical centre is being used to full capacity with no slack to absorb new initiatives. The applicants state that the present building is approximately half the size recommended by current guidelines and parking is not sufficient. They consider that it is impractical to extend the existing building or add another floor. The site is too small to provide the temporary accommodation in portacabins and re-build.

Since 1999 the applicants have considered 13 alternative sites. The applicants consider that most were unsuitable for various reasons and the application site was identified as being most appropriate. They consider that it offers the possibility of developing a new state-of-the-art medical centre, with a range of associated services that will satisfy the present needs of the people of Wellington, and provide opportunities for adaption or expansion into the foreseeable future.

## 5.0 **RELEVANT PLANNING POLICIES**

### **Regional Planning Guidance for the South West (RPG10)**

VIZ2 Principles for Future Development

SS3 The Sub-Regional Strategy

#### **Policy SS 19: Rural Areas**

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

- locate development to support the rural areas primarily in market towns, identified and designated in development plans through a balanced mix of homes, jobs, services and facilities suitable to the scale and location of such settlements;
- adopt policies which support the restructuring of the rural economy and the provision of jobs to satisfy local needs;

- set out policies for supporting sustainable farm diversification schemes which help to maintain the viability of the agriculture sector and rural economic vitality;
- seek ways of providing for essential shops and services to serve the rural areas;
- promote improved and integrated public transport, communications and service delivery and support innovative community based solutions to public transport and communications, in order to increase access to jobs, housing and facilities;
- limit housing growth in market towns near larger urban areas where it would fuel commuting rather than meet local needs.

EN1 Landscape and Biodiversity

EN4 Quality in the Built Environment

### **Policy EN5: Health, Education, Safety and other Social Infrastructure**

Health, education and other social infrastructure requirements need to be taken into account fully in development planning throughout the region. Development plans and programmes should:

- facilitate the reconfiguration and modernisation of local health services, in accordance with sustainable development principles, informed by partnership working with Health Authorities and others on Health Improvement and Modernisation Plans (HIMPs);
- encourage new facilities to be developed or redeveloped wherever possible on sites that are well served by public transport and accessible on foot or by cycle, to ensure access for patients, staff and visitors;
- enable the varied provision of facilities for education and training;
- facilitate provision of other facilities required by local communities, wherever possible maximising the potential of existing community buildings;
- include policies and proposals for the provision of appropriate services within rural areas. For example, encouraging mixed use developments, which incorporate health care provision with other uses;
- local authorities should take steps to ensure that crime prevention considerations are incorporated in the design of new development.
- should have regard to the impacts of proposed developments on the health of local communities, taking advice from Health Authorities.

TRAN 1 Reducing the Need to Travel

TRAN 10 Walking, Cycling and Public Transport

RE2 Flood Risk

**Draft Regional Spatial Strategy for the South West**

SO4 Sustainable Communities

Development Policy B Development at Market Towns

Development Policy E High Quality Design

Development Policy G Sustainable Construction

CS1 Provision of Community Services

Local authorities should work with their Local Strategic Partnerships and other relevant organisations to provide up-to-date assessments of need for a full range of community facilities and infrastructure suitable for all sections of the community. LDDs should ensure that timely and sufficient provision is planned in parallel with housing and other development. Service providers need to ensure that all provision meets uniformly high standards to minimise the number of users who would wish to choose any other than the closest provider.

HE1 Planning for Healthcare

Plans for the provision or re-organisation of healthcare within local authority areas and that of adjacent authorities shall be fully complementary with plans for development and change in the long term. At an early stage in preparing Local Development Frameworks, and in determining planning applications, local authorities should work closely with healthcare providers (Strategic Health Authorities, Primary Care Trusts and NHS Trusts) to ensure that timely provision is made.

HE2 Provision of Additional Healthcare Facilities

Healthcare will be provided in locations which are accessible to all people by public transport, on foot and by cycle. Working with healthcare providers, local authorities through their LDDs should ensure that all healthcare requirements arising from large-scale development and redevelopment are assessed, and adequate provision of facilities of the highest design quality are included in Local Development Documents and design briefs. Local Development Frameworks should support proposals for the provision of additional healthcare facilities, recognising that the structure of provision is changing.

ENV4 Nature Conservation

F1 Flood Risk

**Somerset and Exmoor National Park Joint Structure Plan Review**

STR1 Sustainable Development

STR2	Towns
STR4	Development in Towns
STR6	Development Outside Towns, Rural Centres and Villages
Policy 1	Nature Conservation
Policy 5	Landscape Character
Policy 42	Walking
Policy 43	Access for People with Disabilities
Policy 44	Cycling
Policy 48	Access and Parking
Policy 49	Transport Requirements of New Development

### **Taunton Deane Local Plan**

S1 General Requirements

S2 Design

S7

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

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

New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable:

- (E) avoid breaking the skyline;
- (F) make maximum use of existing screening;
- (G) relate well to existing buildings; and
- (H) use colours and materials which harmonise with the landscape.

EN3

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



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

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

#### EN5

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

- (A) conditions and/or planning obligations would prevent such harm;
- (B) other material factors are sufficient to override the importance of the species; and
- (C) every possible effort is made to minimise ill effects on wildlife.

#### EN6

Development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape, character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss.

The good management of such tree cover for nature conservation purposes will be sought.

#### EN9 Tree Planting

#### EN11

Development which would harm the appearance, character and contribution to landscape quality of Special Landscape Features (as shown on the Proposals Map) will not be permitted unless planning conditions would prevent such harm.

#### EN12 Landscape Character Areas

#### EN13

Development which would harm the open character of green wedges will not be permitted.

#### EN14 Conservation Areas

#### EN28 Development and Flood Risk

## 6.0 **RELEVANT CENTRAL GOVERNMENT GUIDANCE**

## **Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)**

- 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

Paragraph 27        Delivering Sustainable Development – General Approach

Paragraph 29        In some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case, the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated, or compensated for.

Paragraphs 33 – 39 Design

## **Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS7)**

Paragraph 24        The Government recognises and accepts that there are areas of landscape outside nationally designated areas that are particularly highly valued locally. The Government believes that carefully drafted, criteria-based policies in LDDs, utilising tools such as landscape character assessment, should provide sufficient

protection for these areas, without the need for rigid local designations that may unduly restrict acceptable, sustainable development and the economic activity that underpins the vitality of rural areas.

Paragraph 25 Local landscape designations should only be maintained or, exceptionally, extended where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection. LDDs should state what it is that requires extra protection, and why. When reviewing their local area-wide development plans and LDDs, planning authorities should rigorously consider the justification for retaining existing local landscape designations. They should ensure that such designations are based on a formal and robust assessment of the qualities of the landscape concerned.

### **Planning Policy Statement 9 Biodiversity and Geological Conservation (PPS9)**

Paragraphs 15 – 16 Species Protection

## 7.0 **CONSULTATIONS**

### **County Highway Authority**

“It must be a planning matter as to whether or not this is a suitable location for such a development within the town centre of Wellington and if it is, then from a highway policy viewpoint I have no objection in principle to the development. In detail however, I have some comments to make.

The Transport Assessment submitted with the Planning Application is generally acceptable. It deals adequately with the main issues and I am generally content with the outcomes. In terms of access on to Mantle Street, there are two options shown as Appendix 4 and 5 of the Transport Assessment and of these I favour Appendix 4 (Drawing No. B/G2/Wellington.1/05) with some amendments.

I am content with the general proposal to site the access as shown and bring the junction forward to improve visibility and widen the footway on the western side of the access along the south side of Mantle Street. However, this creates a narrowing of the through carriageway of Mantle Street of which I am not particularly happy. The car parking bay marked outside Nos. 1-10 Hyacinth Terrace is 2.3 m wide and the Traffic Signs Regulations and General Directions suggest that this can be narrowed to 1.8 m. I have taken advice from my Safety Audit colleagues and consider that a narrowing of this bay with the consequential narrowing of the build-out and tactile crossings outside No 10 to 1.8 m should be carried out.

I would in addition prefer to see a separate pedestrian access as shown on

the attached sketch coming in outside the boundary wall. This would separate pedestrians from the vehicular traffic entering the access way.

The widening of the footway along the southern side of Mantle Street will mean that that length of road between the adjacent access to the east and Trinity Farm to the west which at present has no waiting restrictions on it and allows parking, will need to be covered by double yellow 'No Waiting at Any Time' lines.

In consequence, therefore, I do not propose to raise highway objection subject to the following conditions:

1. The details of a suitable scheme along the lines described being submitted to and approved by the Local Planning Authority prior to the commencement of the development.
2. The construction of the access and off site works required in the above condition being completed prior to the development coming into use.

An informative should be attached to any consent requiring the works in conditions 1 and 2 above being carried out under a Section 278 Agreement with the Highway Authority.

Suitable conditions should also be attached to any consent to secure the details of onsite parking and turning facilities shown on the drawings accompanying the application.”

### **Environment Agency**

“The Environment Agency objects to this application in its current form because it has been submitted without a flood risk assessment (FRA), contrary to the requirements of PPS25 paragraphs 10 and 13 and Annex E. The flood risks resulting from the proposed development are therefore unknown.

The application site lies in an area of low-medium flood risk as defined in PPS 25 Table D1. Paragraph 13 of PPS 25 requires applicants for planning permission to submit a FRA in accordance with Annex E of the PPS when development is proposed in such locations.

The absence of a FRA is sufficient reason in itself for a refusal of planning permission in this instance. This reflects the precautionary approach to development flood risk areas set out in paragraph 10 of PPS 25.

We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate FRA has been submitted.

We have sent a copy of this letter and FRA guidance (guidance note 1) to the applicant’s agent for information.

Further to this please note the proposed development is located on a major aquifer. As a result of this appropriate sustainable drainage and pollution prevention measures need to be incorporated within the development application.”

As a result of this response, a Flood Risk Assessment has been prepared by the applicant’s consultants. The further views of the Environment Agency are awaited.

### **Wessex Water**

Views awaited.

### **Fire Safety Officer**

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

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

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

### **Avon & Somerset Constabulary**

“Overall Security

Whilst I accept that it would be inappropriate to fence the entire site against intrusion, I do feel that security issues should be given due consideration. Therefore I would be interested to see what security measures, physical and intrusion detection, are to be incorporated into the building.

Building design

I have some concerns regarding the open 'U' shape of the building as it creates a secluded area which could be vulnerable to attack. I would recommend that if this building layout is to be followed, that a fence should be erected across the two arms of the building to deter intrusion. This fencing should be to a height of at least 1.8 m, and of an open mesh type construction. This would improve security, whilst allowing natural surveillance into and from the area.

Decking area

I have serious concerns regarding the proposed decking area to the rear of the staffroom and meeting room on the first floor.

It appears that this area may be open, and insecure (not glazed)? If this is the case, the area may become a gathering area' for young people during out of hours periods.

It also appears that it may allow for easy climbing access to the roof of the

main building, which would lead to serious safety concerns.”

### **Natural England**

“Thank you for consulting Natural England about the proposed development on a field to the South of Mantle Street. Your letter received in this office on 2<sup>nd</sup> April refers. We have also received a copy of a protected species survey undertaken by John Clare of the site for some local residents. John found evidence of slow worms, a bat roost in a tree, and breeding bird habitat. It is a foraging ground for badgers.

We have down loaded from your website the phase one wildlife survey undertaken by Tony Timbrell for the applicant. Tony's recommendations include protecting the breeding birds on the site, undertaking a bat and a slow worm survey.

John Clare mentions the possibility of great crested newts based on the presence of the Swains Lane population, it is likely to assume that they will forage on land to the north away from the housing estate and it is possible that they could be impacted upon by this development.

In view of the evidence found by two wildlife consultants Natural England recommends that thorough protected species surveys are undertaken before this application is determined.”

### **Landscape Officer**

“There is little or no assessment of the impact of the proposals on the Green Wedge. This is an important policy consideration and needs to be fully assessed and justified.

My other concerns are:-

1. Impact on the street scene and need to provide sufficient visibility splay.
2. Impact on trees. T11 is under threat from car parking within its tree root zone. G4 is under threat from level changes within its tree root zone.
3. The building is large, requires significant levelling of the site; and
4. Landscape mitigation is poor.”

### **Conservation Officer**

“The proposal will not affect the setting of any listed buildings. While the site currently lies adjacent to the Conservation Area that section affected is proposed for removal. The proposed development appears to be well set back from the road frontage and could be further screened by trees. Access arrangements don't appear overly detrimental to the street scene. On these grounds I don't wish to raise any objections.”

## **Nature Conservation and Reserves Officer**

“I have read Environmental Conservation for Development Ltd's survey as well as Greenwood Environmental's report submitted on behalf of the Residents' Group of Mantle Street. Natural England are aware of the application and I have requested that they be formally consulted.

The site is part of the green wedge and the wider parkland of the Special Landscape Feature. In applying PPS9, further survey work for protected species is essential to inform mitigation and the decision on the development of this site.

I advise that further survey work for protected species should be undertaken as soon as possible to Natural England guidelines, to inform the determination of this application:

### **Bats**

ECD Ltd's and Greenwood's survey, identify the two oaks on site as being potential bat roosting sites. The trees are part of a network of mature parkland trees, including old pollards that have been identified in Greenwood's report as having bat roosts. Local knowledge of bats hunting over the site reinforces the importance of these trees.

T11 (New Leaf survey), T1 on Greenwood's survey, is a significant veteran oak . My concern is that the tree may be a bat roost and further information is needed. Survey work as proposed in ECO's and Greenwoods' reports will establish how bats are using the site is necessary.

### **Slow Worms**

Greenwood's report has found evidence of slow worms using the site and further surveys need to be undertaken and mitigation proposed.

### **Great Crested Newts**

The application site is within 500 metres of the Swains Lane County Wildlife Site, an important site for Great Crested Newts. The site is within the foraging range of these newts and further information is needed to inform enhancement/mitigation for this species.

### **Badgers**

Proposed mitigation for badgers using the site, must be submitted to inform the decision process.

### **Breeding Birds**

Consideration will need to be given to nesting birds.”

## **Forward Plan**

“This proposal raises a number of significant policy issues.

As the application site is outside the defined settlement limit of Wellington it

falls within the countryside in policy terms, where new development is strictly controlled. Structure Plan (SP) Policy STR6 and Taunton Deane Local Plan (TDLP) policy S7 apply. The proposal does not fall within one of the identified exceptions, such as affordable housing, development for agricultural or forestry purposes, or development which will support the rural economy. Other exceptions to the policy may be permitted where the need to do so can be justified, and subject to the proposal maintaining environmental quality and not fostering growth in the need to travel.

The site also falls within a Green Wedge as defined in the TDLP, to which policy EN13 applies. This seeks to prevent development which would harm the open character of Green Wedges, thus undermining their role in preventing the coalescence of settlements.

A limited part of the site also falls within the Foxdown Hill/The Cleve Special Landscape Feature (SLF). This is defined in the TDLP and is subject to the provisions of policy EN11, which seeks to prevent development which would harm the appearance, character and contribution to landscape setting of SLFs.

The accessibility of a large new health centre is another important consideration in accordance with SP Policy STR1 and TDLP policy S1, criteria (A) & (8).

Although the site is not designated as a site of importance for its wildlife, I understand that there may be issues with protected species. If that is the case then the requirements of SP Policies STR1 and Policy 1 and TDLP policies S1 (C) and EN5 will need to be complied with.

The main policy issue here is the degree to which the proposal would be in conflict with policies relating to the control of development outside the defined limits of settlements and the protection of designated Green Wedges and SLFs, and whether there is an adequate justification for allowing it as an exception. The degree to which the proposal would conflict with policies STR6 and S7, EN13 and EN11 is, in my view limited. The application site is in a location where there is development on three sides, and is immediately adjacent to it on two of them, so it is well-related to the existing built form. The higher ground of the SLF means that the site is not visible in the wider landscape, nor does it play a critical part in the Green Wedge's primary function of preventing the coalescence of Wellington and Rockwell Green. The application site does encroach slightly into the SLF. Although most of the area within the SLF is proposed for landscaping, the building does appear to just cross the boundary. It would be preferable if the building were positioned further from the boundary of the SLF, so consideration should be given to the possibility of locating it closer to the site's northern boundary and relocating the proposed staff parking area to the south of it in the area adjoining the SLF. This should also lower the level of the building, which would also reduce its visual impact in the foreground of the SLF.

Little evidence justifying the use of this particular site appears to have been



submitted. It is important that this is provided, to enable a proper judgement to be made on whether the need for the use of the site is strong enough to warrant the exception to several policies. The evidence should address matters such as: the need for the facility; why the existing site is unsuitable; and a sequential approach to the consideration of alternatives. The views of the Primary Care Trust are relevant to the first of these.

In terms of accessibility the application site is clearly inferior to the existing site of the health centre or to other town centre alternatives if they exist. However, it is located on a main road that is served by public transport and, because of the geography of the town, is closer to the town centre than almost any alternative edge-of-town site. As above, there is a need for evidence demonstrating why this site is needed rather than more accessible alternatives, including the health centre's existing site.

In conclusion, I consider that this site is suitable in policy terms, provided that satisfactory evidence is provided to demonstrate the need for the facility, the consideration of alternatives, and the absence of sequentially preferable sites. The ability to deal appropriately with any issues related to the presence of protected species is an important prerequisite to the site's development."

#### **Drainage Officer**

"I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and results should be forwarded for agreement before any works commence on site due to the probability that the existing ground is not suitable.

If tests prove that soakaways are not suitable then other means of disposal will have to be investigated and any such means will require on site attenuation of flows before final discharge.

It is therefore strongly recommended that the method of surface water disposal has been agreed and approved before any works commence on site."

#### **Town Council**

"The above application was considered at a town council meeting on 14<sup>th</sup> May 2007 which was attended by over 40 residents from the Mantle Street area who were strongly opposed to the proposal.

Following a meeting lasting two hours the town council decided it was opposed to the application because:

- the development is outside the settlement limits
- is an incursion into the green wedge between Wellington and Rockwell Green
- will have an adverse effect on the special landscape feature

- the development will result in the loss of on-street parking spaces
- there are unresolved highway issues
- the town council recommends that Taunton DBC should reject the application and set up a task and finish group to look for a suitable site for a new medical centre within the town centre.”

## 8.0 **REPRESENTATIONS**

58 letters of objection have been received raising the following issues:-

1. Invasion of privacy and security.
2. Highway safety problems emerging from access road due to presence of parked cars on Mantle Street.
3. Increase in traffic when Mantle Street is already too busy with traffic.
4. Site is part of the Green Wedge designated in the Adopted Local Plan. Policy EN13 restricts proposals that do not conform and retain the open character of the area.
5. The proposed development would obliterate the outstanding open countryside, the Green Wedge/Special Landscape Feature and have severe consequences and an impact upon the adjacent Conservation Area.
6. Restricted parking in Mantle Street – often two vehicles cannot pass without one giving way.
7. Blocking of entrance to objector’s property by vehicles resulting in dangerous vehicular manoeuvres and difficulty of access by emergency vehicles.
8. Difficulty of exiting onto Mantle Street.
9. Excessive speed of traffic along Mantle Street.
10. Traffic survey submitted with application is lightweight and does not consider the implications of its own patients using the surgery.
11. Visitors to medical centre will use objector’s drive by mistake.
12. Young children could enter objector’s private driveway, which could cause an accident.
13. Will be unable to stop vehicles parking on Mantle Street close to the entrance.
14. Large horseshoe, small horseshoe and long eared bats all reside in the area.
15. Wildlife report produced by the agents was very limited in its findings.

16. Danger to established trees and hedgerows for wildlife on the proposed development of the agricultural land and the impact on the surrounding Special Landscape Feature of Foxdown, being within the designated green wedge.
17. Wildlife includes foxes, badgers, buzzard, butterflies, woodpeckers, magpies, blackbirds, robins, coal tit, small tit, greenfinch, jays, sparrows, jackdaws, squirrels, dormice, field mice, shrews, moles, voles, slow worms, pheasants, frogs, toads, rabbits and deer. Wild flowers also encouraged in the area.
18. Six foot fence should be provided all around the property to provide for security.
19. Medical centre will be a prime target for thieves and vandals.
20. Question why the existing medical centre needs to be relocated. There should have been a ballot of existing patients. If has to move – should be at eastern end of town, still within town centre, or as part of new housing development.
21. Increased distance for patients will result in increase pollution.
22. Main motive for the proposed move is a financial one, because of discussions underway with representatives from a supermarket.
23. Proposal would contravene the basic human rights of people to be able to live in an environment without the pollutants and noise caused by vehicles.
24. Site has been selected because it gives the potential for further expansion in the future.
25. Inappropriate for the application to say that the planning authority would have no objection in principle if the proposal was for a community facility such as a medical centre.
26. Application incorrectly states that the bottom field is not part of the Green Wedge.
27. Question the suggestion by the Conservation Officer that the area fronting Mantle Street is to be taken out of the Conservation Area.
28. Proposal to have County Council Social Services staff permanently located at the site shows some form of collusion by the medical centre in trying to prepare for a more advantageous decision by planning officers/councillors.
29. Second floor staff room with balcony will overlook objector's private garden, spinney and drive. Staff possibly working, eating and drink so close to property would be a violation of privacy and basic human

rights. Otherwise area should be screened by a mature hedge or shrubs which benefit the wildlife and the building be single storey.

30. Building should not be two storeys and should not be built on agricultural land. Should be located on a brownfield site in accordance with Government policy.
31. Medical centre could go above any supermarket being built on the current site.
32. If permission is granted, the building should be constructed using the latest building materials to save energy and should be fitted with solar panels to the whole roof and other energy saving ideas.
33. Will be a huge blot on the landscape.
34. Previously assured no building would ever take place on the land.
35. Officers and councillors are in office to protect the general public from instances such as this which flout existing laid down policy.
36. History of road traffic accidents along this length of Mantle Street
37. Police have previously written to residents of Mantle Street and Trinity Row asking them to find alternative parking arrangements other than in Trinity Close.
38. Proposed site should be cherished as it stands and a footpath across the site should be designated, enabling walkers to admire its beauty.
39. Loss of existing car parking space on Mantle Street, with no indication of alternative arrangements being made to replace them. This will impact on those with small children, heavy bags, the infirm and the elderly.
40. Question why footpath on south side of Mantle Street needs to be widened – as few people will walk to an out of town health centre.
41. Will move the medical centre away from fellow healthcare providers, such as the town's other dentists and pharmacies.
42. Proposal must be resisted at all costs, even to the point of civil disobedience.
43. Does not offer any more parking spaces than there is at present at Bulford, where there is also a public car park next door. Likely to be unable to cope with number of cars, which will increase the demand for parking on Mantle Street.
44. Building will not retain the open character of the area, but rather create an imposing three storey structure that is not at all sensitive to its surroundings.

45. No consideration has been given to the scale of the building within the landscape.
46. Inappropriate materials on a building which does not recognise the importance of the edge of a Conservation Area.
47. The proposal bears no resemblance to a country house, despite inference in documents.
48. Having an ugly building behind will devalue property.
49. Presume the development has already been given 'the nod' of approval.
50. What Mantle Street needs is traffic calming measures, a ban on large/heavy vehicles and a car park, not more traffic and a new junction.
51. Loss of outlook.
52. A long way from the centre of Wellington for vulnerable patients.
53. Current health centre is directly opposite the newly refurbished Wellington Hospital.
54. Concern about the proposal to narrow the road, which will make it even more difficult to pass recycling/refuse lorries.
55. Additional traffic and congestion can only increase the road safety risks for children walking to and from Courtfields School.
56. Buses and trucks will be unable to use Mantle Street during construction.
57. If more cars are forced to park in Walkers Gate area, it will be impossible for emergency or service vehicles to gain access.
58. Presume more buses will be run, which will worsen the congestion. Alighting from buses will necessitate crossing the road at dangerous points. The option of moving the bus stops nearer the proposed entrance would cause even more congestion.
59. According to the 'Green Spaces Issues' survey, Wellington and the immediate surrounding area is already sadly lacking in open green spaces.
60. All the mature trees on Foxdown Hill have Tree Preservation Orders served on them, as they form an important part of the heritage of Wellington.
61. The inconvenience to patients, staff, etc is not being taken into consideration where large profits could be derived by selling off the

present Bulford site in favour of a relatively inexpensive site on the protected Foxdown Hill. Money should not always be the chief reason for re-siting.

62. Mantle Street/Fore Street already has one medical centre, so the majority of patients will have to travel past that.
63. The siting will be inconvenient for the residents of the new housing proposed on the east side of the town.
64. If 13 other locations were considered, question what made them less suitable than the Mantle Street site.
65. Proposed use of the Youth Centre on Mantle Street as a base for social workers will put further pressure on parking in the area.
66. Mantle Street has had a history of flooding. The existing site acts as a natural soakaway for rainwater and if this were to be converted into large areas of tarmac, the ability of the land to soak up excess rainfall will be dramatically reduced, bring the excess into Mantle Street itself.
67. Trees will be put at risk due to alteration of drainage in the field.
68. Inconsistency in decision making if the proposal is allowed, because adjacent property was required to plant a native hedgerow for a change of use of land to domestic use to reduce the visual impact of the proposal on the green wedge.
69. Loss of historic and aesthetic appeal to Wellington as a whole.
70. This is an opportunistic financial endeavour being inappropriately dressed up as for the community good and is totally ill-conceived.
71. Proposed access is directly opposite existing driveways.
72. Building site traffic will threaten trees.
73. Disruption and damage to cars and houses during construction work.

ONE LETTER OF REPRESENTATION RAISING NO OBJECTION:-

1. More traffic might slow down traffic in Mantle Street.
2. Suggest that local residents may use the medical centre's parking out of hours.
3. Traffic calming measures should be put in place if needed.

9.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposed development comply with the Development Plan Policies? POLICY

- B. Is there a need for a new site for the medical centre? NEED
- C. Is the site the most suitable one for the proposed development?  
SUITABILITY OF SITE
- D. Is the proposed access acceptable? ACCESS
- E. Is adequate parking proposed? PARKING
- F. Is appropriate regard had to the landscape setting of the site?  
LANDSCAPE
- G. Will wildlife be adversely affected by the proposed development?  
WILDLIFE
- H. Is the site liable to flooding? FLOODING
- I. Is security on the site adequately provided for? SECURITY
- J. Is the proposed development sustainable? SUSTAINABILITY
- K. OTHER ISSUES

### **A. Policy**

The site is located outside the settlement limits of Wellington. Policy STR6 of the County Structure Plan states that development outside towns and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. Policy S7 of the Taunton Deane Local 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 criteria. Two of these criteria are:- (i) that the proposed development is necessary to meet a requirement of environmental or other legislation; and (ii) that the proposed development supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

The current medical centre is now too small to meet the current and anticipated accommodation requirements and consequently a new site is required for future requirements. The doctors have spent a number of years looking at possible sites, with a preference for a site within the settlement limits closer to the centre of the town. However for various reasons set out in Section C, the current site has been chosen by the doctors. I am satisfied that all reasonable attempts have been made to find a suitable site within the settlement limits and consequently I consider that the principle of a site just outside the settlement limits is acceptable.

The site is within an area designated as Green Wedge in Policy EN13 of the Taunton Deane Local Plan. This policy states that development which would harm the open character of the green wedge will not be permitted. The site is part of a very much larger area of countryside. It is also affectively

surrounded on three sides by development (the 'open' cemetery to the north is not included within the Green Wedge designation). The purpose of the designation is to prevent the coalescence of Wellington and Rockwell Green. I consider that the integrity of the Green Wedge, in particular the overriding reason for the designation, will not be adversely affected by the proposal.

The Forward Plan Officer considers that the site is suitable in policy terms.

### **B. Need**

The existing medical centre at Bulford is approximately 826 sq m (including 210 sq m of ancillary services) and having been extended twice occupies just about all of the developable area of the site. However the building only provides about half of the floor space that is recommended under current guidance.

The applicants contend that the current building is being used to capacity at all times. They consider that there is no slack to be able to absorb additional or new initiatives in the future, and no space in which to work quietly if needed or respond to emergencies without considerable disruption to patients. They feel that a significant increase in capacity is needed in order that patients can be managed effectively, so that they feel comfortable and safe, confident that their privacy is being maintained and that they are being dealt with in an efficient and professional manner. The room sizes are generally too small and the layout cannot easily be adapted for a suitable second floor to be added. There is also some concern that the foundations of the original 1971 surgery will not be adequate to take the increased loads. The applicants consider that the only realistic option is to demolish and replace the building with a new two storey structure. The nature of the building and intense occupancy means that this could not easily be done in phases and continue to operate from only part of the premises. Temporary accommodation would need to be provided whilst the construction work takes place. The site is not large enough to facilitate this whilst continuing to provide a reasonable level of parking, and there are no alternative sites in the vicinity capable of providing a suitable temporary home. Although on occasions, where no other options exist, temporary facilities have been provided in portacabins, this is a very costly option. In this instance it is likely to be in the region of £35,000 - £40,000 for a 12 month construction period, which could otherwise be spent on providing improved healthcare elsewhere.

There is also an issue of car parking at the existing medical centre, arising from the fact that some drivers choose to park their vehicles in the medical centre car park (providing 46 spaces) rather than the adjacent pay and display car park. The parking of such vehicles obviously has a detrimental effect on the operation of the medical centre car park.

The development of a new medical centre will provide modern and appropriate facilities for a full range of existing services. It is not anticipated that there will be an increase in staffing levels as a result of the proposed development.



A detailed Business Plan for the project was submitted to and approved by the Primary Care Trust last summer.

### **C. Suitability of Site**

Since 1999, the applicants have considered 13 alternative sites to develop a new medical centre, capable of meeting their present needs and hopefully providing an opportunity for further expansion in the future.

The doctor's priority has throughout been to secure a site as convenient as possible for their patients whilst offering the potential for development of a facility capable of encompassing all their current and anticipated primary care responsibilities. A sequential approach was adopted at the outset in order to secure as central a site as possible and to ideally obtain a site within the built up area boundary, which was perceived as more likely to obtain permission and the most acceptable to patients and doctors.

The majority of these sites were not considered to be suitable options for a variety of reasons, including being too small, too remote from the centre of Wellington or not being achievable in a realistic timescale. After further investigations, the application site was identified as the most promising location, and in 2005 the applicants secured an option to purchase.

### **D. Access**

A new vehicular and pedestrian access onto Mantle Street is proposed between the cemetery garden and the bungalow at 112b. It is intended that the layout of the junction should minimise the interruption of the existing stone retaining wall, such that neither the cemetery garden nor the mature tree in front of 112b should be affected. The junction has been designed with consideration to highway capacity and safety. It will incorporate footway widening/carriageway narrowing. The widening of the footway will be beneficial to pedestrians and act to overcome the footway width narrowing to the west of the proposed access towards Trinity Close. In addition to being in accord with national planning advice, this measure will also encourage pedestrian movement to the proposed development from the west and from Trinity Close to the town centre.

The new access road will initially be cut into the raised ground behind the retaining wall, and then climb generally at the natural slope of the ground to an entrance courtyard in front of the new medical centre. This provides a vehicle drop-off point at the front entrance and also access to two visitor/patient car parks that are at the same level and on an existing grade.

The new roadway will provide access for emergency vehicles at the main entrance and turning space in the arrivals area between the two visitor/patient car parks.

An alternative access, proposed was also put forward by the applicant's highways consultant. This incorporated the additional provision of a build-out so that vehicles travelling in a west bound direction must give way to opposing

traffic. The County Highway Authority favour the first option without the build-outs.

Accident data for the 5 year period between July 2001 and June 2006 shows a total of 4 recorded accidents. The applicant's highways consultants consider that the location and type of accident recorded are not indicative of there being any specific highway safety problem or anything to lead to the view that the scale is in any way inherently unsafe. It is not considered by the consultants that the proposed development would lead to any material detriment to road safety after reviewing the road safety data. The development would, however, bring benefits in road safety terms.

The traffic impact assessment submitted with the application indicates that there are no issues of capacity, queuing or delay apparent at the proposed access. Traffic impact at junctions further from the proposal site is likely to be immaterial to their operation given the low traffic flows likely.

From a highway policy point of view, the County Highway Authority have no objection in principle to the development. Amended plans are anticipated which address the detailed points raised by the Highway Authority.

It is therefore considered that the proposed development is acceptable from a transport and highway perspective, given that the proposal encourages sustainable modes of travel and the calculated traffic movements associated with the development would not prejudice the current performance of the highway network. A Travel Plan is also to be prepared.

#### **E. Parking Provision**

A total of 66 car parking spaces is proposed. The applicant's transport consultants undertook a survey of car parking demand at the existing medical centre in Bulford in the autumn of 2006, and this forms the basis for the projected demand for the new centre at Mantle Street. A Transport Statement, covering parking issues was submitted with the planning application. The level of car parking proposed is that which is considered necessary for the facility to operate effectively. This includes the number of essential car users such as doctors and other medical centre staff, who may be called out at any time. The centre also serves a wide rural catchment area.

There is also a staff cycle storage area provided within the semi-basement area, with internal access to the medical centre. Patient cycle parking is provided at the main entrance. All these spaces will be covered.

If desirable in the future, the design of the site layout provides opportunities to extend on grade the car parks on the western side of the site, providing both additional visitor/patient and staff parking spaces. The proposals include shower facilities and 16 lockers within the medical centre, for use by staff and visitors.

In conclusion, I consider that the level of car parking proposed is acceptable in view of the nature of the use of the building and alternative means of transport that are available.

## **F. Landscape**

The location of the proposed building on the site, close to the eastern boundary maintains the open views across the site from Mantle Street to the countryside beyond. The proposal for a two storey building aligned on a north-south axis seeks to minimise the impact of development on the open countryside. The southern end of the building is built into the slope by a storey height so that a single storey elevation faces onto the open countryside. The buildings alignment and length is similar to the terraces at Walkers Gate and Trinity Close to the east and west of the site.

Regarding concerns that any building on the slope will block views from certain directions, a shallow inverted 'butterfly' roof has been designed to minimise the overall height of the building. The effect of this is to reduce the general building height by about 2.5 m when compared to a building with a 30 degree pitched roof.

The proposed development will open up views by the public into the remaining parkland to the south and west of the site, when viewed from the car parking areas.

By placing a two storey building as designed on a north-south axis in the north-east corner of the site, the proposed development ensures a minimal footprint commensurate with the proposed use, and minimal impact upon the immediate surroundings. The skyline and the views across the site will continue to be dominated by the mature trees on the site and the row of semi-mature sycamore trees on the eastern boundary.

A Tree and Landscape Survey and Assessment was submitted with the planning application. Following on from this, strategic landscape proposals were prepared and also submitted as part of the application. This identifies the key issues to be addressed across and around the site and its immediate environment. The design strategy identifies key elements of the existing landscape and makes recommendations on how to maintain and enhance the parkland character of the site.

The amended plans move the proposed building further down the slope such that none of the proposed development lies within the designated Special Landscape Feature (Foxdown Hill). Policy EN11 of the Taunton Deane Local Plan states that development which would harm the appearance, character and contribution to landscape quality of Special Landscape Features will not be permitted unless planning conditions would prevent such harm. The proposed building is located adjacent to existing development on two sides and I do not consider that its position and form will compromise the appearance and character of the adjacent Special Landscape Feature. The access into the site will retain and enable views through to the Special Landscape Feature, if anything to a greater extent than is currently enjoyed.

Parking for the proposed medical centre has been kept towards the bottom of the site (towards Mantle Street) which helps to minimise the visual extent of the development footprint on the field and thereby minimising the impact on the green wedge. Parked cars will be hidden in most views from houses and users of Mantle Street by the existing boundary vegetation within the cemetery and proposed planting along the new boundary of 112b. Cars will be largely screened from view from properties in both Walkers Gate and Trinity Close by appropriate screen planting along boundaries together with some tree planting within the parking area itself. The width of the access drive is to be kept to a minimum, reducing any impact on the adjacent mature oak tree and reducing the visible extent of the development within the existing parkland setting. Between the drive/dropping off point area and the front of the building, planting will be used to soften the lines of the west elevation and integrate the new building into the surrounding landscape. The remaining area of the site is to be maintained as an open parkland landscape of grass pasture and specimen trees, in line with the objectives of the green wedge policy. The southern boundary will be defined using continuous bare 'estate' fencing, a transparent detail that will not interrupt the visual continuity of the parkland area running up the hillside. It is proposed for tree surgery to be carried out as necessary on retained trees in order to prolong their life and maintain their contribution to the local amenity. Some new specimens are to be planted within the site as long-term replacements.

### **G. Wildlife**

A Wildlife Survey was submitted with the application. Although no badger sett or evidence of a badger sett within the proposed development site was identified, evidence of badger activity was. Precautions have therefore been set out by the consultants to ensure that badgers are not killed or injured during construction works. Mitigation for birds is recommended. If it is necessary to remove or cut back any vegetation during the bird nesting season, a full bird and nesting survey must be undertaken. Should a nest be identified during any works on the site, all works must stop and an exclusion zone set up to protect the nest.

Evidence of bank vole, fox and mole were identified within the survey areas. No species of bat were observed or any evidence of bats identified within the survey area, however the two mature oak trees within the proposed development site could provide tree dwelling and other bats with hibernation/roosts sites. Also the trees when in leaf could provide a hunting environment for bats. The consultants recommend that a night time/emergence survey should be undertaken. Although no amphibian or reptilian species was identified within the survey area, there is the potential habitat that could support both species. Mitigation measures, including the undertaking of a reptile/amphibian survey before any areas of potential habitat area disturbed, are recommended by the consultants.

As a result of the consultation responses from the Nature Conservation Officer and Natural England, the applicants have been requested to carryout further survey work. Appropriate conditions are recommended.

An Ecological Survey (Greenwood Environmental) was also commissioned on behalf of the residents group of Mantle Street. This notes that the field the subject of the planning application is an example of remnant parkland, which was formerly associated with one of the large houses in the vicinity. It concludes that parkland is a very significant habitat in wildlife terms, especially because it provides one of the most important hunting and roosting habitats for bats. A range of rare invertebrates, fungi and other species and also know to be associated with mature trees within parkland settings. The author of the Survey considers that reduction of the green wedge and the subsequent effects of increased usage, etc. of the site is likely to have a detrimental impact on a number of the more sensitive wildlife species that occur. The Survey recommends that because of the value of the site in nature conservation and landscape terms, and because of the existing designations relating to the site, consideration should be given to refusing the application unless extenuating circumstances exist, such as a lack of other suitable site for the development. It also recommends that in order to meet legal requirements, it is necessary for the applicant to provide comprehensive surveys of all the legally protected species present (or likely to be present). In this instance, these species include bats, badgers, nesting birds, great crested newts and slow worms.

#### **H. Flood Risk**

Following the consultation response from the Environment Agency a Flood Risk Assessment has been submitted. This is required by Planning Policy Statement 25 as the plan area is 1.078 ha which is greater than the threshold of 1.0 ha for flood zone 1. This incorporates information prepared to provide an appropriate level of flood risk assessment for this type of development. The further views of the Environment Agency are awaited.

#### **I. Security**

The applicants consider that it is not possible to create a 'secure' perimeter fence to the whole of the site given its size, and also not desirable in the context of the open parkland character of the site. It is proposed to retain or replace the existing five bar metal estate fencing adjacent to the private lane to the east, and use a similar fence to create the new site boundary to the south. The security measures are therefore intended to take effect at the building, by limited and controlled access points, good surveillance from the building and localised planting to deter intruders. The new road access onto Mantle Street is to be gated out-of-hours to prevent nuisance of the parking areas and/or new private access road. I consider that these measures are appropriate.

#### **J. Sustainability**

The adjacent main road of Mantle Street is a principal bus route and the new site will provide improved public transport access to the medical centre, compared to the existing site at Bulford.

As part of the development, a travel plan will be prepared and implemented. There will be two primary aims of the travel plan strategy. The first is to increase the awareness of staff to the advantages and potential for travel by more environmentally friendly modes. The second it to introduce a package of physical and management measures that will facilitate staff travel by other modes and provide patients with a choice of travel methods.

Conditions are recommended to ensure that wildlife habitat is not adversely affected.

#### **K. Other Issues**

It is intended that the external lighting will be designed to be discrete and integrated with the building, illuminating the key features and points of entry, and providing safe access to the car parking areas without 'floodlighting' the site.

### **10.0 CONCLUSION**

The site lies beyond the settlement limits of the town of Wellington where there is strict control over new development, and exceptions are only allowed where a proposal can be seen to be justified. In this instance, the applicants have demonstrated that the current site at Bulford is too small for their expansion requirements and that an extensive search for an alternative site has shown that the current application site is the most appropriate in terms of suitability and likelihood of coming forward within a reasonable time frame. There are proposals for redevelopment of the Bulford site together with the adjacent public car park for a food store.

Most of the application site falls within an area designated as Green Wedge in the Taunton Deane Local Plan. The aim of this designation is primarily to prevent the physical coalescence between Wellington and Rockwell Green. I consider that the proposal has been sensitively positioned and designed to minimise the loss of land within the green wedge. The proposal will maintain and increase opportunities for views into the green wedge and to the Special Landscape Feature of Foxdown Hill beyond. It also minimises any impact on existing mature trees and increases the potential for attracting wildlife.

The County Highway Authority does not raise any objection to the principle of the development and the detailed concerns have been addressed in amended plans and recommended conditions.

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**

06/2007/012

HESPERUS ASSOCIATES LTD

**ERECTION OF TWO AND A HALF STOREY BUILDING TO PROVIDE ACCOMMODATION FOR COMMERCIAL / COMMUNITY USE ON GROUND FLOOR (A1, A3, A5, D1, ACCOMMODATION AGENCY, ACCOUNTANT & TAX ADVISOR, BANK, BUILDING SOCIETY, CITIZENS ADVICE BUREAU, CHARITABLE & VOLUNTARY ORGANISATION, EMPLOYMENT AGENCY, ESTATE AGENT, FINANCIAL ADVISOR, FITNESS CENTRE, GYMNASIUM, HEALTH CENTRE, LAUNDERETTE, SOCIAL SERVICES CENTRE, SOLICITOR, TAXI BUSINESS, TOURIST INFORMATION CENTRE, TRAVEL AGENT), BASEMENT MULTI-USE APARTMENT(RESIDENTIAL, SELF CONTAINED OFFICE (B1) USE, OR COMMERCIAL USE AS PART OF THE GROUND FLOOR USE) AND 12 SINGLE BEDROOM APARTMENTS ON FIRST AND SECOND FLOORS AND 1 SINGLE BEDROOM APARTMENT IN BASEMENT AT LAND ADJACENT TO ROGERS WALK, COTFORD ST LUKE**

316840/127291

RESERVED MATTERS

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## **PROPOSAL**

The proposal provides for the erection of a 2½ storey building to provide for commercial/community use (a range of uses are specified in the description) on the ground floor consisting of flexible one or two units and 12 one bed apartments on the two floors above. A basement apartment is also incorporated to have multiuse as residential, office or commercial use as part of the ground floor commercial/community units. The total commercial floorspace proposed is 193 sq m. A similar application was submitted earlier this year but withdrawn prior to determination. 13 parking spaces are proposed, which will not be specifically allocated to any of the units. An internal bicycle store for the apartments and external cycle parking for the commercial/community units is also proposed. Materials are to be brick walls with a slate roof. The height of the building above ground level ranges from 10.9 m to 12.1 m. Features have been incorporated in the building design to minimize running costs and assist sustainable development, solar roof panels to provide electricity and high efficiency gas heating systems.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY raise a number of detailed points re possible need to relocate street lighting unit, currently site does not have direct access to a publicly maintained highway, section of crossing over cycleway should be of sufficient strength to take vehicles, delivery vehicles should not cross cycleway, query adequacy of car parking provision, surface water, soakaways and condition survey of cycleway. Would not wish to raise objection subject to conditions regarding parking no discharge of surface water onto highway.

LANDSCAPE OFFICER there is limited scope for significant landscaping or tree planting. There may be limited scope for small tree planting at the front of the units.

DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365. If ground conditions found not to favour the use of soakaways, then some form of on site surface water attenuation system will have to be installed with a limit to its discharge. Guidance notes provided in case of this option being necessary.

PARISH COUNCIL objects. The development is too high in relation to the original design statement for Cotford St Luke. Concerns over the safety of vehicle access, as vehicles are entering parking area over a cycle track and possible use by pedestrians of vehicle access tunnel. There is insufficient parking for both residential and commercial use. The viability of commercial businesses could be affected by lack of access for delivery vehicles. Overdevelopment of site.

8 LETTERS OF OBJECTION have been received raising the following issues:- does not meet the requirement to deliver community space, as it is functionally incompetent; last year's public inquiry confirmed that the site should be kept for community facilities; ground floor marked for the community is not viable due to difficulties with access and parking, having no provision for staff and their clients; servicing these areas would also be difficult; all vehicle access is across a foot/cycle path which is unsafe; residents will take all the available parking spaces and there is no separate provision for community use; flats dominate the whole plot; site is too small to accommodate so much and will neither function correctly nor safely; proposed uses will conflict with residents; the community space will be unattractive to potential occupants; proposal has too many failings to list; proposal does not provide community facilities, whereas a complete rethink could do so while still ensuring a return for the developer; this site is still the sole one reserved for the community as a result of changes to the original village plans that have collectively reduced the space for community facilities, while making more available for housing and increasing its density; the proper use of this site is critical to the village; approval of this plan or anything like it would be contrary to the agreed and extant plan for Cotford St Luke, the status of which was confirmed by the inspector at last year's public inquiry; proposal for residential units will dilute the community use of the site; the local plan and policy guidance in favour of community self sufficiency should ensure that this site remains for community use only; there are several unoccupied flats above the shop – do we want to see more empty properties in Cotford; the narrow access road is often blocked by delivery/refuse lorries visiting the shop – this would be extremely inconvenient to the proposed businesses and residents; there is enough traffic entering Rogers Walk without the added hazards of on-street parking as seen in several areas of the village; despite the initial good planning work done to create an innovative new village community, the more recent planning control has become nothing less than downright cynical attempts to produce more council tax income at the expense of the feelings and needs of the village residents; the site should have been a green landscaped central park area; the main access roads are effectively a car park, which will result in a serious accident before long; abject amazement and disgust that the application has been submitted – the cheek of the proposal beggars belief; once again being offered a sop for some so called village facility – the list of facilities is complete nonsense; would be better building a multi storey car park for the residents; proposal for a block of flats represents blatant greed on behalf of the developer and the Council's finance department; should provide a post office and a doctor's surgery first; will be a major eyesore to the



village; more noise – especially at night; real problem with rubbish lying around in the area; loss of privacy; loss of value of property; the promise of a self sufficient and socially cohesive village has not been fulfilled with very limited facilities being provided; any additional housing on this site would add considerable pressure on car parking, car usage, vehicular traffic and congestion to the area.

ONE LETTER OF REPRESENTATION has been received raising the following issues:- a doctor's surgery would be a good idea.

COTFORD ST LUKE COMMUNITY ASSOCIATION objects in the strongest terms; difficult to see how this proposal can be justified as it does not, despite appearances, provide any viable community facilities for the village; each of the 13 flats requires a parking space plus several visitor spaces, which leaves no space for commercial/community parking and delivery vehicles, which will mean that the ground floor space will either not be taken up or if it is, problems will arise for the building's users, the shop and nearby residents; the site can support a smaller building with fewer, say no more than 4 flats, which would provide a truly viable opportunity for the community facilities; the current application contrasts starkly with the adjacent shop development which the Association lent its support to – it provides a functional balance of facilities that are in scale with the site with segregated customer parking, separate space for delivery vehicles and another area for residents parking; objects to vehicle access to site, being across existing cycle path; no segregation of vehicles and pedestrians in the access to the site; clarification of survey carried out by the Association on behalf of the Rural Deane; it is a matter of opinion whether or not the site is suitable for a pub, but so long as the chapel conversion to a restaurant/bar goes ahead, the Association has no wish to propose using the final piece of development land for this purpose; the Association's interest remains as always to get some more community facilities – the present application is incompatible with this; any proposal should meet the requirements of last year's public inquiry.

WARD MEMBER two previous applications refused and an appeal dismissed at public inquiry; perturbed to see that despite this history, officers still persisting in going not only against previous decisions but also against the wishes of the residents, when responsible for the welfare of the people of Cotford St Luke from a planning viewpoint – appear to have no interest in the inhabitants of Cotford whatsoever; at least three breweries interested in building a public house on this specific site.

## **POLICY CONTEXT**

Policy STR1 of Somerset and Exmoor National Park Joint Structure Plan Review contains policies related to sustainable development.

Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments. 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. Policy EC15 indicates that the range

of shopping and service facilities serving the associated settlements, rural centres and villages will be maintained and enhanced.

## **ASSESSMENT**

The proposed design and materials of the building is in keeping with the character of the other buildings in the area. The applicants consider that the number of residential units proposed is required in order to enable the commercial/community space to be achieved, thus ensuring the viability of the whole scheme.

The site has an outstanding planning permission for the erection of a public house. In 2004, a planning application for the erection of 4 dwellings was refused and a subsequent appeal dismissed. The appellants had extensively marketed the site for public house use, including discussions with pub operators. The appeal inspector considered that there was little likelihood of a public house development on the site because it was unlikely to be viable on the site. The appellant was of the opinion that a mixed use on the site would probably not be viable and be unlikely to be achieved. However the appeal inspector gave this opinion limited weight. He concluded that the site should be retained for commercial facilities which would be in the interests of the residents of Cotford St Luke and that the residential development should not proceed.

Planning permission has recently been granted for a public house and restaurant at the former chapel building nearby. While there is no guarantee that the scheme at the chapel will proceed (although there is every expectation that it will), the chapel site is better suited to that use than the site that is the subject of the current application, owing to the former's size and superior location. The applicants have submitted a confidential commercial feasibility report which demonstrates the proposed development to be viable, sufficiently attractive both to the developer and the community, that offers a realistic chance of being brought to fruition. The report analysed several development options to show their effect on viability. In all options other than the proposed scheme, the costs of development exceeded the value of the completed scheme, making them unviable. The applicant's consultants consider that in their experience pub operators generally require a minimum of 4,000 sq ft of area for a viable business (twice what is available on the application site). They also require an area for a beer garden, suitable car parking facilities for the elderly, those with disabilities and those customers traveling from further afield, and if possible a play area for children. In order to provide these facilities, pub operators seek sites in excess of 0.75 acres. The application site is significantly less at 0.2 acres.

It is considered that because of the nature of the residential accommodation, the proposed parking provision is adequate to serve both the apartments and the commercial use (the latter being the predominant use during the day). The applicants confirm that delivery vehicles would not be allowed to enter the site. Deliveries would take place from the highway, in the area where deliveries for the shop already take place.

## **RECOMMENDATION**

Details be APPROVED subject to conditions of parking, restriction to uses applied for, no surface water discharge onto highway and any alterations to doors and window arrangement on ground and basement floors doors and windows to be agreed. Notes re disabled access, outline conditions, energy/water conservation, meter boxes, secure by design, soakaways, relocating street lighting column, connection to highway, deliveries to commercial units and CDM regulations.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered not to have a detrimental impact upon visual or residential amenity and provides for commercial use of the site in the interests of the local community and is therefore considered acceptable. Accordingly, the proposal complies with Taunton Deane Local Plan Policies S1, S2, H1 and EC15 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: 356461 MR J HAMER**

NOTES:

20/2007/010

MR HEAYNS

**CONVERSION OF BUILDING INTO TWO UNITS FOR HOLIDAY LETS (REVISION TO 20/2006/026) AT SWALLOWS BARN, PARSONAGE LANE, KINGSTON ST MARY**

322199/129030

FULL

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**PROPOSAL**

The proposal provides for the conversion of an existing building into two units of holiday accommodation. The building was previously used as office and welfare facilities for the plant nursery, which has now close. In 2006 permission (20/2006/026) was granted to remove conditions No. 5 and No. 6 of planning permission 20/2005/025. The amendment provided for the retention of existing materials. The units provide a 2 and 3 bed accommodation.

The application now under consideration seeks a number of amendments to the approved scheme. A schedule of the amendments accompanies the application.

Inter alia the main revisions consist of: - Amendments to fenestration; relocation of doorway and porch; omission of the balcony on the north elevation. In addition the plans indicate the rearrangement of the internal layout.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY in the event of permission being granted, recommend similar conditions to 20/2006/026. WESSEX WATER no objection in principle. Connection point for foul drainage and also water supply provision to be agreed at detailed stage.

ENVIRONMENTAL HEALTH OFFICER I would recommend the renewal of the Contaminated Land condition attached to the existing application 20/2006/026 to be applied to the revised application.

PARISH COUNCIL views awaited.

8 LETTERS OF OBJECTION have been received raising the following issues:- principle of holiday lets; number of alterations to schemes; outside village envelope; traffic generation; what benefit to the village; already overdeveloped site; continued number of applications without knowing applicant's final objective; chalet out of character; buildings advertised for long term occupancy.

**POLICY CONTEXT**

RPG10 – South West

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPS9 – Biodiversity and Geological Conservation, PPG13 – Transport.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), ST6 (Development Outside Rural Centres & Villages), Policy 5 (Landscape Character), Policy 49 (Transport Requirements of new Development).

Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), EC6 (Conversion of Rural Buildings), S7 (Outside Settlements), EN4 (Wildlife in Buildings to be Converted or Demolished), EN5 (Protected Species) and EN12 (Landscape Character Areas).

## **ASSESSMENT**

The principle of the proposed conversion has already been established. In essence this application seeks low key alterations to the design of the building and it is considered that the proposals would not adversely affect the character or appearance of the area. Moreover, the omission of the balcony would provide a more simple form of development.

The concerns of local residents to the conversion of the building are noted. However, the planning merits of the application were fully addressed and evaluated during the determination of the previous scheme.

It is therefore considered that the proposed revisions would not harm the character or appearance of the area and as such it is recommended that the application be approved

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, restriction to holiday accommodation, removal of GPDO rights for extensions, ancillary buildings and means of enclosure and removal of conditions only if holiday let use implemented. Notes re disabled access and energy/water conservation.

**REASON(S) FOR RECOMMENDATION:-** The building is adequately screened and the proposal is not considered to be harmful to the landscape and has good access to the highway network, the visual and residential amenity of the area would not be detrimentally affected and therefore the proposal is compliant with Taunton Deane Local Plan Policies S1, S7 and EC6.

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

**CONTACT OFFICER: 356586 MR A PICK**

NOTES:



21/2007/009

MR V BIGG

**DEMOLITION OF SKITTLE ALLEY AND ERECTION OF DWELLING AT THE MARTLETT INN, LANGFORD BUDVILLE AS AMPLIFIED BY AGENTS LETTER DATED 9TH MAY, 2007**

311094/122737

FULL

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**PROPOSAL**

Permission is sought for the demolition of the existing skittle alley to the rear of the Martlett Inn and the erection of a detached two storey dwelling. The site is located in centre of the village of Langford Budville. The proposed dwelling would be accessed through the existing car park which serves the public house. The proposed design of the property features traditional gable ends. Materials are to be agreed.

A Design and Access statement accompanies the application.

**CONSULTATIONS AND REPRESENTATIONS**

WESSEX WATER it will be necessary for the developer to agree a point of connection onto the system for foul flows generated by the proposal and with regards to water supply. These can be agreed at the detailed design stage.

LANDSCAPE OFFICER the proposals will have only limited landscape impact and subject to landscape mitigation measures it should be possible to integrate the proposals into the local area. FORWARD PLAN notwithstanding the fact that the pub itself would remain, the proposal would result in the loss of the pub skittle alley, a community facility serving the village, to a dwelling, so policy EC15 of the adopted Taunton Deane Local Plan would apply. The policy states that proposals resulting in the loss of community services will not be permitted where this would damage the viability of a settlement or increase car travel by local residents as a result of a significant or total loss of such services to the community. The Martlett Inn is the only pub in the village, and there is no other skittle alley in the village. Skittle alleys tend to be used not only for skittles, a traditional recreational activity in this region, but also for other social functions. Therefore loss of the skittle alley to a dwelling represents a significant loss of a facility to the local village community, which would also affect the attractiveness of the pub and hence its potential viability. Therefore it is likely to damage the viability of the settlement and increase car travel by local residents, contrary to Policy EC15. While there is extant planning consent (reference 21/2004/005) for conversion and extension of the skittle alley to form holiday units in conjunction with the pub, this is different as it would support the viability of the pub, an important local facility and hence the viability of the settlement. The forward Plan Unit therefore objects to the current proposal on policy grounds. However, if you are still minded to recommend approval of the proposal, you should note that the Borough Council's submitted Statement of Community Involvement states that loss of a community facility is considered to make a proposal

of 'local significance', warranting wider community involvement. It is therefore recommended that you consult the local community on the application, particularly on the issue of the loss of the facility (skittle alley) to a dwelling. ECONOMIC DEVELOPMENT OFFICER no observations. DRAINAGE OFFICER I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval given

PARISH COUNCIL objects to the proposal for the following reasons:- concern over loss of amenity – skittle alley; concern over access to the proposed building is over the public house car park.

## **POLICY CONTEXT**

PPS1 - Delivering Sustainable Development, PPS3 – Housing, PPS7 - Sustainable Development in Rural Areas, PPG13 –Transport.

Somerset & Exmoor Joint Structure Plan Review 1991-2011 STR1 (Sustainable Development), Policy 33 (Provision of Housing), Policy 48 (Access and Parking)

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H2 (Housing in Settlements), M4 (Residential Parking Requirements), EC15 (Associated Settlements/Rural Centres/Villages)

## **ASSESSMENT**

It is considered the pertinent issues for determination relate to the following; the implications of the loss of the skittle alley on the viability of the public house; and, assessment of the impact of the siting, visual appearance and impact upon the residential amenity of existing and future occupiers of the proposed dwelling.

The public house is referred to, under the description of Langford Budville as a classified village for the purposes of the Local Plan, as one of the limited services found in the village. As such the public house plays an important role in the village. The Parish Council and Forward Plan Unit have raised concerns to the loss of the skittle alley as a community facility. It is considered that the skittle alley itself does not constitute a community facility, but that the public house certainly does. Therefore the critical issue is whether the loss of facilities at the pub would undermine the viability of the public house.

Permission was granted in 2005 for the demolition of an outbuilding and its replacement with ancillary holiday accommodation. This is now in use and tied to the public house by condition. The Martlett Inn has therefore seen considerable investment in recent times with the holiday accommodation providing further income to the business. In 2004 permission was granted, reference 21/2004/005, for alterations to the skittle alley building to provide 8 holiday units. This scheme would result in the loss of skittle alley if implemented. The permission remains extant and as such the principle of the loss of the skittle alley has been established.



It is considered that the agent has put forward reasoned justification and evidence to demonstrate that the skittle alley is not integral to the overall viability of the public house. The applicant has also made it clear that the skittle alley will not be used in the future due to the lack of profitability of this element of the business. The submitted scheme would however retain the function room element which had previously been lost as part of the holiday unit scheme. It is of course acknowledged that the proposed scheme would result in the loss of the skittle alley, which was offset by the provision of holiday units on the 2004 approved scheme, and the subsequent holiday provision being abandoned, and of course the income associated with this alternative use, which would have been directly associated with the public house. However, it is considered that the public house already has ancillary holiday accommodation on site to supplement its income and thus it would be difficult to argue the public house would be unviable without such use. The loss of the beer garden to the rear is regrettable. However, this alone would not constitute sufficient grounds to substantiate refusal.

In relation to the proposed siting of the dwelling it should be clarified that the proposed built form of the dwelling would be positioned within the envelope of the village, albeit the garden area would be outside settlement limits. However, there is a distinct landscape boundary to the site which would need to be supplemented and as such a landscaping condition would be imposed should Members be minded to approve the scheme. As such it is considered the proposed development would not harm the character or appearance of the area. A previous application on land adjoining the site at Courtlands Farm (21/2007/002) for the provision of nine dwellings was recently accepted. The rear boundary of that site runs at an angle to join the rear boundary of the application site. The adjacent site currently comprises a farm with a number of sheds and outbuildings. As part of the approved scheme for the nine dwellings a new access would run along the boundary with the Martlett Arms to provide access to the field at the rear, which is currently landlocked.

The proposed design of the dwelling is referred to as a storey and half. However, given the height of the dwelling is 8.0 m to the ridge it is essentially a two storey dwelling. The overall design and appearance of the property is considered acceptable and the landscape officer has raised no objections subject to the suitable landscaping to help assimilate the development into the locality. The dwelling would provide three bedrooms and would be essentially an upside down house, with the living accommodation at first floor level. The site layout has been constrained by the development plan boundary. The proposed dwelling would be a distance of 14.7 m between elevations. It is noted that the proposed fenestration of the dwelling has been carefully designed to avoid any loss of privacy. A new boundary wall would be constructed along the rear of the property to divide the site and avoid any overlooking at ground floor level.

To conclude, careful consideration has been given to the loss of the skittle alley, nature of the site, amenities of local residents and the character and appearance of the area. The development of this site within settlement limits is promoted by national guidance and the development plan commensurate with environmental considerations. The loss of the skittle alley has been established previously.

## **RECOMMENDATION**

Permission be GRANTED subject to any additional comments from the Highway Authority and conditions of time limit, details of materials, meter boxes, details of walls/fences, removal of PD rights for extensions only, removal of PD rights for windows other than approved and landscaping. Notes re discuss requirements of landscaping scheme with landscaping officer, contaminated land informative; soakaways; applicant to be advised a public sewer may cross the site and to contact Wessex Water with regards to a 3.0 m easement in relation to new buildings.

**REASON(S) FOR RECOMMENDATION:-** The proposed development is considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4 and material considerations do not indicate otherwise

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

**CONTACT OFFICER: 356586 MR A PICK**

NOTES:

23/2006/044

MR R WYNNE

**ERECTION OF DWELLING ON LAND ADJACENT TO QUEENSMEAD, SILVER STREET, MILVERTON (RESUBMISSION OF 23/2006/030) AS AMENDED BY AGENTS LETTER DATED 6<sup>TH</sup> JANUARY, 2007 AND ACCOMPANYING PLAN NO. 3016 DWG 2 REV D**

312442/125815

FULL

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**PROPOSAL**

The proposed development comprises the erection of detached one and a half storey dwelling with garage. The dwelling will be built on the site of an existing block of garages that have approval to be demolished (23/2006/029CA). Materials to be brick and reconstituted slates.

The proposal is a revised scheme of 23/2006/030 (withdrawn) which has: removed a projecting gable to the front of the dwelling; improved fenestration; and removed a garage, in favour of keeping one of the existing.

The amended plans have lowered the ridge height by 400 mm; applied obscure glazing to some windows; and parking space clarified, clear of rights of access to adjoining properties.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY No objection. Amended plans show additional parking space to front of dwelling. Agents has stated that parking spaces are clear of rights of access. Sufficient space for vehicles to turn within site and leave in forward gear. Conditions imposed to retain garage for parking of vehicles only, and parking and turning to be kept clear of obstruction. COUNTY ARCHAEOLOGIST likely remains relating to medieval and later occupation of town. Recommend archaeological monitoring of development and report any discoveries made. WESSEX WATER recommends note for points of connection and easement.

LANDSCAPE OFFICER existing Hawthorn to be felled has some amenity value but not sufficient to warrant a TPO. Subject to replacement tree planting, proposals will have limited landscape impact. CONSERVATION OFFICER scheme appears an improvement on the last, condition sample of materials. DRAINAGE OFFICER soakaways to be constructed in accordance with Building Research Digest 365 (September 1991).

PARISH COUNCIL object to proposal.

NINE LETTERS OF OBJECTION have been received raising the following issues:- overlooking/loss of privacy garden and bungalow; where will drainage go, number of blockages from bungalow over years; lower height has no effect on impact of large

building; in conservation area, out of character; intrusive on bungalows; materials do not compliment surrounding buildings; out of scale with plot; removal of garages will exacerbate parking problem of village; turning area in front garages will be removed, would result in vehicles reversing onto road; parking in front of garage will block access to back garden; unsuitable sandy subsoil; house too close to retaining wall; should be in sympathy to surrounding buildings, not modern 'estate type'; revised plan larger and higher; why was a bungalow not considered to respect the surrounding properties?; affect on value of property; request archaeological investigation; will obscure glazed windows on south elevation have restricted openings; is rear blockwork wall of garages to be demolished?; retaining wall lower in places, and windows on ground floor would allow view direct into garden.

ONE LETTER OF OBJECTION ON BEHALF OF IMMEDIATE NEIGHBOUR raising the following issues:- size and massing, overbearing and inappropriate for location; architecturally incongruous; impact on amenity and loss of off-street parking; design does not preserve or enhance conservation area (policy EN14 of the Taunton Deane Local Plan); application site has only ever contained a single storey building; impact on residential amenity and enjoyment of property and garden, overshadowing and removal of current sense of openness (policy H2(E); loss of car parking; consideration should be given to destruction of tree and whether suitable for TPO; right of way into site exists, important that users have ability to turn cars; right of way also exists to rear of clients garden, should not be obstructed.

ONE LETTER OF REPRESENTATION has been received raising the following issues:- no longer rent garage here, so will not be affected.

## **POLICY CONTEXT**

The site lies within the defined settlement limits where there is a presumption in favour of new residential development subject to meeting the criteria set out in Policy H2 of the Taunton Deane Local Plan, which includes that:- small-scale schemes will not erode the character or residential amenity of the area. The criteria of Policy S1 (General Requirements) of the Taunton Deane Local Plan also apply in respect of traffic, accessibility, wildlife protection, character of area, pollution, health and safety. Policy S2 (Design) requires good design appropriate to the area. Policy EN14 (conservation areas) allows development that would preserve or enhance the appearance or character of the conservation area. Policy M4 (Residential Parking Requirements) is also relevant.

## **ASSESSMENT**

The right of way into the site is a legal/private matter, however, amended plans have provided a car parking space to the front of the house. Providing the space in this location prevents any obstruction to the rear of Deans Cottage and provides turning space within the site. The area in front of the garage will be conditioned to prevent any obstruction.

The loss of parking has also been addressed with the approval of application 23/2006/029CA. Planning approval would not be required to stop the use of the

garages, and this could happen at any time. There is no planning control for the garages to continue to be used.

The windows on the rear elevation are proposed to have obscure glazing to prevent any detrimental overlooking. A condition regarding boundary treatment will be attached to this permission to ensure that the ground floor windows on the rear elevation do not overlook properties to the rear.

As the site is partially within the conservation area, a building of this size and design is considered more appropriate to the character and appearance of the area, rather than a bungalow. The size of the dwelling is lower than previously proposed. The proposed dwelling is 10.7 m from the boundary of the property to the front, with an approximate dwelling to dwelling distance of 22 m.

The landscape officer does not consider the tree significant to warrant a TPO. An archaeological condition will be imposed. Details regarding foul drainage and materials will also be made a condition.

The site is within the settlement limits of Milverton partially within the Conservation Area. The site is of adequate size to enable a detached dwelling to be erected, and the proposal is considered to meet the criteria of Local Plan Policy.

## **RECOMMENDATION**

Subject to the receipt of the County Highway Authority comments the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, boundary details, landscaping, drainage details, no obstruction to turning/parking area, surface water, garage for parking of domestic vehicles only, turning and parking space kept clear and only used for parking and turning in connection with development, obscure glazing, no additional windows, archaeological investigation. Notes re compliance, sewer, Wessex Water, DDA, encroachment, right of way, soakaways.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered to be acceptable having regard to the location within the settlement limits and it would have no adverse effects on the amenities of neighbouring properties, it is considered to be in accord with Taunton Deane Local Plan Policies S1, S2, H2 and EN14.

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

**CONTACT OFFICER: 356463 MR D ADDICOTT**

NOTES:



25/2007/003

MR A WINTER

**ERECTION OF AN ATTACHED DWELLING ON LAND ADJACENT TO 12  
MANOR PARK, NORTON FITZWARREN**

319324/125873

FULL

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**PROPOSAL**

The site is to the north of the B3227 in Norton Fitzwarren, in the southeast part of Manor Park. The site is bounded by No. 12, (a semi-detached property) to the west, Brookside View (a detached bungalow) to the east, an embankment and hedge bounding the footpath and highway (B3227) to the south and No. 14, (a semi-detached property) to the north. The proposal is to erect a dwelling attached to the eastern end of no 12 thus forming a terrace of three. The site is slightly higher than the footpath alongside the B3227, and a sewer runs through the site. The plans indicate a distance of approximately 1.6 to the sewer line from the side of the proposed dwelling. Parking for the proposed dwelling is shown just to the north of the site, with an existing garage and workshop demolished to form the parking for No 12. An electricity substation lies between this parking space and the garage for No 14. The design is similar to Nos. 10 and 12 Manor Way. Originally the Environment Agency had asked for a Flood Risk Assessment for the site, but subsequently agreed that one was not required.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAYS AUTHORITY the site is within the development boundary limit of Norton Fitzwarren with access from an unclassified highway, adequate parking is provided for the existing and proposed dwellings, therefore no objections subject to condition to retain parking area. COUNTY ARCHAEOLOGIST no objections. ENVIRONMENT AGENCY no comments. WESSEX WATER a public sewer crosses the site, a 3 m easement normally required for apparatus, diversion or protection works need to be agreed. notes required, points of connection to be agreed.

LANDSCAPE OFFICER already a large tarmac area in front of No. 12, the demolition of the garage and workshop will increase this much further, if allowed, this area should be broken up with planting or different hard surfaces. DRAINAGE OFFICER soakaways to standard.

PARISH COUNCIL concern about alteration to character of the house, which will become a row of terraces instead of a semi detached; no other terraced properties in Manor Park so not in keeping; will set a precedent; access will be difficult to the electricity sub-station and dwelling in a very restricted area.

9 LETTERS OF OBJECTION have been received raising the following issues:- would set a precedent; would be very visible from the main road; would change the character of the estate; extra traffic to and from the cul de sac; a change from semi-

detached to terraced; previous extensions in the area have been designed as extensions not to create a terrace; previously people had been advised that they could not extend as it would create a terrace effect; devaluation in value; breach of human rights as purchased a semi not a terraced property; neither house would have a garage, when all others have garage; No. 12 would cease to have a rear access; a large increase in tarmac in front of existing houses, with limited access; 24 hour access required for sub station; extra traffic will result in increased noise, pollution, health and safety issues; possible increase of parking on the road; concern about bin storage needs; the area is open plan should not be any high hedges; the applicant should have discussed the proposals prior to submission; the applicant has not lived there for over 20 years and would appear to be out of touch with development in the area; an extension would be acceptable, but not a separate house; there have been extensions but all properties remain semi-detached; will be a dominant feature, creating a terrace seen from the B3227; if permission granted, there should be no garage on parking space; should be no windows in the end elevation overlooking bungalow; permitted development rights should be withdrawn to prevent further encroachment toward bungalow; concerns about loss of privacy to rear garden; loss of sunlight; damage to driveway; refers to an application at land adjacent to 23 Manor Park as being similar, and this was refused; the Parish Council objects; other people have objected; overbearing, obtrusive and loss of daylight to property at north; inconvenience of building work; a different design would enhance the character; should be kept on hold 'till house sold; insufficient parking provided; the new property would be different as the kitchen would face the front.

WARD MEMBER CLLR HAYWARD objects on grounds of being inappropriate development for Manor Park; cramped overdevelopment; will change semi-detached dwellings to terraced; detrimental effect on the design of the houses; contrary to Policies S1 and S2 of Taunton Deane Local Plan; unacceptable precedence; increase in traffic; restricted vehicular traffic in area; the area for 4-6 cars would appear like a small car park which would be detrimental to visual amenity; concern about proximity of existing foul sewer; change in character to a terraced property results in materially altering the choice of occupiers to live in a semi-detached house.

## **POLICY CONTEXT**

RPG 10 Regional Planning Guidance for the South West;

PPS1 Delivering Sustainable Development; PPS 3 Housing;

Taunton Deane Local Plan Policies S1 General requirements, S2 Design, H2 Housing within Classified Settlements, M4 Residential Parking Requirements.

## **ASSESSMENT**

The site is within settlement boundaries of Norton Fitzwarren, it has parking for the existing and proposed dwellings, the design is similar to the existing, it is considered that the size of the site is such that it is capable of accommodating a dwelling without detriment to the adjoining dwellings. There is a sewer to the east of the proposed dwelling, which will have to be protected. The alteration of the semi-detached



properties into a terraced is not considered to be such a change as to consider this a detrimental change in the character of the area, rather it is a considered to make 'full and effective use of the site' in accordance with Taunton Deane Local Plan Policy S2(H) and a small scale scheme in an existing residential area which increases the density without eroding the character or residential amenity in accord with Policy H2(E). There is considered to be sufficient area in front of the garages/parking spaces and substation to allow for access to all, however this is not adopted highway so there is no control as such on its usage. The area around this part of Manor Park is marked by extensions to the properties; several of the semi-detached properties have two storey side extensions, so whilst there are many comments about terracing effect, given the side extensions, a terrace of three is not considered to be out of place. None of the issues raised as objections are considered grounds to warrant refusal, and matters relating to loss of value is not a Planning matter.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time, materials, landscaping, no windows facing east, no extensions or garage, no works within 3 m of Wessex Water sewer unless agreed, parking maintained. Notes re Wessex Water, surface water, landscaping in the parking area.

**REASON(S) FOR RECOMMENDATION:-** It is considered that the proposal is in accord with Taunton Deane Local Plan Policies S1, S2, H2 and M4 without detriment to the amenities of the neighbourhood and without harm to the character of the area.

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

**CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)**

NOTES:

38/2007/094

RLS ESTATES LTD/J25 LTD/ MARBLE HOME LTD

**ERECTION OF TWO STOREY BUILDING COMPRISING 8 NO. FLATS WITH ASSOCIATED COMMUNAL AREAS, BICYCLE PARKING AND BIN STORAGE AT FORMER ROBARTON ADULT SCHOOL, HARCOURT STREET, TAUNTON AS AMENDED BY LETTER DATED 8TH MAY, 2007**

322378/125923

FULL

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**PROPOSAL**

The proposal is to erect a two storey development providing eight one bedroomed flats on the site of the former Rowbarton Adult Centre. The building was last used in 2005 and was in a poor physical state, functionally and economically obsolete and has since been demolished. The site is close to the town centre and in easy walking distance of shops, the train station and other public transport. The flats will be one bedroom units built in brick with a slate roof and the block will follow the built form of residential development in Salisbury Street.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY whilst I note the considerable public concern over lack of parking in the area the existing use of the site has the scope for generating significant traffic movements which would likely result in a significant parking demand at various times of day. Further the proposal is for one bedroomed flats. Such units would be more attractive to single persons rather than families and consequently less likely to be car owners. The site is located close to the town centre, the rail station and other facilities where development without car parking is acceptable. Other developments that provide flats of one, two and more bedrooms, again without car parking, have been granted planning permission in the area. Consequently this development with no car parking provision can be considered acceptable. In the event of permission being granted I would recommend a condition to provide adequate sheltered, secure cycle parking. The application states provision will be made for 8 cycles but the designated building appears too small. ENVIRONMENT AGENCY concern over asbestos shards on site and recommend remediation condition. WESSEX WATER the development is located in a foul sewer area and the developer will need to agree a point of connection. There may be a sewer crossing the site that due to its age could be deemed a public sewer. Wessex is currently reviewing data on these sewers to update its records. Public sewerage apparatus is covered by a statutory easement and no new building will normally be allowed within a minimum of 3 m of the apparatus. The developer has proposed to dispose of surface water to 'existing'. As there are no separate surface water sewers in the vicinity, it is advised the developer investigate alternative methods of disposal e.g. soakaways. Surface water should not be discharged to the foul sewer and the Council should be satisfied with any arrangement for disposal of surface water.

LANDSCAPE OFFICER a tight squeeze but I have no objections. Good to see two trees will be planted on the road frontage. I think towards the rear of the site there will only be space for one small tree. I suggest a Sorbus aria x hostii. FORWARD PLAN the principle of a residential development without on-site parking provision in this location is generally acceptable, although local shortage of on-street parking capacity may be an issue, and the views of the Highway Authority should be taken into account and may indicate that the proposal is not acceptable. In view of the wide range of alternative facilities within reasonable distance for community activities the loss of a site that was formerly used for such activities is acceptable in policy terms. LEISURE DEVELOPMENT TEAM in accordance with Local Plan policy C4 provision for active recreation must be made. An off site sum should be sought towards improving local outdoor sports facilities for the benefit of the occupants of the new development. I require a contribution of £859 (index linked) per dwelling for this purpose.

37 LETTERS OF OBJECTION have been received raising the following issues:- no off street parking and parking problems in the surrounding area with narrowing of the streets; problems for service vehicles, emergency services and waste collections; 8 flats could mean a potential 16 more vehicles plus visitors; no more properties should be built without parking facilities; it is naive to think residents will not own a car; the development will exacerbate servicing of the nearby off-licence, it will add vehicles to already congested streets, creating further displacement of cars; the Local Plan advises that "the impact of potential displace car parking on adjoining residential or commercial areas will be a key consideration"; congestion of already busy sub-standard junctions on Greenway Road and Kingston Road; if allowed parking problems will cause trouble for families, elderly and young professionals as can't park near home; concern over location of the bin store, bins may block entrances and cause hygiene problem; bin and bike store could be swapped; overlooking of courtyard from first floor windows, loss of privacy, sunlight, a two storey structure will have a greater impact and it should be single storey as before; on site parking would also cause problems as dropped kerbs would limit parking; in trust for use as an adult school, loss of community hall use and use by dance school; noise, disturbance and pollution during construction works would affect quality of life; overdevelopment of the site, adverse effect on the environment contrary to policy H2(E), the development does not relate well to its surroundings contrary to policy H2(F), and the building will be a substantial height over and above the building it replaces and existing and proposed dwellings would not enjoy adequate privacy and sunlight contrary to policy H2(G); the development will cause difficulties for emergency vehicle access.

## **POLICY CONTEXT**

RPG10 - Regional Planning Guidance for the South West Policy HO 5: Previously Developed Land

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR4 - Development in Towns, Policy 33 - Provision for Housing, Policy 48 - Access and Parking.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design , H2 - Housing in Settlements, M4 - Residential Parking Requirements, C4 - Open Space Requirements.

## **ASSESSMENT**

This proposal to erect 8 flats on this vacant brownfield site on Harcourt Street raises the following issues:- the impact on the character of the area, the impact on neighbouring amenity, the suitability of the residential use, parking provision and contamination.

The proposal provides a two storey building on a triangular plot of land that backs onto properties in Greenway Road. The design reflects the two storey character of the properties in the surrounding area and is to be built in materials which also reflect this. The building is set back approximately 0.5 m from the road frontage and the boundary with the street is defined by a low brick wall and railings. This design is considered an acceptable one and is considered to increase the density while not detrimentally affecting the character of the area and so complies with policy H2(E) and (F).

The building has been carefully designed so its main windows are orientated to the front, with blank gable ends and first floor windows at the rear are largely limited to serving circulation space in the stair and lobbies as well as shower rooms. The exceptions to this are kitchen windows which are set 10 m off the rear boundaries and maintain standard window to window distances. The building is orientated to the north of the Greenway Road properties and is not considered to have a significant adverse impact in terms of loss of light or privacy and so the proposal complies with policy H2(G).

The original use of the site was an Adult Centre set up under a charitable trust in 1910. The building was last used in 2005 and has since been demolished. One letter has raised concern over this. There are alternative facilities in close proximity at St Andrews and Staplegrove and in policy terms there is no objection to the alternative use now proposed. There were concerns raised that the demolished building contained asbestos and the Environment Agency had been advised of this. A condition concerning remediation has been suggested, however having discussed the issue with Environmental Health there is other legislation which covers the removal and disposal of such waste and the provision of a note to address the matter is considered the appropriate means of dealing with this.

The development comprises 8 flats and this means that a contribution for leisure and recreation provision is required under policy C4. The normal means to secure this off site provision from the developer is through a Section 106 legal agreement which forms part of the recommendation in this instance.

The main issue at contention is the provision of no car parking spaces to serve the proposed flats. There were no off road parking to serve the original use on the site and that use would have generated traffic and parking in the area. The flats are one bedroomed units and the Highway Authority consider the site and location is appropriate for a development with cycle parking only. A condition is proposed to

address the provision of adequate cycle parking. The policy in the Local Plan allows for car free developments in certain circumstances such as within or adjoining the town centre. The displacement of parking is a consideration here. However, the Highway Authority haven't objected on the basis of the number and size of the units and there have been a number of cases where the Authority have tried to resist such schemes without car parking in similar locations off Greenway Road and Cheddon Road. In these instances appeals have been allowed for development without car parking.

## **RECOMMENDATION**

Subject to a Section 106 Agreement for leisure and recreation contributions permission be GRANTED subject to conditions of time limit, materials, landscaping, limited obscure glaze first floor windows in east elevation, details of cycle and bin storage, meter boxes, colour of railings, combined aerial, surface water details. Note re contamination.

**REASON(S) FOR RECOMMENDATION:-** The development is considered not to harm the amenity and privacy of neighbours and is considered to comply with Taunton Deane Local Plan policies S1, S2, H2, M4 and C4.

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

**CONTACT OFFICER: 356468 MR M HICKS**

NOTES:

38/2007/111

MR & MRS NELSON

**ERECTION OF SINGLE STOREY EXTENSION, 72 WHITMORE ROAD, TAUNTON**

322095/126771

FULL

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**PROPOSAL**

Permission is sought to replace an existing single storey extension at the rear of the property with a lean to extension measuring 7.35 m x 3.05 m. The existing property is detached and constructed of brick under a tiled roof, materials will match the existing dwelling. The garden is enclosed by a 1.5 m wall to the north and a 1.5 m fence to the south.

The applicant is a member of staff.

**CONSULTATIONS AND REPRESENTATIONS**

None received

**POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design and H17 – Extensions.

**ASSESSMENT**

The proposed extension replaces an existing smaller extension and has no material impact on neighbouring properties or amenity

**RECOMMENDATION**

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

**REASON(S) FOR RECOMMENDATION:-** The proposed single storey extension will have no material impact on neighbouring amenity and complies with Taunton Deane Local Plan Policy H17.

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

**CONTACT OFFICER: 356462 MRS S MELHUIH**

45/2006/025

ENGLISH & CONTINENTAL PROPERTY CO LTD

**ERECTION OF FOUR HOLIDAY CHALETS, QUANTOCK ROSES, WEST BAGBOROUGH**

315731/132707

FULL

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**PROPOSAL**

The erection of four log cabins to be used for holiday accommodation, and associated car parking. The site forms part of a nursery currently not in use. The cabins will be constructed with timber.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY proposed site is remote from any urban area and therefore distant from adequate services, occupiers of new development are likely to be dependant of private vehicles fostering growth in the need to travel; good frequency of bus services, though bus stop 800 m away; it is a matter for the Local Planning Authority to decide if there is any overriding planning need, that outweighs transport policies that seek to reduce reliance on private car; no information on whether nursery will cease; existing traffic movements/number of staff; restricted visibility; would envisage vehicles travelling at 40 mph, splays of 2 m x 120 m would be appropriate; if Local Planning Authority considers proposal would not increase in traffic over and above existing, it may be unreasonable to raise highway objection; aware of concerns where junction meets A358, given that it is main route into village, low scale of development within village, this development is unlikely to result in increase in traffic utilising junction; if approved condition imposed for parking to be kept clear of obstruction and used only for parking in connection with development. WESSEX WATER council should be satisfied with disposal of foul and surface water; agree connection to water main at design stage. NATURAL ENGLAND no objection.

LANDSCAPE OFFICER site well screened at present but existing hedgerow will have to be carefully managed to maintain their screening potential longer term; management of hedgerows to be conditioned; will there be any highway visibility requirements? NATURE RESERVES & CONSERVATION OFFICER site would benefit from landscape scheme to improve habitat for wildlife. Support comments for management of hedgerows. ECONOMIC/TOURISM OFFICER support application. Applicants have successfully satisfied our objectives of proving demand of the business through supporting letter. In addition applicant has satisfied the objective of additionality by offering more than accommodation through the provision of indoor pools. DRAINAGE OFFICER surface water should be discharged to soakaways constructed in accordance with Building Research Digest 365; The Environment Agency's consent is required to connect to a new sewage treatment plant, details should be submitted.

PARISH COUNCIL objects to the application.

SIX LETTERS OF OBJECTION have been received raising the following issues:- outside of curtilage of village; change of use of agricultural land; buildings do not comply with Village Design Guide; buildings at Quantock Roses have agricultural ties, occupant has nothing to do with agriculture, further domestic building not necessary; Planning Enforcement investigating use of garage on site; four units have no outside space and shops, restaurants or pubs within walking distance; very close to busy and dangerous A358; bad location; if allowed and sold as houses on open market, what will TDBC do?; letting bookings for existing houses in this part of the country are down and therefore questions need for any more; doubtful if any economic benefit to West Bagborough as there are no shops; out of character with immediate agricultural land and surrounding AONB; linear nature of village should be respected (village design statement); possible light pollution, and noise pollution, barbeques and outdoor entertaining may cause disturbance to local residents; may not be sustainable as not near shops, train or frequent bus services; development would mean a 13% increase in village population, cannot be sustained with no increase in infrastructure or amenities; village appraisal between 2000 & 2002 (with support of parish council and countryside agency) showed 76% of parish population felt that new buildings would spoil nature of area.

NINE LETTERS OF SUPPORT have been received raising the following issues:- bring needed employment to the village; site well screened by established trees and not visible; know location well from visits to Cedar Fall Health farm and would look forward to holidaying in charming village, like West Bagborough; as neighbouring nursery support application, horticulture difficult with over supply of plants; eco friendly nature and screening, hidden from my property; ideal location with Exmoor, The Quantocks, and West Somerset Railway; easily accessible to West Bagborough and Bishops Lydeard; in the process of buying the Rising Sun at West Bagborough and look forward to working with management of chalets to extend the season of visitors to the area; difficulty in arranging accommodation for relatives, and new chalets would help and would allow to increase number of invitations; valuable amenity in terms of large group accommodation, and support to other businesses in the area.

## **POLICY CONTEXT**

Policy EC24 (camping, caravans and holiday chalets) of the Taunton Deane Local Plan is relevant to this application. The policy allows holiday chalet development provided the proposal: would not harm the landscape and is adequately screened; has good access to the main road network; and is not situated in a floodplain. The proposal is considered to meet the requirements of this policy. Policies S1 (general requirements) and S2 (design) are also relevant to this application.

## **ASSESSMENT**

The Highway Authority has not raised any concerns regarding the junction where the road meets the A358, as the development is unlikely to result in a significant increase in traffic. The development will reduce the scale of the nursery and is not considered to have a significant increase in traffic movements. Visibility splays



suggested by the Highway Authority would not be possible to condition as the applicant does not control the land. Such visibility splays would result in the loss of hedgerow and planting, this would not be acceptable due to the impact they would have on the character of this rural setting and approach road into West Bagborough village and the Quantock Hills (AONB).

The site lies outside of the floodplain and is screened by existing hedgerows and trees, further planting is proposed within the site. The proposed holiday let is approximately 1 mile from the village of West Bagborough, and has easy access to the A358, which is served by public transport. The chalets location is within reach of the Quantock Hills, West Somerset railway and other local tourist sites.

The site is not visible from the roadside, and due to its distance to other properties and the village, is unlikely to cause any detrimental disturbance. A condition will be attached requesting any details of external lighting.

As the chalets are proposed within an existing nursery in isolation from the village, there is no impact on the linear character of the village. Timber is considered an appropriate material that is widely used on agricultural buildings and blends with the surroundings. Given the use of the buildings as holiday chalets, making the buildings of materials to match that within the village would make the structures permanent.

Any enforcement action regarding the site does not interfere with the application submitted. The agricultural tie on the existing dwelling will not be affected and would require a separate application to remove.

Given the existing holiday accommodation, and that the site is screened from public vantage points, the proposal is considered not to harm the visual amenity of the area.

## **RECOMMENDATION**

Subject to the views of the County Highway Authority the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to time limit, materials, foul sewage details, landscaping, retention and management of hedgerows, holiday occupancy condition, removal after 24 months, external lighting, parking not to be obstructed and only for vehicles in connection with development. Notes re compliance, soakaways, environment agency, Wessex water

**REASON(S) FOR RECOMMENDATION:-** The site is adequately screened and the proposal is not considered to be harmful to the landscape and therefore is compliant with Taunton Deane Local Plan Policy EC24.

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

**CONTACT OFFICER: 356463 MR D ADDICOTT**

NOTES:



## **Planning Committee – 23 May, 2007**

### **Report of the Development Manager**

#### **Countryside Item**

#### **Objection to Taunton Deane Borough (Kingston St. Mary No.1) Tree Preservation Order 2007 - Roadside trees on the Tetton Estate west of Quantock Way, Kingston St. Mary (grid ref. 2140 2965), TD1024 (T1 oak, T2 ash, T3 oak, T4 oak T5 oak).**

Objection to the above Tree Preservation Order has been received from Mr Peter Skinner, Manor Cottage Estate Office, Old Haldon Hill, Kennford, Exeter, EX6 7XU, manager of the Tetton Estate and one of the three Trustees of the estate.

The Tree Preservation Order was served in response to a proposal by Mr Skinner to fell several roadside trees after concerns were raised for their safety by Justin Pipe of Heritage Tree Surgeons. The main cause for concern was that the trees are growing on high banks that are prone to erosion, rendering the trees unstable.

The reasons for the objection are stated below:-

1. I am a qualified rural practice Chartered Surveyor and consider the trees known within the Order as T2 and T3 together with the nature of the banks upon which they are situated to be unsafe and representing a real and genuine hazard to the public.
2. I received a letter from Justin Pipe of Heritage Tree Surgeons dated 18 January, 2007 and a copy of this letter is attached. It is understood that Mr Pipe is a Level 2 qualified Arboriculturalist and he states that the trees should be dismantled or at least pollarded because they are on high banks above the road which are showing clear and obvious signs of erosion and hence the trees represent an imminent danger.
3. I wrote to various members of the community including the Parish Council advising them of the Trust's position on this matter and received a letter back from the local volunteer Tree Warden, Eric Lovell dated 22 January 2007 wherein he agrees with the proposed felling.
4. The Council via its Landscape Technician, David Galley, gave permission on 5 March 2007 to pollard the trees as detailed in the attached copy letter. Upon pollarding the trees it has been found that T3 has suffered from a fungal attack and the remaining trunk is now decaying and spongy. Similarly, T2 has been found to be hollow and I enclose photographs as evidence. These trees should therefore be felled properly as they can only deteriorate further and become evermore dangerous.

5. Taunton Deane Borough Council through its officer has placed a Tree Preservation Order on trees that have been deemed unsafe by no less than two professionals and by the local volunteer Tree Warden who has many years experience in such matters. It is understood that the Council's officer dealing with this matter does not have any specific arboricultural qualifications and it is regrettable that a public servant has ignored the unanimous advice of three experts in this matter.
6. The trees have no amenity value and indeed, now that they have been pollarded, look quite incongruous and are now an eyesore. As such there is no reason for them to be subject to a Tree Preservation Order. Indeed in the interests of visual amenity plus of course public safety, the Tree Preservation Order should be lifted and the trees felled.

Please note:- Tetton Estate spends a lot of money (without the benefit of grant aid) planting trees on an annual basis and managing woodland throughout the Estate. We have a track record of responsible and sensitive landscape management and feel badly let down by the actions of the Local Authority in this matter.

### **Officer's Comments**

Mature roadside trees such as these are an important feature of the local landscape and have a high amenity value because of their high visibility to the public, their character and wildlife value. These trees have almost certainly been growing for over 100 years. T4 is older and should be classed as a veteran tree.

The trees, particularly T4, may provide habitat for species protected by law. Consideration must be given to the Wildlife and Countryside Act 1981 (as amended) and to the Conservation and Habitat Regulations 1994.

The trees were protected with the view that, rather than clear felling, it may be possible to carry out management work to them in order to make them safe, thereby retaining their amenity for the future (pollarding was suggested by Justin Pipe in his original letter to Peter Skinner). It is the nature of such trees that they often contain some deadwood in their crowns and may contain a certain amount of decay in their trunks. It is thought that the roots of the trees are making a significant contribution to the stability of the banks on which they are growing.

Subsequent to the Order being served, management work was agreed on site with Justin Pipe and the work carried out. This comprised the pollarding of all the trees except T1, which was crown reduced by approximately 25%. The works revealed that trees T2 and T3 have extensive internal decay.

An independent report by Level 3 qualified Arboriculturalist, David James, was commissioned by Taunton Deane. It concluded that, given the extent of decay and the nature of the bank on which they are growing, T2 and T3 should be felled. The report, however, also concluded that the crown

reduction of T1 and pollarding of T4 and T5 has greatly reduced the risk of these trees falling, and that these trees should be retained and managed.

T2, T3 and T4 are old (lapsed) pollards. Pollarding was a traditional management technique, and the visual character of the trees is a result of this pollarding. Trees T4 and T5, now re-pollarded, will look rather stark initially but in time will hopefully develop new crowns. Re-growth can already be seen. The re-introduction of light beneath the trees may also allow vegetation to establish on the banks to help stabilise them.

Whilst the Council's tree officers have a good level of tree knowledge gained from their degrees in Landscape Architecture and experience of working in the field, independent specialist advice and tree surveys are sometimes required in order for them to make their decision.

The threat to the trees was brought to the Council's attention by local residents, although it is understood that details of the proposals had been sent to the Council by Peter Skinner. The protection of the trees was supported in principal by David James, by the manager of the Quantock Hills AONB Chris Edwards and by the County Council's arboriculturalist Steve Scriven. Their comments are stated below:-

### **David James**

"Further to our recent site visit dated 15 February, 2007 of road side trees at West Quantock Way I am writing to say that I am in support of your decision to protect the trees.

After giving due consideration to the concerns raised over safety in relation to the road I would suggest an alternative management plan to clear felling those trees. I would also like to point out the following considerations:-

Legislation - given the age of some of the trees, i.e. veteran status, consideration should be given to the Wildlife & Countryside Act 1981 Schedules 1 and 5, Habitat Reg's 1984 and Bats. Species of bats identified to be in the area (within 1 kilometre) are Long Eared Brown Bat, Whiskered Bat and Daubentons Bat (Somerset Environmental Record Centre).

T4 - Quercus robur - This tree in particular should be considered for Veteran Tree Status Registration subject to Somerset Environmental Record Centre acceptance.

In view of Health & Safety issues which land owners are faced with, rather than clear felling road side trees which can set a precedent between neighbouring land owners, a more sustainable and less disruptive management programme should be encouraged. Annual road side tree safety inspections, taking into consideration amenity and wildlife values, should be the preferred course of action.

T4 and T3 are lapsed pollards. T4 I feel qualifies for Veteran Registration. Consideration should be given to the re-introduction of this form of tree management.

T1, T2 and T5 - These trees would benefit from dead wooding and crown reduction work.

A Tree Condition Survey should be carried out to fully assess the condition of all of the trees prior to making any management recommendations also taking into account wildlife considerations.”

### **Chris Edwards – Quantock Hills AONB**

“I agree entirely with your approach - the majority of people seeing the Quantock landscape in any detail are in their cars going along country lanes and in addition to longer views the three features which control the landscape quality of that experience are street furniture (hence our traditional road sign and village sign projects), hedges (we are very involved in stewardship provisions) and roadside trees.

I am really concerned that landowners (private and public) are advised to follow the most defensive approach to roadside trees to minimise liability. This has been happening for some time and can only be boosted by recent experiences with extreme weather. The robust use of TPOs provides the only real protection for these important features that I am aware of, however there is probably room for some awareness-raising and training on the good management of roadside trees.

Short answer to you original question, I fully support your current course of action.”

### **Steve Scriven**

“I have now had the opportunity of looking at the Oaks at Kingston St Mary and my comments are as follows:-

- T1 A reasonably young tree set back a little from the top of the bank, the tree has recently been crown reduced and appears to be in a satisfactory condition.
- T2 This tree has been pollarded and it is evident that one of the scaffold stems is hollow. I was not able to ascertain if the trunk is hollow or to what extent but it would be reasonable to expect it to be so. The accepted safety factor for a hollow stem (Mattheck & Breloer) is that the thickness of the sound outer wall is at least 0.3 to 0.35 of the stem radius, this is for a tree with a full crown. As this tree has been pollarded both the weight and windage of the crown has been substantially reduced with a corresponding reduction in leverage.
- T3 A similar tree to T2 with a fungal bracket growing out of the trunk at

3m. Unfortunately I was unable to get close enough to positively identify it. The tree was inspected from the ground and I was not able to identify the 'spongy' area that is referred to in Mr Skinner's letter.

- T4 Large old pollard with a decayed centre and a live outer ring of cambium. This tree has lost a large proportion of roots on the south east side as part of improving the access to the field. The tree is showing regeneration from the small branches that have been left after pollarding.
- T5 Again this tree is similar to the others, this tree has lost some roots on the lane side as a result of flailing activities.

#### Overall

The soil in the area is a red sand which appears to be prone to erosion especially in periods of high rainfall. However, the trees have been growing on these banks with full crowns for a century or more. In my opinion the root matrixes of the trees are making a significant contribution to the stability of the bank and the pollarding will have greatly reduced the risk of the trees falling. Given the nature of the soil I would recommend that the banks and land above the trees are periodically inspected for signs of excessive erosion or badger activity.

The view that these trees have lost their amenity value as a result of pollarding is subjective, a lot will depend on how the trees regenerate.”

#### **RECOMMENDATION**

The Tree Preservation Order be modified to omit trees T2 (ash) and T3 (oak), and confirmed to include T1 (oak), T4 (oak) and T5 (oak). The Order should be reviewed in 12 months following assessment of the trees' response to pollarding and crown reduction work. Further inspection of T1 be carried out to accurately measure the extent of internal decay within the tree.

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

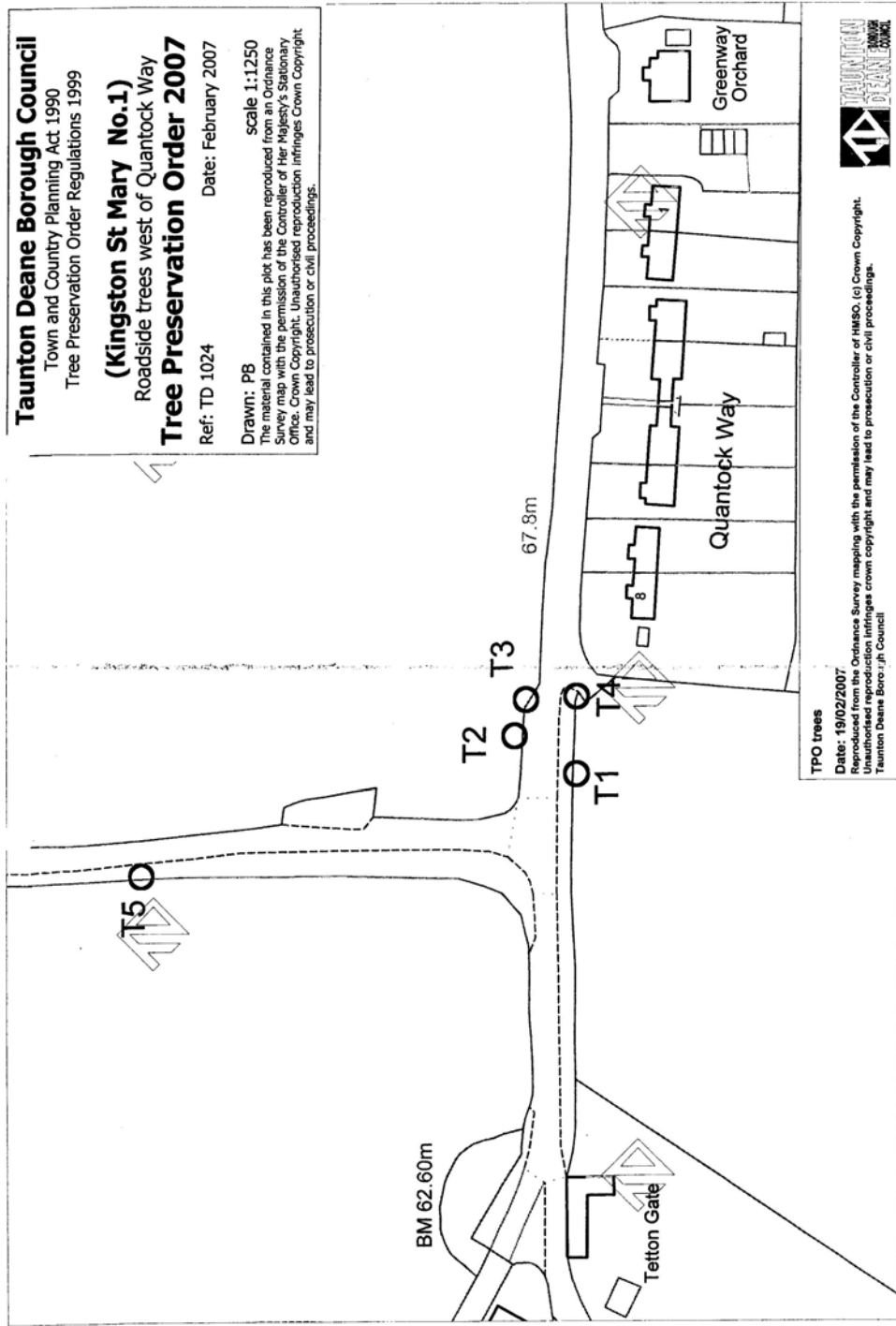
**CONTACT OFFICER: MR D GALLEY Tel: 356493**

**Taunton Deane Borough Council**  
Town and Country Planning Act 1990  
Tree Preservation Order Regulations 1999

**(Kingston St Mary No.1)**  
Roadside trees west of Quantock Way  
**Tree Preservation Order 2007**

Ref: TD 1024 Date: February 2007

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TPO trees

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## **Planning Committee - 23 May 2007**

### **Report of the Chief Solicitor**

#### **Miscellaneous Enforcement Item - Hunter's Cottage, Hemyock Place, Monument Hill, Wellington**

##### **Background**

At the meeting of the Planning Control Sub-Committee on 26 April 2000, Members resolved to take enforcement action in respect of unauthorised works at Hunter's Cottage. A notice was served requiring the removal of two windows and the facing off of a wall which formed a boundary with an adjacent property, Hemyock Place.

The notice was served on the 18 July 2000 and was subsequently upheld in part on appeal in 2001, in that there was still a requirement to face off the breeze block wall forming part of an extension adjacent to Hemyock Place.

Unfortunately the owner of Hunter's Cottage was unable to reach agreement with the owner of Hemyock Place to enter on to his land in order to carry out the works. The owner of Hunter's Cottage was subsequently prosecuted for failing to do the works required by the notice but was found not guilty by the Magistrates Court who found that he had not been able to do the works because the conditions imposed by the owner of Hemyock Place in respect of entry on to the land were unreasonable. Since that time therefore the works have remained undone and a fence has been erected at Hemyock Place to "hide" the breeze block wall.

Recently however, Hunter's Cottage has been put on the market and the outstanding enforcement notice has had an adverse impact on the potential sale price of the property - the owner suggesting that the depreciation in value is in the region of £100,000. The owner states he has remained willing to carry out the works but has been unable to do so as he has not been able to reach agreement with the owner of Hemyock Place. His solicitors have therefore approached the Council to ask the Council either to:-

- Withdraw the enforcement notice to enable the property to be sold unencumbered, or
- To carry out the works itself under the provisions of the Town and Country Planning Act and to recover the costs from the owner, which he has indicated that he is prepared to pay.

The owner of Hemyock Place has indicated that whilst he is unwilling to allow the present owner of Hunter's Lodge to enter his land to do the works other than subject to strict conditions, he may be prepared to allow a subsequent purchaser access for the purpose of facing off the wall.

It therefore appears that the enforcement notice is not being complied with as a consequence of a dispute between the two neighbours, which is in effect a civil matter. With the prospect of matters being resolved once the property is sold and the enforcement notice being complied with, it is not considered that the Council should become involved in what is effectively a neighbour dispute.

### **Recommendation**

It is therefore recommended that no further action be taken at the present time either in respect of taking direct action or withdrawing the enforcement notice relating to Hunter's Cottage.

Chief Solicitor

Contact officer Judith Jackson 01823 356409 or  
e-mail [j.jackson@tauntondeane.gov.uk](mailto:j.jackson@tauntondeane.gov.uk)

## **Planning Committee – 23 May, 2007**

### **Report of the Development Manager**

#### **Enforcement Item**

**Parish: Neroche**

1. **File/Complaint Number** E55/04/2006
2. **Location of Site** Paddocks, Bickenhall, Taunton, TA3 6TS
3. **Names of Owners** Mr G L Baker, Paddocks, Bickenhall, Taunton, TA3 6TS
4. **Names of Occupiers** Unknown
5. **Nature of Contravention**

Occupied caravans/motor home sited on land adjacent to the property.

6. **Planning History**

It was brought to the Council's attention that a mobile home sited within the recognised curtilage of Paddocks was being occupied. The owner was approached and it was stated that the person occupying the unit was a member of the family and therefore was considered to be ancillary accommodation. However further complaints were received and the property visited again. It was found that a motor home was on site that also appeared to be occupied. The owner was again approached who admitted that persons not related to him were in fact occupying both the mobile home and the motor home. As such the accommodation is unauthorised. Following further discussions, the owner indicated that he would not submit an application for planning permission, but instead apply for a Lawful Development Certificate, as he claims that the use has been continuous for more than 10 years. To date no application has been submitted and the use continues.

7. **Reasons for taking Action**

The units constitute separate living accommodation and therefore not ancillary to the main dwelling. It is the policy of the Local Planning Authority to resist residential development within the open countryside unless a proven functional agricultural need is identified and the agricultural unit is financially viable. As there is no agricultural need identified the development is contrary to the Taunton Deane Local Plan Policies S1 and S7 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6.

8. **Recommendation**

The Solicitor to the Council be authorised to commence enforcement action and prosecution action subject to satisfactory evidence that the notice has not been complied with.

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

**CONTACT OFFICER: Mr J A W Hardy Tel: 356479**

## **Planning Committee – 23 May, 2007**

### **Report of the Development Manager**

#### **Enforcement Item**

#### **Parish: Churchinford**

1. **File/Complaint Number** 10/2006/034
2. **Location of Site** Fairfield Stables, Churchinford, Taunton.
3. **Names of Owners** Miss S J Lock, 15 Fairfield Green, Churchinford, Taunton, TA3 7RR
4. **Names of Occupiers** As above.

5. **Nature of Contravention**

Construction of sand arena.

6. **Planning History**

It was brought to the Council's attention on 10 September, 2006 that an arena/manege was being constructed at the above premises. The site already has stables and the owner requires the sand arena to let out the horses in the winter months. The development requires planning permission so the owner was contacted in order that a retrospective application could be submitted. The application was finally registered on 19 February, 2007 and was subsequently refused under delegated powers on 17 April, 2007.

7. **Reasons for taking Action**

The site is in open countryside where it is the policy of the Local Planning Authority to resist new development unless the proposal is for agricultural purposes. The development is not for agriculture therefore it is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Policy S7. The development also constitutes an undesirable intrusion into an Area of Outstanding Natural Beauty to the detriment of its character and appearance and to the detriment of the visual amenity, therefore contrary to Taunton Deane Local Plan Policies EN10, S1 and S2.

8. **Recommendation**

The Solicitor to the Council be authorised to commence enforcement action and to take prosecution proceedings subject to satisfactory evidence being obtained in the event that any enforcement notice subsequently served is not be complied with.

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

**CONTACT OFFICER: Mr J A W Hardy Tel: 356479**

## **Planning Committee – 23 May, 2007**

### **Report of the Development Manager**

#### **ENFORCEMENT ITEM**

##### **Parish: Taunton**

1. **File/Complaint Number** E284/38/2006
2. **Location of Site** 14 Thames Drive, Taunton.
3. **Names of Owners** Mr G & Mr J Burke
4. **Names of Occupiers** Unknown

5. **Nature of Contravention**

Provision of large satellite dish in rear garden.

6. **Planning History**

A complaint was received on 1 September, 2006 that a large satellite dish had been erected in the rear garden of 14 Thames Drive. The dish was initially fixed to a garden shed and protruded above the rear boundary fence. The diameter of the dish is approximately 1.2 m. The property is rented and it has not been possible to communicate with the occupiers about the size of the dish and its need for planning permission. No response has been received from the owners of the property when contacted regarding the satellite dish.

7. **Reasons for taking Action**

The diameter of the dish is in excess of the permitted 90 cm allowed under the Town and Country Planning (General Permitted Development) Order 1995. The siting of the dish adjacent to the boundary wall seriously affects the visual amenities of the neighbouring properties in both Thames Drive and Banwell Close to the rear. Therefore it is contrary Taunton Deane Local Plan Policies S1(D) and S2(A) and (F).

8. **Recommendation**

The Solicitor to The Council be authorised to serve an enforcement notice and commence prosecution action subject to satisfactory evidence should the notice not be complied with.

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

**CONTACT OFFICER: Mr J A W Hardy Tel: 356479**

## **Planning Committee – 23 May, 2007**

### **Report of the Development Manager**

#### **Enforcement Item**

##### **Parish: Wiveliscombe**

1. **File/Complaint Number** 49/2002/069 and 49/2002/071LB
2. **Location of Site** 9 The Square, Wiveliscombe.
3. **Names of Owners** Co-Operative Group
4. **Names of Occupiers** Co-Operative Group
5. **Nature of Contravention**
  1. Work was underway when applications 49/2001/060 and 49/2001/061LB for the erection of a 'replacement' covered walkway to the rear of the store were submitted and subsequently refused in January 2002. The Planning Committee authorised prosecution and listed building enforcement action at its meeting on 9 January, 2002.
  2. Application 49/2002/069 for the erection of a 'replacement' covered walkway to the rear of the store was granted temporary permission until 30 November, 2005.
  3. Application 49/2002/071LB for the erection of a replacement covered walkway to the rear of the store was refused in November 2002, with officers agreeing to defer the action approved at 1 above, for the life of the temporary planning permission at 2 above.
6. **Planning History**
  1. Despite enquiries, no evidence has ever been submitted by the Co-Operative Group, to prove that there was an existing covered walkway, capable of being 'replaced'.
  2. In 2002, a local community group expressed interest in re-use of the first floor of the Town Hall. As this could require a second escape route to the rear, the most recent planning application noted above, was so determined, to enable the Co-Op and the community to prepare a joint scheme.
  3. Dialogue between the Co-Operative Group and the community group has since been intermittent and driven by the community group. (It is acknowledged that changing personnel at the Co-Operative Group has clearly not helped).



4. Direct dialogue between the Co-Operative Group and the Council, can reasonably be described as non-existent, with updates re 'progress' being conveyed by the community group.
5. As noted above, the temporary planning permission expired on 30 November, 2005.
6. In 2005, the Co-Operative Group agreed to grant the Wiveliscombe Town Hall Trust a 3 year option to acquire a long lease of the first floor.
7. The Wiveliscombe Town Hall Trust was registered as a charity on 16 March, 2006.
8. A letter to the Co-Operative Group in October 2006, requesting a formal reply with regard to 'progress', and advising that prosecution and enforcement will need to be reconsidered, purely resulted in the submission of an invalidated planning application for the retention of the covered walkway for a further 5 years. The application remains unregistered.

**7. Reasons for taking Action**

Whilst there has been some dialogue between the Co-Operative Group and the Wiveliscombe Town Hall Trust, it is not considered that the Co-Operative Group has positively engaged with the Council's offer to withhold legal action.

**8. Recommendation**

The authorised prosecution and listed building enforcement action be progressed.

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

**CONTACT OFFICER: Ms Diane Hartnell Tel: 356492**