

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 21ST NOVEMBER 2007 AT 17:00.

(RESERVE DATE : THURSDAY 22ND NOVEMBER 2007 AT 17:00)

AGENDA

1. Apologies.
2. Minutes of the meeting of the Committee held on 31 October 2007 (attached).
3. Public Question Time.
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
5. WELLINGTON Report items
 - (i) 43/2007/092 - CONVERSION OF BUILDINGS AND THE ERECTION OF NEW BUILDINGS TO PROVIDE 223 DWELLINGS AND A NUMBER OF COMMERCIAL UNITS TOGETHER WITH ASSOCIATED CAR PARKING AND ACCESS WAYS, TONEDALE BUSINESS PARK, TONEDALE MILL, MILVERTON ROAD, WELLINGTON AS AMENDED BY LETTER DATED 23 OCTOBER 2007 WITH ACCOMPANYING PLANS AND FURTHER AMENDED BY LETTER DATED 26 OCTOBER 2007 WITH ACCOMPANYING PLAN NOS. 2589/A/113A, 114A, 116A; 2589/H/100A, 102A, 109A, 116A, 117A, 118A, 119A, 121A; 2589/G/101A, 108A; 2589/F/101A, 102A, 107A, 108A, 109A, 110A; 2589/E/102E, 108A, 109A, 110A; 2589/D/100A, 101A, 108A, 109A, 110A, 111A, 113A; 2589/B/101A, 102A, 108A, 109A AND 111A;
 - (ii) 43/2007/093LB - CONVERSION OF BUILDINGS AND THE ERECTION OF NEW BUILDINGS TO PROVIDE 223 DWELLINGS AND A NUMBER OF COMMERCIAL UNITS, TONEDALE BUSINESS PARK, TONEDALE MILL, MILVERTON ROAD, WELLINGTON AS AMENDED BY LETTER DATED 23 OCTOBER 2007 WITH ACCOMPANYING PLANS AND FURTHER AMENDED BY LETTER DATED 26 OCTOBER 2007 WITH ACCOMPANYING PLAN NOS. 2589/A/113A, 114A, 116A; 2589/H/100A, 102A, 109A, 116A, 117A, 118A, 119A, 121A; 2589/G/101A, 108A; 2589/F/101A, 102A, 107A, 108A, 109A, 110A; 2589/E/102E, 108A, 109A, 110A; 2589/D/100A, 101A, 108A, 109A, 110A, 111A, 113A; 2589/B/101A, 102A, 108A, 109A AND 111A.
6. LANGFORD BUDVILLE - 21/2007/017

CONVERSION OF BARN TO FOUR DWELLINGS WITH DEMOLITION OF AGRICULTURAL BUILDINGS AND FORMATION OF CAR PORTS, MIDDLE CHIPLEY FARM, LANGFORD BUDVILLE AS AMENDED BY FOLLOW-UP SURVEY FOR BATS AND BIRDS DATED AUGUST 2007 AND RECEIVED 23 SEPTEMBER, 2007.

7. LANGFORD BUDVILLE - 21/2007/018LB
CONVERSION OF BARN INTO FOUR DWELLINGS, MIDDLE CHIPLEY, LANGFORD BUDVILLE AS AMENDED BY LETTER DATED 4 OCTOBER, 2007 WITH AMENDED AND ADDITIONAL DRAWING NOS. 207.17/003A, 004A, 005B AND 007.
8. TAUNTON - 38/2007/334
REDEVELOPMENT TO FORM 46 "ASSISTED LIVING" APARTMENTS FOR THE FRAIL ELDERLY, INCLUDING STAFF ACCOMMODATION, COMMUNAL FACILITIES, WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT NOS. 2, 4 AND KELLS, COMPASS HILL, TAUNTON AS AMENDED BY AGENT'S LETTER DATED 16TH JULY, 2007 AND DRAWING NO. 6455/02 REV A AND AGENT'S LETTER DATED 2ND OCTOBER, 2007 AND ACCOMPANYING DRAWINGS NOS. 5095/PO1-PO7.
9. TAUNTON - 38/2007/386
ERECTION OF 2 NO. TWO STOREY DWELLINGS, 4 CAR SPACES AND BOUNDARY WALL, FOLLOWING DEMOLITION OF DOUBLE GARAGE AT LAND REAR OF 55 CHEDDON ROAD, TAUNTON AS AMENDED BY PLANS RECEIVED ON 23 OCTOBER, 2007 AND E-MAIL DATED 6 NOVEMBER, 2007.
10. WELLINGTON - 43/2007/087
CONVERSION OF MILL BUILDING (FORMER HAYMANS COALYARD WAREHOUSE) AND EXTENSION TO FORM 21 TWO BED APARTMENTS AND FORMATION OF 32 CAR PARKING SPACES AND BIKE LOCKERS FOR 42 BIKES, HAYMANS MILL, PAYTON ROAD, WESTFORD, WELLINGTON AS AMENDED BY LETTER DATED 12 OCTOBER, 2007 WITH ACCOMPANYING DRAWING NOS. 05040-111A, 112A, 113A, 116 AND 117 AND BAT AND NEWT REPORTS RECEIVED ON 15 OCTOBER, 2007.
11. COMEYTROWE - 52/2007/037
ERECTION OF SPORTS CENTRE WITH PARKING AND ACCESS AT CIVIL SERVICE SPORTS CLUB GROUND, COLLEGE WAY, TAUNTON AS AMPLIFIED AND AMENDED BY LANDSCAPE ASSESSMENT AND PLANS 391/01-03.
12. E331/24/2007 - Retention of extension to lounge at Hunters View, Knapp, North Curry. Enforcement item
13. E193/38/2007 - Smoking shelter erected to front of property, together with a fence over 1m high adjacent to the highway at the Eagle Tavern, South Street, Taunton. Enforcement item
14. E230/49/2007 - Formation of an additional access driveway over agricultural land to Candletrees, Maundown, Wiveliscombe. Enforcement item

G P DYKE
Democratic Services Manager
13 November 2007

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

Planning Committee Members:-

Councillor Mrs Hill (Chairman)

Councillor Mrs Allgrove (Vice-Chairman)

Councillor Bishop

Councillor Bowrah

Councillor Critchard

Councillor Denington

Councillor Floyd

Councillor Henley

Councillor C Hill

Councillor House

Councillor Miss James

Councillor McMahon

Councillor Mrs Smith

Councillor Watson

Councillor Ms Webber

Councillor A Wedderkopp

Councillor D Wedderkopp

Councillor Woolley



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



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



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

Planning Committee – 31 October 2007

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Bowrah, Critchard, Denington, Floyd, C Hill,
House, Miss James, McMahon, Mrs Smith, Stuart-Thorn,
Ms Webber, A Wedderkopp, D Wedderkopp and Miss Wood.

Officers:- Mr T Burton (Development 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), Mr A Pick
(Principal Planning Officer – West/East), Mrs J M Jackson
(Senior Solicitor) Ms M Casey (Planning and Litigation Solicitor)
and Mr R Bryant (Democratic Support Manager).

Also present:- Councillor Coles and Councillors Thorne and Edwards in
relation to application No 30/2007/006.

(The meeting commenced at 5.00pm.)

120. Apologies/Substitutions

Apologies:- Councillors Henley, Watson and Woolley.
Substitutions:- Councillor Miss Wood for Councillor Henley and
Councillor Stuart-Thorn for Councillor Watson.

121. Minutes

The minutes of the meeting held on 26 September 2007 were taken as read
and were signed.

122. Declaration of Interest

Councillor Bishop declared a prejudicial interest in application No 43/2007/107
and left the meeting during its consideration.

123. Applications for Planning Permission

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

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

09/2007/020

Erection of temporary agricultural workers dwelling at Bobshaws, Waterrow.

Conditions

- (a) The permission hereby granted shall be for a limited period expiring on 1 October 2010, on or before which date the temporary dwelling shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to, and approved in writing by, the Local Planning Authority or at such time that the enterprise ceases or there is no longer a clear functional requirement for a mobile home on the site;
- (b) C401 – agricultural tying condition;
- (c) C201 – landscaping;
- (d) C215 – walls and fences;
- (e) P006 – no fencing;
- (f) Prior to the commencement of development, details of the water supply to serve the temporary mobile home shall be submitted to, and approved in writing by, the Local Planning Authority. Furthermore, the development itself shall not be occupied until the required works have been provided to the satisfaction of the Local Planning Authority;
- (g) No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied;
- (h) C010A – drainage – not commenced until percolation tests approved.

(Notes to applicant:- (1) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (2) If it was intended to extract water from a borehole, applicant was advised to contact the Environment Agency prior to any works commencing to discuss the requirements and ascertain whether any additional licence or consent is required; (3) Applicant was advised that percolation tests should be carried out to ascertain the required length of sub-surface irrigation drainage. The Environment Agency's Consent to Discharge to underground strata is also required; (4) Applicant was advised that the site is served by a private water supply and any increased usage from the proposed barn should be notified to the Environmental Health Department.)

Reason for granting planning permission:-

The justification submitted for a temporary workers' dwelling for an agricultural worker was considered acceptable and would not detract from the visual or residential amenity of the area. The scheme therefore accorded with Taunton Deane Local Plan Policies S1, S2,

S7, H12 and EN12 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 or Policy 5.

Also RESOLVED that enforcement action be taken seeking the removal of the existing unauthorised gates at the entrance to the site.

26/2007/014

Retention of change of use of area of playing field to domestic curtilage adjacent to Kinvara, Nynnehead.

Condition:-

The use hereby permitted shall be discontinued and the land restored to its former condition on or before 31 October 2012.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2.

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

The Committee felt that this proposal would safeguard and enhance the local playing field and open space and would contribute towards its maintenance.

36/2007/016

Retention of barn for holiday use including blocking up of windows, retention of wind turbine and other renewable energy provision on roof at Higher House Farm, Helland Lane, Stoke St Gregory.

Conditions:-

- (a) C001A – time limit;
- (b) Materials for the blocking up of the unauthorised window openings shall match the adjacent wall finish and the windows shall be removed, openings permanently blocked up and the works shall be carried out within one month of this permission, unless otherwise agreed in writing by the Local Planning Authority;
- (c) C413 – restriction of occupation for holiday lets in permanent buildings;
- (d) P001A – no extensions;
- (e) P003 – no ancillary buildings;
- (f) P006 – no fencing;
- (g) P010 – no further windows or doors;
- (h) Prior to the use commencing on site, a Wildlife Survey shall be carried out by a qualified environmental consultant and a report

submitted to, and approved in writing by, the Local Planning Authority. The report shall include any necessary mitigation for any protected species present and the mitigation including provision of bat roosting opportunities shall be provided on site prior to the use commencing.

Reason for granting planning permission:-

The proposal was considered not to harm the visual amenity in this rural location and was considered to comply with Taunton Deane Local Plan Policies S1, S2, EC6, C12, C13 and EN4 and material considerations did not indicate otherwise.

38/2007/138

Demolition of attached garage and erection of two storey dwelling adjoining 2 Eastbourne Terrace, Taunton.

Conditions:-

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) Provision shall be made for the parking of one cycle space internally in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied;
- (d) Provision shall be made for the storage of refuse internally in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and permanently retained as such;
- (e) The ground floor window on the rear elevation shall be permanently retained as obscure glazed and non opening;
- (f) P010 – no further windows.

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where new housing was encouraged and the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1, S2, H2 and M4.

43/2007/107

Extension and conversion of public house into 11 No flats, Sanford Arms, 57 South Street, Wellington.

Conditions:-

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C112 – details of guttering, downpipes and disposal of rain water;

- (d) Before any part of the permitted development is commenced, details of a new hedge along the southern boundary of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall be carried out within the first available planting season from the date of commencement of the development;
- (e) C215 – walls and fences;
- (f) The development hereby approved shall not be brought into use until a fully sheltered and secure cycle rack facility capable of accommodating 11 bicycles has been provided within the site in accordance with a design and specification to be submitted to, and approved in writing by, the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority.
- (g) No windows at ground floor level shall open onto or over the adjoining footway/highway;
- (h) No work shall commence on the development until details of the design, specification and construction of the basement light has been submitted to, and approved in writing by, the Local Planning Authority and be constructed to the satisfaction of the said Authority;
- (i) The existing vehicular access to the site to be stopped up shall have full height kerbs reinstated on the footway crossing in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be completed within one month of the flats being occupied;
- (j) C201 – landscaping;
- (k) The rear area/garden shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority within six months of the date of commencement of the development and shall thereafter be used solely for the purpose of amenity open space;
- (l) C416 – details of size, position and materials of meter boxes;
- (m) C917 – services – underground;
- (n) No development shall commence until a Section 106 Agreement has been agreed with the Local Planning Authority and executed to secure a contribution of £1023 for each dwelling to be made towards the provision of facilities for active outdoor recreation and an additional contribution of £1785 for each two bed dwelling towards children’s play provision;
- (o) Waste bins shall be provided in accordance with the details incorporated in the amending email dated 5 October 2007.

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N114 – design; (4) N115 – water conservation; (5) N024 – development in accordance with the approved plans; (6) N051B – health and safety; (7) Applicant was advised to formulate all physical design features of the flat in accordance with the Area Crime Prevention Officers ‘Secured by Design’ Award Scheme; (8) Applicant was advised to contact Wessex Water with regard to

connection to water supplies and the system for the satisfactory disposal of foul flows generated by the proposal; (9) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a Licence under Section 171 of the Highways Act 1980 must be obtained from the County Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (10) Applicant was advised that the hours of construction work should have regard to the proximity of adjacent residential properties and unreasonable noise and disturbance should be avoided.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2. Furthermore, the proposed development provided for car free development in a location close to town centre facilities in accordance with the wishes of the Highway Authority and therefore provided a sustainable form of development.

43/2007/133

Erection of two storey building to incorporate 2 No one bedroom units and 2 No two bedroom units at land adjacent to Humphreys Road, Wellington.

Conditions:-

- (a) C001A – time limit;
- (b) No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied;
- (c) C101 – materials;
- (d) C324 – parking;
- (e) C331 – provision of cycle parking;
- (f) No development shall take place until details of arrangements for the storage of refuse have been submitted to, and approved in writing by, the Local Planning Authority. The approved refuse storage facilities shall be made available before any of the approved flats are occupied and retained thereafter;
- (g) C215 – walls and fences;
- (h) C416 – details of size, position and materials of meter boxes;
- (i) P001A – no extensions;
- (j) C201 – landscaping;
- (k) The windows on the north-west and the south-east elevations at first floor level shall be glazed with obscure glass which shall thereafter be retained in perpetuity. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification). No windows (other than those expressly authorised by this planning permission) shall be formed within the north-west and south-east elevations of the building;

- (l) No development shall take place until details of the design and specification of the lighting scheme to be used for the amenity/open space area has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason for granting planning permission:-

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4, H9 and H10 and material considerations did not indicate otherwise.

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

30/2007/006

Change of use of agricultural land for the provision of four pitches for gypsy occupation to provide up to one caravan and one touring caravan for each pitch and associated car parking at Fosgrove Paddock, Shoreditch, Taunton.

Reason:-

The potential impact of the development on the balance of the local community in the area and highway safety is considered to outweigh the benefits of the proposal and the personal needs that have been proffered in support of the application and the proposal is therefore considered to be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49, Taunton Deane Local Plan Policies S1, S7 and H14 and Government advice as contained within Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites.

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

The Committee was of the view that the proposal would adversely affect the balance of the local community and would affect highway safety too. It was felt these factors outweighed the personal needs of the applicants.

124. **Change of use of offices to restaurant with manager's flat, Hamwoods, Bishops Hull Hill, Bishops Hull (05/2007/035).**

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Forward Plan Officer within 14 days from the date of the meeting, the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C201 – landscaping;
- (c) C215 – walls and fences;
- (d) Plans showing a parking area providing for 11 vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced, marked out and drained before the use commences or the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (e) No take-away food shall be offered for sale from the premises;
- (f) The restaurant shall not open other than between 1200-1400 hours and 1800-2330 hours;
- (g) 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;
- (h) The existing outbuilding shall only be used for the parking of private vehicles by the occupier of the manager's flat and shall remain available in perpetuity;
- (i) Details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. Any lighting shall be installed in a manner which will ensure that no light source will be visible from the adjoining properties. Any external lighting shall not be in use 20 minutes after the restaurant closes;
- (j) C719B – noise – air extraction;
- (k) Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation;
- (l) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no external alterations to the building unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N024 – development in accordance with the approved plans; (2) N118A – disabled access; (3) Applicant was advised that this approval does not include any flue or extraction system that may be required for the restaurant. Any such system would require a planning

application (see condition (l)). Any external ducting should be so designed that the flue discharges not less than one metre above the roof eaves level of the two storey building.)

Reason for planning permission, if granted:-

The proposal was considered to provide a new service within the associated settlement of Bishops Hull and was not considered to harm the amenity of the neighbouring properties in accordance with Taunton Deane Local Plan Policies S1 and EC15.

125. Erection of CB Aerial over permitted height at 32 Lyngford Place, Taunton.

Reported that it had been brought to the Council's attention that a large CB aerial had been erected at 32 Lyngford Place, Taunton without planning permission.

The owner of the property had been advised that planning permission was required, but to date no application to regularise the situation had been received.

RESOLVED that:-

- (1) Enforcement action be taken requiring the removal of the unauthorised CB aerial which had been erected at 32 Lyngford Place, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

126. Erection of garden shed at first floor level for storage purposes at North Curry Post Office and Stores, 4 Queen Square, North Curry.

Reported that despite an application for planning permission being refused on 26 September 2007, no action had been taken to remove a garden shed constructed at first floor level for storage purposes together with an external staircase at North Curry Post Office and Stores, 4 Queen Square, North Curry.

RESOLVED that:-

- (1) Enforcement action be taken seeking the removal of the garden shed constructed at first floor level together with the external staircase at 4 Queen Square, North Curry; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

127. Untidy site and vehicles parked on the highway at Moor Cottage, Stathe Road, Burrowbridge.

Reported that investigations had previously been made into an alleged car repair business being operated from Moor Cottage, Stathe Road, Burrowbridge.

At the time, it had been found that no business activity was being conducted from the premises. However, over the past 12 to 18 months the site had become extremely cluttered and untidy with vehicle parts stored on the site together with what appeared to be scrap vehicles.

Due to the limited curtilage of the property the use of space on the land to store the various items had resulted in the vehicles owned by the property having to be parked on the highway significantly reducing the width of what was already a narrow road.

RESOLVED that the Solicitor to the Council be authorised to serve a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the owner to clear the site of unsightly items.

128. Increased height of roof and provision of first floor at Barn C, Upcott Farm, Nynehead, Wellington.

Reported that planning permission was granted in October 1991 for the conversion of Barn C at Upcott Farm, Nynehead into a single storey holiday let.

Although work started on the conversion within the five year commencement period, much of the conversion work had occurred over the last 12 months.

In order to comply with current Building Regulation legislation, additional strengthening work had to be carried out to the barn. A concrete ring beam had to be installed at wall plate level.

This work had resulted in an increase to the height of the roof sufficient to enable a first floor to be included in the building.

The owner of the converted barn had been contacted on numerous occasions requesting a planning application to be submitted in an attempt to regularise the current situation. However, to date, no such application had been received.

RESOLVED that:-

- (1) Enforcement action be taken requiring further works to be carried out to Barn C, Upcott Farm, Nynehead so that it accorded with the originally approved plans; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

129. **Appeal against enforcement notice served in respect of unauthorised uses at Foxmoor Nurseries, Haywards Lane, Chelston.**

Reported that Foxmoor Nurseries had successfully appealed against the enforcement notice served in respect of alleged unauthorised uses at the site at Haywards Lane, Chelston.

Although the Inspector found that the unauthorised uses were taking place, she allowed the appeal on the basis that the current use of the site which was a mixture of B1 (light industrial), B2 (industrial) and B8 (storage and distribution) was no more detrimental than the existing authorised B1 use. A copy of the Inspector's decision letter had been submitted for the information of Members of the Committee.

Further reported that the Inspector had referred to the Section 106 Agreement relating to Foxmoor Nurseries which sought to limit the type of operations at the site and referred to enforcement of the terms of this agreement as 'the only recourse available to the Council' to restrict the uses.

Noted that Counsel's advice was being sought as to the extent to which the agreement could be enforced in the light of the Inspector's decision. A report would be made to a future meeting of the Planning Committee.

Also noted that a partial award of costs had been made against the Council by the Inspector which was currently under negotiation.

RESOLVED that the report be noted.

(The meeting ended at 8.56pm.)

43/2007/092

KENMORE HYDON ONE LTD

CONVERSION OF BUILDINGS AND THE ERECTION OF NEW BUILDINGS TO PROVIDE 223 DWELLINGS AND A NUMBER OF COMMERCIAL UNITS TOGETHER WITH ASSOCIATED CAR PARKING AND ACCESS WAYS, TONEDALE BUSINESS PARK, TONEDALE MILL, MILVERTON ROAD, WELLINGTON AS AMENDED BY LETTER DATED 23RD OCTOBER, 2007 WITH ACCOMPANYING PLANS AND FURTHER AMENDED BY LETTER DATED 26TH OCTOBER, 2007 WITH ACCOMPANYING PLAN NOS. 2589/A/113A, 114A, 116A; 2589/H/100A, 102A, 109A, 116A, 117A, 118A, 119A, 121A; 2589/G/101A, 108A; 2589/F/101A, 102A, 107A, 108A, 109A, 110A; 2589/E/102E, 108A, 109A, 110A; 2589/D/100A, 101A, 108A, 109A, 110A, 111A, 113A; 2589/B/101A, 102A, 108A, 109A AND 111A

312888/121337

FULL

1.0 **RECOMMENDATION**

Subject to:-

- (i) the further views of English Heritage and the Conservation Officer on the amended plans and any additional conditions requested
- (ii) the submission of further details to address the concerns of the Environment Agency and the further views of the Environment Agency thereon
- (iii) the applicant entering into a Section 106 Agreement to provide for:-
 - (a) a contribution of £200,000 toward the provision of off-site affordable housing and its timing;
 - (b) a Phasing Plan incorporating a programme of restoration of the retained employment buildings to ensure that as far as is practical, refurbished premises are available for existing tenants who have expressed a wish to remain at Tonedale Mill.
 - (c) The timing of flood alleviation works, the provision of a Commuted sum for their future maintenance and the lodging of a bond to secure the funding of the works; and
 - (d) The provision of free bus passes for travel to Taunton for residents of the development for the first year of occupation.
- (iv) The views of the Secretary of State on application 43/2007/093LB

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

- 01 The development hereby permitted shall be begun within 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 The external surfaces of the building shall be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.
- 02 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7.
- 03 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 04 The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development. 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 other 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 The approved scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be completely implemented before each phase of the development hereby permitted is occupied.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 06 Before any particular phase of the permitted development is commenced, the trees to be retained on that particular part of the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when that phase of the development has been completed. During the period of

- construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 06 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Policy EN8.
- 07 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.
- 07 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.
- 08 No tree shall be felled, lopped, topped, lifted or distributed in any way without prior written consent of the Local Planning Authority.
- 08 Reason: The existing trees represent an important visual feature which the Local Planning Authority considers should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 09 The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, Junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- 09 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 10 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- 10 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 11 The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.
- 11 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 12 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the dwellings first being brought into use.

- 12 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 13 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced
- 13 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 14 The new doors and windows indicated on the approved plans shall be made of timber only and no other materials unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material.
- 14 Reason: To ensure that the proposal does not have an adverse effect on the character of the building in accordance with Taunton Deane Local Plan Policy EN18 (Revised Deposit numbering).
- 15 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.
- 15 Reason: In the interests of the visual amenity of the area and in compliance with Taunton Deane Local Plan Policy S1(D).
- 16 All services shall be placed underground.
- 16 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).
- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no addition or extension to the building(s) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 17 Reason: The Local Planning Authority is not satisfied that the building(s) could be extended without detriment to the amenities of the area in accordance with Taunton Deane Local Plan Policy S2.
- 18 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 18 Reason: The Local Planning Authority considers that any further development on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Policies S1 and S2.
- 19 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority

- 19 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2 (A).
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.
- 20 Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and to preserve the design and external appearance of the building(s) in accordance with Taunton Deane Local Plan Policies S1(D) and S2.
- 21 Prior to the occupation of the mixed-use blocks a noise management plan to cover activities and plant/equipment shall be submitted to and approved in writing by the Local Planning Authority.
- 21 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 22 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local

Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

- 22 Reason: To ensure that the land contamination can be adequately dealt with prior to a new use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).
- 23 Prior to the commencement of development, a survey shall be carried out to ascertain the condition of the existing culverts where they pass through the site. Any necessary remedial measures shall be carried out prior to the occupation of any of the buildings, unless otherwise agreed in writing by the Local Planning Authority.
- 23 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 24 Noise emissions arising at any individual commercial premises on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 2 Min Leq, when measured at any residential or other noise sensitive premises. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates (other than that part of the development proposed for residential use), expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.
- 24 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 25 No deliveries shall be made to the commercial premises in the mixed-use blocks, or commercial units in blocks adjacent to residential premises after 8:00 p.m. and before 7:00 a.m. the following day unless otherwise agreed in writing by the LOCAL PLANNING AUTHORITY.
- 25 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 26 Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises: Monday - Friday 0800-1800, Saturdays 0800-1300. All other times, including Public Holidays - No noisy working
- 26 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).

- 27 No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.
- 27 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 28 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.
- 28 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 29 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 an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 29 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 30 The development hereby permitted shall not be commenced until details of a strategy to protect species protected by law and their habitat has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the results of the submitted ADAS survey information detailed in reports on Bats, September 2007; Badgers, December 2006; Otters, June 2007; and Reptiles, December 2006 and shall include:- (a) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (b) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; (c) Measures for the retention and replacement and enhancement of habitat for the species; (d) Measures for the long term commitment to the security and maintenance of the agreed habitats. The plan shall include the specification of management of all habitats on site and the means of securing that management; (e) Persons responsible for compliance with legal consents relating to bats and otters, including applying for European Protected Species Licences in respect of bats; compliance with planning conditions relating to wildlife conservation: implementation and regular inspection of physical protection measures and monitoring of working practices during construction; provision of training and information to all construction personnel on site about the conservation significance of the protected species present and the importance of protective measures and

practices being employed. The works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority.

- 30 Reason: To secure the necessary ecological mitigation, enhancement and management measures to offset the potential adverse effects of the development hereby permitted, on important wildlife species and habitats, in accordance with Taunton Deane Local Plan Policy EN5.
- 31 Details of any sub-stations, control kiosks for pumping stations and satellite distribution boxes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.
- 31 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 32 Details of the proposed bridges shall be submitted to and approved in writing by the Local Planning Authority prior to their commencement.
- 32 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 33 The hours of opening of the proposed A1 retail unit should be submitted to and agreed in writing by the Local Planning Authority prior to the works commencing. The hours agreed should be adhered to unless a written variation has been agreed in writing by the Local Planning Authority.
- 33 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).

Notes to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 To help conserve the world's energy you should aim to 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 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 05 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 08701 545500.

- 06 Your attention is drawn to the Listed Building Consent relating to this property numbered 43/2007/093LB.
- 07 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 08 Re potential ground contamination. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.
- 09 The following advice is given by the Chief Fire Officer:- (i) Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. (ii) Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000; and (iii) All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards."
- 10 It will be necessary to agree with Wessex Water points of connection for the satisfactory disposal of foul flows, surface water and water supply.

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

43/2007/093LB

KENMORE HYDON ONE LTD

CONVERSION OF BUILDINGS AND THE ERECTION OF NEW BUILDINGS TO PROVIDE 223 DWELLINGS AND A NUMBER OF COMMERCIAL UNITS, TONEDALE BUSINESS PARK, TONEDALE MILL, MILVERTON ROAD, WELLINGTON AS AMENDED BY LETTER DATED 23RD OCTOBER, 2007 WITH ACCOMPANYING PLANS AND FURTHER AMENDED BY LETTER DATED 26TH OCTOBER, 2007 WITH ACCOMPANYING PLAN NOS. 2589/A/113A, 114A, 116A; 2589/H/100A, 102A, 109A, 116A, 117A, 118A, 119A, 121A; 2589/G/101A, 108A; 2589/F/101A, 102A, 107A, 108A, 109A, 110A; 2589/E/102E, 108A, 109A, 110A; 2589/D/100A, 101A, 108A, 109A, 110A, 111A, 113A; 2589/B/101A, 102A, 108A, 109A AND 111A

312888/121377

LISTED BUILDING CONSENT

1.0 **RECOMMENDATION**

I recommend that consent be GRANTED subject to the following conditions:-

- 01 The works for which consent is hereby granted shall be begun within three years from the date of this consent.
- 01 Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 02 No building shall be demolished before planning permission has been granted for the proposed redevelopment and a contract has been let for the relevant phase of the redevelopment work.
- 02 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policy EN17.
- 03 The external surfaces of those parts of the building to be retained following the consent to demolish shall be repaired or renewed with salvaged materials from the building demolished, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.
- 03 Reason: To ensure that the proposed development does not have an adverse effect on the appearance of the original building in accordance with Taunton Deane Local Plan Policies S1(D), S2(A) and EN17(D).
- 04 The new doors and windows indicated on the approved plans shall be made of timber only and no other materials unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained as timber unless the express written consent of the Local Planning Authority is obtained for the use of a different material.
- 04 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Taunton Deane Local Plan Policy EN17.

05 Before any demolition is carried out details shall be submitted to and approved by the Local Planning Authority of the making good of any existing structure abutting any of those to be demolished.

05 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policy EN17.

Notes to Applicant

01 Your attention is drawn to the planning permission 43/2007/092 relating to this site/these premises.

2.0 **APPLICANT**

Kenmor Hydon One Ltd

3.0 **PROPOSAL**

The proposal (as amended) is for the conversion of existing buildings and erection of new buildings on the site to provide 223 dwellings and a number of commercial units together with associated works, car parking and access ways. The listed building application also provides for demolition of some parts of the complex. The proposal seeks to find new uses that will secure the buildings' long-term future and preserve their special interest, whilst permitting an acceptable degree of adaptation.

The previously approved scheme proposed a majority of 2 and 3 bedroom units. The current proposals include an increased level of commercial with an increased number of residential dwellings as follows:-

90 x 1 bed flats
2 x 1 bed flats
46 x 2 bed flats
17 x 2 bed houses
3 x 3 bed flats
42 x 3 bed houses
21 x 4 bed houses
2 x 5 bed houses

5,539 sq m of commercial floor space

The current proposals also include a convenience store, a historical interpretation and community space/cafe, artisans' quarter and a central energy facility. The current proposals also provide for all access to the site to be from Millstream Gardens, whereas the previous proposal also provided for a new access point onto Milverton Road to serve some of the car parking areas.

The following documents accompanied the applications:-

- Planning Statement
- Highways and Transportation Report
- Design and Access Statement
- Contaminated Land Report
- Flood Risk Assessment
- Archaeology Report
- Landscape Material Schedule
- Salvage Schedule for Landscape Materials
- Tree Reports
- Lighting Strategy
- Draft Planning Obligation
- Financial Viability Report

- Wildlife Surveys
- Heritage Statement
- Conservation Plan

The amendments to the scheme involve the relocation of 6 residential units from Block F to Block H, a net loss of one 2 bed unit (and two other bedrooms from flat reductions) for the scheme. Floorspace previously allocated for employment purposes in Block H has been utilised to accommodate this residential displacement. Some additional employment floor space is now proposed in Block F in mitigation of that lost in Block H. There is, however, a net loss of employment floor space of 319 sq m overall in the amended proposals. However, the resultant overall employment floor space offered by the scheme is still greater than the previously approved scheme (5,539 sq m compared to 3,040 sq m).

The proposed mixed-use development includes 223 residential units, mainly to the western end of the site. The majority of the units will be formed within existing buildings, although there will be an element of new build as part of Block D, where new structures are proposed within the curtilage of the existing structure.

A major element of the enabling works is to open up the culvert in front of Blocks A and C creating an attractive water feature entrance to the site. Two new bridges are proposed to gain access to the car park serving Block A and car parks serving Blocks B, C, D and E.

A plaza area is proposed adjacent to Block F alongside the stream where the main public area accommodates the café, historical exhibition and community space, artisans units, etc. The café will be housed in the former pay office which straddles the Millstream to add to the useable floor area and the enjoyment of the facility and two timber decks are proposed oversailing the Millstream. These will accommodate tables and chairs for customers.

To the rear of Blocks C and E, a new public footpath is proposed alongside the Millstream. The footpath is informal and bounded by a 'crinkle - crinkle' wall reflecting the natural curve of the water and river bank.

4.0 **THE SITE**

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

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

The site area extends to 5.7 ha with a relatively high density of development. The eastern section of the site is on land sloping down to Back Stream, whilst the western section is set on relatively level ground at the base of the valley. There is a considerable fall across the site, which manifests itself with various retaining walls and basement levels, predominantly through Block H. The Mill Stream and Back Stream run through the site. To the south-west of the site lies open countryside, whilst to the north and west lies recent housing development.

5.0 **RELEVANT PLANNING HISTORY**

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

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

Application refused March 2003 for the following reasons:-

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

provided in PPG25 (Taunton Deane Local Plan Revised Deposit Policy EN30).

- 04 The applicant has not provided sufficient details and information, in the form of a Historic Building and Architectural Report incorporating evaluation and a mitigation strategy, to enable the Local Planning Authority to give proper and favourable consideration to the heritage and archaeological implications of the proposal (Taunton Deane Local Plan Revised Deposit EN24).

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

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

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

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

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

43/2004/119 Conversion of Mill Buildings into Residential (148 dwellings) and Commercial Units and Associated Exterior Works, Tonedale Business Park, Tonedale Mill, Milverton Road, Wellington. Full planning permission June 2006.

43/2004/120LB Conversion and Alteration of Mill Buildings to form Residential and Commercial Units and demolition of parts, Tonedale Business Park, Tonedale Mill, Milverton Road, Wellington. Listed Building Consent June 2006.

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

6.0 **RELEVANT PLANNING POLICIES**

Regional Planning Guidance for the South West (RPG10)

Policy EN 3: The Historic Environment

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

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

Draft South West Regional Spatial Strategy

ENV1 Protecting and Enhancing the Region's Natural and Historic Environment.

The quality, character, diversity and local distinctiveness of the natural and historic environment in the South West will be protected and enhanced, and developments which support their positive management will be encouraged. Where development and changes in land use are planned which would affect these assets, local authorities will first seek to avoid loss of or damage to the assets, then mitigate any unavoidable damage, and compensate for loss or damage through offsetting actions. Priority will be given to preserving and enhancing sites of international or national landscape, nature conservation, geological, archaeological or historic importance. Tools such as characterization and surveys will be used to enhance local sites, features and distinctiveness through development, including the setting of settlements and buildings within the landscape and contributing to the regeneration and restoration of the area.

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable development

Policy 8 Outstanding Heritage Settlement

Policy 9 The Built Historic Environment

Taunton Deane Local Plan

Policy S1 General Requirements

Policy S2 Design

Policy S3

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

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

Proposals forming part of a larger mixed-use allocation (policies T2, T3, T4 & T8) will be permitted provided that they do not prejudice the comprehensive and co-ordinated development of the whole allocation and the delivery of necessary infrastructure.

Policy H9

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

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

The provision of affordable dwellings sought on a site will be based on the overall need to provide for the identified affordable housing need. In assessing the level of provision on individual sites regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability. Indicative targets for the allocated sites are set out in policy H10.

Policy H10

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

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

Policy EC1 Employment Development

Policy M4

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

- (A) the impact on urban design;
- (B) the location of the development, and its accessibility to employment opportunities and services;
- (C) the type and mix of the proposed dwellings.

The Borough Council will not permit more than an average of 1.5 car parking spaces per dwelling on any residential development. A significant reduction in this average will be expected for elderly persons, student and single persons accommodation, and for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to

achieve. Car-free residential developments will be sought in appropriate locations, such as within or adjoining Taunton and Wellington town centres.

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

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

Policy C1

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

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

Policy C4

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

- (A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;
- (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones;
- (C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations;
- (D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and

- (E) developers will be required to arrange for maintenance of the recreational open space.

Policy EN3

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

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

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

Policy EN4

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

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

Policy EN5

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

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

Policy EN16

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

Policy EN17

The change of use, alteration, conversion or extension of a listed building will not be permitted unless:

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

Policy EN18

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

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

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

Policy EN28 Development and Flood Risk

Policy EN32 Contaminated land

The Tonedale Mill complex is previously developed land and is therefore accepted as a 'brownfield' site, the development of which is to be generally preferred before 'greenfield' sites are developed. The site is also within the Wellington settlement boundary and represents a significant opportunity for development within Wellington. The site is the subject of the following specific policy within the Local Plan, which recognises the major problems in securing its future and proposes a mixed use development.

Policy W2

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

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

In association with the development the following will be sought:

- (I) affordable housing provision in accordance with policies H9 and H10, subject to the recognition of a flexible approach as referred to in paragraph 9.20;
- (J) education contributions if necessary in accordance with policy C1, and subject to the recognition of a flexible approach as referred to in paragraph 9.20;
- (K) an archaeological survey; and

(L) a programme of restoration of the retained employment

7.0 **RELEVANT CENTRAL GOVERNMENT POLICIES**

Planning Policy Statement 1 - Delivering Sustainable Development (PPS1)

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

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

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

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

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

Protection and Enhancement of the Environment

17. The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources.

Those with national and international designations should receive the highest level of protection.

18. The condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefit for local communities. Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design, conservation and the provision of public space.

Paragraph 23 Sustainable Economic Development

Planning Policy Guidance Note 3 Housing (PPG3)

Paragraph 9 Strategic Housing Policy Objectives

Paragraphs 10/11 Planning of Housing Policy Objectives

Paragraphs 40/41/43/46

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

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

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

Paragraph 15

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

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

Paragraph 21

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

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

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

Paragraphs 3.8 - 3.10

Paragraph 3.12

Paragraph 3.13

Paragraph 3.15

Planning Policy Guidance Note 13 - Transport (PPG13)

Paragraphs 52/53/54

8.0 CONSULTATIONS

43/2007/092

County Highway Authority

The Planning Officer will be aware of previous applications for this site and, in particular, Application No. 4/43/04/119 when no objection was raised on highway and transport grounds subject to contributions to secure sustainable transport measures. The present application varies from the previous in that it now proposes 224 dwellings as opposed to 147, and in the region of 2,000 sq m of extra commercial space.

As the new application is likely to generate more traffic than the previously approved one, a supplementary transport assessment has been provided to re-examine the affect of the development on the highway network.

The transport assessment has tested the junction of Millstream Gardens and Milverton Road and has shown that there is adequate capacity. It has also tested the North Street, Fore Street, South Street junction in the centre of Wellington and has found that, when compared with a potential reuse of the site for commercial development, the traffic generations are broadly similar.

It has been established that in order to mitigate against excessive traffic generation it is essential to encourage the use of sustainable transport, e.g. bus, cycle and walking. The developer has agreed to provide a one year season ticket for local bus trips for each dwelling unit.

With regard to Millstream Gardens and the site access, it currently suffers from high speed and on-street parking. It is proposed to formalise on-street parking but rearrange it to reduce vehicle speeds. The carriageway must be a minimum width of 5 m, which will allow two cars to pass. The rearrangement also allows visibility splays from the side roads to be protected.

The only concern from a highway viewpoint on access is the area adjacent to Block F and the junction with Weavers Reach where there are several junctions in close proximity. I would be obliged if you could mention this to the developer in order that a discussion can take place in order to overcome this problem. With regard to the internal layout, I have the following additional comments:-

1. It has been noted that internal access roads are to remain private, with all future maintenance operations carried out by a management committee.
2. I believe that it is the intention to keep vehicle speeds down to a minimum within the proposed access roads as vehicles and pedestrians will be encouraged to use the same space. There are widths within the access road serving Block B to E that are approximately 7 m and this could well encourage an increase in vehicle speeds causing possible conflicts with pedestrians. A form of traffic

calming would be recommended within this and other areas to achieve the desired vehicle speeds.

3. Details for checking and approving bridge design will need to be suitably checked as the bridges will provide a link onto the prospective publicly maintained highway.
4. It has been noted that the surface water from the site will drain into existing streams. The applicant will need to obtain written rights to discharge from the owners of the water courses.
5. No discharge of surface water onto prospective publicly maintained highway from this development will be permitted.
6. As this site is to remain private and street lighting columns contained within it, these will have to be lit via private power source. The use of the highway authority power source will not be permitted. In this instance the highway authority street lighting manager must be consulted on any matters relating to street lighting columns located within the existing publicly maintained highway.
7. The swept path of refuse vehicles should be tested within all turning heads within the development.
8. Unobstructive visibility splay of 2.4 x 40 m should be provided for all access roads/car parking areas at their junctions with Mill Street Gardens and Weavers Reach.
9. The siting of three on-street parking bays with the two trees will restrict visibility for motorists emerging from the access serving car park 5. Visibility at the junction of the residential estate named Millstream Garden almost directly opposite may be restricted due to the presence of proposed parking bays. The use of gravel will not be accepted within highway limits. Bonded bitumen material will be acceptable.
10. A condition survey of the existing public highway will need to be carried out and agreed with the highway authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. The developer should contact the highway service manager to make the necessary agreements.
11. Any planting within the existing prospective public highway must be supported by a commuted sum payable by the developer. It has been noted that trees are to be planted within on-street parking bays and highway limits. A planting schedule will need to be submitted to the highway authority to ensure that suitable trees are planted whereby their leaves do not block gullies. Under Section 141 of the Highways Act, no tree or shrub should be planted within 4.5 m of a centre line of a made up carriageway. Trees are to have a minimum distance of 5 m

from buildings, 3 m from drainage and 1m from the carriageway edge. Trees must be canopied 5.5 m above carriageway level and root barriers of an approved type will be required.

12. Where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be attained from the highway authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.
13. The submitted drawing 30724/S38/OIB indicates the length of roads and footways that are to be offered to the highway authority for adoption. After comparing this drawing with the road records, it appears that there will be a missing link between the proposed and adopted highway. I attach a copy of the road record. It is essential that a continuous link is formed as an adoption in isolation will not be permitted.
14. The first 5 m of each private vehicular access shall be constructed in bound bitumen material.
15. It appears that there are drop-offs at the back of footways against existing buildings on the southern side of the access road leading to Milverton Road with Weavers Reach. The highway authority will need to approve design proposals to rectify this as drop-offs will not be permitted at the back of adoptable footways. The southernmost vehicular access to car park 2 serving Block D should be widened to a minimum dimension of 4.1 m.
16. The applicant will need to prove to the highway authority that the construction of the existing private length of the access road between Milverton Road and Weavers Reach is to an adoptable standard. The following conditions should also be attached to any consent that may be granted:-
 1. The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, Junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

2. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
3. The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.
4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the dwellings first being brought into use.”

Environment Agency

The Environment Agency Objects to the application on the grounds that Flood Risk concerns have not been sufficiently addressed contravening Planning Policy Statement 25 (PPS 25) and Planning Policy Statement 1 (PPS 1).

Flood Risk Management

For your information we are still in ongoing discussions with the applicants consultant WSP on various aspects of the detailed design stage of the flood alleviation scheme (ref: 43/2006/082). At present we have a number of outstanding detailed design concerns with the scheme that have yet to be resolved to our satisfaction. We are not therefore prepared to recommend the discharge of conditions for the 2004 or the 2006 decision notices to the LOCAL PLANNING AUTHORITY. These issues are described in more detail in our recent letter to TDBC dated 10 October, 2007 in connection to the discharge of conditions. We enclose a copy of that letter for your reference.

With reference to the letter from Boon Brown Architects dated the 16th August, 2007 on the sequential and exception test we can comment as follows. The Agency will need to see evidence that the council has agreed this site has past the sequential test.

Further to this it is the opinion of the Agency that this site does not pass the exception test. As the Flood Risk Assessment (FRA) has not demonstrated the development is safe. This new application involves placing a greater number of people in a flood risk area. We are not prepared to remove our objection or move to conditions until the issues associated with the flood alleviation scheme have been resolved. The relevance of the flood alleviation scheme is essential to ensure that the mixed development is 'safe' from flood risk in accordance with section (c) of the Exception Test of PPS25.

Notwithstanding the above objection on the flood alleviation we have reviewed the revised FRA submitted with this application and can comment as follows:

Section 3.2 - Finished Floor Levels

At this time the proposed floor levels are unacceptable and do not meet the requirements of PPS25. Further discussion are thus required between the Agency and the developer on this matter.

The freeboard provided now for blocks A (east = 220 mm and west = 120 mm) and C (230 mm) below the 1 in 100 year with climate change flood level. This is not acceptable and is contrary to the requirements of PPS25. We strongly believe that other flood mitigation measures should be investigated to protect these units.

We understand that the applicant is promoting a HA HA wall along the length of the flood alleviation channel as a measure to protect Block D. This is not acceptable as these are primarily designed for ornamental purposes and not as means of flood protection.

Section 3.3 - Cafe C

The detail on the decking layout for the above building is required for our approval as it spans across the watercourse. We welcome the replacement of the singular support column with steel beams. However the removal of the column is dependant on the feasibility of removing the weir and hatches upstream of building C7. It has still not been proven if this part of the scheme can actually be carried out from a structural and geomorphologic perspective. Site investigatory work still needs to be agreed between ourselves and the applicants contractor. This exercise will determine the level of structural work likely to be required for the existing concrete retaining walls.

Section 5.2 - Proposed Drainage Strategy

The FRA refers to a private drainage underground pipe network. What is the designed return period for this infrastructure? A standard piped system under Building Regs is only designed for the 1 in 30 return period. What happens for the 1 in 100 year return event? Is there significant flooding on site? Is there any detail on the proposed scheme for us to review and comment on?

Section 6 - Surface Water Management Plans

The site is predominantly Brownfield therefore we do not understand why the IH124 method has been applied to establish the existing runoff rates for the site. IH124 is designed to be used on Greenfield site's only. This method could be applicable if the applicant is proposing to achieve a significant betterment to the brown field sites run off rates by throttling back to the original Greenfield run off rate through a designed attenuation scheme. However this is not the case with this site as the developer is relying on the

existing infrastructure as far as we can understand subject to further information on Section 5.2. The Wallingford Method is normally used to establish the existing runoff rates for an existing piped system.

The surface water drainage strategy should be designed to improve the current runoff rates for the site through on site attenuation or significantly increasing the percentage of permeable areas. We would consider this to be a priority for a site this large. If the site constraints cannot make this possible it is important for the FRA to then demonstrate what the existing run off rates are and that they will not increase as result of the development. In addition a typical surface water piped system is only designed for the 1 in 30 return period therefore surcharging and flooding may occur during the 1 in 100 year storm. It is important to consider where this surcharging will occur, the depths with that storm event and the associated flow paths. Can it be temporarily stored in a lowered area then redirected back into the system when the levels have dropped in the sewers? Have they considered onsite attenuation to mitigate this risk?

Point 6.4.3 in the FRA goes on to state that surface water run off rates and volumes will remain the same. We would question that this statement is correct. The system must be designed for the lifetime of the development i.e. 100 years when considering a residential development. The effects of climate change on rainfall intensity and storm durations are expected to rise. The FRA puts forward this argument in its opening statement in section 4.1.3. We would strongly suggest the applicant consultant revisit this section again and put forward a suitable drainage strategy for the site.

Water Conservation (Planning Statement Section 7.53-7.54)

There is reference to energy efficiency and plans to meet the Code for Sustainable Homes Level 4 criteria for energy efficiency in the new build elements of the scheme. However, no mention is made as to how the efficient use of water will be achieved by the development.

The Government has recently stated that a minimum standard of water efficiency of 125 l/p/d is to be introduced through revised Building Regulations in 2008. We would encourage the developer to go beyond this minimum standard and to adopt the Code for Sustainable Homes Level 3/4 target of 105 l/p/d, in line with proposed target for energy efficiency. Ideally we would like to see this standard adopted for all proposed dwellings and commercial premises at the site.

With development of this scale and nature, there are opportunities to install rainwater harvesting systems and possibly grey water recycling systems to help reduce use of drinking water supplies for activities such as garden watering. It is disappointing that neither have been explored in the Planning Statement or supporting documents. The installation of a rainwater harvesting would also help to reduce surface water runoff from the site and help manage flood risk.

Groundwater/Contaminated Land

The site overlies a Major Aquifer, as defined by the Environment Agency's 'Policy and Practice for the Protection of Groundwater' Therefore the underlying groundwater resource is considered sensitive to contamination and care needs to be taken to ensure the protection of controlled waters.

Activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site and may present a threat to nearby surface waters, especially as a result of the proposed development.

Planning Obligation

No works shall commence until a planning obligation has been agreed for the management and future maintenance of the watercourses and their banks including all associated manmade features including weirs and other water control features and all training and river walls and raised river embankments.

This is vitally important as the long term consequences of any works to the stream are remedied or mitigated and to ensure that the future riparian responsibility for watercourses and their maintenance is clearly identified.

Should the Agency's objection to the proposal subsequently be overcome the Agency would seek the application of the following conditions (please note to as a result of our objections being overcome further conditions will be required please re- consult the agency on this matter).

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

REASON: To prevent pollution of the water environment.

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the banded 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: 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 an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

CONDITION: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:-
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those offsite.
3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

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

CONDITION: Development hereby approved shall not commence until a Construction Environment Management Plan has been submitted to and formally approved in writing by the Local Planning Authority.

REASON: To prevent pollution of the water environment.

CONDITION: Development hereby approved shall not commence until a wildlife plan, produced in conjunction with a construction environmental management plan, has been submitted to and formally approved in writing by the Local Planning Authority.

REASON: To protect and enhance the bio-diversity resources on the site.

Note: The plan shall detail how provision will be made for protected and national biodiversity action plan species especially those known to use the corridor of the River Tone. Any plans shall detail maintenance schedule

CONDITION: No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and prudent use of natural resources.

CONDITION: Where works to the watercourses or their banks are proposed this should be preceded by an ecological survey which should identify areas to avoid and areas where appropriate mitigation and enhancement should take place. These recommendations should be implemented in a programme of works.

REASON: To ensure that the proposed development does not adversely impact on the wildlife and fishery interest of the watercourses.

To ensure that proper consideration is given for the conservation and enhancement of features critical to the survival of protected species and national and local Biodiversity Action Plan species.(To comply with the requirements and aspirations of Planning Policy Statement 9 (PPS9).)

The following recommendations should be included in the decision notice:-

Construction vehicles should not cross or work directly in a river.

Temporary bridges should be constructed for vehicles to cross and excavations done from the bank.

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids.

This Agency must be advised if a discharge to a watercourse is proposed.

Fuel tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

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

Storage of fuels for machines and pumps should be well away from any watercourses.

All waste deposited off site must be taken to appropriately licensed waste management facilities in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994. If any waste is to be brought onto site then the appropriate exemption from waste management must be applied for.

The Environment Agency recommends that developers follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination. It provides the technical framework for structured decision-making regarding land contamination. It is available from www.environment-agency.gov.uk.

The Environment Agency also recommends that developers use BS 10175 2001, Investigation of potentially contaminated sites ' Code of Practice as a guide to undertaking the desk study and site investigation scheme.

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Grey water recycling and rainwater harvesting should be considered.

The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development. Applicants should visit www.environment-agency.gov.uk > Subjects > Water Resources > How We Help To Save Water > Publications > Conserving Water in Buildings, for detailed information on water saving measures. A scheme of water efficiency should be submitted in accordance with the information supplied on the website.

We strongly recommend that the proposed development includes sustainable design and construction measures, which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing.

In a sustainable building minimal natural resources and renewables are used during construction, and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced.

Under the terms of the Water Resources Act 1991, an Abstraction Licence may be required from the Environment Agency for the abstraction of water from any inland water or underground strata. This is dependent on water resource availability and may not be granted. The applicant should contact the Environment Agency at the earliest opportunity to discuss the feasibility of such a proposal at the site.

The accompanying Flood Risk Assessment makes reference to altering/controlling water levels and flows at the site and the installation of new, or the improvement of existing, control structures. It should also be noted that under the terms of the Water Resources Act 1991, an impounding licence may be required from the Environment Agency for the impounding of any watercourse, ditch or stream (e.g. by dam, weir etc). An abstraction licence may also be required if the existing flow of water around the site is altered from the present situation, unless this is for the express provision of flood relief.”

Discussions are ongoing with the Environment Agency in order to address the concerns raised.

Wessex Water

Foul Drainage

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

Existing connections to public sewers should be used where possible.

Surface Water Drainage

Surface water is to discharge to the local land drainage system with the consent of the Land Drainage Authority and the E.A. who will both need to sign off and accept the appended Flood Risk Assessment appended to the planning application. Flows should be controlled at no greater than existing flows.

Surface water must not in any circumstances be connected to foul drains or sewers.

Adoption of New Sewers

In line with Government Policy, the applicant is advised to contact Developer Services to discuss the adoption of new sewers under Section 104 Agreements.

Sewage Treatment

The sewage treatment works and terminal pumping station has sufficient capacity to accept the extra flows this development will generate. However, further new development in the catchment would necessitate sewage works extensions.

Water Supply

The existing system is adequate to serve the proposed development. A new connection should be made to the existing 250 mm main in Milverton Road.”

Somerset and Avon Constabulary

- The Design & Access Statement does not indicate any awareness of potential crime and disorder issues that could affect this development and any measures taken to mitigate them.
- The block nature of the development should mean that the majority of public areas are well overlooked "which is beneficial from a crime prevention point of view.
- The majority of the residential blocks appear to incorporate an element of defensible space in the form of physical or symbolic barriers e.g. change of road surface/colour/texture which should also be beneficial in this respect. Any walls/railings or similar at the front of the blocks should be kept low to assist resident surveillance.
- In order to prevent unauthorised access, all walls/fencing at the side/rear of residential blocks i.e. private gardens etc., which border the public realm, should be minimum height 1.8 m. Any gates should be the same height and lockable.
- The lighting schedule indicates that lighting of public areas i.e. car parks etc will conform to BS 5489, being a combination of columns and low level bollards, which is necessary to deter crime/disorder and reduce the fear of crime for residents.
- I have concerns regarding the lack of natural surveillance of car parks 4 & 7, which appears to be limited from the nearby residential blocks. Landscaping/planting bordering these car parks should be maintained below 1 m in height and trees pruned up to 2 m from ground level in order to improve the visibility of vehicles parked in these car parks.
- I also have concerns regarding possible unauthorised access to vehicles parked in car park 1 from the adjacent meadow area, albeit this car park is overlooked by a residential block. I note that the existing wall bordering this car park, which is to be retained, is 1.5 m in height. I recommend that the height of this wall should be increased to 1.8 m to deter access to the car park. The access point in this wall should also be fitted with a lockable gate for use at night.

- The bin/cycle store located in car park 1 appears to be in an isolated position with limited surveillance and is a potential target. Ideally, this store should be relocated to an area with better surveillance or, failing that, built of substantial materials and lockable. All bin/cycle stores on the development should be similarly constructed and lockable.
- The communal garden/open space adjacent to block D has surveillance from this block only and, if accessible from the public realm, has potential for anti-social behaviour. It is not clear to me whether this is the case. If so, I recommend that alternative use be considered for this open space.
- Communal entrances to each of the residential blocks should be fitted with a suitable access control system e.g. electronic lock release and entry phone to each flat or similar. The communal 'front door' and flat entrance door sets should comply with 'Secured by Design' guidelines.
- The applicant is advised to formulate all physical design measures of the development in accordance with the ACPO 'Secured by Design' award scheme, full details being available on the SBD website - www.securedbydesign.com."

Devon & Somerset Fire & Rescue Service

Means of Escape

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

Access for Appliances

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

Water Supplies

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

English Heritage

This application relates to an important site comprising both grade II and grade II* listed buildings which are currently on English Heritages Buildings at Risk Register. We have previously advised on, and accepted, a major application for the reuse and redevelopment of the site for a mixed residential and commercial use. That scheme involved significant change and some demolition but was regarded in the light of an enabling development scheme which was ultimately granted consent to secure much-needed repairs to and reuse of the listed buildings. This revised application has arisen due to a

change of ownership, pre-application discussion with the new owners has been very constructive and we are encouraged by their enthusiasm for the historic interest of the site. Whilst this application represents a more intensive residential use of the site it also takes a more sympathetic approach to preserving some of the special characteristics of the site and is likely to present a more realistic prospect for the beneficial reuse of these important industrial buildings. However, there are still some detailed aspects of the design which we believe need addressing and a rather more fundamental issue regarding the conversion of the former boiler house which we would wish to see resolved before offering support for the application.

English Heritage Advice

We do not intend to provide highly detailed comments on this scheme as a whole given the previous permission for a mixed-use conversion of the site and the general acceptance that a viable solution must be found to preserve the listed buildings as a whole. Equally, we have not re-examined the financial justification for the level of development at this stage since a principle has already been established. We have, however, discussed with the Council's Conservation Officer the design approach to conversion of the historic buildings and suggested a number of amendments, mainly to their external treatment, which have been incorporated by her into an itemised schedule dated 25 September, 2007 which we would wish to see put forward to the applicants as the basis for revised drawings and/or clarification.

Aside from those detailed matters our main concern with this scheme relates to the former Boiler House, denoted Block F in the applicants plans. This represents virtually the sole example on the site of a building surviving with its fabric relatively well-preserved and the majority of its historic machinery still in situ. Sadly much of the machinery recorded by the Royal Commission for Historical Monuments in the mid 1990s within the buildings at Tonedale no longer survives, although we are not aware of approvals having been granted for its removal. The Boiler House is, therefore, an important survival and deserves special treatment as its state of preservation allows a much better understanding of how the industrial buildings at Tonedale functioned than other buildings on the site. We are very concerned, therefore, that the proposed reuse of the building shows significant alteration to its fabric and layout and removal of all of its machinery and contents. Whilst we would commend the reuse of part of the building and the surviving chimney for a communal boiler installation serving the whole site, and consider that the incorporation of a cafe with museum area could work well within the building, the inclusion of four residential units within it does not allow for the flexible use of space which we believe is required to allow historic machinery and fittings to be retained. If those residential units were omitted then it should, we believe, be possible for the new boilers to be installed alongside, and to the east of, the two historic boilers in the southern part of the building. The cafe/museum area could occupy a larger area to the north that would allow the important steam turbine and associated fittings in the north west of the building to be retained in situ. If those elements are retained then other later engines could potentially be removed without affecting the special interest of

the building. Another benefit of omitting the residential element would be to allow the retention of the former fire station - the room at the north-west corner of the building- which has fittings of some architectural interest and could convert to the 'management office' shown within the exhibition and community space on the proposed plans. The reason for proposed partial demolition of the western addition to the boiler house is not entirely clear and we would encourage the applicants to reconsider its retention and incorporation into the cafe. Generally this building preserves significant elements of historic fabric including the roof structures, wall features/fixtures and door/window joinery. Clarification is needed at this stage as to whether these elements are to be retained within the building's proposed reuse.

We are aware that the omission of four residential units from the building will have financial implications for the applicant but that has to be weighed against the fact that this application proposes a significantly increased number of residential units from the previously approved scheme and therefore offers, we believe, some scope for negotiation. The proposed mixture of uses in this building is a slightly uncomfortable one and there is a strong conservation and operational case for keeping it entirely non-residential to allow a more flexible use of the space.

Recommendation

We would ask that the applicant considers amends the scheme according to the suggestions within this letter and the schedule prepared by the Council's Conservation Officer in order that the special historic interest of this nationally important industrial site can be better preserved and English Heritage can support this application.”

The further views of English Heritage following the submission of amended plans is awaited.

Natural England

Natural England received a 4 page consultation document for the above proposal on 30th July,2007. As you will remember from our previous correspondence the proposal impacts upon protected species. Natural England expects the applicants to have submitted up to date ecological evidence obtained from protected species surveys that we understand were undertaken in 2007. If the information confirms the presence of protected species then we expect a robust method statement and mitigation strategy that protects those species through all stages of the development.”

Health and Safety Executive

To be included on update sheet

Landscape Officer

“Subject to detailed landscape proposals the overall scheme looks good both in terms of ‘soft’ and ‘hard’ landscaping. There are a number of trees that require felling but the reasons for this are well justified.”

Nature Conservation and Reserves Officer

Initial observations:

“Pending any further information from Natural England I am concerned that there is insufficient information on bats to determine the application - see below.

Wildlife reports have been received for the following species:- Bats, otters reptiles, badgers, crayfish and water voles.

There is evidence of other protected species using the site and I recommend that if permission is granted then a condition is made to protect these species, including breeding birds, through the development phase. This should include the need for updated surveys as necessary.

BATS - The submitted ADAS report dated Dec 2006, discussed the need for further survey work to be done in buildings 1-7 between May and August 2007 and further survey of culverts. The results of this work, if carried out, should now be submitted to the LOCAL PLANNING AUTHORITY to inform determination of this application (and an EPS Licence application).

ADAS did emergence survey work in Sept and Oct 2006, expanding earlier survey by Ecosulis; ADAS hibernation survey Jan 2007. ADAS report concluded that Buildings 8-18 are not bat roosts - it should be noted that underground area of Building 8 may be used by hibernating bats.

OTTERS - 2 Surveys in 2006. ADAS survey identified otters use the Back Stream but no holts were identified within this application area. Otters may use the Mill Stream (difficult to survey effectively).

CRAYFISH - Survey Oct 2006. No evidence of crayfish were found.

BADGERS - Surveys Sept and Nov 2006. Badgers use the site but it is considered that there will be no construction work within 30 m of the sett identified on site.

REPTILES - Survey Sept & Oct 2006 1 juvenile found by Tonedale House mitigation discussed.

WATER VOLES - Surveys 2006 and May 2007. No evidence found. (7th August, 2007)

A further bat survey was carried out and report submitted and the further response was received.

“Bats

Further to the submission of results of ADAS survey information on bats two Lesser Horseshoe bat roosts have been confirmed. Mitigation includes the improvement of existing roosts and a new roost in Building 17 (Bat Report Ref)/ Block E. An EPS bat licence will be needed to develop the site Timing of works and specification of the roosts will form part of the MS for the licence application, (the lighting of areas where bats access and exit the roosts must be agreed).

Note: I have asked ADAS for clarification on possible typo on p.10 of bat report.

The other protected species to be considered are:-

Otters - I recommend no night working in areas of Back and Mill Streams. I also advise that the lighting of paths etc adjacent to the streams should be agreed. On advice so far I do not anticipate the need for an otter licence for this site. Badgers - forage in the area and I recommend that all trenches are protected or have a means of escape for badgers. The proposals should not impact on setts to the south of the site Slow worms - there is a small population on site at Tonedale House (ADAS report Dec 06) and a MS detailing their protection through the development should be submitted and agreed Breeding birds - works to clear buildings or shrubs must be done outside the main nesting season unless the LOCAL PLANNING AUTHORITY is satisfied that appropriate checks have been made.

I suggest the following condition:-

The development hereby permitted shall not be commenced until details of a strategy to protect species protected by law and their habitat has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the results of the submitted ADAS survey information detailed in reports on Bats, September 2007; Badgers, December 2006; Otters, June 2007; and Reptiles, December 2006 and shall include:-

- (a) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- (b) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- (c) Measures for the retention and replacement and enhancement of habitat for the species;
- (d) Measures for the long term commitment to the security and maintenance of the agreed habitats. The plan shall include the specification of management of all habitats on site and the means of securing that management;
- (e) Persons responsible for compliance with legal consents relating to bats and otters, including applying for European Protected Species Licences in respect of bats; compliance with planning conditions relating to wildlife conservation: implementation and regular inspection of physical protection measures and monitoring of working practices during construction;

provision of training and information to all construction personnel on site about the conservation significance of the protected species present and the importance of protective measures and practices being employed.

The works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority.

Reason: To secure the necessary ecological mitigation, enhancement and management measures to offset the potential adverse effects of the development hereby permitted, on important wildlife species and habitats, in accordance with Taunton Deane Local Plan Policy EN5.

In addition, after discussion with Ian Clark, I would like to discuss possibility of adding to the condition the submission to the Local Planning Authority of the results of 5 year monitoring of bats (associated with the licence).

Suggested Informative:-

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 activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Bats and otters are European Protected Species within the meaning of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended 2007). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with Regulation 44 (3) (b) of the above regulations.

Natural England requires that the Local Planning Authority must be satisfied that a derogation from the Habitats Directive is justified prior to issuing such a licence." (4 October, 2007)

Rights of Way Officer

No observations to make.

Conservation Officer

Views awaited.

Environmental Health Officer

Noise

It is noted that the application is for a mixed residential and commercial use. The plan of the site does show that most of the commercial units are at the northern (Milverton Road) end of the site. However, there are some areas where the commercial and residential units are adjacent, or part of the same

block. Therefore, there is the potential for noise from the commercial units to disturb future residents.

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

(I have attached some suggested conditions)

Contaminated Land

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

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

NOISE CONDITIONS

Noise Levels

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

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

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this

permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Noise From Deliveries

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

Noise Note (Construction Noise)

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

CONTAMINATED LAND

Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:

- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations.
- (b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action.
- (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site.
- (e) Submission to the Planning Authority of 2 copies of the Consultants Written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the

remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.

- (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority.
- (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority.
- (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance.
- (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

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

Note to Applicant

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

Drainage Officer

I note that it is predicted that this development will nominally reduce the areas of impermeable paving thereby meeting PPS25 requirements that surface water run off rates are not increased. I also note that it is proposed to install soakaways to deal with run off from car park 7. Notwithstanding this, Part H of the Building Regulations 2000 encourages the use of sustainable drainage systems (SuDs) for surface water disposal. I therefore enclose a copy of Guidance Notes for Developers on Surface Water Issues - Somerset Version

and would advocate that the provision of sustainable drainage techniques be investigated further and made a condition of any approval given.

Housing Officer

The Housing Officer welcomes this new application and would require 25% of the total number of residential units for affordable house. This is based on the need in the area and the registered need in Wellington itself. The 25% should cater for a mix of 50% social rented homes through a registered social landlord, 25% affordable shared ownership homes and 25% low cost outright purchase valued at 40% below market value with the low cost held in perpetuity with nominations initially coming from Taunton Deane Borough Council.

Asset Holdings Manager

Concur with the figures and conclusions contained in the latest Financial Viability Report. The provision of 12 reduced cost housing units together with a contribution of £200,000 to off-site affordable housing is in my view the best that the Council could hope to achieve through a Section 106 Agreement. Clearly, the provision of affordable housing units on site is not a financially viable proposition and this is consistent with any thoughts when I considered a previous Financial Viability Report for Tonedale Mill in April 2005.

Leisure & Development Manager

The application has not made provision for either play or active recreation on the site. If possible on-site play provision for young children should be made. Play provision for older children and for active recreation is acceptable as an off-site contribution. The off-site contributions are £1,023.00 per dwelling for active recreation and £1,428.00 per 2 bed+ dwelling for older children and young peoples' play (£357.00 for young children's play).

Arts Officer

The application indicates sensitive redesign on these buildings. However, considering that TDBC has now adopted a public art and design policy as far as I am aware, no artist has been contracted to develop this scheme, neither has the percent for art been requested towards public realm improvements.

Forward Plan

Policy W2 of the Taunton Deane Local Plan sets out a number of specific criteria relating to the regeneration of the Tonedale Mill site.

In general terms the proposal appears to be in conformity with the overall objective of maximising the re-use of existing buildings and minimising the amount of demolition, although in this respect English Heritage and the conservation officer need to be satisfied.

I am please to see that a greater amount of space is proposed for employment and commercial activities than in the scheme approved previously. Also, the inclusion of a café and small-scale convenience store, are welcomed, as is the inclusion of a limited amount of affordable housing.

A scheme of flood mitigation will need to be agreed and implemented in accordance with the Environment Agency's requirements, and appropriate provision will also need to be made for important wildlife assets on the site.

Subject to the financial viability appraisal being accepted as demonstrating the need for the mix of uses proposed, any demolition required, and any reductions in the normal levels of provision of (or contributions towards) affordable housing, recreation

TOWN COUNCIL

In favour subject to further constraints of the operation of the proposal convenience store and its signage and the potential to accommodate additional visitor parking.

43/2007/093LB

Somerset Industrial Archaeological Society (Transfer of Items)

As you are aware from the SIAS submission to the application, the society has drawn particular attention to items in the Boiler House Complex, has suggested that further assessments should be made and proposed that a select sample should form part of the site's historical exhibition space.

SIAS is therefore disappointed that the industrial heritage of Somerset and more particularly that of Tonedale should be deprived of these artefacts and fittings. In arriving at our judgement on this issue we observe that

- (a) These items have been recognised as being of significance to organisations involved in heritage protection.
- (b) The organisations have official status which is in accordance with the SIAS recommendation of an ethical disposal policy.
- (c) Had the items been removed from their present locations to the historical exhibition space they would have remained on static display. The removal to these museums provides an opportunity for restoration to working condition.
- (d) The items have been recorded as part of the photographic register being compiled by Exeter Archaeology.

SIAS would therefore have no objection in principle to the transfer of these items from Wellington to Tanygroes and Uffculme. The only proviso SIAS would make is that this transference does not contravene planning legislation as interpreted by officers of Taunton Deane Borough Council, Somerset Heritage Services and English Heritage."

Garden History Society

No comment to make

The Georgian Group

“Thank you for consulting the Georgian Group on an application for listed building consent for works to the former mill buildings at Tonedale Business Park. These works are part of a wide scheme for the conversion and redevelopment of the site to mixed residential and commercial use. The Group visited the site and commented on a similar scheme in November 2004.

We have not been able to consider the full extent of the existing scheme and we therefore do not wish at this stage to offer detailed comments on this application. However we understand that the current scheme is generally similar to the earlier scheme which we commented on. As such we would like to extend those views and comments to the existing application.

Furthermore we recommend that the detailed advice that has been offered by English Heritage and by your Conservation Officer in respect of the current application be accepted and that amendments be made in light of these comments.”

9.0 **REPRESENTATIONS**

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

1. Should take account of proposed lighting scheme as light pollution is becoming more of a nuisance as the town expands, impacting outlying villages at night. Light fittings should be designed to reduce light emitting upwards, pointing lighting properly and directing it downwards. Unnecessary lighting should be switched off. Light pollution can impact on wildlife in a number of ways and disrupt tree and plant habits. Unnecessary and ill directed light is also a waste of energy.
2. Increase in traffic along Milverton Road - it is very busy at present and the traffic very fast moving along this stretch. Speed should be reduced to 20 mph.
3. Roads will become congested as inadequate car parking proposed.
4. Appropriate pedestrian crossing facilities should be included.
5. Concern at convenience store - will bring general disturbance in the form of parking and the congregation of its patrons and its associated problems. It is unnecessary as we already have perfectly good shop

nearby. If there is a need for a store, it should be more centrally located in association with the cafe and museum.

6. Car parking areas should be provided for contractors first, to prevent congestion on existing roads.
7. Access to some of car parking areas too close to junction of Millstream Gardens and Milverton Road.

One letter of representation has been received raising the following issues:-

No objection with certain provisos - the area is in such need of regeneration.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposal comply with the relevant Local Plan Policies? POLICY
- B. Is the proposed access to the site and parking arrangements acceptable? ACCESS AND PARKING
- C. The constraints that work against a continuation of the existing pattern of use and under-use? CONSTRAINTS
- D. The possibility of a viable scheme for the site? VIABILITY
- E. Does the proposed development make adequate provision for affordable housing AFFORDABLE HOUSING
- F. Does the proposed development make adequate provision for other contributions towards off-site works, such as highways and recreation? OTHER OFF-SITE CONTRIBUTIONS
- G. Are adequate surface water drainage and flood mitigation measures incorporated in the proposed development? SURFACE WATER DRAINAGE AND FLOODING
- H. Have appropriate measures been included in the proposal to protect wildlife interests? WILDLIFE
- I. Is adequate commercial floorspace being provided as part of this mixed use development? COMMERCIAL USES
- J. Do the proposed conversion works respect the character of the buildings? IMPACT ON CHARACTER
- K. Is the extent of demolition of buildings appropriate? DEMOLITION
- L. Will the proposal have a detrimental impact on the amenity of occupiers of nearby dwellings? IMPACT ON RESIDENTIAL AMENITY

M. Is the proposal sustainable? SUSTAINABILITY

N. OTHER ISSUES

A. Policy

The most relevant policies in the Taunton Deane Local Plan is Policy W2, which is specifically concerned with the Tonedale Mill site. This policy provides guidance which seeks to strike a balance between the conservation of the site's important heritage and encouragement of appropriate development proposals. It proposes a mixed use development subject to various criterion being met. Policy H1 of the same Plan has an allocation of 150 dwellings for the site.

It is clear that the proposed development provides residential units at a greater density than that previously envisaged for the site. However, the supporting text to Policy W2 recognises that any residential development on the site will need to be of a high density. The proposed density on the site will be approximately 50 dwellings per hectare, which is considered to be appropriate, particularly in the light of minimum density expressed in national policy guidance.

Policy H2 states that housing developments and conversions of a substantial scale should provide a reasonable mix and balance of housing types, particularly low-cost housing types. The increased provision of smaller one and two bed units will provide more lower cost housing units compared to the previously approved scheme.

The proposed mixed use development of the site will provide on-site amenities for residents of the development and will also offer a range of employment opportunities within the boundary of the site. The provision of the cafe and convenience store in particular will provide facilities within walking distance of the residential area, thereby reducing the reliance on the private car for shorter journeys.

Policy EC9 of the Taunton Deane Local Plan indicates that proposals for the loss of employment uses will not be permitted unless the overall benefit of proposals outweigh the harm caused by the loss of the use. I consider that the proposed scheme, which does involve loss of employment floor space, provides for the regeneration and renovation of this historic site, resulting in significant benefits for the long term future of the site and the wider community. It is also recognised within Policy W2 that in view of the high costs required to renovate the listed buildings on the site, the use of the site entirely for employment purposes is unlikely to be viable. Furthermore, the previous permission accepted the principle of a loss of a proportion (higher) of commercial uses.

Policy EC11 supports the provision of individual shops outside the main town centres of Taunton and Wellington, provided that there is no adverse impact

upon the vitality and viability of defined local centres. It is not considered that the proposed convenience store will have any such impact. Competition with the existing nearby convenience shop is not a planning issue.

B. Access and Parking

Millstream Gardens provides the access to the site. The Transportation Report submitted with the application indicated that the existing Milverton Road/Millstream Gardens junction has adequate capacity to accommodate the proposed development.

At present Millstream Gardens suffers from uncontrolled on-street parking. A hard landscaping scheme is proposed, which will formalise the parking whilst having the benefit of tidying up the streetscape. It is proposed that roadside parking spaces are formalised by creating kerb build-outs, with tree planting accommodated within the build-out where possible. Lighting columns will be replaced with units of a more sympathetic nature to the existing buildings.

The on site highways will remain in the ownership of the developer and will be maintained by a management company. The proposals are sympathetic to the existing buildings in that they retain existing paving materials for re-use where possible. They are also designed with the principles of the new Department of Transport design guide "Manual for Streets" firmly in mind in that they are designed to firstly complement the buildings in creating a 'sense of place' rather than designed solely for the needs of car users. To this end, there are no kerbs, highway signage or road markings proposed.

Sustainable transport policies aim to minimise the need for car parking and seek parking requirements as maxima. Car parking provision for the employment uses on the site is provided within two parking areas at the eastern end of the site, totalling 72 spaces.

The proposed development allocates 275 car parking spaces for the 223 residential properties, which equates to a ratio of 1.23 spaces per household. The maximum parking provision for residential properties is stated at a ratio of 1.5 per dwelling within Policy M4 of the Taunton Deane Local Plan, although the policy indicates that a significant reduction in the maximum parking provision is expected in cases of conversion. A further nine car parking spaces will be provided for visitors. A management require is to be established by the applicant to regulate the overall operation of the site. In this regard there will be significant spare car parking capacity within the commercial car parking areas at weekends which can accommodate visitor parking.

Then proposed development will also include provision for traffic calming and the marking out of 16 new car parking spaces along Millstream Gardens. These spaces have not been included in the parking provision calculations as they are not directly allocated for the site itself.

The County Highway Authority do not raise objection to the principle of the development. The detailed points raised will be agreed with the County Highway Authority during the Section 38/278 process under the Highways Act.

C. Constraints

- (a) The majority of the space within the buildings is vacant. Even where the buildings are occupied, the uses are often low intensity at very low rental levels. The uses have tended to reflect the very poor condition of both the buildings and the infrastructure (roads, parking areas, services, etc.) and the lack of even basic amenities (toilets, kitchens, etc.) within the industrial buildings.
- (b) The susceptibility of the lower (western) section of the site to flooding.
- (c) The listed status of the buildings and the restriction this places on the level of demolition and alteration that will be acceptable.
- (d) The density and close proximity of the existing buildings, particularly on the lower part of the site.
- (e) The presence of asbestos and other contaminants, the remediation of which imposes an additional cost on any development.

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

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

D. Viability

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

This Financial Viability Report is available for inspection by Members of the Committee.

The proposed development is for a high-quality, mixed use scheme, with a high proportion of residential units. The applicants advisors see this approach to be the only way in which this important complex of listed buildings can be restored and given a viable long-term future.

Within the constraints set out above, although the proposed development is considered to be viable, it shows a low return for a scheme of this nature and risk significantly below industry standard. The scheme cannot therefore afford a reduction in the numbers and type of accommodation offered, the provision of further on-site affordable accommodation or further off-site and other contributions.

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

E. Affordable Housing

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

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

The previous planning permission included a requirement, through a Section 106 Agreement, for a contribution to off-site affordable housing of £200,000. It is proposed that this contribution will remain, with the additional provision of eight reduced cost-housing units offered at 75% of their open market value. This will be secured through the recommended Section 106 Agreement.

Specialist advice to the applicant on the residential element of the scheme indicates that the provision of on-site affordable housing in accordance with Policy W2 will have a significant negative impact on values. This is in terms of both the sale value of the affordable units to a Registered Social Landlord (RSL) and the loss of value of the private units due to the proximity of affordable housing.

The Financial Viability Report demonstrates that if affordable housing is provided on site, the scheme shows significant deficit and it becomes unviable.

F. Other Off-site Contributions

As set out in the previous two sections of this Report, there are high costs involved in developing this site and securing the future of the listed buildings on the site. Any requirement to provide contributions to other off site works will reduce the viability of the scheme. Contributions have been sought by consultees towards highways and leisure. These could only be achieved by increasing the number of dwellings at the expense of commercial. Against the background of a number of the buildings being currently occupied by commercial tenants, additional displacement of these is not considered appropriate. It is also of paramount importance that a viable scheme is brought forward to ensure the future of this significant complex of buildings. I consider that the current scheme will ensure this takes place.

G. Surface Water Drainage and Flooding

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

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

Surface water drainage is designed on the basis that all run-off is discharged direct to the watercourses, using existing outfalls where possible. This reflects the existing situation. In terms of Sustainable Drainage (SuDs) principles, ground conditions on the site mean that it is not suitable for infiltration drainage and the Flood Alleviation Scheme provided in tandem with this development provides attenuation for flood waters. The provision of

gardens to some blocks will help to balance the increase in impermeable area taken by the proposed car parks.

At the time of compiling this Report, the Environment Agency's holding objection remains in place. On-going discussions are continuing with the applicant's consultants and the Environment Agency with a view to resolving the outstanding issues.

H. Wildlife

The site has considerable wildlife interest, including the presence of protected species.

Policy W2 of the Taunton Deane Local Plan, which is specific to the application site, highlights the wildlife considerations for the development of the site and requires that before any development takes place a wildlife survey of the site should be carried out and a scheme agreed to ensure that satisfactory measures are taken to protect lesser horseshoe bats, badgers, tawny owls and other wildlife. As a result, a condition was attached to the previous planning permission seeking wildlife surveys, an assessment of impact and proposed mitigation and avoidance measures.

All the required surveys have now been carried out and Reports submitted, with the following conclusions:-

Crayfish - none found, therefore no mitigation proposed.

Water Voles - none found, therefore no mitigation proposed.

Great Crested Newts - none found in ponds within 500 m, therefore no mitigation proposed

Otters - found throughout Back Stream. Two potential holts found in flood alleviation area. Two artificial holts will be built (this areas is outside the current application site). No holts or nesting places present in section of Back Stream passing through the current site, so no mitigation proposed for this section.

Reptiles - one juvenile slow-worm and grass snake in the flood alleviation area north of the railway (not relevant to this application). These will be translocated. The area of the proposed car park 7 will be re-surveyed prior to works starting because the area has grown up with scrub and may now be unsuitable for reptiles. A Reptile Mitigation Report has been submitted.

Bats - various bat surveys have been carried out. Lesser horseshoe bats are present in Blocks H and J. Mitigation will include:-

- an extra bat roost created in Block E;
- alteration of the roost, but retention of the bats in Block H;

- improvement of the roost in Block J by creating new access, limiting current disturbance by the roost by the occupants and internal baffling to create more suitable dark areas.

Bats are not present in Blocks A - G and therefore no mitigation is proposed for works to these buildings. A new bat roost has been designed into a suitable position in Block E as pre-emptive mitigation for bats in Block H.

Badgers - one sett present on the railway line between the mill and the flood alleviation area. This sett is more than 30 m from the proposed works and therefore will not be affected by the development proposals.

I. Commercial Uses

The site currently comprises a total of 22,480 sq m of commercial floor space. The current proposal, as with the previously approved scheme, will result in the loss of some of this employment space, in favour of residential. The current commercial units on the site fall well below modern standards, thereby reducing their marketability to new users. The proposed renovation of these buildings will provide updated and high quality business units, predominately in Block J, whilst retaining their historic character.

The current scheme proposes to retain a gross floor space of 5,539 sq m in B1, B2 and B8 employment uses. This compares with 3,040 in the extant permission. When the previous scheme was being considered only 5,360sqm (24%) of the total floor space was occupied. Many of the existing units on the site are still unoccupied; however those users who wish to remain on the site will be accommodated within the allocated commercial blocks on the site.

The recommended Section 106 Agreement requires a Phasing Plan to be prepared incorporating a programme of restoration of the retained employment buildings to ensure that as far as is practical, refurbished premises are available for existing tenants who have expressed a wish to remain at Tonedale Mill.

A café is proposed, between the residential and employment areas of the site. The café will provide a service not only to those working or living on the site, but to the wider community. A historical interpretation and community space area is to be provided within the café building, to provide information and interpretation on the history of the mill and its importance to the development of the town of Wellington.

Provision is made for a number of artisan studios/workshops, providing smaller units. The siting of these units in Block G, near to the café aims to encourage users of the café to visit the artisan workshops and view the crafts being undertaken.

A local convenience retail unit is proposed within part of the main commercial building, Block J. The unit will provide a valuable service for the commercial

units, the new residential units and existing dwellings in the immediate vicinity. The shop has been positioned to increase its visibility from the road to ensure that it is also used by the wider local community. The provision of the store will help to reduce the need for small car journeys and therefore meets with sustainability objectives.

J. Impact on Character

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

The general approach of the proposed development of the site is to retain as many of the buildings as possible, although some demolition has been necessary for a variety of reasons. Also, the aim has been to minimise external alterations to the buildings. For some of the buildings, it has been considered appropriate to adopt a 'restoration' approach to their external appearance, removing damaging alterations and extensions and reinstating the former appearance. For other buildings, the pattern of previous alterations is retained and further alterations that are necessary for the development are proposed as clearly identifiable interventions. With new openings or where existing openings are to be altered, the proposal is that the alteration would be designed in such a way that it would be clear that an intervention has occurred. Similarly, where original openings cannot be used, the approach has been to block or alter them in such a way that their original form can be clearly identified.

The existing buildings obviously have a very industrial style to the architecture. The proposals embrace the industrial heritage of the site and provide design solutions which are as undomesticated as possible so that the site maintains its industrial character. It is intended to provide a subtle uniformity to the site by staining all external timber such as windows, barge boards, etc. in the same colour and by using the same rainwater goods throughout the site. The new build element in Block D will be a modern contemporary industrial style building, which will be obvious that it is from the 21st century whilst blending with the current concept of the site at the present time.

The amended plans address the concerns initially raised by English Heritage with regard to Block F (the former boiler house). Of particular interest in this part of the building is the internal structure supporting the two in situ Lancashire boilers. These are early replacements of the original boilers. They are unusually well preserved, complete with most of their attachments, the flue control mechanisms and the automatic coal and oil feed mechanisms. The survival of a boiler house with this level of detail is highly unusual.

The amended plans provide for the retention of the two historic boilers in the southern part of the building, together with the retention of associated plant and steam turbine. The existing chimney is to be re-used and the former fire

station is retained. The plans still provide for the partial demolition of the southern addition to the boiler house as was also approved on the previous scheme. The structural reports and PPG15 justification report confirm that this structure is completely beyond repair. Furthermore, its removal facilitates important pedestrian permeability of the site from east to west.

Various items of industrial archaeological interests contained within various buildings are to be carefully removed and transferred to other suitable locations. A schedule of these has been agreed with the County Archaeologist and Somerset Industrial Archaeological Society.

The approach to the roads and other spaces around the buildings is to retain the hard, industrial character of the site. As a result, external spaces are proposed to be predominantly hard paved.

The signage shown on the submitted plans is for illustrative purposes only and as and when an operator is identified, then it will be necessary to submit the appropriate advertisement consent application at that time.

K. Demolition

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

L. Impact on Residential Amenity

It is inevitable that there will be some adverse impact on the amenity of occupiers of nearby dwellings, in particular Tonedale House and properties in Millstream Gardens. The development will result in additional traffic passing along Millstream Gardens to access the site, when compared to existing flows. However, the site and buildings are currently underutilised and have the potential to generate considerably more traffic, particularly heavy goods and other commercial vehicle, if they remain in their current industrial use. Also the impact of greater housing use generally is likely to be less than intensified industrial use. Also if the site were to intensify its existing commercial use without recourse to planning control there would be implications in terms of increased parking demands. The parking provision is comparable with the ratio in the previously approved scheme and is in compliance with the current policies.

The impact of the proposal on residential properties has to be balanced against the overriding aim of securing the long term beneficial use of this important complex of listed buildings.

Some concern has been expressed by residents in regard to the proposed convenience store and the potential for improper use of the proposed commercial car parking areas at the eastern end of the complex. However, I do not consider that there is likely to be such a serious amenity issue to justify a revision to the scheme in this respect.

There is some element of overlooking from the southern elevation of Block H, which has outlook into the garden area of Tonedale House. This elevation contains windows which currently allows direct views into the garden of Tonedale House. In commercial use under the existing established use of the building, these windows cannot be controlled and overlooking can occur uninhibited. The proposed use of this section of Block H is residential. The internal layouts have been devised to provide for bedroom areas to be mainly at the northern elevation in order to protect the intended occupiers from noise and disturbance associated with the commercial activities of Tonedale House. The living areas have been provided at the southern elevation and will be lit by the subject windows. It is proposed to fit the windows with obscure glass to head height and thereafter provide a clear glass band incorporating the high level fan lights. With this treatment, the issue of overlooking and loss of privacy is mitigated to an acceptable degree.

The northern elevation of Block E contains a number of large arched windows spanning across the ground and part of the first floor. These windows directly face the south elevation of Block C which also contains a number of windows. Both blocks are proposed for residential use and the distance between elevations is only 5.3 m. The space between the buildings is proposed to accommodate rear amenity space to Block C and a 1 m wide walkway. The boundary between the intended walkway and the rear of the amenity space is proposed to be formed by a 1.5 m high brick wall. Whilst this in itself will provide a degree of privacy, it is proposed to fit the relevant windows to Block E with obscure glass to eliminate any possibility of overlooking.

M. Sustainability

The site is in a sustainable location within the settlement limits of Wellington, and as such, the principle of the proposal conforms to the main thrust of PPS1.

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

The developer is agreeable to offering free bus passes for travel to Taunton for residents of the development for the first year of occupation. This will help to encourage suitable travel to the site.

A central boiler will provide heating for the sites hot water system, with a supplementary gas fired boiler provided. The proposed central boiler system will re-utilise the large industrial chimney on the site.

Whilst there is such cost and difficulty involved in providing insulation and energy saving measures to the listed buildings without intrusive intervention to the fabric of the buildings, the potential to provide the highest quality thermal values is being pursued. Where real environmental gain can be achieved is with the new build element of these units proposed at Block D. Here it is intended to achieve the very highest standards of sustainable construction and limit the CO2 footprint to a minimum in line with the Eco-Homes Excellent standard, now known as Level 4 as set out in the Code for Sustainable Homes issued by the Department for Community and Local Government.

N. Other Issues

Foul drainage is designed to discharge to the Wessex Water combined sewer situated in the field to the west of Block D. A new pumping station is being provided on-site to enable this.

There are a number of trees throughout the site. In order to fully access their health and significance and to guide the landscape master plan, a detailed Arboricultural Report was commissioned and submitted with the application.

An Environmental Assessment of the site has been carried out to address contamination on the site – both within the buildings and in the external areas. Remediation options have been produced.

11.0 CONCLUSION

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

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

The Financial Appraisal Report makes it clear that even with the relatively large scale of housing proposed; the scheme has problems from a viability

prospect. It is considered of paramount importance that the long-term future of this complex of historically important buildings is secured. Although contributions towards affordable housing, recreation and transport are sought, in the circumstances it is considered appropriate that other than some contribution towards affordable housing, these requirements are waived.

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

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

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

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

CONTACT OFFICER: Mr J Hamer Tel: 356461

21/2007/017

J FAWLETT ESQ

CONVERSION OF BARN TO FOUR DWELLINGS WITH DEMOLITION OF AGRICULTURAL BUILDINGS AND FORMATION OF CAR PORTS, MIDDLE CHILPLEY FARM, LANGFORD BUDVILLE AS AMENDED BY LETTER DATED 30TH JULY, 2007 WITH ACCOMPANYING DRAWING NO. 207.17/006, FOLLOW UP SURVEY FOR BATS AND BIRDS DATED AUGUST 2007 AND RECEIVED ON 23RD AUGUST, 2007 AND LETTER DATED 4TH OCTOBER, 2007 WITH AMENDED AND ADDITIONAL DRAWING NOS. 207.17/003A, 004A, 005B AND 007

311523/123616

FULL

PROPOSAL

The proposal provides for the conversion of an existing barn into 4 dwellings together with the demolition of modern agricultural buildings and the formation of car ports. The application is accompanied by a structural survey, wildlife reports and a design & access statement. The proposal provides for 3 four bed houses and 1 three bed house. The existing access point is to be used. The building is listed by virtue of curtilage. The structural report submitted with the application concludes that the main walls of the building are generally sound and show no problems with their foundations. There is an extant permission granted in July 2005 for the conversion of the building to 2 dwellings.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site lies outside the settlement limits, therefore it must be a planning matter as to whether or not the barn is suitable for conversion and that any overriding need outweighs the policy guidance that seeks to reduce the reliance on the private car. Visibility at the site entrance should be improved. If a need is established and planning permission is granted, would recommend conditions with regard to surfacing of drive, parking, visibility splays (90m to the north and 45m to the south), entrance gates set back, no discharge of surface water onto highway and gradient. Satisfied with the parking / turning layout submitted.

NATURAL ENGLAND wildlife survey/report out of date.

NATURE CONSERVATION OFFICER the submitted report identifies the site as an important site for a range of bats. Access for this range of species will need to be incorporated in the converted building and a new bat loft created according to the report recommendations. A European Protected Species Licence will be required. The location of these will have to be agreed with Natural England as part of the licence application, but advise that the Conservation Officer is consulted before the EPS application is submitted. Suggests conditions with regard to bats and swallows.

ENVIRONMENTAL HEALTH OFFICER recommends contaminated land remediation condition.

DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365. Percolation tests should be carried out to ascertain the required length of sub surface irrigation drainage.

LANGFORD BUDVILLE PARISH COUNCIL strongly object. Supported the original application for two dwellings but feel that four dwellings is overdevelopment of the site. Concern over traffic flow in the area. Building does not lend itself to 4 units. Imposing on neighbouring properties.

NYNEHEAD PARISH COUNCIL (adjoining parish) no objection.

FOUR LETTERS OF OBJECTION have been received raising the following issues:- four units is an inappropriate and excessive intensity for this area and two units would be more suitable and sustainable in this small hamlet, given traffic and safety concerns; culvert passes through property; asbestos roofing on the building; area of proposed gardens regularly floods when there is heavy rainfall; assume 'potato shed' will be retained and suitably restored; no mention of removal of lean-to on eastern end of building; access would need to be assured to water main; overlooking from one of gardens into adjacent property; need to ensure right of access for maintenance of adjacent property; boundaries and building works should be in keeping with the adjacent listed building; increase in traffic; may affect water pressure nearby; no pavement in area; increased noise will inflict stress and intrusion on the houses around.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 on sustainable development is relevant. Part of this policy requires the development of a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking. The County Highway Authority considers that the proposal would clearly foster a growth in the need to travel and is therefore unsustainable in terms of transport policy. I consider that the economic benefits of the development in terms of diversification in the rural economy and the retention of the building outweigh the sustainability concerns of the Highway Authority.

Taunton Deane Local Plan Policy S1 sets out general requirements for new developments. Policy H9 of the same plan states that outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless certain criteria are met. It is considered that the relevant criteria are met with the proposal.

ASSESSMENT

The proposed layout has been designed to make the best possible use of the existing openings. Existing infilled openings are to be opened up and re-used in their original proportions. Some new openings are proposed, but these have been

restricted in number. With the submitted amended plans it is not considered that the proposed conversion works will have an adverse effect on the setting of the adjacent listed building. The buildings are of traditional character and meet with the criteria of the Council's barn conversions policies. Given the previous use of the access as a farm access, I consider that the visibility splays requested by the County Highway Authority are inappropriate to the character of this rural lane and the setting of the listed building. It is not considered that there would be any significant overlooking of the adjacent residential property to justify refusal of the application.

RECOMMENDATION

Subject to the receipt of amended plans incorporating bat mitigation measures and the further views of the Nature Conservation Officer and Natural England, the Development Manager in consultation with the Chair/Vice Chair be authorised to determine permission be GRANTED subject to conditions of time limit, percolation tests, materials, rainwater goods, landscaping (hard and soft), retention/protection of existing trees, no service trenches beneath tree canopies, no felling/lopping, boundary treatment, parking, meter boxes, schedule of works, timber doors/windows, removal of GPDO rights for extensions, ancillary buildings, doors/windows, and walls/fences, hard surfacing of access for 1st 10 m, no discharge of surface water onto highway, access gradient, contamination investigation, removal of modern agricultural buildings, swallows, bats and further wildlife survey. Notes re conversions letter, future extensions unlikely, disabled access, energy/water efficiency, meter boxes, CDM Regulations, Listed Building Consent, contamination, consent to discharge, soakaways and wildlife.

REASON(S) FOR RECOMMENDATION:- The Local Planning Authority considers that the proposed development complies with Taunton Deane Local Plan Policy S1 and the criteria contained in Policy H7.

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:

21/2007/018LB

J FAWLETT ESQ

CONVERSION OF BARN INTO FOUR DWELLINGS, MIDDLE CHIPLEY, LANGFORD BUDVILLE AS AMENDED BY LETTER DATED 4TH OCTOBER,2007 WITH AMENDED AND ADDITIONAL DRAWING NOS. 207.17/003A, 004A, 005B AND 007

311523/123616

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The proposal provides for the conversion of an existing barn into 4 dwellings together with the demolition of modern agricultural buildings and the formation of car ports. The application is accompanied by a PPG 15 background statement. The proposal provides for 3 four bed houses and 1 three bed house. The building is listed by virtue of curtilage. The structural report submitted with the application concludes that the main walls of the building are generally sound and show no problems with their foundations. There is an extant consent granted in July 2005 for the conversion of the building to 2 dwellings. See also previous item.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER no objection to amended plans subject to conditions.

POLICY CONTEXT

Taunton Deane Local Plan Policy EN17 states that the change of use, alteration, conversion or extension of a listed building will not be permitted unless certain criteria are met. It is considered that the criteria are met with the current proposal.

ASSESSMENT

With the submitted amended plans it is not considered that the proposed conversion works will have an adverse effect on the setting of the adjacent listed building. The proposal will leave the remaining character and appearance of the barn unharmed.

RECOMMENDATION

Subject to the receipt of amended plans incorporation bat mitigation measures and the further views of the Conservation Officer, the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and consent be GRANTED subject to conditions of time limit, materials, sample slate, schedule of structural works and repairs, details of roof venting and specific details. Note re planning permission.

REASON(S) FOR RECOMMENDATION:- It is considered that the proposal complies with Taunton Deane Local Plan Policies EN16 and EN17 in that the

proposal will not have an adverse impact on the character and appearance of the building and its surroundings.

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:

38/2007/334

MCCARTHY & STONE ASSISTED LIVING

REDEVELOPMENT TO FORM 46 "ASSISTED LIVING" APARTMENTS FOR THE FRAIL ELDERLY, INCLUDING STAFF ACCOMMODATION, COMMUNAL FACILITIES, WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT NOS. 2,4 AND KELLS,COMPASS HILL, TAUNTON AS AMENDED BY AGENT'S LETTER DATED 16TH JULY, 2007 AND DRAWING NO. 6455/02 REV A AND AGENT'S LETTER DATED 2ND OCTOBER, 2007 AND ACCOMPANYING DRAWINGS NOS. 5095/PO1-PO7.

322172/124284

FULL

PROPOSAL

Permission was refused in December 2005 for the redevelopment of Nos. 2 and 4 Compass Hill to provide 48 sheltered housing apartments for the elderly with community amenity space, car parking (10 spaces) and access. The application was refused on the basis that the Council was not satisfied on the basis of the evidence submitted that the limited level of parking would not give rise to highway danger on the adjacent Class 1 road, and because it was considered that the proposed development represented overdevelopment of the site out of keeping with the character and general scale of development in the area and would result in a loss of privacy for the neighbouring occupier to the north west (a property known as Kells). An appeal was subsequently dismissed. The Inspector upheld the second reason for refusal (overdevelopment and loss of privacy), but did not uphold the first reason relating to the parking provision.

This site comprises the previous site but also now includes the site of Kells. The proposal is now for 44 Assisted Living apartments for the frail elderly, including staff accommodation, communal facilities, associated car parking (15 spaces identified, plus a covered store for buggies) and landscaping. The development will be occupied by the frail elderly with a minimum age of 60 (spouse of 55). The applicant has strict criteria regarding the sustainability of the location of their developments with regard to public transport, shops and services. Sites generally require a location within an urban area, on a main road, close to a Town Centre. The scheme requires to be operated as one building, provide disabled access and 24 hour Manager Care Staff.

The application included a:- Design and Access Statement, Planning Statement, Report of Highway Issues, Report on the Pre-application Consultation, Ecological Scoping Survey and Bat Survey.

Prior to the submission of the application a public consultation exhibition was held by the applicants on 10/5/07. 40 people attended. Most of the comments on the day related to the mass of development - in particular the rear wing. Some people in Osborne Way thought it was too close, and some were concerned about access. Following the exhibition, 17 written comments were received. 2 supporters, 5

supporters with reservations, 8 objectors and 2 undecided. (Note - these figures differ from other figures given by the applicants in a different Statement submitted with the application which state that only 11 comment forms were received)

The Planning Officer had a meeting and also expressed concerns over the rear wing and suggested it be reduced.

Following the earlier pre-application consultations, the scheme was revised. The number of apartments were reduced from 51 to 46 and the average distance of buildings to Osborne Way increased from 15 m to 22 m. (This compares with the previous scheme where the distance had been approximately 10 m).

The site has an area of 0.6 hectare(1.42 acres) and has a slope upwards from north-west to south-east. There is a fall of some 6 metres across the site which allows a lower ground floor level to be introduced at the northern end halfway across the site. The site is currently occupied by 3 2-storey detached dwellings set in large gardens.

The main part of the proposed building will face towards Compass Hill and will be mostly 3-storey with a central 4-storey block. A lower 3-storey wing on the northern end of the site also facing towards Compass Hill will be set back some 8 and a half metres behind the forward block. The scheme has been amended to reduce the rear part of this block (where it faces towards Osborne Way) to 2-storeys. A rear wing runs at right angles behind the frontage block, facing towards the rear of properties which face Osborne Way. This wing is part 3-storey and part 4-storey.

A Tree Protection Plan was submitted. There are 7 trees with a Tree Preservation Order on the site. One of these in the centre of the site will be removed. The remaining 6 will be protected during construction. Several other trees on the site which are not subject to a TPO will be retained and the applicant has advised that new planting will be undertaken.

Vehicular access will be operated on an in and out system. Entrance is gained from an upgraded existing site entrance to no. 4 Compass Hill. The exit is located further down the road frontage near the access point to Kells (and no.2 Compass Hill). A separate pedestrian access to shops will emerge to the north of the vehicle exit, with a buggy lane in between. The car parking provision of 15 spaces has been based on a survey conducted by the applicant on 6 similar schemes in other parts of the country and equates to 1 space per 3 apartments.

Materials will be Ibstock bricks (Mercia Orange Multi,Antique Red,Brunswick Autumn),and off white render to main façade panels, with Redland Cambrian Slates Grey for the main roofs.

Since the original submission, amended plans have been received which show the following changes:

2 apartments (23 and 24) have been removed. This reduces the height of part of the rear wing from 3 storeys to 2 storeys.

2.Windows on the gable end of the south-east elevation and a patio door to a flat roofed terrace facing towards 5, Compass Rise have been removed.

3.Windows on the rear elevation (south-west) to apartments 20 and 37 and a stairwell at 3rd and 4th storey height facing towards Osborne Way have been removed. One window in each floor remains in this elevation. These serve a corridor and are required by building and fire regulations, but will be obscure glazed.

4.Applicant confirmed that minor alterations requested by the Highway Officer are acceptable and suggested they be conditioned.

Following these amendments, the scheme now relates to 44 apartments.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY The scheme is similar in access layout to the previous scheme(as amended). That application proposed 10 parking spaces compared to the current proposal for 15 spaces. However the site is now expanded to include Kells and a "Report of Highway Issues" has been provided. In consideration of the current application compared to the previous it would be unreasonable to object to the proposed increase in parking provision. To make the design acceptable - recommends 1)The inclusion of a pedestrian guard rail on the central island as recommended with the previous application and 2) A realignment of the exit to allow vehicles to wait "square" with the main road. If permission is granted, recommends conditions. COUNTY ARCHAEOLOGIST no objections. WESSEX WATER a public sewer crosses the site. No new building allowed within 3m of it. If this is a problem, diversion can be discussed. There is sufficient spare capacity to serve this site. Surface Water Drainage - Sewerage system is combined in this area. Surface water may be discharged to the same sewer as the foul connection but applicant is asked to investigate other possibilities. Sewage Treatment The sewage treatment works and terminal pumping station has sufficient capacity to accept the extra flows which will be generated. Water Supply There is adequate capacity in the water mains system to serve this development from the 9" cast iron main in Compass Hill. AVON AND SOMERSET POLICE (1) The Design and Access Statement does not appear to make any reference to potential crime and disorder issues which may affect this development and any measures taken to mitigate them, which it should do. (2) The road safety concerns expressed previously concerning the vehicular exit provisions onto Compass Hill appear to have been addressed and are now considered generally acceptable. (3) It appears from the plans that the existing wall fronting Compass Hill will be removed and a new wall incorporating pillars and railings, built set back from the road. In favour of this which will increase visibility for traffic entering and leaving the site, improve natural surveillance and defensible space at the front of the development. (4) In relation to vehicle movements ,it may be worthwhile from a personal safety angle, segregating the electric buggy lane from normal vehicle movements e.g. by use of lane markings and/or bollards or similar. (5) The existing boundary treatment running along the public footpath to the rear of Parkfield Road consists of close-boarded fencing between 1.8 -2.5m high, combined with a tree screen. Would recommend retaining this fencing/tree screen in order to prevent unauthorised access to the development from this footpath, which is a potentially vulnerable area. (6) Natural surveillance around the remainder of the development could be improved by pruning hedges etc. down to 1 m and trees up to 2 m from ground level. Any fencing should be minimum height 1.8 m and any new planting or landscaping areas should also be maintained

at a maximum growth height of 1m to assist staff and resident surveillance. Defensive planting (prickly plants) could be used in suitable locations to enhance security. (7) Recommend suitable lockable gates/fencing be erected either side of the building as near as possible to the front building line. Such gates should be 1.8 m minimum height and constructed of wrought iron or similar to allow for natural surveillance through them. (8) No lighting Schedule appears to have been provided. Recommend that all main access points to the development and the buildings themselves be suitably lit, in order to deter intruders and reduce the fear of crime for residents. Bearing in mind issues like light pollution etc. such lighting could be low wattage and operated by photo-electric cell or time switch. (9) A suitable form of access control should be provided to the communal entrance door, in the form of visual or audio verification. (10) May also be beneficial to provide a 24 hour Help alarm system monitored by staff and possibly linked to an intruder alarm. (11) Applicant is advised to formulate all physical design features of the buildings and apartments in accordance with the ACPO "Secured by Design" award scheme.

LANDSCAPE OFFICER this is a better scheme than the previous submission as it provides more space for landscape setting and screening. Main concern is that street frontage needs careful landscaping with trees as well as the proposed shrubs. Given the distance from the street to the buildings there is scope for larger growing trees. Details of landscape proposals will be required. RIGHTS OF WAY OFFICER no observations. HOUSING OFFICER supports application subject to a commuted sum of £350,000 to be paid up front on the granting of permission for affordable housing. It has been agreed that there are other sites which can provide the elderly accommodation nearby and the commuted sum will be transferred accordingly. CONSERVATION OFFICER development will clearly have a significant impact on the Conservation Area by virtue of its positioning and significant scale. Doesn't object in principle to a development on the footprint of the site, but has reservations regarding the height and configuration of the façade. Has seen similar treatment carried out on another McCarthy Stone development to particularly negative effect. The problem is that large stand alone buildings always read as one so the varied treatment of the façade simply appears a peculiar and very artificial mish mash. It is worth noting that all the other buildings with large footprint in the broader area carry an individual and unified style. Also has some concern regarding the appropriateness of attempting to echo the architecture of the Conservation Area as this can only dilute its inherent quality. In this regard the properties currently on the site and indeed built all along this side of the road are detached 2 storey houses in a more arts and crafts vein distinct from the taller terraced Georgian/Victorian formats opposite. It would have better to see similar distinction with regard to context worked into the design here. The forest of walls and railings proposed along the boundary would benefit from simplification, while the whole frontage area would benefit from a greater level of planting. NATURE CONSERVATION AND RESERVES OFFICER report recommendations of RPS's submitted ecological survey include the recommendation for bat emergence surveys(May to September) because features of the houses, such as roof and wall tiles were identified as having potential to support bats. Three trees were identified as having potential for bats to roost. Breeding birds may be affected by the proposals - Conditions and informative notes must be agreed in order to safeguard species protected by law. ENVIRONMENTAL HEALTH OFFICER no observations. DRAINAGE OFFICER no observations.

WARD MEMBER comments on the original submission. The scheme has improved since public consultation. Remaining major concerns are the degree of overlooking of adjacent residential properties in Osborne Way and Parkfield Road, and the mass of the end elevation visible from Compass Hill House, Compass Rise. Appreciates applicants desire to maximise the units on the site by building 4 storeys. However this is unacceptable where floors overlook residential properties. Tree screening of 3rd and 4th floor flats is unlikely to be totally effective and cannot be relied on as a permanent solution. Believe a solution would be to reduce the height to two storeys where development is adjacent to residents properties. May be possible to replace some lost units by building more 2-storey units on site. In addition, believe it is essential that the applicants provide an answer to how the discharge of water from the site and the increased level of vehicular movements resulting from this development will be achieved.

14 LETTERS OF OBJECTION have been received to the original scheme, raising the following issues:- too large, too high in relation to existing buildings and will exaggerate overlooking; complete loss of privacy; development borders too close to gardens; will be overbearing - should not be higher than two storeys; four storeys high is out of proportion with the area; building of flats would change the whole tone of the surrounding area; no attempt has been made to give consideration to the neighbouring buildings in Osborne Way, Compass Rise, and Parkfield Road; only properties similar in design are some distance away within the Town Centre; the rear wing is the major problem - too close to Osborne Way boundaries and too high - with overlooking aggravated by French windows; concerned about mobility buggies coming on to the busy A38, and into and out of the site; the three existing houses are of beautiful character and blend in with other properties in the area; could be sold on open market for larger families; a Private Members Bill, new clause 71B relates to preserving gardens and green urban spaces; preservation of all existing trees is desirable; developer is proposing to take out 28 established trees together with some clusters; objection to removal of the Scots Pine protected by a TPO; existing tree screen is not effective; increase in traffic on to Compass Hill 1-way system; difficulty for vehicles entering and leaving the site; possible aggravation from exterior lighting; insufficient parking spaces; another objector considers 15 too many, as a reduction to 10 was imposed by the Highway Authority for the earlier proposal; potential noise/dust/air pollution would be a health hazard; will increase risk of localized flooding because density will reduce existing level of rainwater run-off; footprint of the building should be reduced; insufficient distance between rear wing and Osborne Way properties; unhappy with boundary treatment;

7 LETTERS OF OBJECTION have been received to the amended scheme raising the following issues:- still concerned about loss of privacy, overlooking and visual impact and character and appearance of the surrounding area; objectors in particular consider that the height and massing of the building in relation to their properties is still too great and will be overbearing and dominating, particularly the remaining 4 storey wing facing Osborne Way; removing windows improves the overlooking situation at the expense of visual impact; the issue of the impermanent tree screen has not been addressed; great emphasis was made in the previous application on reducing traffic flow in and out of the site, and parking spaces were reduced to 10; the entrance and exit to the site are identical to previous scheme - request the

Highway Authority reconsider acceptance of 15 spaces; the site is located in the worst possible place for the affluent, active, frail elderly; it is isolated from the amenities of the town by major roads with continuous traffic flow varying from high speed to congestion; in response to the results of the public consultation exhibition where there is a discrepancy in the results, a local resident has conducted a survey of neighbouring residents response to the proposals, a site access survey and a traffic survey; results are very detailed, but in brief, 22 neighbours expressed views on the proposals based on the above points of objection.

POLICY CONTEXT

PPS1 - Delivering Sustainable Development

PPS3 - Housing

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR2 (Towns), 48 (Access and Parking Arrangements) 49 (Transport Requirements of New Development).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H16 (Residential Care Homes), M4 (Residential Parking Requirements), EN8 (Trees in and around Settlements).

ASSESSMENT

The site is an irregular shaped piece of land of some 1.42 acres and is currently occupied by three 2-storey detached dwellings in large gardens. These dwellings abut the south-west side of Compass Hill and whilst they are sited towards the front of the plots, they are not prominent or obtrusive because of both the topography of the land and retaining walls plus vegetation at the front. They all have long back gardens, and there are several mature trees within the site.

There are residential properties adjacent to the south, west and northern boundaries of the site.

To the south is 5, Compass Rise. This is a detached 2-storey dwelling built in the 1930's. Further to the south are the 2 modern blocks of flats on the corner of Trull Road (Osborne Court and Compass Court). These are 3-storey blocks of flats with basement level parking areas underneath.

To the west of the site are the rear gardens of properties on Osborne Way. These are mostly detached 2-storey dwellings, with a small 2-storey block of flats. Nos. 2, 4, 6, 8 and 10 Osborne Way are adjacent to the site.

To the north of the site is a public footpath with No.1 Wellington Road, and Nos. 1, 3, 5 Parkfield Road to the north. These are all 2-storey detached dwellings.

On the opposite side of Compass Hill is a block of flats, Dovetail Court, 2 and 3 storeys in height and 1 Compass Hill and 15 and 15a Park Street, 2 and 3 storey properties.

As with the previous application, the main issues to be considered are the impact of the development on the street scene and the character of the area, the impact on adjacent properties, highway impact and parking provision, trees on the site and landscaping.

With regard to the street scene on Compass Hill, this has never been an issue. The proposed 3 and 4 storey block along this frontage relates well to other development in Compass Hill, Trull Road and Park Street, and design, scale, massing and height are considered to be acceptable.

The main concern has been the impact of bringing development further into the rear of the site, with particular reference to its relationships with existing dwellings around the site.

In detail, relationships are as follows :-

To the south-east

No. 5 Compass Rise is a 2-storey dwelling set 6.7 m in from its boundary with the site, with a single storey garage in between. Whilst the main windows are in the front and rear of the property, it also has 2 first floor bedroom windows and 2 ground floor sitting room windows in the side elevation(north-west) overlooking the site. These will face towards the end of the block which fronts Compass Hill, and which is 9 m from the boundary. Part of this end wall is 3-storeys high (7.5 m high to eaves with a roof sloping away), for a length of 11 m. It then drops down to a single storey building. All windows above ground floor level have been omitted from this elevation in the amended scheme. The owners of Compass Rise are grateful that the windows have been omitted, but are still concerned that the 3-storey block will overlap part of 1 sitting room window and all of the second sitting room window and both bedroom windows. At present they have uninterrupted views because No. 2 Compass Hill is set forward of their building line. But as the ridge height of the proposed block would be higher than the ridge height of no. 5, they consider that this 3-storey block would compromise their access to light and sunlight, and would be a dominant mass. They point out that there is only 1 tree existing (not a substantial tree screen as the applicant claims) at the end of the wing facing 5, Compass Rise, and this is to be removed.

In response to this, all overlooking windows have been removed, so there will be no overlooking and loss of privacy. Whilst the ridge height will be just under two and a half metres higher than no. 5, the roof plane slopes away above the eaves, the 3-storey block is on the north side and at an overall distance of nearly 16m between buildings, this would not justify refusing permission. Additional planting can be required along this section of the boundary.

To the south-west

The south-west elevation faces towards the rear gardens of Nos. 2, 4, 6, 8 and 10 Osborne Way. The main issues relate to the relationships with Nos. 6 and 8 Osborne Way. These are both 2-storey properties angled towards their rear boundary. The rear garden of No. 6 varies between 11 m and 19 m in depth, and the rear garden of No.8 has an average depth of 26 m. The proposed building facing towards No.6 is

part 3-storey/part 4 storey, with roof planes sloping away. The nearest building, 3-storeys (8 m to eaves) is 21 m in from the site boundary. Windows above ground level have been omitted from the amended scheme. The nearest part of the 4-storey building is 2.2m from the boundary and all windows at 3rd and 4th floor level have now been omitted (except for 2 obscure glazed corridor windows). Eaves level is at the same height as the adjoining 3-storey part, as the lowest level is at lower ground floor level cut into the site. The other part of the 4-storey block with main windows remaining is some 29 m in from the boundary, and will be screened to some extent by 12-13 m high conifer trees inside the boundary. This is considered to be acceptable.

With regard to No.8 Osborne Way, the 4-storey block is 28 m in from the boundary, with conifers in between, and a 3-storey block has been reduced to 2 –storeys. This is considered to be acceptable.

To the north-west

No. 1 Wellington Road and Nos. 1, 3 and 5 Parkfield Road back on to the footpath which abuts the northern boundary of the site. A 3-storey block faces towards 1 Wellington Road and 1 Parkfield Road, some 7 m from the boundary. Building to building distance above ground floor level ranges between 19 m and 30 m. There are no windows in this part of the north-west elevation of the proposed block, so overlooking will not occur. Some trees inside the boundary will be kept and new ones planted. This is considered to be acceptable.

The Highway Authority considers the proposal is acceptable in terms of access and parking provision, subject to appropriate conditions.

The Landscape and Wildlife Officers consider the proposal is acceptable, subject to appropriate conditions.

RECOMMENDATION

Subject to the Completion of a Section 106 Agreement to provide a commuted sum of £350,000 for offsite affordable housing provision and tying the occupancy (excluding the Manager and staff) to the elderly (over 60), 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, sample panel, landscaping, existing trees to be retained, protection of trees to be retained., service trenches beneath trees, hard landscaping, surface water, boundary treatment, lighting, GDPO windows, obscure glazing, highway conditions. Notes re Contact Highways, contact Wessex Water.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be an appropriate redevelopment site close to the Town Centre, and the proposal is considered to be in accordance with Taunton Deane Local Plan Policies S1, S2, H16, M4 and EN8 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: 356454 MRS H PULSFORD (MON/TUES/WED)

NOTES:

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38/2007/386

MR C KEEBLE

ERECTION OF 2 NO. TWO STOREY DWELLINGS, 4 CAR SPACES AND BOUNDARY WALL, FOLLOWING DEMOLITION OF DOUBLE GARAGE AT LAND REAR OF 55 CHEDDON ROAD, TAUNTON AS AMENDED BY PLANS RECEIVED ON 23RD OCTOBER 2007 AND E-MAIL DATED 6TH NOVEMBER, 2007

322805/125806

FULL

PROPOSAL

It is proposed to construct a two storey building measuring approximately 5.1 m x 12 m containing 2 No. 2 bed dwellings at land to the rear of 55 Cheddon Road. The land is currently garden to two flats at No. 55 and a double garage. The main windows will face south across Portman Street, with rooflights to the second bedroom, and will have 4 parking spaces, one each for the proposed units and one each for the existing flats. There is rear access with a small area for bins, there is no provision for garden/amenity space. Amended plans have been received which clarify the dimensions as these were not accurate. There was previous an application for 4 units on the site in a 2/3 storey building, this application was withdrawn in June 2007.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY objects on loss of parking for No 55; on amended plans advises that there is sufficient parking as 2 spaces for existing, and one per proposed dwelling; conditions suggested.

4 LETTERS OF OBJECTION (including one from Ward Cllr) have been received raising the following issues:- out of character, a new build in a Victorian garden; 'cottages' at right angles to the Cheddon Road properties is not infill; overdevelopment; leading to a decline in the area; loss of view; loss of garages; loss of gardens; there are enough flats and bedsits in the area; difficult to get into/out of adjacent garage; overdevelopment of the area as permission has already been granted for 8 studio flats opposite the site; homes without gardens; should be high quality and mixed development; many homes in multiple occupation in the area; loss of light resulting in increase in carbon footprint; adverse effect on property; effect on drainage systems; lack of open space for drying; composting and green space; parking exacerbated during building works; current roadside spaces will be lost; health and safety issues with a door opening onto the lane which is designed for vehicle not pedestrian access; restrictive covenant.

POLICY CONTEXT

Taunton Deane Local Plan S1 General Requirements, S2 Design, H2 Housing, M4 parking.

ASSESSMENT

The site is within a developed area close to Taunton Town Centre, in a location opposite a site where after an appeal, the Planning Inspector allowed a scheme for 8 no. one bed flats with no parking as it was considered to be a town centre location where parking provision was not necessary and that a mixed community with different types of dwellings was appropriate. The current application proposal includes provision for 4 parking spaces, but with minimal amenity space for the units. The Local Plan does not have specific policies which identify a minimum area of garden or areas for drying or composting etc. New buildings are often of a different character to the surrounding ones especially when they are of a similar age. (The Government recommends that areas contain a mix of types of residential buildings to result in mixed communities). It is not considered that there will be any material overlooking from the proposal, nor loss of light given the respective positions of the buildings. There is often a need to balance certain aspects of proposals; in this case an area for carparking spaces has been provided rather than provision for a garden area. Some on street parking spaces will be lost allowing for access, as well as the garage space(s), but there will be 4 spaces provided as part of the scheme. There is no change proposed to the side lane, so access to the garages is not altered. The side lane only accesses a handful of garages, and it is not considered to be a traffic hazard to have a door leading onto this area. In respect of the objection of overdevelopment, whilst the site is restricted, given the Inspector's decision on the application on the site on the other side of Portland Street, it is not felt that refusal could be justified in this case.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, boundary details, parking as plan, foul/surface water disposal details, no extensions, no windows to north, west and east elevations, obscure glazing of first floor windows to east and west, footpath materials, access area, levels, parking and surface water. Notes re Environment Agency advice and dropped kerb.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to comply with Taunton Deane Local Plan Policies S1, S2, H2 and M4 without detriment to the amenities 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:

43/2007/087

DUNDRY DEVELOPMENTS & INVESTMENTS LTD

CONVERSION OF MILL BUILDING (FORMER HAYMANS COALYARD WAREHOUSE) AND EXTENSION TO FORM 21 TWO BED APARTMENTS AND FORMATION OF 32 CAR PARKING SPACES AND BIKE LOCKERS FOR 42 BIKES, HAYMANS MILL, PAYTON ROAD, WESTFORD, WELLINGTON AS AMENDED BY LETTER DATED 12TH OCTOBER, 2007 WITH ACCOMPANYING DRAWING NOS. 05040-111A, 112A, 113A, 116 AND 117 AND BAT AND NEWT REPORTS RECEIVED ON 15TH OCTOBER, 2007

312045/120286

FULL

PROPOSAL

The proposal provides for the conversion and extension of the former Haymans Mill to form 21 two bedroom flats. 32 car parking spaces are proposed, together with bike lockers for 42 bikes. The application was accompanied by a Design and Access Statement, a Bat Report, a Structural Report, a Traffic Report, a Geoenvironmental Assessment Report and a Flood Risk Assessment. The building and land is currently vacant, being last used as a coal merchant's yard and warehouse. The extension is to be constructed in stone and render to match the existing building. The roof materials will be slate. There is an extant planning permission for the demolition of the building and the erection of a new building to provide 14 flats. There was also a previous permission in 2001, now lapsed, for the conversion of the building to 14 flats. However, highway improvements proposed at that time associated with that planning permission to the site have now been carried out as a consequence of another development nearby. These have improved visibility to the west at the junction between the public highway, Payton Road, and the private road Rackfield. They have also improved width and forward visibility on Rackfield.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY there is no objection in principle to residential development, as precedent has been established through previous permitted applications on this site, and the site is within the defined development limits. It should be noted that previous permissions were for conversion, and then a replacement building, albeit that numbers were contained. This application however increases the number of units, and therefore the level of traffic on Rackfield. Given the number of dwellings in Westford, existing and permitted, the additional seven (over and above that already permitted on this site) does not constitute a significant increase, and I feel that this is the maximum that the site can accommodate whilst still providing an adequate level of parking provision. As such there is no objection in principle to the scheme as submitted. The scheme provides a level of parking that is in line with LTP2 Policy as well as ample secure cycle storage and as such this is an acceptable arrangement. The Highway Authority has concern with regard to the access for the proposal, both at the entrance to the site, and between the adopted

highway and the site. Rackfield is poorly surfaced, and the increase in the number of units will inevitably lead to an increase in traffic movements on a surface that is not of a standard suitable to accommodate the additional traffic. As such, it is essential that Rackfield is consolidated and surfaced to a standard that is suitable for the level of use that the proposal will generate. In addition, it is essential that there is adequate visibility provided at the point of access. It is necessary for visibility splays of 2.4 m x 33 m to be provided at the point of access, with no obstruction to visibility greater than 900 mm above adjoining road level. I understand that the gravel area to the north of the existing building, is proposed as a parking court for three vehicles, and that this area is used locally for larger vehicles to pass within Rackfield. It would therefore be of benefit for this area to be hard surfaced, and its use as a passing area retained. The proposed parking spaces are clear of this passing facility, and should not therefore interfere with this function. Given all of the above, I would recommend that should the development be permitted, the following conditions be attached to the consent: (i) the parking and turning areas shown on the submitted plan, shall be consolidated and surfaced (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority; (ii) there shall be no obstruction to visibility greater than 900 mm above adjoining road level, forward of a line drawn 2.4m back from Rackfield on the centre line of the access, extending to a point 33 m to the north of the access at the nearside carriageway edge, and 2.4 m back an parallel to Rackfield to the south of the access for the extent of the site frontage. Such visibility shall be fully provided before the dwellings hereby permitted are first occupied, and shall thereafter be maintained at all times; and (iii) before the dwellings hereby permitted are first occupied, the surface of Rackfield shall be consolidated and surfaced between the site access and the existing highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. If it is not possible to condition that the surface of Rackfield is surfaced, then the Highway Authority may have cause to object to this application on the basis of increased traffic on an access that is not of adequate standard to serve the development proposed.

ENVIRONMENT AGENCY objects to the proposal because the Flood Risk Assessment (FRA) is unsatisfactory and thus flood risk has not sufficiently been taken into account. There is no consideration as to how surface water drainage from the site will be dealt with. The surface water drainage scheme must meet certain criteria, including meeting the 1 in 100 year plus climate change standard. The use of Sustainable Drainage Systems (SuDs) for surface water drainage on the site should be investigated. It appears that, based on the submitted documents, that appropriate risk assessment has been carried out with regard to ground contamination. If the Agency's objection to the proposal subsequently be overcome, the Agency would seek conditions re no construction vehicles to cross or work directly in a river, fuel storage bunding, oil interceptor, scheme for the improvement / extension of the existing sewage disposal works. The actual line of the culvert shown on the site and its condition should be determined and a S106 Agreement drawn up to ensure that the structure is maintained in future. Various informative notes recommended for inclusion on any permission. WESSEX WATER necessary for the developer to agree points of connection for foul drainage, and water supply. There are no existing public/separate surface water sewers in the vicinity, so the use of soakaways should be investigated. SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY pleased that the proposals have reverted to conversion of the existing buildings rather than demolition. Supported the original

scheme for conversion, but objected to the subsequent proposals which involved demolition. The warehouse is historically significant and provides important landscape evidence of a major local industry. The current application retains the essential features of the buildings in terms of shape and size. Hope that changes to fenestration are kept to a minimum consistent with realistic conversion. The building was part of a large integrated woollen factory operated by Elworthy Brothers & Co. Whilst not on the scale of the Fox Bros. Establishment elsewhere in Wellington, nevertheless Elworthys was a large factory which made a major contribution to the development of the area. In its heyday around 1900 the factory employed some 400 people. Haymans warehouse dates from the 1820s and is one of the oldest buildings on the site. In its early years, it was probably not a warehouse but part of the main mill and was powered by water taken from the main mill leat. It is possible that the building is an early local example of 'fireproof' construction. The building therefore has historical and architectural significance and a good case could be made for its listing. In favour of the current scheme and have no objection to the addition of the new building if that makes retention of the historic buildings more viable. Archaeological recording of the building and its surroundings should be a planning condition. FIRE SAFETY OFFICER observations with regard to means of escape, access for appliances and water supplies NATURAL ENGLAND full species survey should be carried out.

LANDSCAPE OFFICER subject to suitable landscape detailing it should be possible to provide landscape mitigation. NATURE CONSERVATION OFFICER no evidence found of great crested newts so conclude that the species will not pose constraints on the proposal. Bat report concludes that one or two bats roost in the building. Suggests that the bat report recommendations are implemented and condition imposed. RIGHTS OF WAY OFFICER no observations to make. DRAINAGE OFFICER a condition should be attached to any approval given that no works commence on site until a scheme for the provision of surface water drainage works has been submitted and approved. This should include details of the existing culvert passing through the site and ascertain the extent of its purpose and current condition. The use of SuDs should be investigated and form part of any proposed surface water disposal system. HOUSING OFFICER as this is a newly submitted application for more numbers I would be happy to accept 4 x 2 bed houses for low cost outright purchase at 40% below market value. LEISURE DEVELOPMENT MANAGER there is an existing S106 on this site requiring a contribution of £18,784 based on 14 dwellings at 2004 cost. For 21 dwellings at 2007 costings, the contribution should be £58,968. Given that a signed S106 Agreement exists, the applicant should contribute for the additional 7 dwellings at the current rates, an additional sum of £19,656.

WELLINGTON TOWN COUNCIL - Views awaited

EIGHT LETTERS OF OBJECTION have been received raising the following issues:- this development along with others already approved or pending will add close to 100 dwellings in Westford, using the existing roads to and from Westford, mainly through Rockwell Green; roads unsuitable for the likely increase in traffic; doubt that letters of protest will even be considered; we no longer have a democracy so may as well go to a Unitary Council; Councillors should be held legally responsible for any decisions they make, particularly with regard to any safety aspects; risk of flooding at

the Westford Stream; money for leisure improvements will not benefit Westford; bored children, particularly teenagers will roam the area looking for something to occupy them; existing private road is poorly drained and maintained; proposal is very unsympathetic towards the adjacent residential properties with overlooking and loss of privacy; flats are too small and cramped; inadequate parking for visitors will result in overspill parking in Rackfield, which will cause more access problems and threaten the ongoing use for pedestrians and cyclists; private road should be adopted; lack of proper drainage connection; large farm vehicles will not be able to pass the corner of the building along the private road now that the new housing development opposite is proceeding will result in closure of farm as feed trucks, tractors, livestock vehicles and other large farm traffic will be prevented from accessing Rackfield; will also prevent delivery and removal vehicles accessing the other houses on Rackfield; sustainability of the bus service through Rockwell Green if the traffic congestion increases; a higher quality existing planning permission exists; traffic risks faced by children on way to school; design lacks synergy with surrounding houses; a mixed development would be better suited to the area; development for single occupancy is misplaced on the rural edge of Wellington; residents likely to be car users; developer is seeking to maximise profits; gross overdevelopment of site; direct effect on amenity value of adjacent properties and will be oppressive and overbearing; drastically changes the nature of the building and its relationship with Westford House and would be detrimental to the surroundings of this listed building; the proposal is capable of housing twice as many people as the previously approved schemes; will be to the detriment of the area; building has suffered considerably from neglect with the roof covering being removed and question whether it is still structurally safe; brick wall on railway bridge should be replaced with railings.

ONE FURTHER LETTER from existing objector on the amended plans raising the following issues:- revised plans do not overcome overlooking/loss of privacy issue; does not address traffic issues – sustainability of bus service, will restrict access to properties in Rackfield and Brook Farm further down the track and no provision for visitor/overflow parking resulting in illegal parking on Rackfield;

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 on sustainable development is relevant. Part of this policy requires the development of a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking.

Taunton Deane Local Plan Policy S1 sets out general requirements for new developments. Policy S2 of the same plan provides guidelines for the design of new developments. Policy H2 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. It is considered that these criteria are met with the current proposal.

ASSESSMENT

The Transport Statement submitted with the application notes that the site is within easy reach of a range of services and facilities by a range of means of transport including walking, cycling, and bus. The proposed site access would be to an appropriate standard, with adequate visibility. The proposed development provides for 32 off street car parking spaces which is considered adequate to meet the needs of the development. Two secure cycle spaces will be provided per flat. The Statement concludes that the local highway network is capable of accommodating the traffic that would be generated by the proposed development. The County Highway Authority has no objection to the proposed development, subject to Rackfield being resurfaced, adequate parking and turning being provided and adequate visibility being provided. The applicant's solicitor has confirmed that there are appropriate rights in place to resurface Rackfield. Amended plans have been received which overcomes to my satisfaction any overlooking of the residential properties to the north and east. A Section 106 to provide for affordable housing and leisure contributions is required by way of one of the recommended conditions.

The amended plans address the potential overlooking issue in relation to residential properties to the north by the use of obscure glazed directional louvres both horizontal and vertical. This eliminates overlooking from certain windows and retains the integrity of the external appearance as well as taking account of the comfort of occupants of the new apartments. The other windows are considered to be far enough from the boundaries with the residential properties not to result in unacceptable overlooking.

Further wildlife surveys have been carried out and the Nature Conservation Officer is satisfied with the results.

The possibility of spot listing the building has been considered previously and it has not been considered that the building meets the relevant criteria. Furthermore there is an extant planning permission which allows for its demolition.

On this basis, I consider the proposal to be acceptable.

RECOMMENDATION

Subject to the further views of the Environment Agency and the applicant entering into a Section 106 Agreement to secure the provision of 4 two bed units for low cost outright purchase at 40% below market value and a contribution of £38,440 towards improvements towards local leisure facilities, 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, rainwater goods, foul and surface water details, landscaping (hard and soft), boundary treatment, parking, visibility splays, surfacing of Rackfield, meter boxes, obscure glazing and louvers on north and east elevations in accordance with approved plans, removal of GPDO rights for ancillary buildings and fencing, strategy for the protection of bats, area to north of building to be hard surfaced and retained as a passing place, record of building and surroundings and contaminated land remediation strategy, Notes re disabled access, energy/water efficiency measures, meter boxes, encroachment, CDM Regulations, S106, contact Fire Officer, contact Wessex Water, surface water drainage and contaminated land.

REASON(S) FOR RECOMMENDATION:-

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 and S2.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

52/2007/037

CSSC SPORTS & LEISURE

ERECTION OF SPORTS CENTRE WITH PARKING AND ACCESS AT CIVIL SERVICE SPORTS CLUB GROUND, COLLEGE WAY, TAUNTON AS AMPLIFIED AND AMENDED BY LANDSCAPE ASSESSMENT AND PLANS 391/01-03.

321546/123357

FULL

PROPOSAL

The proposal is to erect a new sports club with parking for 122 cars with access off College Way. This new facility intends to provide a comprehensive use of the site with both indoor and outdoor facilities. The intention is to retain two football pitches, a cricket square and archery area, while internally the facilities will include a beginners' swimming pool, a main pool, health and fitness studios, a gymnasium, sauna, crèche facility, bistro bar, sports bar, changing rooms and showers as well as separate changing facilities for the outdoor sport use. The new building is located off College Way at the western end of the existing site and the application site excludes the existing clubhouse, car park, bowls building and multi use games area.

The proposal includes a landscape assessment, an assessment of the need and a sequential test as well as a transport assessment. The transport assessment indicates the site is in an accessible and sustainable location and it is indicated the vehicular access from Trull Road would cease. A footway is to be provided along College Way and cycle parking facilities are proposed. The peak hour in the evening indicates an additional 69 two-way movements on College Way to the north of the site and an additional 54 two-way movements on Galmington Road to the east of College Road. It is stated the vehicular increase as a result of the development is unlikely to have a material impact on off-site junctions.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY I have the following observations on the highway aspects of this proposal. Through pre-application discussions with the developer, it was established that the proposed sports centre, the subject of this application, was to be a direct replacement for the existing facility, currently served from Trull Road. There is no mention within the application of the existing facility, and how this is related to the current application proposal. The proposal seeks to gain access from College Way, a distributor road within the route hierarchy. It is usual that a distributor road does not serve private or individual points of access, and as such there is a presumption in terms of highway design against the provision of an access from College Way. It was suggested during pre-application discussions, that a balance needed to be struck. The permanent removal of traffic associated with this site, from the extremely substandard Trull Road access, may be sufficient benefit to the Highway Authority to allow an exception and therefore the provision of a single access for the development from College Way. This information has not been included as part of the application, and as such the Highway Authority has concerns

about the proposal, and would request that further information be provided to enable a full assessment of the implications of the scheme. In terms of detail, there are concerns from the highway authority perspective. Direct access for individual properties from a distributor road should not be permitted. This is specified in the adopted document, 'Estate Roads in Somerset – Design Guidance Notes'. Despite pre-application discussions, the proposal has come forward with two points of access from College Way. The proposed service access is located opposite the junction of Pitts Close, and immediately adjacent to a light controlled crossing. Given the proximity of these features the service access does not comply with the required junction spacing of 30 m min, crossing spacing of 20 m min, and as such is contrary to Policy 49 of the Structure Plan and advice contained within LTN 2/03. There is also no turning facility proposed, and vehicles would be forced to reverse in close proximity to the existing highway facilities to the detriment of highway safety. This element of the scheme should be removed, and a single point of access provided, or the proposal will receive a recommendation of refusal on highway safety grounds. The main proposed vehicular access is also substandard. The visibility splay required is 4.5 m x 90 m with no obstruction greater than 900 mm above road level. By plotting the required visibility on the drawing submitted 24620 (03) 001'F, the splay to the south necessitates the removal of approximately five trees, and to the north approximately three trees. It is unclear from this drawing, how many trees will be removed for the access itself. Whilst the visibility is annotated on the submitted drawing, it is only achievable if the trees are removed and the proposed security fence is set back from the position shown on the drawing. I am concerned however that this will further interfere with the existing trees, and this may prove a concern for the LPA. Perhaps it can be clarified if the submitted drawing is an OS extract with indicative trees, or an accurate survey. There do not appear to be any footways shown on the submitted plan, and these will need to be included, especially in light of the SCC analysis on the submitted TA, where measures should be explored to reduce travel to the site by car. It will be necessary to provide a full highway standard footway across the entire site frontage, to allow access to pedestrians approaching from the south. It will also be necessary to provide a drop crossing to the south of the access as it is unlikely that pedestrians will walk past the site on the opposite side of the carriageway, to cross College Way and access the site. In exploring the content of the TA, it would appear that the daily traffic to the site would be between 700 and 950 vehicle movements. In line with TD42/95, this would normally necessitate the provision of a right turn lane, to ensure the free-flow of traffic on College Way. This will necessitate the re-design of the point of access, and will undoubtedly involve the further loss of trees. If the above points can be addressed and resolved, there would be no objection to the proposal, subject to the provision of double yellow lines along College Way to safeguard the use of the access, and the provision of a cycle/footway link between Trull Road and College Way that to date has not been able to come forward as there is insufficient land available. This proposal clearly necessitates the improved facility, and I would expect to see it provided. This will however require it being constructed at least in part within the site. It will also be necessary for the developer to upgrade to existing crossing facility on Trull Road in line with the new cycle/footway facility. To summarise, as the application stands at this time it must receive a recommendation of refusal on highway grounds: (1) The use of the service access to the site, in connection with the development proposed would be likely to increase the conflict in traffic movements close to an existing junction and pedestrian crossing resulting in

additional hazard and inconvenience to all users of the highway. (2) The service access does not accommodate adequate turning facilities to enable a vehicle to enter and leave the highway in a forward gear, which is essential in the interests of highway safety. (3) The Local Planning Authority and the Highway Authority in adopting the Somerset County Council publication 'Estate Roads in Somerset' have agreed standards for the design and layout of streets. The proposed accesses do not conform to these agreed standards and are not, therefore, adequate to serve the development proposed. (4) Insufficient information has been submitted regarding the use of the existing buildings within the site, to satisfy the Highway Authority that the existing substandard access to Trull Road can be stopped up, and the vehicular traffic removed. COUNTY ARCHAEOLOGIST there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds. WESSEX WATER a connection can be made to the foul sewer to the north and the pumping station has spare capacity provided there is no trade waste being generated. There is a public surface water sewer in the verge of College Way. Connection may be made to this but TDBC will limit the discharge to green field. The applicant is advised to consider SuDS techniques. In line with Government protocol the applicant is advised to contact Developer Services to see if drainage systems can be adopted under a Section 104 Agreement. There are water mains in the vicinity available for connection.

LANDSCAPE OFFICER my concerns are the proposals will have a detrimental impact on the landscape character of the existing open space of the playing fields which run south to open agricultural land to Trull. The proposals are likely to damage existing tree roots and have a detrimental impact on their health and amenity value. There is no landscape impact assessment or proposed mitigation plan to overcome the above concerns. PLANNING POLICY the proposal is for the replacement of the existing Civil Service buildings (currently accessed via Trull Road) with a new purpose built building, with a gross external area of 3,072 sq m over two floors. As an established use the proposal is acceptable in principle, policy C5 of the Local Plan supporting the enhancement of sports facilities. However, the overriding issue in this instance is one of scale. Policy C5 requires that a sequential assessment is required for major leisure trip generators. The current facility has a floorspace of around 760 sq m. The proposal increases the floorspace by well over 300% and includes a 20 m indoor pool, beginners pool, sauna and spa, gym and associated facilities such as bars etc. A significant increase in car parking is also proposed. Scale of the proposal therefore constitutes a major travel generator, thus requiring a sequential assessment in line with both C5 and EC10 of the adopted Local Plan. This approach reflects government advice in PPS6 and PPG13 in particular. Government advice also requires consideration of 'disaggregation' of facilities (i.e. flexibility in scale and format of the proposal to enable elements of the development to be split between sites if necessary). Whilst a sequential assessment of site availability has been undertaken it appears to have focussed on the Local Plan allocation for leisure use at Ladymead (Wellsprings) and has made no assessment of town centre sites which are sequentially the most sustainable. The Terrence O'Rourke Urban Development Framework (2004) identifies over 40 hectares of underused land in Taunton town centre. This is reflected in allocations at Firepool, High Street, Coal Orchard and Tangier sites in the emerging Town Centre AAP, all of which make reference to their suitability for leisure use. All of these sites are phased to be available within the next 5 years, the time normally required to demonstrate

availability. Furthermore, all of these sites are also better served by public transport for a development proposal of this scale, a key element of the sequential consideration. As such, by virtue of the scale of the proposed development and the lack of a thorough sequential assessment, the application does not conform to policies C5 and EC10 of the adopted Local Plan and should not therefore be considered as complying with Local Plan and national policy. DRAINAGE OFFICER I note surface water is to discharge to the mains sewer according to the application form. However in the design and access statement reference is made regarding the inclusion of a sustainable drainage system (SuDS). Reference is also made to a separate sustainability report. Any surface water run off will be required to pass through a SuDS system and details should be forwarded for approval before any works commence on site. The developer is advised to contact the department at an early stage to discuss the design of any system chosen. LEISURE DEVELOPMENT OFFICER it is regrettable that the application is for a large building on playing fields, as the proposed loss of playing fields should, in most cases be opposed. Whilst it is stressed through the application that the primary use of the site is by 'Members' it is obvious that every match involves an equal number of players who are not members of the Civil Service Sports Club (the away team). The loss of any such facilities must therefore be seen as a loss of community facilities. The facilities are also used by community sports teams on a regular basis throughout the week, primarily for cricket matches. Despite the references at points 2.6 and 3.2 to there being only 1 cricket square on the site there are in fact 2 such facilities. The proposed loss of a cricket square will displace at least one team and result in the loss of a sports facility. This is unacceptable. The drawings also show the layout of 2 football pitches and the safety margins would appear from the drawings to be inadequate. This could be addressed and if the application were to be allowed a condition could be placed on the applicant to ensure that the pitches were laid out to FA standards in terms of safety margins. There are a number of inaccuracies within the application, notably the frequent reference to Taunton 'not being over subscribed' with Health and Fitness facilities. A recent study showed that in fact the provision of such facilities in Taunton had exceeded saturation point. I anticipate that 'demand' for any new facilities would not necessarily be a planning concern there is no proven unmet demand for further Health & Fitness facilities in Taunton (even allowing for the recent closure of the Fitness First facility). The reference to TDBC reducing the provision of swimming facilities is inaccurate as it has always been accepted that whilst St James Street will in all probability be 'redeveloped' as part of the regeneration of the town it will not be before the provision of a new facility. This reference should be discounted for the purposes of determining this application. It is accepted that the site as it is may well be failing but it is misleading to consider the application in terms of any 'unmet demand' for health and fitness (or in fact swimming) facilities as the demand from the community simply does not exist in my experience. The reference to the facility being 'unique' in offering both indoor and outdoor high quality facilities forgets the existence of the Blackbrook Pavilion site, the Taunton School facilities and the Taunton Vale Sports Club site. A very minor point but the tabulated summary of other sports facilities is neither wholly accurate nor comprehensive. I accept that the current facilities are not of a standard that would attract new members but that ultimately is the choice of the CSSC. It is regrettable that the proposed site is on the playing fields rather than on the existing site and it is unacceptable that a cricket square is lost as a result of the application. Whilst not the subject of this application it appears inevitable that there will also be a future loss of both a Multi Use Games

Area and an Indoor Bowling Rink on the existing site. Steps should be taken at this stage to mitigate any future loss of sports facilities through the inclusion of a MUGA with the current application (or a contribution to off-site provision) – it is accepted that there are sufficient Bowling facilities of an acceptable standard with sufficient capacity elsewhere in Taunton to accommodate the players from the CSSC site. On balance, whilst recognising the proposed facilities will be of a standard far beyond what is currently provided on the site, I object to the application on the grounds that it will result in the loss of playing fields, a cricket square and ultimately to the loss of a floodlit Multi Use Games Area and Bowling facility.

SPORT ENGLAND: In commenting on applications we assess whether the proposal meets any of the 5 exceptions to our Playing Field Policy 'A Sporting Future for the Playing Fields of England'. If we do not consider the exceptions apply we will oppose the development. Our policy relates to all or any part of a playing field in an adopted or draft deposit local plan. In relation to this application in order to be in a position to support we would need to be satisfied that Exception E5 of our policy is being met. This requires that: 'The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.' In light of this we need a clear understanding of the pro's and con's of the proposed development from a sports point of view in order to judge whether Exception E5 is being met. In looking at the supporting information we require clarification or further information. It is noted that the CSSC has stated that the application site is no longer viable in its current format, and in the absence of an alternative proactive approach to improve the site's viability, the facility will close in 2008. In light of this we strongly support the current efforts that are being made to retain the sporting use of the site. The following are issues we require further information on. It is not clear whether existing sports facilities on site (e.g. indoor bowls, multi use games area) will remain following construction of the new facility. We understand that there are two cricket squares on site and the proposal will result in the loss of one of these. This issue is not addressed in the supporting statement. We would welcome further information as to whether spare capacity exists elsewhere to enable users of the cricket pitch being lost to be satisfactorily accommodated. Any information as to the extent to which the proposals address specific facility needs identified by the Borough Council would be helpful. On the basis of the information submitted we do not feel there is sufficient information to support proposals.

14 LETTERS OF OBJECTION have been received raising the following issues:- road busy with cars parked during the day and parking will lead to serious congestion; it is too close to the junction with Pitts Close; will increase pollution; it will exacerbate parking on College Way; with the speed of vehicles it is an accident waiting to happen; inappropriate for a commercial use in a predominantly residential area; it will encourage noise and vandalism in the new car park; a two storey building will spoil the open green aspect; it will cause loss of view and privacy and loss of value; and will set a precedent for future development and a private sports club would not be an amenity for the community and is inappropriate development; a sports centre on the proposed site is ill conceived and not in the best interest of the membership or local residents; the site will not have adequate security; it will lead to people cutting through private land of adjacent flats; scheme should be referred back

to the developer as the site next to the clubhouse is preferred and would not reduce the size of the sports field; the building is of an industrial type out of keeping with the residential location; it will cause noise and disturbance to residents; small roundabouts should be considered at the junctions.

86 LETTERS OF SUPPORT have been received raising the following:- a high quality health and fitness facility in a highly accessible location, retention of green field pitches on site, revitalisation of a failing facility and maintenance of ongoing sports use in relationship with Queens College; Trull Road access could still be used. Aspect of open playing fields would be retained; sports facility for local use better than selling land for property development; to be welcomed on this side of town; prefer to see building by existing clubhouse; it will enable the archery club to continue to use the site.

POLICY CONTEXT

RPG 10 – Regional Planning Guidance from the South West, TCS2 – Culture, Leisure and Sport, TRAN1 – Reducing the Need to Travel, TRAN10 – Walking, Cycling and Public Transport.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR4 – Development in Towns, POLICY 21 – Town Centre Uses, POLICY 37 – Facilities for Sport and Recreation, POLICY 44 – Cycling, POLICY 48 – Access and Parking, POLICY 49 – Transport Requirements of New Development.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, EC10 – Accessibility of New Development, EC12 – Major Retail and Other Key Town Centre Uses, M1 – Transport, Access and Circulation Requirements, M2 – Parking Provision, M3 – Accessibility, M5 - Cycling, C3 – Protected Recreational Open Space, C5 – Sports Facilities, EN6 – Protection of Trees , EN9 – Tree Planting, EN24 – Urban Open Space.

ASSESSMENT

The application seeks a new sports centre for the Civil Service Sports Club which will also be available to non-members, i.e. members of the local community. The proposed building is intended to be sited at the College Way end of the site, rather than replacing the existing clubhouse building, and includes provision of a new access of College Way, the local distributor road. The main considerations are the design of the building and visual impact in terms of the protected open space and the views from College Way, whether the proposal will result in the loss of playing field facilities, whether there are more appropriate sites in terms of the site itself and the sequential test and whether the access and servicing are appropriate.

The proposed building is approximately 31 m x 49 m x 9 m high. It is to be steel framed with a mix of brick and coloured cladding panels for the external walls. In design terms it is difficult to design a building that is both modern and attractive given the nature of the internal uses involved. The building is a large modern structure and attempts have been made to break up its visual appearance by the use of different external materials and a curved roof. It is considered that the building design is

acceptable; however, the visual impact of such a large building in street scene terms is still a concern.

The building is located within the urban open space designation covered by policy EN24. This states that new development will not be permitted unless the urban open space is surplus to needs or the development is compatible with the functions of the open space, would not impair the ability to provide these functions and is of an appropriate scale, siting and design to minimise the impact on the open space. The open space is not considered surplus to needs and the existing function of the open space is as playing fields. The proposal will impair the ability to provide the same range of playing field facilities as existing as the building and car park will take up space and there will also be a loss of a small cricket square. The scale of the building cannot really be altered given the proposed scheme. However the siting of this building in terms of the open space is questionable. It is a large building that has been located on the western end of the site in a location that will be clearly visible by traffic travelling along College Way and will also be visible from the footpath running east-west along the northern boundary of the site. Siting the building and car park along the College Way frontage eats into the open appearance of the playing field from this main vantage point. If there is a loss of poplar trees as indicated by the Highway Authority to give adequate access visibility this would further open up views of the site and the building. Attempts to limit the impact by additional landscape planting, particularly to the east is proposed. However, this would not significantly reduce the impact on College Way. The existing clubhouse building would seem a potential alternative location as has been suggested by a number of the objectors. This site is read in conjunction with the residential development to the north and east and the school to the south east. However an alternative access to the site would need to be considered.

The playing field provides an area for archery, two football pitches and two cricket pitches. This recreational open space is also protected under policy C3 of the Local Plan. In this policy proposals should not be permitted unless there is an excess of good quality recreational facilities that would be lost, sufficient to meet local demand; or the development provides a recreational or community benefit greater than the long term recreational value of the facility that would be lost; or equivalent provision in a convenient location is made. The scheme does not provide an equivalent provision elsewhere and there is not an excess of good quality playing fields. The issue therefore is one of whether the community benefit of the indoor and retained outdoor facilities is sufficient to outweigh the loss of the playing field uses such as the second cricket square. The bowls building and the multi use games area lie outside the application site and their continued use needs to be confirmed by the applicant. The retention of these facilities could be made a condition of any permission should Members consider the development here acceptable. The further views of Sport England are awaited.

The applicant has submitted a planning statement which looks at the sequential test necessary as the proposal is likely to be a major traffic generator and the site lies outside the central area. This is in line with both PPS6 and the requirements of the Local Plan policies C5 and EC10. The policy concern here is that the test undertaken has not looked at all town centre sites and when these are looked at there are sites available which could house a sports centre use. The applicant argues that they

have a specific business model which looks to incorporate the existing playing field facilities into a scheme to ensure their retention and that disaggregation onto a smaller site to provide indoor facilities would ignore the requirements to provide for outdoor sports. Financial viability of quality outdoor sports it is claimed can only be provided by linking the facilities on the one site. Relocation of the entire facility would require 3 hectares which could not be found in a more sustainable location. The proposed site is adjacent to the existing local centre and benefits from good local transport links and is considered an acceptable alternative. It is a location that is well related to residential areas and does not have a similar facility nearby on this side of town other than at Castle School. There is also a strong level of support for the scheme.

The Highway Authority have studied the submitted Transport Assessment and concluded that the new access would only be acceptable provided the permanent removal of traffic from the Trull Road access. The lack of information over the site area outlined in blue not within the application has raised concern. There are two access points onto College Way and the service access is considered unacceptable in terms of highway safety and refusal is recommended on that ground. The main access as proposed has insufficient visibility at present and to provide this would require the loss of trees on the road frontage. This is not considered to be acceptable in visual terms. The Highway Authority also require a footway across the site frontage, a right turn lane and a cycle footway link between Trull Road and College Way. This latter request reflects Structure Plan policy 44 and M5 of the Local Plan and will require use of part of the site which may impact on the playing field facilities. Whilst there are therefore a number of matters which still require clarification, the Highway Authority recommend refusal on the basis of the current submission due to the service access, the lack of adequate access to the site and the insufficient information to ensure the existing substandard access to Trull Road can be stopped up to vehicular traffic.

In summary the visual impact of the scheme on College Way and the protected open space is considered to be contrary to policy EN24 and this impact would be worsened by the tree loss necessary for the highway visibility. The lack of an adequate access and the cycleway required by the Highway Authority and the dangerous service access are considered further reasons to refuse the scheme. A condition to address the stopping up of the access to Trull Road is considered possible to address this concern. The impact on the loss of playing facilities, as set against community benefit is a balanced one as is the sequential test issue and the comments of Sport England on this are awaited.

RECOMMENDATION

Subject to the further views of Sport England, permission be REFUSED for reasons of adverse impact on protected recreational open space contrary to Local Plan policy EN24 and potential loss of trees contrary to policy EN6, service access prejudicial to road safety contrary to Somerset and Exmoor National Park Joint Structure Plan Review policy 49, inadequate standard of access in terms of visibility and turning to serve the development proposed contrary to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and lack of cycleway link not in keeping

with policy 44 of the Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan policy M5.

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:

Planning Committee – 21 November, 2007

Report of the Development Manager

Enforcement Item

Parish: North Curry

1. **File/Complaint Number** E331/24/2007
2. **Location of Site** Hunters View, Knapp, North Curry
3. **Names of Owners** Mr & Mrs Boalch
4. **Names of Occupiers** Mr & Mrs Boalch

5. **Nature of Contravention**

Retention of extension to lounge.

6. **Planning History**

A conservatory was constructed in 2002 without the benefit of planning permission. In 2005 alterations were carried out to the structure, which involved the replacement of the glazed roof with tiles and the slight increase in floor area to accommodate the support for the tiled roof. This alteration would have required the submission of a planning application. However, no application was made.

7. **Reasons for taking Action**

It is considered that the alteration to the structure is acceptable and any application for permission would receive a favourable recommendation.

8. **Recommendation**

It is recommended that no further action should be taken over the minor alteration.

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 – 21 November, 2007

Report of the Development Manager

Enforcement Item

Parish: Taunton

1. **File/Complaint Number** E193/38/2007
2. **Location of Site** Eagle Tavern, South Street, Taunton.
3. **Names of Owners** The Landlord
4. **Names of Occupiers** The Landlord

5. **Nature of Contravention**

Smoking shelter erected to front of property together with a fence erected adjacent to the highway over 1 m high.

6. **Planning History**

The matter was brought to the Council's attention on 10 July, 2007. This was soon after the smoking ban came into effect. A site visit was made and the landlord was contacted and informed that a planning application was required for both the smoking shelter and the fence. Public houses do not enjoy permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 therefore any form of development requires planning permission. The landlord has been contacted in August and again in November but no application has been forthcoming and the structure is still in place.

7. **Reasons for taking Action**

The structure requires permission under the Town and Country Planning Act 1990 and the fence is over 1 m high adjacent to the highway and is not therefore in accordance with Schedule 2 Part 2 Class A Minor Operations of the General Permitted Development Order 1995. It is considered that the fence, by reason of its siting, height and design constitutes an intrusive feature within the street scene to the detriment of the visual amenities of the area. As it is sited on the back edge of the pavement there is no opportunity to provide planting to soften the overall impact in the street scene. Therefore it is contrary to the Taunton Deane Local Plan Policies S1 and S2.

8. **Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and commence prosecution proceedings, 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 – 21 November, 2007

Report of the Development Manager

Enforcement Item

Parish: Wiveliscombe

1. **File/Complaint Number** E230/49/2007
2. **Location of Site** Candletrees, Maundown, Wiveliscombe.
3. **Names of Owners** Mr T A Ball
4. **Names of Occupiers** Mr T A Ball
5. **Nature of Contravention**

Formation of an additional access driveway to Candletrees over agricultural land.

6. **Planning History**

A complaint was received on 6 August, 2007 that works were being carried out on the agricultural land adjoining Candletrees. The works involved the excavation of soil the laying of hardcore and a surface dressing of tarmac. The owner was contacted on 31 August, 2007 advising that the new access drive would require planning permission as it constituted a change of use from agricultural land to that of domestic. The owner replied on 7 September, 2007 stating that the access had been laid down to overcome the difficulties that large agricultural vehicles experienced when accessing the farm via steep slopes and bends. It also means that there is in effect a two way system to the farm. It was further explained to the owner that although there may be genuine agricultural need for the access the position and surface treatment would suggest that it would mainly serve the dwelling rather than the farm. Also if the works were intended for agriculture, prior to carrying out the development a notification should have been submitted. Now that the works have been completed a planning application will now have to be submitted even if it is to be used for farm traffic. To date no application has been received and the driveway remains on site.

7. **Reasons for taking Action**

It is considered that the formation of this driveway across agricultural land is a visual intrusion and detrimental to the visual amenities of area. Also it may be close to an important County Archaeology site and therefore contrary to Taunton Deane Local Plan Policy EN22.

8. **Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and take prosecution action subject to sufficient evidence being obtained 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