



## PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 12TH DECEMBER 2007 AT 17:00.

(RESERVE DATE : WEDNESDAY 12TH DECEMBER 2007 AT 17:00)

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### AGENDA

1. Apologies.
2. Minutes of the meetings of the Committee held on 21 and 22 November 2007 (to follow).
3. Public Question Time.
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
5. Firepool Lock Masterplan - Submission of details pursuant to Condition 02 of 38/2006/135 and application for non compliance with Conditions 02 and 07 on permission number 38/1999/394. Miscellaneous item
6. KINGSTON ST. MARY - 20/2007/026  
REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION 06 OF APPLICATION 20/1991/027 AT MILLFIELD HOUSE, PARSONAGE LANE, KINGSTON ST MARY
7. LANGFORD BUDVILLE - 21/2007/026LB  
REMOVAL OF PART OF WALL, ERECTION OF WALL AND GATE AND FORMATION OF CAR PARKING SPACE AT HILLVIEW, LANGFORD BUDVILLE
8. NORTON FITZWARREN - 25/2007/023  
CHANGE OF USE FROM STORES TO HOLIDAY UNITS AT WICK HOUSE, NORTON FITZWARREN
9. RUISHTON - 31/2007/020  
CHANGE OF USE AND CONVERSION OF OUTBUILDINGS TO FORM TWO HOLIDAY COTTAGES AND DOMESTIC OFFICE/STUDY AT TOAD HALL, LOWER HENLADE
10. RUISHTON - 31/2007/022  
ERECTION OF LINK FROM HOUSE TO GARAGE AND CONVERSION OF GARAGE TO FORM ANNEXE, ERECTION OF CONSERVATORY AND INSERTION OF NEW FLUE PIPE ON NORTH ELEVATION AT TOAD HALL, LOWER HENLADE
11. STAWLEY - 35/2007/019

ERECTION OF THREE ECO-CABINS FOR TOURISM USE AT LAND TO THE SOUTH OF LITTLE BRIMLEY, APPLEY, WELLINGTON

12. TAUNTON - 38/2007/193  
ERECTION OF PHASE 1 OF B1 OFFICE DEVELOPMENT WITH ASSOCIATED TEMPORARY CAR PARK AT FORMER GOODS SIDINGS, FIREPOOL, TAUNTON AS AMENDED BY LETTER DATED 10TH SEPTEMBER, 2007 AND PLANS NOS. 06/51 L01.01D, L02.01F, L02.02E, L04.02C, L04.01B AND SK1212.06.01B
13. TAUNTON - 38/2007/545  
DEMOLITION OF DWELLING AND ERECTION OF 8 NO. ONE BEDROOM FLATS AT 74 SOUTH STREET, TAUNTON
14. WELLINGTON - 43/2007/163  
ERECTION OF SUPERMARKET (1,965 SQ M) WITH ASSOCIATED CAR PARKING AND SERVICING, LAND TO REAR OF 36-46 HIGH STREET, WELLINGTON (PARTIAL AMENDMENT TO PLANNING PERMISSION 43/2004/141)
15. WEST MONKTON - 48/2007/019  
CONSTRUCTION OF A ROUNDABOUT AND ALTERATION OF ASSOCIATED ROADS AND HIGHWAY STRUCTURE AT THE FORMER CHICKEN HATCHERY, BRIDGWATER ROAD, MONKTON HEATHFIELD
16. WEST MONKTON - 48/2007/055  
ERECTION OF EXTENSION AND IMPROVEMENTS TO STORE TO PROVIDE ADDITIONAL RETAIL SALES FLOORSPACE AND THE RELOCATION OF THE CUSTOMER RESTAURANT TO THE PROPOSED MEZZANINE FLOOR AT SAINSBURY'S SUPERMARKET, HANKRIDGE FARM RETAIL PARK, HERON GATE, BATHPOOL
17. E356/06/2007 - Operational development other than that approved under permission number 06/2006/035 and the stationing of caravans on land at Sunnydene, Dene Road, Bishops Lydeard, Taunton. Enforcement item
18. E264/21/2007 - Stationing of a motor home for use as a dwelling and the carrying out of an agricultural machinery repair business at Harpford Farm, Langford Budville, Wellington. Enforcement item
19. 30/2007/040 and E185/30/2007 - Mesh fence erected above existing wall at Brookfield House, Pitminster. Enforcement item
20. E153/45/2007 and 45/2007/017 - Alterations to existing field entrance onto classified road and removal of hedgerow, land opposite Vale View Cottages, West Bagborough. Enforcement item

G P DYKE  
Democratic Services Manager  
05 December 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 C Hill

Councillor House

Councillor Miss James

Councillor McMahon

Councillor Mrs Smith

Councillor Watson

Councillor Ms Webber

Councillor A Wedderkopp

Councillor D Wedderkopp

Councillor Miss Wood

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

## Planning Committee – 21 November 2007

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

Officers:- Mr T Burton (Development Manager), Mr J Hamer  
(Development Control Area Manager – West),  
Mr G Clifford (Development Control Area Manager – East),  
Mrs J M Jackson (Senior Solicitor) and Mr R Bryant  
(Democratic Support Manager)

Also present:- Councillor Coles, Councillor Hall in relation to application No  
38/2007/334 and Councillor Horsley in relation to application No  
38/2007/386.

(The meeting commenced at 5.00 pm.)

### 130. Apologies/Substitutions

Apologies: Councillors Floyd, Henley and Watson.

Substitutions: Councillor Miss Wood for Councillor Henley.  
Councillor Stuart-Thorn for Councillor Watson.

### 131. Minutes

The minutes of the meeting held on 31 October 2007 were taken as read and were signed.

### 132. Declaration of Interest

Councillor Mrs Smith declared a personal interest in application No  
38/2007/386.

### 133. 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 development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

**38/2007/386**

**Erection of 2 No two storey dwellings, four car spaces and boundary wall, following demolition of double garage at land to the rear of 55 Cheddon Road, Taunton**

**Conditions**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) Full details of any new boundary walls and/or fences shall be submitted to the Local Planning Authority prior to commencement of any works on site and those means of enclosure shall be erected prior to occupation of the dwellings hereby approved;
- (d) C324 – parking;
- (e) Details of the arrangements for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before the development hereby permitted is commenced. The development shall be carried out in accordance with the approved details;
- (f) P001A – no extensions;
- (g) P011 – no windows on the north-west and east elevations;
- (h) The first floor east and west facing windows shall be glazed in obscure glazing and retained with such glazing for so long as the development remains in existence;
- (i) Details of materials of footpaths to the side, rear and front of the building shall be submitted to the Local Planning Authority prior to the commencement of any works on site and the approved details shall be carried out prior to occupation of the dwellings hereby permitted;
- (j) C013 – site levels;
- (k) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access;
- (l) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (m) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that in the view of the Environment Agency the development should include water efficient appliances, fittings and systems in order to contribute to reduced water demands 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 rain water harvesting should be considered. The submitted scheme should consist of a detailed list and description of water saving measures to be employed within the development; (2) Applicant was advised that as the alteration of the access will involve construction works within the existing highway limits, these works must be agreed in advance with the Highway Services Manager at Somerset Highways who will be able to advise upon and issue the relevant licences necessary under Section 184 of the Highways Act 1980.)

**Reason for granting planning permission:-**

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2 and M4 without detriment to the amenities of the area.

- (2) That the following application be withdrawn:-

**52/2007/037**

**Erection of Sports Centre with parking and access at Civil Service Sports Club Ground, College Way, Taunton**

134. **Conversion of barn to four dwellings with demolition of agricultural buildings and formation of car ports, Middle Chipley Farm, Langford Budville (21/2007/017)**

Reported this application.

RESOLVED that subject to the further views of the Nature Conservation Officer and Natural England, 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) C010A – drainage – not commenced until percolation test approved;
- (c) C106 – second hand materials;
- (d) C112 – details of guttering, downpipes and disposal of rain water;
- (e) C201A – landscaping;
- (f) C205 – hard landscaping;
- (g) C207A – existing trees to be retained;
- (h) C208E – protection of trees to be retained;
- (i) C208B – service trenches beneath trees;
- (j) C210 – no felling or lopping;
- (k) C215 – walls and fences;
- (l) C324 – parking;
- (m) C416 – details of size, position and materials of meter boxes;
- (n) C601 – schedule of works to ensure safety and stability of structure;
- (o) 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;
- (p) P001A – no extensions;
  - (q) P003 – no ancillary buildings;
  - (r) P006 – no fencing;
  - (s) P010 – no further windows;
  - (t) Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed for the first 10m (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
  - (u) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the dwelling first being brought into use;
  - (v) C306 – access – gradient;
  - (w) C927 – contaminated land barns/small sites;
  - (x) Before the dwellings hereby permitted are occupied, the agricultural buildings as shown on the attached plan shall be demolished and all materials resulting from the demolition shall be removed from the site;
  - (y) C1112 – development affecting buildings where Swallows are known to nest;
  - (z) Before any development (including demolition or site clearance) commences, written confirmation shall be obtained from the Local Planning Authority that a derogation from the Habitats Regulations, in the form of a Regulation 44 Licence in respect of European protected species (bats), has been issued by Natural England;
  - (aa) If the period of time between Country Contracts' submitted report dated August 2007 and the commencement of development extends more than one year beyond the date of the report, then a further survey must be commissioned and submitted to, and agreed in writing by, the Local Planning Authority to ascertain any changes in the use of the site by protected species;
  - (bb) Prior to the works of conversion for which consent is hereby granted being commenced, specific details of the means by which the works are envisaged to comply with Part L of the Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being subsequently implemented and thereafter maintained, unless any variation thereto is first approved in writing by the local Planning Authority.

(Notes to Applicant:- (1) N025 – conversions; (2) With regard to condition (p), applicant was advised that permission has been granted solely to retain a former agricultural building as part of the rural scene. It is therefore unlikely that future extensions would be allowed to this dwelling; (3) N118 – disabled access; (4) N112 – energy conservation; (5) N114 – meter boxes; (6) N051B – health and safety; (7) Applicants attention is drawn to the listed building consent relating to this property numbered 21/2007/018LB; (8) N126 – potential ground contamination; (9) Applicant was advised that the Environment Agency's Consent to Discharge to an underground strata would

be required; (10) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (11) Applicant was advised that bats are known to use the barn as identified in Country Contracts' report dated August 2007. The report advises that a Natural England (European Protected Species) Development Licence will be required before work commences on the barn. The species concerned are European Protected Species within the meaning of the Conservation (Natural Habitats etc) Regulations 1994 (amended 2007). Applicant was further advised that the protection afforded to species under UK and EU Legislation is irrespective of the planning system and it should be ensured that any activity undertaken on the application site complies with the appropriate Wildlife Legislation.)

**Reason for planning permission, if granted:-**

The Local Planning Authority considered that the proposed development complied with Taunton Deane Local Plan Policy S1 and the criteria contained in Policy H7.

**135. Conversion of barn into four dwellings, Middle Chipley, Langford Budville (21/2007/018LB)**

Reported this application.

RESOLVED that subject to the further views of the Nature Conservation Officer and Natural England, the Development Manager be authorised to determine the application in consultation with the Chairman and, if listed building consent was granted, the following conditions be imposed:-

- (a) C002B – time limit – listed building;
- (b) C103 – materials – listed building;
- (c) Notwithstanding the details submitted, a sample slate shall be submitted to, and approved in writing by, the Local Planning Authority prior to the works for which consent is hereby granted are commenced;
- (d) Prior to the works for which consent is hereby granted are commenced, a detailed schedule of structural works and repairs shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) Prior to re-roofing, details of the means by which re-covered roofs shall be ventilated in accordance with Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) Prior to commissioning, specific details of windows, doors (including internal), architraves, skirtings, side lights, staircases, galleries, venting of enclosed WC's/en-suites/shower rooms/utilities, rainwater goods, ceiling to first floor and finished treatment for all joinery shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) Prior to the works of conversion for which consent is hereby granted being commenced, specific details of the means by which the works are envisaged to comply with Part L of the Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being subsequently implemented

and thereafter maintained, unless any variation thereto is first approved in writing by the local Planning Authority.

(Note to applicant:- Applicants attention is drawn to the planning permission reference numbered 21/2007/017 relating to this site.)

**Reason for listed building consent, if granted:-**

It was considered that the proposal complied with Taunton Deane Local Plan Policies EN16 and EN17 in that the proposal would not have an adverse impact on the character and appearance of the building and its surroundings.

**136. Redevelopment to form 44 “assisted living” apartments for the frail elderly, including staff accommodation, communal facilities, with associated car parking and landscaping at No’s 2, 4 and Kells, Compass Hill, Taunton (38/2007/334)**

Reported this application.

RESOLVED that subject to the applicant entering into a Section 106 Agreement to provide a commuted sum of £350,000 for off-site affordable housing provision and tying the occupancy (excluding the manager and staff) to the elderly (over 60), 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) C101 – materials;
- (c) A sample panel of brick illustrating the mortar jointing shall be constructed on site and approved in writing by the Local Planning Authority prior to construction commencing and the walls shall be so constructed as per the agreed panel;
- (d) C201 – landscaping;
- (e) C207A – existing trees to be retained;
- (f) C208E – protection of trees to be retained;
- (g) C208B – service trenches beneath trees;
- (h) C205 – hard landscaping;
- (i) Details of the arrangements for the disposal of surface water drainage from the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to any work hereby permitted commencing;
- (j) Prior to the commencement of any works hereby permitted, details of the boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority and the works shall take place in accordance with the approved scheme;
- (k) Prior to the commencement of any works hereby permitted, details of any proposed lighting on the site shall be submitted to, and approved in writing by, the Local Planning Authority and works shall take place in accordance with the approved scheme;
- (l) P010 – no further windows;

- (m) The windows in the south west elevation at first and second storey level, which serve corridors, shall be inserted in obscure glazing and shall thereafter be maintained in obscure glazing;
- (n) The layout to be submitted shall make adequate provision for a temporary car park within the site to accommodate operatives and construction vehicles during the contract period and shall indicate the eventual use of that area;
- (o) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (p) No building shall be occupied or otherwise used for any purpose until provision has been made within the site for the loading and unloading of goods vehicles for which details shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (q) The accesses hereby permitted shall not be brought into use until vehicle cross overs have been constructed across the verge fronting the site, for the widths of the accesses;
- (r) The gradient of the accessways shall not at any point be steeper than 1:10 for a distance of 10m from its junction with the public highway;
- (s) The southern access shall be used for the purpose of "entry only" and appropriate signs shall be erected before the development hereby permitted is first brought into use and thereafter maintained;
- (t) The northern access shall be used for the purpose of "exit only" and appropriate signs shall be erected before the development hereby approved is first brought into use and thereafter maintained;
- (u) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the development first being brought into use;
- (v) The existing accesses shall be stopped up and their use permanently abandoned within one month of the new accesses hereby permitted being first brought into use;
- (w) At the proposed access there shall be no obstruction to visibility greater than 600mm above adjoining road level within the area of land shown coloured green on the attached plan. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby approved and shall thereafter be maintained at all times;
- (x) Notwithstanding the details shown on the submitted plans, a realignment of the exit to allow vehicles to wait "square" with the main road shall be provided in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced;
- (y) A pedestrian guard rail shall be included on the central island and shall be erected in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced;
- (z) Prior to commencement of works on site, an emergence survey for bats shall be undertaken by a qualified environmental consultant between the months of May and September inclusive and a report

submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;

- (aa) No site clearance works or development (or specified operations) shall take place between 1 March and 31 July without the prior written approval of the Local Planning Authority.

(Notes to Applicant:- (1) N061 – Highways Act – Section 184 Permit; (2) Applicant was advised that traffic management during the works will be critical to ensure the free flow of vehicles. In consequence, there should be close contact between the developer and the Area Highways Manager to ensure that significant problems do not arise; (3) Applicant was advised that prior to the commencement of the development contact should be made with Wessex Water; (4) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and it should be ensured that any activity undertaken on the application site complies with the appropriate wildlife legislation.)

**Reason for planning permission, if granted:-**

The proposal was considered to be an appropriate redevelopment site close to the town centre and the proposal was considered to be in accordance with the Taunton Deane Local Plan Policies S1, S2, M4 and EN8 and material considerations did not indicate otherwise.

**137. Conversion of mill building (former Haymans Coal Yard 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 (43/2007/087)**

Reported this application.

RESOLVED that subject to:-

- (1) The further views of the Environment Agency; and
- (2) The applicant entering into a Section 106 Agreement to secure the provision of 4 No 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 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) C102 – materials;
  - (c) Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;

- (d) C112 – details of guttering, downpipes and disposal of rainwater;
- (e) C201A – landscaping;
- (f) C215 – walls and fences;
- (g) C205 – hard landscaping;
- (h) C324 – parking;
- (i) There shall be no obstruction to visibility greater than 900mm 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 33m to the north of the access at the nearside carriageway edge, and 2.4m back and 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;
- (j) 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;
- (k) C416 – details of size, position and materials of meter boxes;
- (l) The fenestration details on the north and east elevations, comprising obscure glazing and louvres, shall be implemented strictly in accordance with the approved plans and thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
- (m) P003 – no ancillary buildings;
- (n) P006 – no fencing;
- (o) C1103 – bats – where survey work shows significant numbers and where possibly more survey work and a DEFRA licence will be needed;
- (p) Prior to any of the apartments being occupied, the gravelled area to the north of the existing building shall be hard surfaced and retained as a passing place in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority;
- (q) Prior to the commencement of development, a detailed record shall be taken of the building and its surroundings and a report of the findings submitted to the Local Planning Authority;
- (r) C926B – remediation investigation/certificate.

(Notes to Applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N114 – meter boxes; (5) N024 – development in accordance with approved plans; (6) N051B – health and safety; (7) N075 – Section 106 Agreement; (8) Applicant was advised to contact the Fire Safety Officer with regard to means of escape, access for appliances and water supplies; (9) Applicant was advised to contact Wessex Water with regard to connection to the foul drainage system and water supply; (10) It is noted that it is proposed to dispose of surface water to the “existing drain on site also culvert”. As

there are no existing public/separate surface water sewers in the vicinity of the site, applicant was advised to investigate alternative methods for the satisfactory disposal of surface water from the site for example, soakaways. These should be constructed in accordance with the current BS standard; (11) N048A – potential ground contamination.)

**Reason for planning permission, if granted:-**

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.

**138. 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 accessways, Tonedale Business Park, Tonedale Mill, Milverton Road, Wellington (43/2007/092)**

Reported this application.

RESOLVED that subject to:-

- (1) The inclusion of any further conditions recommended by the Environment Agency;
- (2) The applicants entering into a Section 106 Agreement to provide for:-
  - (i) a contribution of £200,000 towards the provision of off-site affordable housing and its timing;
  - (ii) 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;
  - (iii) 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
  - (iv) The provision of free bus passes for travel to Taunton for residents of the development for the first year of occupation; and
- (3) The views of the Secretary of State on application No 43/2007/093LB, 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) C106 – second hand materials;
  - (c) Details of all guttering, downpipes and disposal of rainwater shall be submitted to, and approved in writing by, the Local Planning Authority before such works on any specific building block commences;
  - (d) C203 – landscaping;
  - (e) 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;

- (f) 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 1.5m high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the 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;
- (g) C208B – service trenches beneath trees;
- (h) No tree, excepting those identified on the submitted plans hereby approved shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority;
- (i) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriage 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;
- (j) 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;
- (k) 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;
- (l) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the dwellings first being brought into use;
- (m) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before such development commences on any specific building block;
- (n) 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;
- (o) C708 – restricted use – no storage except where stated;
  - (p) C917 – services – underground;
  - (q) P002 – no extensions;
  - (r) P003 – no ancillary buildings;
  - (s) P006 – no fencing;
  - (t) 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/roof lights/dormer windows (other than those expressly authorised by this planning permission, shall be constructed;
  - (u) 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;
  - (v) C926B – remediation investigation/certificates;
  - (w) 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;
  - (x) 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 three decibels, expressed in terms of an A-Weighted, two minute Leq when measured at any residential or other noise sensitive premises. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time when measured as above. For the purpose 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 ninetieth percentile level, measured at an appropriate time of day and for a suitable period of not less than ten minutes;
  - (y) No deliveries shall be made to the commercial premises in the mixed use blocks, or commercial units in blocks adjacent to residential premises after 2000 hours and before 0700 hours the following day unless otherwise agreed in writing with the Local Planning Authority;
  - (z) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 – 1800 hours; Saturdays 0800 – 1300 hours; at all other times, including public holidays, no noisy working;

- (aa) 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;
- (bb) 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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter connected 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 water course, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
- (cc) Prior to being discharged into any water course, 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;
- (dd) 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:-
  - (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - (iii) Measures for the retention and replacement and enhancement of habitat for the species;
  - (iv) 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;
  - (v) 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's significance of the protected species present and the importance of protected 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;

- (ee) Details of any sub-stations, control kiosks for pumping stations and satellite distribution boxes and their locations shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation;
- (ff) Specific details of the approved bridges shall be submitted to, and approved in writing by, the Local Planning Authority prior to their commencement and thereafter implemented and so maintained unless otherwise agreed in writing by the Local Planning Authority;
- (gg) The hours of opening of the proposed A1 retail unit shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the occupation of such unit. The hours agreed shall be adhered to unless a written variation has been agreed in writing by the Local Planning Authority;
- (hh) Prior to the occupation of Block F, a public access statement setting out public visibility and accessibility shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter adhered to;
- (ii) Minimum finished floor levels for each building shall be as listed below:-  
Block A – 50.39 (metres AOD), Block B – 50.45 (metres AOD),  
Block C – 50.45 (metres AOD), Block D – 51.32 (metres AOD),  
Block E – 50.51 (metres AOD), Block F – 50.45 (metres AOD),  
Block G – 50.51 (metres AOD) and Block H – 50.89 (metres AOD);
- (jj) C911 – aerials – combined system.

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N114 – meter boxes; (5) N051B – health and safety; (6) Applicants attention is drawn to the listed building consent relating to this property numbered 43/2007/093LB; (7) N075 – Section 106 Agreement; (8) N048A – potential ground contamination; (9) Applicant was advised that:- (i) Means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at the Building Regulations stage; (ii) Access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000 and (iii) all new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards; (10) Applicant was advised that 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 for planning permission, if granted:-**

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

**139. 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 (43/2007/093LB)**

Reported this application.

RESOLVED that subject to the views of the Secretary of State, the Development Manager be authorised to determine the application in consultation with the Chairman and, if listed building consent was granted, the following conditions be imposed:-

- (a) C002B – time limit – listed buildings;
- (b) The surfaces of the works for which consent is hereby granted shall be of materials as shown on the submitted plan and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) None of the buildings for which demolition is hereby granted shall be demolished before planning permission has been granted and a contract let for the redevelopment;
- (d) Prior to any works of conversion and any associated demolition for which consent is hereby granted are commenced on any building block, a detailed photographic record, detailed measured survey and contextual plan of those elements to be demolished, removed, altered or compromised shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) C107 – second hand materials – listed buildings;
- (f) Prior to the works of conversion for which consent is hereby granted are commenced on any building block, detailed schedules of structural work and repairs with associated detailed plans, materials schedules and methods of workmanship shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to unless any variation thereto is first approved in writing by the Local Planning Authority;
- (g) All repairs shall be progressed on the basis of minimal intervention with all repair works affected in appropriate traditional materials and with workmanship commensurate with the building's age/character unless any variation thereto is first approved in writing by the Local Planning Authority;
- (h) Prior to any works of conversion for which consent is hereby granted are commenced on any building block, specific details of the following (where appropriate) shall be submitted to, and approved in writing by, the Local Planning Authority:- new doors (internal and external),

architraves, skirtings, new and retained windows, finished treatment for joinery, staircases, lifts, floor finishes, ceiling finishes and their positions, venting of recovered roofs, venting of enclosed bathrooms/en suites/wcs, vent terminals, rooflights, air conditioning, garage doors, flues, fire separation, means of escape, sound insulation, hoppers, guttering and downpipes, patent glazing, cedar cladding, zinc cladding, perforated metal guarding, glazed screens, damp proofing, dry lining, insulation, tanking, external plumbing, external lighting, locations and design of service boxes, details of maintaining access to wheel pits, location/retention/relocation of artefacts, location of communal satellite dishes/TV receivers with such approved details being subsequently implemented and thereafter maintained unless any variation thereto is first approved in writing by the Local Planning Authority;

(Note to Applicant:- Applicant's attention is drawn to the planning permission numbered 43/2007/092 relating to this site/these premises).

**Reason for listed building consent, if granted:-**

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

**140. Retention of extension to lounge at Hunter's View, Knapp, North Curry**

Reported that a conservatory had been constructed at Hunter's View, Knapp, North Curry in 2002 without the benefit of planning permission.

In 2005, alterations were carried out to this 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.

Further reported that this alteration would have also required the submission of a planning application. However, in the view of the Development Manager, the alteration to the structure was acceptable and any application for permission would be likely to receive a favourable recommendation.

RESOLVED that no further action be taken over the minor alteration carried out at Hunter's View, Knapp, North Curry.

**141. Erection of a smoking shelter at The Eagle Tavern, South Street, Taunton**

Reported that it had come to the Council's attention that a smoking shelter had been erected to the front of The Eagle Tavern, South Street, Taunton together with a fence erected adjacent to the highway which was over one metre in height.

The landlord of the public house had been notified that planning permission to retain both the shelter and the fence was required but, to date, no application to regularise the situation had been forthcoming.

RESOLVED that:-

- (1) Enforcement action be taken requiring the removal of the smoking shelter and the fence which had been erected at The Eagle Tavern, South Street, 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.

142. **Formation of an additional access driveway to Candletrees, Maundown, Wiveliscombe**

Reported that it had come to the Council's attention that an additional access driveway to the property known as Candletrees, Maundown, Wiveliscombe had been formed over agricultural land.

The owner had been advised that planning permission to retain the driveway was required but, to date, no application to regularise the situation had been submitted.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised additional access driveway serving Candletrees, Maundown, Wiveliscombe; 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.

(The meeting ended at 7.54 pm)

## **Planning Committee – 22 November 2007**

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

Officers:- Mr T Burton (Development Manager), Mrs J Moore (Development Control Principal Officer – East), Ms J Wislade (Strategic Director), Mr I Clark (Heritage and Landscape Officer), Mrs J M Jackson (Senior Solicitor), Ms M Casey (Planning and Litigation Solicitor) and Mr R Bryant (Democratic Support Manager).

Also present:- Councillors Cavill, Coles, Leighton (as both Ward Councillor and Chairman of the West Monkton Community Engagement Panel) and Mrs Waymouth.

(The meeting commenced at 5.00 pm).

### **143. Apologies/Substitutions**

Apologies:- Councillors Henley, McMahon and Watson.

Substitutions:- Councillor Miss Wood for Councillor Henley.  
Councillor Mrs Court-Stenning for Councillor McMahon.  
Councillor Stuart-Thorn for Councillor Watson.

### **144. Declarations of Interest**

Councillor Ms Webber declared a personal interest in application No 48/2005/072 as one of her family owned a property adjacent to the development site.

Councillor Cavill declared a prejudicial interest in application No 48/2005/072 as one of the local landowners. Under the Revised Code of Conduct for Members, issued in May 2007 by the Standards Board for England, Councillor Cavill remained in the room during the presentation of the application and was also afforded the opportunity to address the Committee. Councillor Cavill left the meeting before the application was debated.

### **145. Proposed Mixed Use Urban Extension Development comprising residential, employment, local centre, new primary school, A38 relief road, green spaces and playing fields at Monkton Heathfield (48/2005/072)**

Reported this application.

RESOLVED that the Development Manager be authorised to represent the Council at any appeal arising from the non-determination of this application and to object to the proposal on the following grounds:-

- (1) Landscape impact;
- (2) Reduction in extent and effectiveness of Green Wedge;
- (3) Failure to deliver comprehensive and coordinated development in accordance with the adopted Development Plan for the reasons set out in Sections B, J and M of the Development Manager's report;
- (4) Failure to secure community educational and leisure and recreation provision and facilities in accordance with the adopted Development Plan as set out in Sections G, H and L of the Development Manager's report;
- (5) Failure to deliver affordable housing in accordance with the adopted Development Plan as set out in Section I of the Development Manager's report;
- (6) Failure to deliver provision of a local centre in accordance with the adopted Development Plan as set out in Section N of the Development Manager's report;
- (7) Failure to deliver provision of adequate surface water drainage arrangements for the developed site in accordance with the adopted Development Plan as set out in Section K of the Development Manager's report;
- (8) Failure to deliver the necessary highway network and other transport improvements and provision in accordance with the adopted Development Plan as set out in Sections A, B and J of the Development Manager's report;
- (9) Insufficient information had been submitted to enable a full and proper assessment of the impact of the improvements to Milton Hill and the new Western Relief Road on the environment as required by the Environmental Impact legislation (DETR Circular 02/99).

Also RESOLVED that the Council's Senior Solicitor be authorised to continue Section 106 Agreement discussions and ultimately to agree common ground with the appellants wherever possible in the period leading up to any future Public Inquiry.

**146. Formation of road at land north of Langaller Lane, Monkton Heathfield (48/2007/006)**

Reported this application.

RESOLVED that the Development Manager be authorised to represent the Council at any appeal arising from the non-determination of this application and to object to the proposal in accordance with the Council's position relating to application No 48/2005/072 above.

(The meeting ended at 7.13 pm.)



## **Planning Committee - 12 December, 2007**

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

#### **Miscellaneous Item**

#### **FIREPOOL LOCK MASTERPLAN SUBMISSION OF DETAILS PURSUANT TO CONDITION 02 OF 38/2006/135 AND APPLICATION FOR NON COMPLIANCE WITH CONDITIONS 02 AND 07 ON PERMISSION NUMBER 38/1999/394.**

#### **Location of site**

The Firepool Lock (formerly known as East Goods Yard) site is located between the railway line to the north of the site and the Taunton and Bridgwater canal to the south. The whole Firepool Lock site occupies approximately 13.1 ha and is largely surrounded by former railway and industrial buildings. The site is presently vacant with the exception of a number of redundant railway buildings the majority of which have now been demolished except for the Pumphouse and water tower which is Grade II listed building.

The site of the subject of this report forms a part of the total area amounting to some 4.6 ha and forms part of the larger Firepool Area identified in the Taunton Vision Urban Design Framework document produced by Terrence O'Rourke. Adjacent to the site is the extensive Project Taunton redevelopment of the Cattle Market and car park

#### **Planning History**

The Firepool Lock site was granted outline planning permission for the redevelopment to provide approximately 3.3ha of residential development; approximately 0.9 ha of B1 employment uses; conversion of pumping station to provide a public house/restaurant; new access road, canal side walkway, new infrastructure, landscaping, earth moving and demolition of existing structures; construction of new walls and fences and all associated engineering works' at Taunton East Goods Yard, Taunton Station, Taunton, on 20 August, 2004 (application reference 38/1999/394), The scheme was only submitted in diaphragmatic form.

The application was subject to legal agreement relating to highway works; provision of or contribution to non-car modes of transport: provision of strategic footway/cycleway link, a contribution to suitable off site related transport, an education contribution, a public open space contribution, 20.7% of the total units to be provided as Affordable Housing via an RSL, an obligation to ensure that the access road connects to the strategic road to the west. Numerous conditions were also imposed on that permission, many of which still remain to be formally discharged.

The access road was not reserved for future consideration and a separate detailed consent for the road exists. The site requires extensive remediation,

regrading and re-profiling as part of the remediation strategy, this provides natural terracing from north to south and a separate permission has also been given for these works subject to a variety of conditions.

### **Requirements of the relevant Condition**

The original 2004 issued planning permission contained the following condition which is the reason for this report:-

“07 A development brief indicating a draft layout of the whole site indicating the following:-

- (a) access arrangements including cycleways and footpaths;
- (b) the specific areas of land allocated for housing, B1
- (c) employment uses and public house/restaurant;
- (d) the density, form, scale, height and massing of the development;
- (e) location of landscaping, amenity open space and play areas,

shall be submitted to and approved by the Local Planning Authority prior to the submission of any reserved matters. Any material deviation from the approved brief shall not take place other than with the prior approval of the Local Planning Authority.

07 Reason: The application site forms a large part of the major mixed-use redevelopment site at Firepool as allocated in the Taunton Deane Local Plan and will require a co-ordinated approach.”

This condition and condition 02 (relating to the time limit for submission of certain details) were subsequently modified by application 38/2006/135 approved on 19th May, 2006. The revised condition now reading as follows:-

“02 An indicative Masterplan for the entire site shall be submitted to the Council for approval with a supporting statement prior to any application for reserved matters. This application shall be approved by the Council prior to the determination of the first application for reserved matters. The indicative Masterplan shall indicate the following:-

- (a) general access arrangements including strategic cycleways and footpaths;
- (b) the broad areas of land allocated for housing, B1 employment and public house/restaurant;
- (c) the density, form, scale, height and massing of the development; and
- (d) the general location of landscaping amenity open space and play areas.

02 Reason: The application site forms a large part of the major mixed use development site at Firepool as allocated in the Taunton Deane Local Plan

and will require a co-ordinated approach in accordance with Taunton Deane Local Plan Policy T3.”

The details now submitted are made pursuant to the requirements of the latter condition.

### **Outline of Masterplan Details**

Since withdrawal of an earlier scheme the Architect Director of the Gadd Group has been developed the Masterplan in conjunction with Barton Willmore Town Planners, LHC Architects (office development), Stride Treglown Architects (Area A residential and landscape strategy) and Highway Field Associates (Pumphouse redevelopment); Hydrock Consultant Engineers have produced the highways and infrastructure strategy and detailed design.

The following matters have been identified as the main Statutory Constraints to site development and taken into account in preparing the Masterplan:-

- The Pumphouse is a Grade II Listed Building;
- The site is not within or adjacent to a Conservation Area or other designated zone.
- Network Rail have the right to approve development within parameters set in their Deed of Sale and transfer, this includes access arrangements, and limits on types of development including minimum and maximum provision of land class uses. etc.
- British Waterways Code of Practice for works to or adjacent to a canal applies.
- The Environment Agency set minimum flood protection levels and are involved in storm water discharge rates and ground remediation and regrading.
- Somerset County Council Highways Department have defined the vertical and horizontal alignment of the Northern Inner Distributor Road and Bridge, which bisects the site.
- SCC Highways are responsible for the design and construction of the bridge.

Following these considerations in developing this Masterplan the applicants have adopted the following principles which can be summarised as:-

- Street layout opening up views to waterfront and beyond.
- “Towpath” canalside walkway on the bank of the Canal.
- A mixture of apartments and townhouses fronting the canal.
- Three to seven storey buildings accentuating higher ground.
- The provision of part of the strategic cross town route, the NIDR (Northern Inner Distributor Road).
- A mixed use development at the western entrance to site with active frontages.
- New bridge with viewing points and access for all to the river and towpath to be designed and constructed by Somerset County Council Highways.

- Pumphouse restored as focus for bars/restaurants with surrounding public open space.
- Characterised landscaped areas for the enjoyment of the public provision of the footway/cycle routes linking to existing routes.
- Access to the Canal for water uses.
- Perimeter development allowing for better surveillance of private areas and streets.

With regard to site access the proposed strategic route (labelled spine road) and the associated new bridge over the river and canal have been incorporated into the Masterplan. With two secondary access roads to serve the residential areas A, B, C and D and E.

An extensive cycle network links all the residential courtyards to the office and mixed use accommodation, as well as the Pumphouse Piazza and railway station, canal-side path. The cycleway is linked to the Sustrans National Cycleway network, which runs along the southern towpath of the canal via the existing canal bridges at Winkworth Way and Canal Road; this will be further enhanced with the construction of the NIDR bridge access.

In terms of density form and height an almost continuous line of buildings are proposed along the northern site boundary to divide the residential accommodation from the existing railway using the Strategic Road as the division.

This comprises an office development in Area I. The building proposed increases in height from 5 to 6 storeys from west to east with the 6 storey element of the building set back to reduce the visual impact of the building. The block is staggered in footprint to create a strong avenue approach to the site. A detailed planning applicant (38/2007/193) for an office building on this site in compliance with the parameters set in this Masterplan appears later in the agenda.

The multi-storey car park at Area J is to be fronted by office suites on the NIRD elevation of the building. This provides 150 spaces dedicated to serve the proposed offices, 116 spaces to serve the dwellings proposed in the areas for residential development. A further 75 spaces are dedicated to the converted Pumphouse restaurant and Area H.

The existing listed Pumphouse will be converted to provide a restaurant and ancillary bar set within a piazza which provides access from the NIDR to the canal, by means of pedestrian access to the west and east, and a combined cycleway to the west. This public space includes disabled parking for the restaurant and convenience store, as well as providing an appropriate setting.

The piazza is to the west of the Pumphouse, surrounding development in Area H has been positioned over 40 m from the Pumphouse, to allow an appropriate setting for the listed building. Area A to the east has been designed to form a curved screen providing a dramatic 'backdrop' to the Pumphouse, deliberately providing the latter with its own setting.

The residential accommodation covering the majority of the site is proposed to be divided into separate areas. The buildings have been orientated to maximise the views of the canal.

The residential accommodation ranges in height from three to six storeys plus undercroft parking in some instances. The distribution of building height articulates the roofscape, in line with the guidance of Terence O' Rourke, with the higher elements on the northern plateau, with the form stepping down towards the canal, following the natural contours. The six storey part of the residential development will be located at the northern part of the site to ensure views of the canal are not restricted, with the buildings stepping down following the natural contours. The higher element of the dwellings is located at the corners of the residential blocks. The three storey buildings are primarily located in front and between the higher elements of the buildings.

Excluding the 2 houses in Area H, the overall area of residential development is 3.284 Ha, occupied by 460 dwellings comprising 443 apartments and 17 houses at an average density of 140 dwellings per hectare. The recently approved Midas scheme at Tangier comprises 225 apartments on a site area of 1.1Ha, with a resultant coverage of 204 dwellings per hectare. The mixed use development at Castle Moat Chambers on Corporation Street has a site area of 0.127 Ha, with 50 dwellings located over retail at a residential density of 394 properties per hectare.

Area A the residential area to the west of the Firepool Lock site between the NIDR and the canal and adjacent to the Listed Pumhouse comprise three separate buildings. A 6 storey high buildings with an undercroft level forms the north side running parallel to the NIDR, The height of this building allows views from the upper floors out above the southern buildings. The other buildings located adjacent to the canal the southwest and southeast buildings are 5 storeys, these are linked at roof level, but separated by the courtyard; the lowest level corresponds to the undercroft of the northern block.

These provide a total of 100 apartments and 4 townhouses. With parking within the private parking courts and multi-storey car. Cycle parking will be provided, one space for each apartment, centrally located in the north building undercroft and the ground floor of the southern blocks.

A link from the Canalside walkway is created through the courtyard to access the reflective garden within Area A with associated landscaping. A feature of this area of the Masterplan is the faceted wall which forms a backdrop to landscaping around the Pumhouse and courtyard setting.

Area B adjacent to the canal in the centre of the Firepool Lock site between consists of 56 apartments and 6 townhouses with 54 car parking spaces and further 8 in the multi storey car park.

The main buildings is five storeys including the undercroft with two three-storey townhouses in between, orientated to make the most of the view and southerly aspect. This area has been designed to maximize the views of the canal and river. All the residential buildings have been designed with low-

pitch 'butterfly' roofs to lower the height and to provide an interesting and variable roofline.

The three buildings in Area C contain 102 apartments and varies in height between 4 and 6 storeys. The lower storeys are at the end of the buildings nearest to the canal. 82 spaces are provided around the townhouses accessed from the private access roads and a further 26 spaces in the multi-storey car park. In front of the south elevation are two buildings which contain 6 townhouses.

Area D situated at the eastern end of the site provides predominantly four-storey with undercrofts reducing by a storey at the canalside housing 72 apartments and 18 three storey townhouses. The parking for 82 cars are provided on site and undercroft with parking reached by access roads from the secondary road with a further 8 spaces are provided within the multi-storey car park.

Area E has been identified to meet the "Affordable Housing" requirements of the scheme consists of 102 apartments in two buildings with a staggered footprint the highest part of which being 6 storeys within the north eastern corner of the Firepool Lock site.

The private spaces and terraces for the dwellings and apartment residents will be landscaped with a mixture of native trees, hedge planting, grass and shared surfaces. All the landscape areas face south towards the canal affording views towards the Blackdown Hills.

Regarding public areas of open spaces and landscaping, large structure trees are proposed which create a formal entrance. Trees planted along the main road will be set at the back edge of the pavement contained by tree root barriers, and underguyed. It is anticipated that some of these trees will be semi matures when planted to give immediate impact and focus acting as a back drop to the development.

Other landscaping involves a strategy which aims to define the area into character zones that visually and physically be linked together to form an overall cohesive plan. Urban landscaped areas are proposed between the residential areas, with further areas allocated as open space with appropriate landscaping.

The areas designated as public open space are intended to be areas of high quality surfaces and finishes, street furniture, matching seating bins and bollards with primarily structure tree planting. These areas will have key art works to link them together.

The landscape along the canal will be of native species to enhance the existing environmental corridor reflect the planting opposite the site of the Children's Woodland.

An area identified as a “Reflective Garden” has been incorporated into Block A accessed from the towpath. A central sculpture piece has been designed by local children it is hoped that this will engender a sense of belonging.

A large area, identified as an environmental area has been set aside for an attenuation pond set amongst a wild flower meadow once again enhancing the wildlife/environmental corridor along the canal. This will have a footpath and cycle path linking it to the rest of the development.

The canal side frontage is to be landscaped with indigenous species trees and shrubs and the retention of natural vegetation is included to enhance the existing wildlife area.

The approach to the sustainable development of Firepool Lock has been an intrinsic part of the design and evaluation process; this has been benchmarked against the Code for Sustainable Homes and developed through a series of focused Sustainable Development Workshops.

Phasing of the development is intended as set out below:-

1. NIDR as required for construction of following phases
2. A – residential accommodation
3. J –offices and multi-storey car park (concurrent part overlap with Phases 2, 4 and 5)
4. I – offices
5. E – residential accommodation (Knightstone Housing Association)
6. B – (residential accommodation)
7. C – (residential accommodation)
8. Pumphouse
9. D – residential accommodation
10. H – mixed use development

### **Policy Background for Consideration of Proposal**

PPS1 - Delivering Sustainable Development

PPS3 – Housing

PPG4 – Industrial and Commercial Development and small firms

PPS6 – Planning for town centres

PPG13 – Transport

PPG15 – Planning and the Historic Environment

PPG16 – Archaeology and planning

PPS25 – Guidance on flooding

Circular 02/99 – Environment Impact Assessment

Circular 01/06 – Changes to the development control system.

RPG10 - Regional Planning Guidance for the South West 2001 (RSS10)

RSS – The Regional Spatial Strategy for the South West (Submitted version August 2006)

At present the RSS is RPG10, although replacement RSS is at an advanced stage of preparation. This guidance identified a need for Taunton to accommodate a significantly higher level of housing and employment growth. This prompted a

strategic review of the future role and function of Taunton as a potential major growth centre.

The Draft RSS identifies Taunton as one of 21 Strategically Significant Cities and Towns in the Region, which are to be the primary focus for development. In Taunton's case this will involve a significant increase in its rate of growth, and an enhanced strategic function. As a consequence of the high level of proposed housing growth, and the increase over past levels, Taunton has also achieved New Growth Point status.

## **TDBCAP**

S1 – General Design Requirements

S2 – Design

M4 – Residential parking requirement

M5 – Cycling

M6 – Traffic Calming Measures

C1 – Education Provision for new housing

C4 - Standards of Provision

C8 - Development Affecting Disused Railway Tracks and Canals

EN25 – The Water Environment

EN28 – Development and Flood Risk

EN32 – Contaminated Land

EN34 – Control of External Lighting

T3 – Firepool – Major Site Allocation

T33 – Taunton's Skyline

## **Taunton Design Code**

A 'Taunton Vision Commission' was established to steer and co-ordinate this review. This involved a partnership comprising the Borough and County Councils, SWERDA and the Environment Agency. The resulting product, informed by extensive community consultation, was the 'Taunton Vision', published in 2002.

Since then, the Borough and County Councils, SWERDA and the Environment Agency have formed the nucleus of a strong partnership. A significant product of this partnership was the establishment and funding of 'Project Taunton', a dedicated delivery team that is now steering the majority of work associated with the Taunton Vision. This partnership has now extended to embrace a wide range of bodies and organisations, including the Taunton Deane Local Strategic Partnership (LSP), Somerset College, Local Skills Council and others.

Terence O' Rourke (Planning Consultants) were commissioned to prepare an Urban Design Framework and Design Code for the Town Centre. This work was published in 2004 and has provided the basis for the development of this Action Plan. The quality of this 'Masterplanning' resulted in the Taunton Vision winning the RTPI national award for 'spatial strategies' in 2005.



Somerset County Council has received major transport scheme funding to enable the delivery of the Inner Relief Road (Third Way) and the Northern Inner Distributor Road, both of which are key components of the Taunton Vision.

With regard to this documents guidance on the Firepool Lock area covered by the Masterplan the following comments were made:-

#### **“Upper Canal Street – Eastern Area**

A new bridge link will be created to the eastern area over the River Tone and the Taunton and Bridgwater Canal via Priory Fields. The bridge will mark the transition point into the new and expanded Taunton town centre, for pedestrians and cyclists along the river as well as for motorists. There should be viewing points within the bridge to acknowledge this and the new bridge must be sensitively designed to create a high quality gateway to the new residential and leisure area.

The abutments should provide a strong canal like structure whilst the main structure should be lightweight to minimise visual impact. This bridge must give sufficient headroom for cyclists and pedestrians to continue to use the existing riverside paths.

At its entrance over the canal, Upper Canal Street widens, with a central planting area, to create an appropriate sense of arrival into this new residential area, and to have the effect of slowing traffic to an appropriate speed. A signalised junction at the northern end of this street again restricts traffic speed, provides access to parking for the business units and minimizes loss of development land to road building. The design of the employment building fronting this junction should reflect its prominent gateway position.

Undercroft parking alongside Upper Canal Street in this area utilises changes in levels to ensure that active frontages are presented to the road. Building heights of between 4-6 storeys will provide an appropriate sense of enclosure.

The changes in levels across the site allow for a stepping down of building heights from the railway to the riverfront. This allows for taller buildings on the higher ground, reinforcing the topography of the site whilst avoiding the main views of the towers.

The development blocks on the higher ground must however be a series of buildings and not a ‘monolithic’ single mass of development. This should ensure that views across the town are maximised without impacting on the sensitive skyline.

Distinctive rooflines and a variety of storey heights must create an attractive and interesting skyline.

A more informal, residential scale (3-4 storeys) of development is appropriate along the riverfront, incorporating a mix of town houses and apartments.

The design of the residential blocks should also retain views and pedestrian links to the riverfront, with a series of informal spaces at the end of each vista.”

## **Taunton Urban Design Framework**

The above document identifies Firepool as an area that will be a vibrant mixed use quarter of the town centre and playing a key role in changing market perceptions of Taunton as a place to live and work.

With regard to Upper Canal Street this envisaged a new access across the River Tone and canal into the eastern residential area. The bridge will need to be sensitively designed to minimise visual intrusion whilst maintaining access for cyclists and pedestrians (as well as the Environment Agency) along the canal walkways.

The area east of the Pumphouse is to have a predominantly residential character. This eastern area will contain a mix of housing and apartments, with a riverside setting and views over the town.

The housing blocks along the riverfront are expected to provide for views and linkages to the riverfront and also produce a series of informal spaces along the north bank of the canal for residents and visitors.

The river and the canal provide important pedestrian and cycle links from surrounding residential areas, including the urban extension at Monkton Heathfield, through to the town centre and new development areas.

On the north bank of the canal a 'towpath' walk is required to provide a gradual transition from the rural green spaces east of Firepool, via the Pumphouse to the new urban space at Station Boulevard.

On the south bank of the Tone, the informal character of the pedestrian and cycle links are to be retained.

Firepool Weir provides a natural focus for leisure activity at the meeting point of the River Tone and Bridgwater and Taunton Canal. It is at the heart of Firepool and can serve the business and residential communities.

An improved weir can increase flood protection and be a visitor attraction in its own right. A new marina would bring increased visitor activity and visual interest along the waterfront.

A new riverfront space will provide an appropriate setting for the converted Pumphouse. This will be a landmark feature for the town and be a focus for individual bars or restaurants.

## **Proposal for Change in Taunton Town Centre Taunton Town Centre Area Action Submission Stage Consultation**

The above document has recently been published for consultation and contains the following policy with regard to Firepool Lock

### **Firepool Lock**

The Firepool Lock development should provide:-

- a. a minimum of 500 dwellings
- b. at least 7,000 sq m of office space
- c. refurbishment of the listed pump house building

In terms of phasing the plan envisages that a detailed planning application for development would be submitted in 2007 with development progressing in parallel with and following construction of Northern Inner Distributor Road in 2008 to 2014.

### **Consultation Responses**

As part of the process for consideration of the Masterplan consultations have been undertaken with the following:-

South West Design Review Panel,  
Taunton and District Civic Society,  
Project Taunton,  
County Highways,  
British Waterways,  
Environment Agency,  
Conservation Officer,  
Environmental Health,  
Leisure and Recreation and  
Planning Policy.

### **South West Design Review Panel - 9 October, 2007**

“We welcome development of this brownfield site close to and well connected to the town and we recognise that this development will set a standard for subsequent schemes under Project Taunton, both in the adjacent Firepool area and in other parts of the town.

The Panel felt disappointed that the guidance it gave in July 2007 on your scheme for Phase A had had little impact on these proposals for Firepool Lock.

The route of the Northern Inner Distributor Road is unchanged. This is outside your control of course but with the county and district councils in mind simply record our disappointment and our preference for the road to be shifted back to the north next to the railway (as appeared to be the case in the originally agreed Taunton Vision Master plan) to give a less divided and road-dominated Masterplan and place the two sources of noise together.

We were not convinced by the arguments for the alignment shown. If the road is to remain as shown, then we hope sufficient space will be allowed for trees, though this would not by itself make a road into a street: conflict between a through route and a street is inherent in the Masterplan. Incidentally, the design of the bridge will be important for this scheme, especially views along the canal from east and west.

While we support both higher densities and higher buildings for schemes in Taunton such as this, we formed the impression that the Masterplan may be seeking too much of its site. We have to say 'impression' as no density figure was given to us; this should be fundamental to your work and Taunton Deane's assessment of it. The result is a large footprint and a dearth of really appealing open space. We suggest fewer residential units would lead to a more satisfactory scheme.

If, as we suspect, the density is appropriate for a city centre such as Bristol, then the parking strategy should be consistent with that. 1:1 would be too high. Lower provision could work here given the ease of access to the town centre by foot and cycle and the closeness of the railway station (plus a possible bus service). We would prefer to see a more radical 'continental' approach with the residential parking wholly accommodated in the multi-storey car park, allowing a residential development of blocks in a landscape rather than blocks with parking.

A less dense residential development could be more open and it may be that U-shaped blocks would give a simpler and better form. It would relate better to the canal and offer a more attractive landscape setting. Rethinking the built form and landscape strategy might bring a bonus too in cost saving.

We question the mix of blocks and individual houses. Such a pattern has no tradition in this country and it is hard to see them working in architectural or commercial terms, especially if rectangular and diagonal blocks are juxtaposed. Separate terraces of houses or even housing beneath flats could work more successfully.

On particular points about the layout as shown to us, the courtyard of westernmost block (Area A) appeared tight and would need careful consideration, preferably through a physical model. The central space in Area C is a large expanse of tarmac without an obvious purpose and Area D to the east might work better with a terrace along the access road.

Two of the open spaces are not well located. Both are next to the Distributor Road. One is close to the railway and an unappealing building (outside your control) with lorry access to it. Another, as we said before, is on the north side of the Pump-house; and it will partly double as disabled parking. The third, the Reflective Garden, sounds promising but seems to focus within the scheme not on the waterfront. None of the three in fact exploits the site's greatest asset, the canal. We ask you to see if as well or instead a space could be created where people could enjoy the sun, the canal and the views across the canal and river to the town.

We welcome your interest in public art and hope an artist will be involved in the hard and soft landscaping, creating points of interest within the development. We'd encourage you to work closely with Caroline Corfe, Arts Development Officer, Taunton Deane Borough Council, on the development of an integrated public art commissioning plan for the whole site.

On sustainability, we were glad to hear that you are in discussions with Project Taunton. We consider that sustainability should be fundamental to the design of Firepool Lock from the outset. We suggest you devise an energy strategy showing

what the demand will be and how the scheme will meet current and future standards. On the supply side, this area would seem well suited to CHP but only if it is planned from the start. There seems to have been little development in this area since we last saw the scheme and we would urge you to make progress with your discussions

We hope our points are helpful and that you will be prepared to reappraise the quantum, form and spaces and come forward with a scheme that is an exemplar for the many subsequent schemes that Taunton will have as a growth point. We would be willing to look at a revised scheme and proposals for individual sites should that be thought helpful.

Note of interest: Peter Clegg notified the interest that Feilden Clegg Bradley were engaged in work for a scheme on an adjacent site.”

### **Taunton and District Civic Society**

“We are aware that there has been an earlier application related to this site, 38/2006/579 (which has disappeared from your website), and that the current Masterplan has been evolving since a much earlier version shown to during a public consultation in May 2007. Are details of the Masterplan continuing to change?

Our first comment is that it is a great pity that Condition 07 did not require a number of (outline) cross-sections of the site, particularly in a north-south orientation, as the differences in ground levels make it very difficult to assess the height and massing of the proposal from the proposed density form/height drawing, which merely indicates “Levels”. Without a specific relationship to a site-wide datum it is impossible to tell, for example, if level 04 at centre north of Area C will appear to the observer to be at the same height as level 04 at the southern (canal side) end of Area B. Confusingly the Design and Access Statement indicates that the lowest level (02) is three storeys high!

Can cross-sections showing height above datum be made available?

However, we do consider the general massing and profiling sequences to be good, with the possible exception of Area E, where the lowest levels are to the north, and where there is no barrier between the residential accommodation and the noisy railway line. Area E is affordable housing: we think that TDBC should not permit the concentration of such housing into noticeably inferior accommodation or areas.

As regards the plans of the residential areas A to E, we consider that they are good as they achieve quite high densities (466 dwellings on less than 5 ha), without losing a sense of space, and exploit the high south facing nature of the site to good effect, giving good views and a sense of openness. Importantly, the waterfront as seen from the footpaths to the south by the canal and Children’s Wood will be varied and will avoid the monolithic effects of other waterfront developments in the town. This is most welcome.

We have some concern that the units on the inside corners of the main blocks in Areas C, D and E may have too little external wall (and hence insufficient and overly directional natural light), but that is susceptible to resolution at a reserved matters stage.

We are pleased to see the proposals for the conversion of the Pumphouse, the provision of public space adjacent to it (and the lock) and by the provision of the Mixed Use Area.

We cannot identify Area F from any plan.”

### **Parking Provision and Traffic Management**

“We have serious concerns about the effects of this site on the NIDR, and vice versa. The NIDR is a two lane road which can be expected to carry high traffic levels, and which makes a quite tight right angle turn as it passes between areas C and E. We calculate that up to 314 vehicles may travel to and from the residential blocks using this road, with a further 116 residents crossing it on foot to reach their vehicles in the multi-storey car park (MSCP) in area J. We think this is a recipe for congestion at peak times, and potentially unsafe – and this without factoring in the impact of a further possible 150 office worker vehicles and 75 restaurant/shopping users in the MSCP. The NIDR design shown on the Masterplan does not seem suited to such a high level of turn-off accesses.

Having said that, we are pleased to see a parking allocation of 1 space per open market dwelling, which is a lot more realistic than some other town centre proposals. However, we think that just on privacy and crime grounds it is not desirable to allocate resident’s parking in an MSCP, and that it is even worse if they have to cross a busy road to reach that parking.

There are 66 spaces in the affordable housing area (E), which has 102 dwellings. It is likely that occupants will require more spaces – what options are open to them?

The Design and Access Statement specifies the use of 341 spaces in the MCSP, but does not give the total capacity. Plans indicate about 77 per floor. Please require the developer to state the total capacity.

Given the high use of undercroft/ground floor parking, will the ground active frontages?

### **Phasing**

We are generally content with the proposed phasing, except for the Mixed Use Area (H) being the last phase developed. There will surely be a strong need for some local retail provision (and public space) once the offices at areas I and J, and residential areas A and E, are in use. Area H should be brought forward to coincide with phase 4 or 5.

### **Conclusion**

Despite our reservations about the management of the car and traffic flows, we consider this to be a proposal that has much to commend it. “

### **Project Taunton**

“We are supportive of their Masterplan. We look forward to seeing the first phase details in due course.”

### **Forward Plan Unit**

## 1.0 **General**

- 1.1 There seem to be a number of unresolved issues with the layout of this scheme, which we have indicated below. For example, the position of the individual development blocks and the degree of setback from, and alignment with respect to, the Northern Inner Distributor Road, are matters of principle that need to be resolved before the Masterplan can be considered satisfactory.
- 1.2 It appears that the developers are trying to fit rather too much development onto this site, with adverse effects on the quality and appropriateness of the scheme.

## 2.0 **Site Plan Masterplan**

- 2.1 Issues addressed below in the comments on the Individual Masterplans.

## 3.0 **Land Use Masterplan**

- 3.1 The colours on the Masterplan are somewhat confusing but, on the assumption that offices are to be confined to the area between the NIDR and the railway lane, and to Area H, the general distribution of land uses is acceptable.
- 3.2 It will be important to achieve good quality building elevations and boundary treatment to the main railway line – millions of people pass this way by train every year. An effort is needed to secure the replacement of Network Rail's standard galvanised palisade fencing by a higher-quality secure fencing system. Coloured mesh-type fences appear to have been accepted along rail and light rail lines and around railway depots elsewhere in the UK.

## 4.0 **Access Masterplan**

- 4.1 There are likely to be quite significant pedestrian and cycle movements in this area owing to the nature of the proposed development and the proximity of Taunton railway station.
- 4.2 The scheme as submitted does not appear to provide a westbound cycle lane on the main road carriageway. An eastbound cycle lane is shown, but not one for cyclists travelling west. In what is essentially a town centre, or at least edge of town centre location, utility cyclists should be able to cycle comfortably on the main vehicular carriageways. As it is, what is proposed resembles Silk Mills Road, most of which is outside the urban area of Taunton and therefore different in context.
- 4.3 Provision for pedestrians appears inconvenient in some cases. The toucan and puffin crossings are sited at some distance from the street corners where pedestrians are most likely to want to cross the road.

4.4 It is not clear why a right turning lane is required from residential cul-de-sac Road 4 onto the NIDR, which will inconvenience pedestrians. The traffic flows from the housing surely cannot justify it.

#### 5.0 **Density/Form/Height Masterplan**

5.1 There is no objection to the overall block form as it relates to the NIDR. However, there is an issue of an absence of setback of the residential building line from the highway. Areas A and C appear to have virtually no front garden between the building line and the NIDR, a road which will be carrying 15,000 vehicles per day. Considering existing busy highways in Taunton, such as the A3259 (Priorswood Road and Greenway Road), there should be a setback of at least 5m. If there is to be no setback, then what in reality is being created is an urban street, and the ground floor of the buildings needs to be give over to commercial uses.

5.2 Area C – it is not sufficient merely to provide ‘landscaping’ between the buildings and the NIDR; for residential uses there must be properly enclosed private garden space. The same holds true for the respective parts of Areas A, B, D and E.

5.3 Area D – there needs to be a more continuous block form to create stronger edge definition to the canal, probably at a scale greater than 2 storeys. As drawn, the relationship between this area and the canal is unsatisfactory, with buildings sitting in space, rather than defining space.

5.4 Area I – offices are not generally considered to count as an active ground floor use. It will therefore be important to maximise glazed areas at ground level of this block fronting the NIDR to create an impression of activity.

5.5 Area J – there is some concern at what this block will look like, especially when viewed from the east or west and from the railway line. What must be avoided is the ‘dead’ effect of a multi-storey car park and spiral ramps.

Assuming that there are around 7,000 sq m of offices, 150 parking spaces to serve them seems too many. Appendix 4 of the submitted Town Centre Area Action Plan contains a standard of 1 space per 100 sq m, which would equate to around 70 spaces. A smaller car park would reduce the scale of this building, which will seem rather high in the context of typical interface distances of around 20m (little wider than much of North Street) across the NIDR.

5.6 Generally there seems to be too much parking being proposed for the converted Pumphouse and the mixed-use Area H. The scale of the proposed multi-storey car park could be considerably reduced, with beneficial effects on the design of the scheme as a whole. One further point about this that has occurred to me, assuming the issue has not been picked up before. It will be essential that any multi-storey car park, or other parking not within the curtilage of residential properties, is subject to an appropriate management and charging regime. Any spaces in excess of the appropriate parking



standard for a particular development would need to be charged for on the same basis as parking elsewhere in Taunton Town Centre.

## **6.0 Open Spaces and Landscape Structure Masterplan; Landscape Masterplan**

6.1 With the exception of four trees shown in front of Area C, there appear to be no trees within the highway. For the proposed 'avenue planting' along the NIDR to be effective, the trees need to be planted between the footway and vehicular carriageway, so that they create a 'boulevard' effect, and where there is more room for significant trees to grow. Planting them at the rear of the footway means that there is no psychological separation of pedestrians from the traffic, nor will there be much shade from the sun – an increasingly important issue in an area of climate change. The type of median strip and tree planting shown in front of Area C needs to be provided on both sides of the NIDR and along its full length.

6.2 There appears to be a children's play area within a 'tunnel' under the buildings in Area A, which does not seem appropriate.

## **7.0 Ground Surface Level Masterplan**

7.1 Without provision of any sections, it is not clear exactly how 'ground surface' within the buildings relates to the level of the NIDR. However, the drawings show the ground floor of Areas A, C, D and E facing the NIDR largely given over to car parking. If these parking areas are to be at street level, then this would not be acceptable. The street elevations of all buildings must have habitable space at ground level, not car parking.

7.2 It appears that access to individual ground floor flats will only be from communal hallways. An important urban design principle is to provide individual access to as many ground floor properties as possible, so as to encourage pedestrian activity along the street.

7.3 The office building in Area 1 should be aligned parallel to the NIDR, rather than the railway line, to create stronger definition of the street than provided by the proposed staggered building line.

## **8.0 First Floor Level Masterplan**

8.1 Many of the flats in Areas fronting the NIDR seem to be single aspect, which presumably will preclude placing the more sensitive rooms on elevations away from the main road."

## **Leisure Development Manager**

### **"OPEN SPACE**

Whilst the open space along the river front and around the attenuation pond will be a welcome enhancement to this area, the Masterplan shows very little regard for the open space needs of children and young people. Indeed the Planning Design and

Access Statement fails to include PPG17 on Sport and Recreation (which covers play and open space), in the list of relevant National Planning Guidance.

#### PLAY FOR CHILDREN AND YOUNG PEOPLE

There is a planning condition on the outline permission for this development requiring on site play provision. On a development of this scale the council normally requires on site play provision for all ages of children.

On this site there should be play areas for young children safely accessible to children living on both sides of the new road and an area for older children and teenagers as well.

Failure to cater for children and young people will lead to problems with this estate in the future as young people in particular must have somewhere legitimate to go to socialise and “let-off steam”.

#### YOUNG PEOPLE

The open space proposed along the water front offers no scope to cater for the activities of young people, who need to play football and ride their BMX bikes and skateboards. If provision is not made for them to do this, they will do it in areas where such activities are unwelcome, close to houses and parking areas, creating demands on the Council in the future to address what could be considered to be antisocial behaviour.

There has been a proposal to put such an activity area on land between the River and Canal, but this land is laid out for nature conservation, is likely to flood and it is likely to raise objections from the Environment Agency as it would have to be fenced and thus would pose an obstruction to debris in flood situations. It is also very isolated from the development and not subject to the informal surveillance such sites need.

There is the possibility of taking a sum in lieu of such provision and investing this in new provision on a park or open space elsewhere in the town that is accessible to the young residents of this site. However there are major barriers to accessing these sites on foot or cycle from the East Goods Yard site which would have to be addressed:-

- a major road through the centre of the site
- the surrounding railway line and waterways
- Priorswood Road
- Priory Bridge Road.

Proposals to demonstrate safe and direct access to the proposed site must be made before approving the Masterplan as currently proposed.

(The off-site sum would be calculated on the basis of the number of family dwellings on the site. There would need to be an addition of a percentage to cover the fees for consulting the community, for designing, tendering and supervising the investment project and a maintenance sum for the future.)

## CHILDREN

There is scope in the areas of open space along the waterside footpath and cycle route for some innovative and creative play provision for young children which could be integrated into the open space scheme providing the safety issues are addressed. This could discharge the obligation to provide for young children on site but the proposals would need careful design and siting.

It is vital that use for play and general recreational activity by young people is clearly acknowledged in the design of the open spaces and not restricted to fenced areas of play equipment.

The suggested combination of a tranquil garden with a natural play area is unlikely to be a successful solution to the need to provide on site for young children's play needs. "

### **County Highway Authority**

"The Masterplan submitted is generally ok in terms of the form of development. However the Hydrock Plan CO7091\C008Rev G does not show the currently agreed bridge alignment which is some metres further to the west. This could possibly affect the Block positions. The developer is aware of this and has I understand amended his drawings."

### **British Waterways**

"British Waterways is a public body set up to maintain and develop the network of canals and other inland waterways in a sustainable manner so that they fulfil their full economic, social and environmental potential. In addition to statutory navigation and safety functions, British Waterways has to: -

- Conserve our waterway heritage and environment
- Promote and enable rural and urban regeneration
- Maintain and enhance leisure, recreation, tourism and education opportunities for the general public and
- Facilitate waterway transport.

After due consideration of the Masterplan details, British Waterway has the following general comments to make:-

British Waterways are concerned that the Masterplan looks at the site in isolation and does not address the waterspace adjacent to the development. The provision of some residential, long term and visitor moorings along with boater facilities as part of the scheme would have added waterside interest and activity benefiting the town, canal and development.

As things stand this is probably the only/best opportunity Taunton have of bringing boats/waterside activity permanently into the town centre.

There would appear to be no DDA/cycle way link between either the New Spine Road Bridge or Obridge Bridge and the 'new canal side walkway'. Good accessible connections will be essential if the canal frontage is to become anything other than a formal empty space.

The 'new towpath' adjacent to the canal within the new 'Environmental Area with Attenuation Pond' leads to nowhere. This area is not included within the scheme and may never happen but its future seems a little vague at this stage. If the area is included then a path to the waters edge should be created with a purpose, perhaps forming an area for disabled fishing might be an option.

Whilst there is plenty of green spaces shown on the plans all the planting adjacent to the boulevard/canal side walk must be of native origin. However, with so much indigenous planting the key to its success will be a management agreement. The canal has steep banks in this location so would require a low timber bollard and metal rail type barrier in the range of 670 mm 790 mm. The details of this are crucial to the successful integration of the waterscape and hard landscaping.

The canal bank should be left to vegetate naturally if it is disturbed during construction and be kept as soft bank as this is water vole habitat.

If the developer intends to discharge surface water drainage into the Canal then our agreement must be sought and early discussion initiated.”

### **Principle issues arising from Consultation responses**

Arising from Consultee responses on the submitted Masterplan the following areas of concern have been identified in those responses:-

- Concerns about the route of the NIDR.
- Too much development sought on site in density terms suggest fewer units.
- Possibly lower than 1:1 car parking due to proximity to town.
- More U shaped blocks to give better relationship to canal.
- Mixture of blocks and houses questionable.
- Central courtyards are tight and dominated by hard surfaces.
- Open spaces next to distributor road not well locate.
- Energy Strategy required.
- Concentration of Affordable Housing in Area E should be rethought.
- Concerns about inside corner residential units.
- Concerns about congestion on NIDR from residential traffic and crossing.
- Proximity of blocks to NIDR needs to be a greater setback or commercial use in those areas.
- Stronger edge definition to canal at Block D needed.
- Scale of multi-storey car park possible overprovision.
- Parking management and charging regime required.
- Necessity for active street frontages to NIDR.

- Should be play areas on site for young children safely accessible to children living on both sides of the new road and an area for older children and teenagers as well.
- No scope to cater for the activities of young people, who need to play football and ride their BMX bikes and skateboards in open space along waterfront.
- Sum required for in lieu provision and investing on a park or open space elsewhere in the town that is accessible to the young residents of this site.
- Combination of a tranquil garden with a natural play area unlikely to be a successful solution.
- Concerned that the Masterplan does not address the waterspace adjacent to the development.
- No provision of residential, long term and visitor moorings along with boater facilities to add to waterside interest and activity benefiting the town, canal and development.
- Good accessible connections will be essential if the canal frontage is to become anything other than a formal empty space.
- The 'new towpath' adjacent to the canal within the new 'Environmental Area with Attenuation Pond' leads to nowhere. A path to the waters edge should be created with a purpose, perhaps forming an area for disabled fishing might be an option.
- Water edge design important.

### **Amendments proposed to address matters raised**

The concerns above have been the subject of discussions with the applicants and a variety of changes to the original submission have been proposed addressing the majority of concerns raised.

The design of the NIDR and the junctions onto it have been the subject of extensive consultations and negotiations with the Highways Authority over the past five years, and the design put forward has been agreed in principle by the Highways Authority. The proposed layout, with the NIDR as a central spine road produces a significant number of positive benefits to the development; the location of the office accommodation to the north creates an acoustic buffer between the railway and the residential development. It also contributes towards forming an active street frontage, which together with the residential and mixed use development to the west provide 24/7 surveillance, increasing levels of safety and community usage.

The residential blocks at Area A to the east of the Pumphouse has been designed to form a curved perforated screen in stepped in form providing a dramatic 'backdrop' to the Pumphouse, deliberately providing the latter with its own setting. The heights are higher than those in the Design Code produced by Terrance O'Rourke but with the southern blocks set at two-storeys lower than the northern block, and with the northern block also stepping back at its upper levels at the western end this will further reduce the 'apparent' scale and massing.

The provision of accommodation and associated landscaping within the various courtyards has also been revised with various of the freestanding houses been removed in Areas B, C & D.

Further step backs have also been introduced at the upper levels of Areas B and D.

Additional areas of Open space have also been provided along the canalside providing opportunities for play areas and general sitting out areas.

### **Assessment of Masterplan**

The requirements of the relevant condition as set out above in asking for a Masterplan was contemplating a "broad brush" approach to set a frame work against which future decision on individual parts of the site could be assessed.

Many of the comments made relate to matters of greater detail than is considered necessary at this stage. Furthermore the master plan is only able to provide a framework for land within its control. Other documents as mentioned above provide the context for the nature of surrounding development into which this scheme must fit.

Your officers are satisfied that the details you now have before you are adequate to discharge the requirements of Condition 2. They provide an acceptable level of development and on-site arrangements that provide a pattern for the future development of the site.

However it must be accepted that some variations to what is established by this framework will inevitably arise when detailed development control scrutiny is undertaken of the separate phases of development.

### **Recommendations**

The submitted details be accepted as complying with the requirements of Condition 02 of 38/2006/135.

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

**CONTACT OFFICER: MR M ROBERTS TEL. 356454**

20/2007/026

MR C HEAYNS

**REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION 06 OF APPLICATION 20/1991/027 AT MILLFIELD HOUSE, PARSONAGE LANE, KINGSTON ST MARY**

322268/129077

REMOVAL OF ONEROUS CONDITIONS

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**PROPOSAL**

Permission is sought for the removal of condition 06, which relates to an agricultural occupancy condition, attached to Millfield House. The agriculturally tied property was allowed on appeal in 1992, planning reference 20/1991/027, in connection with a plant nursery on land adjacent to Millfield Nursery, Kingston St Mary. The Nursery enterprise has since ceased.

Millfield House consists of 4 bedrooms, 4 reception rooms, games room, utility, study and internal double garage. Planning application, 20/2001/036, extended the residential curtilage and granted permission for a swimming pool that has subsequently been built. Application 20/2005/023 provided further accommodation, in the form of an annex, with a conservatory link. Planning permission(s) has also been granted for holiday accommodation, in the form of holiday chalets and conversion, on the site of the former nursery.

A previous application for the removal of the agricultural occupancy condition on this dwelling was refused, planning reference 20/2006/013, on the following grounds:- The site is located in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority insufficient evidence has been put forward to show that there will not be long term need for the dwelling for occupation by a retired agricultural worker or agricultural worker employed in the local such as to outweigh that policy.

As such a revised application has been submitted to address the above reason for refusal. A supporting statement accompanies the application which sets out to demonstrate that the policy requirements in the assessment of such applications have been met. Details of the marketing exercise carried out by Staggs estate agents have also been submitted. The valuation figure, reflecting the agricultural tie on the property, was accepted by the Council's Property Services Officer as being reasonable following an independent valuation undertaken by Greenslade Turner Hunt on behalf of the Council.

**CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL object to the proposal for the following reasons:- (i) It is believed that the circumstances have not changed since the planning permission for the

annex in 2006; (ii) Given the valuation report by Greenslade Taylor Hunt, the Parish Council queries the values at which the property has been marketed. They seem to have been set at unrealistically high levels; (iii) The Parish Council also queries the validity of the questionnaire sent to local farmers as it refers to farm workers rather than farmers/retired farmers. The Parish Council also draw attention to the conflicting statements regarding a separate access as detailed in the answers to question 6 of the planning application form and the penultimate paragraph 6 of the Greenslade Taylor Hunt report.

PROPERTY SERVICES OFFICER it would appear that the owner of the property has now done everything that the Council has requested regarding marketing. I am satisfied that the property has been marketed at a reasonable asking price with an appropriate agent for a reasonable period of time.

7 LETTERS OF OBJECTION have been received raising the following issues:- applicant only granted permission to build this house as a 'managers house' in connection with the nursery; the holiday accommodation probably needs more security/administration than before and as the site is run by the same team surely they still need a managers house; not an onerous condition – being used in connection with four winds nursery and the growing of Christmas trees; circumstances have not changed since a similar application was refused; marketed at unrealistic high price; lifting the tie would contravene planning constraints in this area; number of applications submitted to Millfield Nursery resulting in incongruous and ugly holiday chalets – the lifting of the tie would add to the development.

3 LETTERS OF SUPPORT have been received raising the following issues:- condition is onerous.

## **POLICY CONTEXT**

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

Taunton Deane Local Plan Policies S1 General Requirements, S7 Outside Settlements, H12 and H13 Agricultural or Forestry Workers.

## **ASSESSMENT**

It is a long-held aim of both national Government policy and development plan policy at County and District level to resist new residential development in the open countryside, which is essentially protected for its own sake. One of the few exceptions to this rule is the provision of agricultural workers' dwellings, where it can be clearly demonstrated that such are essential to the needs of a viable agricultural enterprise. Whilst permanent employment rates in the agricultural sector have declined consistently for several decades, new dwellings are occasionally required following, for example, a reorganisation of land holdings, the establishment of a new agricultural enterprise or to enable the close supervision of livestock.

In addition, it is recognised at both a national and a local level, that there is an increasing demand for residential properties in rural areas. This often leads to



increasing pressures for the relaxation of occupancy conditions. As such Members should be mindful of the fact there is the potential for abuse of its regulatory development control powers regarding the removal of occupancy conditions on existing dwellings. This is recognised at national level in PPS7 Sustainable Development in Rural Areas. As such any application must be rigorously tested.

The key tests for the assessment of such an application is set out in Policy H13 of the Local Plan and in the form of national guidance contained within PPS7. Policy H13 of the Local Plan states:- 'Where agricultural or forestry dwellings are permitted in accordance with H12, appropriate conditions will be used to retain the dwelling for agricultural occupation. Applications to remove these conditions will not be permitted unless:- (A) the dwelling is no longer needed on that unit for the purposes of agriculture or forestry; (B) there is no current demand for dwellings for farmers, farm workers and foresters in the locality; and (C) the dwelling cannot be sold or let at a price which reflects its occupancy condition within a reasonable period.

In essence, prior to consenting to the removal of an agricultural occupancy condition the Council will need to be sure that the agricultural occupancy condition is redundant and can no longer be justified. It will also be necessary to demonstrate that there is no possibility of the dwelling being required to house an agricultural/forestry worker in the future either on the site itself or within the locality. The removal of an agricultural occupancy condition should only be considered after a reasonable period of time has elapsed from the date of the imposition of the initial condition and when every attempt has been made to explore the need in the locality through the advertising of the dwelling in the local press at regular intervals over a reasonable timeframe at a price which adequately reflects the existence of the agricultural occupancy condition.

This assessment will therefore address each of these requirements in turn.

(A) the dwelling is no longer needed on that unit for the purposes of agriculture or forestry;

It is clear from information supplied that Millfield Nurseries has now closed and the dwelling is no longer needed in relation to that activity.

(B) there is no current demand for dwellings for farmers, farm workers and foresters in the locality; and

In order to test this, the applicant (with the assistance of the Council's planning solicitor in defining locality as within a 10 minute car journey) has distributed questionnaires to farms in the locality and has marketed the property at a price that reflects the fact that it is an agriculturally tied property. A list of the farmers to whom the questionnaire was sent has been submitted. Of the 13 questionnaires that were sent out, there have been five replies. The applicant has sent a questionnaire to all farmers with land or farmhouses in the locality, within a 2 mile radius, in order to survey local demand around Kingston St Mary in March 2006, which indicated a value of £700,000 to £800,000.

Notwithstanding this questionnaire, I consider that removal of an agricultural tie should not be considered favourably without full marketing through an appropriate agent.

The agent also highlights that the dwelling and its annexe appear inconsistent with the latest advice in PPS7 in relation to the size of agricultural dwellings. The agent states that it is inconceivable that that this dwelling could be rented at a level that would be affordable by an agricultural worker, a farmer, or retired farmer in the locality would be in a position to purchase the property even if it transpired that the property was suitable for his needs. Indeed the Greenslade Turner Hunt report states that the 'property is substantially larger than that which was first approved and much of the nursery land has planning consent from Taunton Deane Borough Council for alternative uses'. The report indicates that it is 'therefore extremely unlikely anyone resident at Millfield House henceforth could comply with the tie through the occupation of 3.5 acres alone'.

The agent refers to a recent decision in the case of The Old Cider House, Pickney, Kingston St Mary (20/2006/003). This was a dwelling which would have been much more suited for an agricultural worker being a 3-bedroomed barn conversion. The applicants in that case referred to the significant fall in the number of farmers and farm workers as demonstrated in figures produced by DEFRA in a study entitled 'Comparison for Labour Employed in Agriculture in Somerset in 1980 and 2004. This showed an overall decline of 2190 (14%) in the number of engaged in agriculture but more critical is the reduction of 5612 (36%) in full time workers. This clearly has a significant impact on the requirement for tied accommodation in this area. Furthermore following the marketing exercise undertaken by Staggs they conclude that there are no buyers for agriculturally tied properties of this value in Kingston St Mary.

It is therefore considered that the applicant has demonstrated there is no current demand in this locality.

(C) the dwelling cannot be sold or let at a price which reflects its occupancy condition within a reasonable period.

As a result of the previous refused application for the removal of the occupancy condition the applicant undertook a marketing exercise. The property was marketed with Stags estate agents from July 2006 with a guide price of £825,000. The Council's Property Services Officer disputed the figure and the Council sanctioned Greenslade Turner Hunt to provide an independent valuation of the property. An agreed guide price was then set at £695,000 to reflect the agricultural occupancy condition. The revised figure has been marketed with Stags through their office, website and periodically in the Somerset County Gazette since February 2007. As such the property has been marketed for in excess of 12 months as a matter of fact of which 9 months has been at the agreed revised figure. The supporting information to the application details the numbers of enquiries received in relation to the property but none of the prospective purchasers were able to comply with the requirements of the agricultural occupancy condition. The Council's Property Services Officer is satisfied that the property has been marketed at a reasonable

asking price with an appropriate agent for a reasonable period of time. As such it is considered that criteria (C) of Policy H13 has been met.

To conclude it is considered that the applicant has demonstrated that the tests set out in Policy H13 of the Local Plan have been met and the previous reason for refusal has been addressed. As such it recommended that permission be granted.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of the permission hereby granted relates to the retention of the development granted consent under reference 20/1991/027, without compliance with Condition No. 6 which states:- 'The occupation of the proposed dwelling shall be restricted to persons solely or mainly working, or last working in the locality in agriculture, or forestry, or a widow or widower of such a person and any resident dependants.

**REASON(S) FOR RECOMMENDATION:-** The applicant has demonstrated that the tests set out in Taunton Deane Local Plan Policy H13 have been accorded with and material considerations do not indicate otherwise.

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

**CONTACT OFFICER: 356586 MR A PICK**

NOTES:

21/2007/026LB

MR T CRITCHLEY

**REMOVAL OF PART OF WALL, ERECTION OF WALL AND GATE AND FORMATION OF CAR PARKING SPACE AT HILLVIEW, LANGFORD BUDVILLE**

311148/122903

LISTED BUILDING CONSENT-WORKS

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**PROPOSAL**

This proposal is for listed building consent to remove part of a wall within the Conservation Area, and erect a gate and wall in its place to form a car parking space to the southeast of the property. The access to the car parking space will need to cross third party land in the form of the lay-by/parking area that serves the church.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY this is a listed building application which is effectively seeking the creation of a parking area, which will be accessed from a lay-by, which is located on private/third party land and not directly to/from the public highway. The lay-by is one that was constructed to be used for a parking area in connection with St Peter's Church, see 21/1995/008. If an access were to be created via this lay-by my understanding is that the onus is on the applicant to get permission from the third party to have a right of way over their land and if this cannot be gained, the parking space will be rendered unusable, but that is a matter for the parties concerned. The lay-by is situated onto a classified/unnumbered highway and is the main road through the village. If an access were to be created directly onto this stretch of highway, it would be essential that it conforms to highway standards in the interest of highway safety for all road users. For information, I have recently recommended refusal of an access (to serve a new dwelling), in close proximity of this site on the basis of insufficient turning and visibility (see 21/2007/025). Given the type of application and points raised above, it would not be appropriate for the Highway Authority to make a recommendation in respect of this proposal.

LANDSACPE OFFICER I am concerned that the proposals will have a detrimental impact on the character of the conservation area and the setting of the listed church. CONSERVATION OFFICER no objection in principle to the creation of an off-road parking area for Hillview but the following points must be taken into account before any decision is reached: (1) Partial demolition of the boundary wall will change the character of this part of the conservation area but the proposed 5-bar timber gate and retention of the iron side gate respect the church frontage and should help maintain its setting. (2) No off-road turning area; any vehicle parked within Hillview's grounds must reverse through the road-side parking area currently reserved for visitors to the church. (3) Topography; there is a distinct hump in the road by the church entrance. This accentuates the presence of the church when viewed from lower down the road (i.e. to the southwest). Any vehicle parked within Hillview's grounds would be readily visible if the rest of the Leylandii hedge were subsequently

felled below the height of the stone boundary wall. This would detract from the setting of the church and erode a key visual element of the streetscape at the heart of the Conservation Area.

PARISH COUNCIL objects to the removal of the historic wall which is within the Conservation Area.

FIVE LETTERS OF OBJECTION have been received raising the following issues:- the access will require crossing land which does not belong to the applicant; any vehicles parked outside the boundary of Hillview would cause obstruction to the church users; removing the boundary wall would alter the character of the listed building; the vendor of Hillview should not have sold the area of land that was the parking space serving Hillview; part of the lay-by would be useless if permission were granted for this application; the loss of the wall would harm the conservation area; the access would cause the loss of two car parking space within the church lay-by; the access is not a public road; the site is a dangerous hilltop which does not need an exit where people will have no turning space to exit forward.

## **POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 - (General Requirements), S2 - (Design), EN16 & EN17 (Listed Buildings).

## **ASSESSMENT**

As this application is for listed building consent it needs to be treated in accordance with that legislation only. Planning permission is not required for this proposal because it is not seeking to gain access directly onto the public highway, and has to cross third party land instead which already has access to the public highway. Therefore this proposal can not relate to highway safety issues - this view is supported by the County Highway Authority who have chosen to refrain from comment in this circumstance. The Conservation Officer has stated no objection in principle to the proposal, with the five bar gate and retention of iron gate respecting the frontage and setting of the listed church. Should listed building consent be granted, the onus is on the applicant to gain permission from the third party landowner of the church lay-by to cross it - this is a legal matter and not a planning matter. The decision will then lie with the third party as to whether they choose to allow the applicant to cross the lay-by, and at times potentially obstruct the lay-by to church users.

## **RECOMMENDATION**

Consent be GRANTED subject to conditions of time limit and materials. Note re requirement to gain permission from landowner to cross land.

**REASON(S) FOR RECOMMENDATION:-** It is considered that the proposal is in line with Taunton Deane Local Plan Policies EN16 and EN17 in respect of proposals relating to listed buildings.

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

**CONTACT OFFICER: 356469 MISS C NUTE**

**NOTES:**

25/2007/023

LEE MORGAN

**CHANGE OF USE FROM STORES TO HOLIDAY UNITS AT WICK HOUSE,  
NORTON FITZWARREN**

318435/126066

FULL

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**PROPOSAL**

Permission is sought for the conversion of a redundant dairy outbuilding, constructed of blockwork, to provide three self contained holiday units. The units provide a simple bed-sit form of 25 sq m floor space. The business plan is that the units would provide transit accommodation for tourists travelling through the area. The proposed physical changes to the building would be to render the external elevations to match the host dwelling and provide a slate roof.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY on the basis that this is the re-use of an existing building it maybe considered unreasonable to raise a highway objection to the proposal. Visibility at the access to the main road is good, however it would appear not commensurate with the speed of the traffic, further visibility improvements should be imposed condition and a plan to show parking provision should the Local Planning Authority be minded to approve the scheme. WESSEX WATER the development is located within a foul sewerred area. The developer is proposing to dispose of foul water to a septic tank. However, the first presumption for any new development must always to provide a system of foul drainage discharging into a public sewer. Only where it is shown that connection to a public sewer is not feasible or practicable should a sewage treatment package plant be provided. Your council should satisfy themselves regarding disposal of water to soakaways. There is mains water supply. (Planning Officer Comment - The applicant has confirmed that drainage would be to the mains and not the provision of a septic tank)

LANDSCAPE OFFICER it should be possible to provide a boundary hedgerow and tree planning to provide a setting for the holiday units. Please note the embankment, within the blue line given is a new engineered feature which looks artificial in the landscape and does not comply with Policy EN13. NATURE CONSERVATION OFFICER a site visit revealed light levels in the roof to be quite high. Bats prefer sheltered dark places. The roof comprised corrugated roof sheeting with metal beams. There were no gaps or crevices in the walls. Because of these site conditions and the lack of bird or bat droppings, I conclude it is unlikely that bats or nesting birds are present in the building. Therefore, a wildlife survey is not a reasonable requirement in this instance. ENVIRONMENTAL HEALTH OFFICER no objections subject to the imposition of condition and notes. DRAINAGE OFFICER I note that a septic tank is to be used to dispose of foul sewage. Percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. The Environment Agency's Consent to discharge to an underground strata

is also required. With regards to the use of soakaways to dispose of surface water - these should be constructed in accordance with BRG365 (Sep 91) and made a condition.

PARISH COUNCIL have the following concerns to the proposal. 1. The form states there will be no alteration or extension but in our opinion the building is being altered and/or extended. 2. The increase of traffic which will exit onto a very dangerous stretch of main road. 3. The safety of children staying at the proposed holiday units which will be in close proximity to the main road.

## **POLICY CONTEXT**

RPG 10-South West

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

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), ST6 (Development Outside Rural Centres & Villages), Policy 5 (Landscape Character), Policy 23 (Tourism Development in the Countryside), Policy 49 (Transport Requirements of new Development).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC6 (Conversion of Rural Buildings), M4 (Residential Parking Requirements), EN4 (Wildlife in Buildings to be Converted or Demolished), EN5 (Protected Species) and EN12 (Landscape Character Areas).

Material Considerations - 'Static Caravan and Holiday Chalet Tourist Accommodation in Rural Areas' (Strategic Planning Transportation and Economic Development Review Panel - 11 April 2007)

## **ASSESSMENT**

Guidance on national planning policy in relation to development in rural areas is set out in Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7). Whilst recognising the importance of tourism to the rural economy PPS7 emphasises the importance of strictly controlling new building development to protect the countryside for the sake of its intrinsic character and beauty, and ensuring that development is in accordance with sustainable development principles. It highlights the particular importance of supporting farm diversification proposals, and the need to give preference to proposals that involve the re-use of appropriately located and suitably constructed existing buildings for economic development purposes.

There is growing concern regarding market saturation within the Borough. The focus is on whether there is an economic justification for the number of schemes being proposed in the Deane, given that the reason for permitting them as exceptions to the strict control of development in the countryside (as set out in Structure Plan Policy STR6 and Local Plan policy S7) is to assist the rural economy generally and farm diversification in particular (as provided for by Structure Plan Policy 23 and Local Plan Policy S7).



Information provided by the Economic Development Officer (EDO) has identified serious concerns regarding possible market saturation of self-catering accommodation. He has stated that there is an increasing body of evidence to indicate that there is significant unused capacity within the existing stock of self-catering accommodation in Somerset. In 2004/04 (the latest year when full year figures are available) the take-up of high season lets was running at less than 80% of capacity. In the low (winter) season it fell to some 40%. Furthermore, indications from the latest figures available from Visit England for 2005/06 suggest that occupancy levels in Somerset had fallen again, which would be the third year in a row.

These figures and trends represent strong evidence of a saturated market. The EDO feels there is some doubt about the business sustainability of the existing self-catering capacity, and that the Council should therefore be very cautious about permitting applications for further accommodation. If proposals are based on unrealistic assumptions about the level of occupation when compared to prevailing market conditions, there is a danger that they will make little profit and fail financially.

This could result in a situation where holiday accommodation businesses are failing the owners may seek to secure planning permission for use of the accommodation as permanent dwellings, as a means of 'cutting their losses'. This would create pressure for the introduction of dwellings in unsustainable locations that would not be acceptable under Structure Plan Policy STR6 and Local Plan Policy S7, thus undermining the objectives of countryside protection and the delivery of sustainable patterns of development.

The assessment of the submitted business plan is therefore a vital component in determining the application. It is accepted that the use of existing buildings for holiday accommodation will almost always be preferable in planning terms to the introduction of new ones into the landscape.

On the basis that the proposal would be a conversion and given there is no objection from the tourism officer it is considered the proposal is acceptable.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, landscape, walls and fences, timber windows and doors, no extensions, meter boxes, parking, drainage, holiday occupancy condition and contaminated land. Notes re soakaways, landscape, wildlife and contamination land.

**REASON(S) FOR RECOMMENDATION:-** The proposed development is considered sympathetic and will not harm the integrity and character of the barn or harm the visual or residential amenities of the area. The proposal does therefore not conflict with Taunton Deane Local Plan Policies S1, S2 nor EC6 and material considerations do not indicate otherwise.

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

**CONTACT OFFICER: 356586 MR A PICK**

NOTES:

31/2007/020

MR & MRS C POWELL

**CHANGE OF USE AND CONVERSION OF OUTBUILDINGS TO FORM TWO HOLIDAY COTTAGES AND DOMESTIC OFFICE/STUDY AT TOAD HALL, LOWER HENLADE**

327021/123583

FULL

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**PROPOSAL**

This is an application for planning permission for change of use of an existing single storey outbuilding to form two holiday cottages with domestic office/study. The proposed cottages will each contain two bedrooms, living room, kitchen and bathroom. The office/study has a small kitchenette at WC attached to it.

The existing out buildings, which are to be converted comprise single-story buildings forming an L-shaped building adjoining the south and west boundary which is shared with Chestnut House.

The southern end of the outbuilding, which has rough cast painted rendered walls under a slate roof already has permission for use as a holiday unit (Reference 31/1987/013 approved in September 1987). This conversion utilises substantially the that building as already converted. The northern portion of the outbuilding has a brick plinth with timber cladding above under a sheet roof and is currently used as domestic garage and workshop. New window are proposed in the north and west elevation with the garage door replaced with a window and the surroundings rendered to match the existing.

The application is accompanied by a Design & Access Statement, a Business Plan detailing costs involved in the conversion and projected income. a Flood Risk Assessment and Structural Report on the building is also provided.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY No objection to the proposal, but conditions are recommended regarding the provision and retention of parking and turning and sightline requirements at the site's entrance.

ENVIRONMENTAL HEALTH OFFICER conditions are suggested for contaminated land investigation and restoration works should any contamination be found. ECONOMIC DEVELOPMENT AND REGENERATION OFFICER has looked at the applicant business case and feels that lower than the regional letting average will be achieved. This lengths the "payback" period to five rather than 3 years. A small-scale proposal that in economic terms would prove manageable, No objections provided that safeguards were in place to prevent their conversion to full residential approval within 10 years

PARISH COUNCIL object to this application for the following reasons:- Traffic - (i) concern with road width of Greenway lane especially with the traffic that uses it at peak times; (ii) impact on traffic, both in Greenway Lane, which does not have a footpath and at the junction of Stoke Road with the A358; (iii) existing entrance opposite footpath; (iv) access of emergency vehicles, especially with the adjacent thatched cottages and the danger of fire from Bar B Qs etc. Drainage and Flood - (i) drainage and flooding, the site and the lane are know to flood; (i) sewerage reference capacity of existing pumping station; (iii) suggest Flood Assessment required; Environment - (i) noise nuisance to neighbours; (ii) too near to existing properties; (iii) overlooking Chestnut Cottage; Structure and Design - (i) concern with existing structure and the work it could entail e.g. new walls and footings; (ii) the existing south wall is of a non structural nature built on a boundary wall whose ownership could be a matter of dispute with a neighbour; (iii) a structural report should be obtained from the applicant; (iv) no amenity space provided; (v) car parking. Policy - (i) from the Business Plan it is understood that the applicant is looking to have holiday lets available for 52 weeks a year which is unacceptable, should be subject to the same restrictions imposed on other applicants in the Parish; (ii) Deane already well served by holiday lets; (iii) would question change of use on part of the development.

32 LETTERS OF OBJECTION have been received raising the following issues:- already enough holiday accommodation in the area so no more needed; increased traffic from proposed use; approach roads are narrow and used by speeding vehicles; no public footpath to the site making it difficult to get to shops, post office or pub; junction of Greenway Lane and Stroke Road is dangerous; A358 junction is dangerous and additional traffic will exacerbate this problem; flooding problems on the public highway near the site access; potential flooding of forecourt and buildings from runoff from adjacent field; area suffers from sewage problems because existing pumping station is at maximum capacity; increased on-site car parking will generate noise disturbance and air pollution to the detriment of neighbouring properties; holiday use, with possible barbecues in the small courtyard area adjacent to the neighbouring thatched property, will cause a fire risk; adverse impact on neighbouring properties from noise associated with holiday use due to close proximity of holiday cottages to boundary; overlooked from window on the south elevation.

## **POLICY CONTEXT**

PPS1, PPS7, Good Practise Guide on Planning for Tourism.

Somerset and Exmoor National Park Joint Structure Plan Review Polices STR1, STR6, Policy 5, Policy 23 and Policy 49.

Taunton Deane Local Plan Policies S1, S2, S7, EC6, EC21 and M4.

## **ASSESSMENT**

The application site consists of the property at Toad Hall, originally granted planning permission as a barn conversion in October 1986 (Reference 31/1986/009),

domestic double garage and associated outbuildings. Access is via a surfaced drive from Greenway Lane. Adjacent to the site and within the same ownership is a field

The site lies beyond the settlement limit of Henlade on the northern side of Greenway Lane around 100 m from the junction with Stoke Road, which in turn is approximately 400 m from the junction with the A358.

An application for the conversion of outbuilding to three holiday lets and a domestic office submitted earlier this year was subsequently withdrawn . Planning permission for change of use to form touring caravan and camping site, erection of facilities building and access improvements on the adjacent field has been refused and is the subject of an appeal (Reference 31/2007/011). Another application for the erection of a bungalow was refused earlier this year (Reference 31/2007/011). In addition to this application a current application to convert the double garage adjacent to the house into a ancillary residential accommodation (Reference 31/2007/022) is also up for consideration on this agenda

The Structural Survey indicated the buildings are generally in a good state of repair and no major works of rebuilding or extension will be necessary to effect the conversion.

The Flood Risk Assessment indicates the site to lie in a Zone 1 Flood Risk Area which does not preclude such development

The Business Plan envisages payback of development costs within 3 years. However comments on this aspect of the proposal are set out in the Economic Development and Regeneration Officer's comments above.

The Design & Access Statement indicates the works to necessary to carry out the conversion and that materials use will all be to match existing buildings.

Policy S7 sets parameters for development outside settlements, with EC6 relating to conversion of rural buildings and EC21 relates to tourist and recreation development.

With regard to the strategic consideration of this proposal it complies with Policy S7(B) by virtue of tourism policy EC21. With regard to EC21 as a scheme for one new holiday cottage and refurbishment of a holiday cottage with previous permission this is considered to be small scale, it has raised no objection from the Economic Development and Regeneration Officer and therefore complies with this policy.

It is considered that on the information provided and on inspection of the buildings they comply with the requirements of EC6(A) (i), (ii) & (iii). It is also considered that the application meets the requirements of EC6(B) (i), (ii) & (iv). Comments in respect of EC6(B)(iii) are set out below.

A variety of highway concerns associated with the location of the site, suitability of approach roads and junctions to accommodate addition traffic have been raised. On highway issues no objection has been raised by County Highway who consider the scheme acceptable subject to conditions.

The issue of existing highway flooding and surface water runoff from fields has been raised. However this proposal will not add to those existing problems and cannot be expected to find solutions to them. Similarly with the drainage issue one addition unit proposed is not considered to impact on the mains drainage situation.

Specific concerns about the direct impact of the proposal on the amenity of the neighbouring property have been raised. It must be accepted firstly that buildings lie within a residential curtilage and could be used for a variety of ancillary residential uses. This comment similarly applies to the small courtyard to the south of one of the units. That unit nearest to the adjacent dwelling already benefits from holiday use permission. There is natural screening between properties that would preclude an unacceptable level of overlooking.

Whilst a holiday use will inevitably generate more vehicular movement and activity it is not considered that the scale of this increase would be of a sufficient magnitude to warrant refusal of planning permission. Other legislation exists to deal with unsocial activities and inappropriate noise generation either from the existing residential use or future holiday use.

It is considered that the application accords with the relevant planning policies and is at a scale to not impact unacceptably on neighbouring amenities.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, holiday use only, provision and retention of car parking, provision of visibility splays, contamination investigation & remediation

**REASON(S) FOR RECOMMENDATION:-** The proposed use is considered appropriate for the outbuildings and it is thought that the scheme will not harm the integrity of the outbuilding or the character, visual and residential amenity of the area and, therefore does not conflict with Taunton Deane Local Plan Policies S1, S2 and EC6.

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

**CONTACT OFFICER: 356454 MR M ROBERTS MON/TUE/THUR/FRI**

NOTES:

31/2007/022

MR & MRS POWELL

**ERECTION OF LINK FROM HOUSE TO GARAGE AND CONVERSION OF GARAGE TO FORM ANNEXE, ERECTION OF CONSERVATORY AND INSERTION OF NEW FLUE PIPE ON NORTH ELEVATION AT TOAD HALL, LOWER HENLADE**

327022/123582

FULL

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**PROPOSAL**

This is an application for planning permission for conversion of an existing detached double garage into an annexe. This will be achieved by extending the existing conservatory to link to the garage building

Accommodation to be provided comprises two en-suite bedrooms in the garage, a living room in the extended conservatory and a tea making area in part of the main house with existing openings to that room being blocked up

The annexe will have its own entrance and have internal connecting doors back to the main house

Externally a new timber window and door will be provided in the garage opening and on the north elevation. Rough cast painted rendered will be used to on the remainder of the opening and south elevation of the link to the main house. The rear north wall of the extension to the conservatory will be in stone to match the main house with a small area of flat roof over.

Also proposed on the north elevation is the blocking up of a lounge window to provide a log burning stove with a black painted stainless steel flue running from the ground floor up the centre of the elevation and terminating just above ridge level.

As part of this application it is proposed to add a new conservatory to the southern end of the main house. This will have a stone wall on its western side with the other two elevations being glazed above a rendered wall to cill level.

A Design & Access Statement, and a Flood Risk Map indicating the site to be outside any flood zone accompany the application.

**CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL does not object so long as it is used as residential accommodation by the owner and his relatives and not as holiday accommodation.

5 LETTERS OF REPRESENTATION have been received raising the following issues:- no concern to the principle of the development but making it clear that such comments are on the basis of the accommodation being used only for residential

purposes by the owner and his relatives and not as holiday accommodation; concerns that the annexe had been designed for dual use, reference is also made to a similar situation at Arudells Farm where an annexe was allowed to be use for holiday purposes 12 weeks of the year.

## **POLICY CONTEXT**

PPS1 & PPS7.

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

Taunton Deane Local Plan Policies S1, S2, S7, H17, H18 & EC6.

## **ASSESSMENT**

The application site consists of the property at Toad Hall, originally granted planning permission as a barn conversion in October 1986 (Reference 31/1986/009), domestic double garage and associated outbuildings. Access is via a surfaced drive from Greenway Lane. Adjacent to the site and within the same ownership is a field.

The site lies beyond the settlement limit of Henlade on the northern side of Greenway Lane around 100 m from the junction with Stoke Road, which in turn is approximately 400 m from the junction with the A358. The Flood Risk map indicates the site to lie in a Zone 1 Flood Risk Area which does not preclude this development

An application for the conversion of the outbuilding to three holiday lets and a domestic office submitted earlier this year was subsequently withdrawn. Planning permission for change of use to form touring caravan and camping site, erection of facilities building and access improvements on the adjacent field has been refused and is the subject of an appeal (Reference 31/2007/011). Another application for the erection of a bungalow was refused earlier this year (Reference 31/2007/011). In addition to this application a current application to convert the outbuildings into two holiday units (Reference 31/2007/020) is also up for consideration on this agenda.

The garage building appears in good structural condition and is located close to the main dwelling. With the works to link this building to the main dwelling it is considered that it complies with all the tests of Policy H18.

The minor extension works and flue are also all considered to accord with requirements of Policy H17.

The neighbours concerns can be addressed by a suitable condition.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials as specified and ancillary residential use only.



**REASON(S) FOR RECOMMENDATION:-** The proposed conversion and associated extension will not harm the character, visual and residential amenity of the dwelling and area and, therefore does not conflict with Taunton Deane Local Plan Policies S1, S2 , H17 and H18.

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

**CONTACT OFFICER: 356454 MR M ROBERTS MON/TUE/THUR/FRI**

NOTES:

35/2007/019

JAN COPLEY

## **ERECTION OF THREE ECO-CABINS FOR TOURISM USE AT LAND TO THE SOUTH OF LITTLE BRIMLEY, APPLEY, WELLINGTON**

307350/121641

FULL

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### **PROPOSAL**

Permission is sought for the provision of 3 eco-cabins, creating 4 letting units at land adjacent to Little Brimley, Appley. The site is currently open field land used as a campsite under the 28 day rule. It is proposed that one of the units will be solely for overnight stays for those cyclists and walkers using the long distance Sustrans route between Bristol and Padstow. The external materials for the Sustrans & Cabin 1 would be local stone plinth with lime cob walls with locally sourced reed for the thatched roof. Cabins 2 & 3 would be local stone plinth with lime rendered straw bale walls with cedar shingle roof. The scheme also proposes sustainable measures such as solar panels, wood burning stoves and compost toilets.

The planning statement outlines that it is proposed to use the field and part of Little Brimley's land for a green community project with the eco-cabins acting as a base to stay as well as an example of sustainable construction techniques. The site will also act as a teaching platform for local school, community groups and individuals.

A new access, visibility splay and parking provision for 3 vehicles will be provided, set back from the lane. An existing access would be blocked up and new hedgerow planted. An access would then lead from the hardstanding into the site.

A Design and Access Statement and Planning Statement accompany the application. In addition two letters of support are also submitted with the application. The first submitted on behalf of Sustrans. The letter states that the Sustrans National Cycle Network 3 passes through Appley within a short distance from the site. The National Cycle Network aims to provide people with the opportunity to travel in a sustainable way and brings economic benefits to the local economy. The success depends on the networks being; accessible, of high quality, continuous, memorable and linked to key services and centres. The proposal would provide high quality sustainable accommodation for long distance users of NCN3 and as such it wholly supported.

Secondly a letter from the Council's Rural and Community Support Officer outlines the officer's full support to the venture highlighting that the proposal meets a number of the Objectives outlined in Taunton Deane Borough Council's 'Corporate Strategy: 2007-2010, including objectives 5, 14 and 17.

### **CONSULTATIONS AND REPRESENTATIONS**

LANDSCAPE OFFICER although the site is well screened from the lane and the public footpath to the south, concern is raised about the permanency of the development in 'open countryside'. Details of the existing hedgerow alignment and needs of the visibility splay requirements may impact on the amenity of the lane. NATURE CONSERVATION OFFICER the proposal involves the removal of a large section of native hedging with connectivity to Kittisford Wood, a Local Wildlife Site (formerly known as CWS) and is likely to accommodate nesting birds and possibly dormice. Surveys for dormice to Natural England guidelines are done in the summer months. There is also a pond in the vicinity of the site and an ecological consultant's opinion on the suitability of the pond for great crested newts should be submitted and necessary survey work done in the spring if advised. Because the presence of European Protected Species is uncertain I advise that there is insufficient information to determine the application. FOOTPATHS OFFICER no observations to make. DRAINAGE OFFICER no observations.

2 LETTERS OF OBJECTION have been received raising the following issues:- development larger than first anticipated; frequent changes in occupancy causing disruption and loss of privacy to nearby cottage; recent application refused to convert a barn on the grounds the 'formation of residential cartilage would detract from the visual qualities of an attractive rural area' – the development proposed is of a larger scale and would definitely detract from this beautiful countryside; highway safety; proposed access would be opposite an approved gateway and drive; concern over long term future of the site; development in open countryside; concern over effects a holiday village could have on a small rural community environment; extensive track required to serve the buildings; worry about pollution of a stream which runs down to the River Tone; noise and light pollution.

ONE LETTER OF SUPPORT from the 10 parishes festival raising the following issues:- the applicant's plans and proposals to build from local and traditional materials in support of the green economy are ones that we applaud; apart from using local and sustainable materials and without creating a carbon footprint on the land, the cabins are very pleasing to look at, reminding one of an earlier time; the cabins and the ethos of all that goes on at Little Brimley is one that we should all support and be considering with much more seriousness as climate change alters the way we shall be living in the future; a most successful Eco Day was held at Little Brimley as part of the Festival 2007 events and it is very much hoped we can expand on this theme in future Festivals.

22 LETTERS OF SUPPORT have been received raising the following issues:- innovative idea; combines eco building with young peoples personal development and long term sustainability; teach country and rural skills; local schools will use the venture; will be a benchmark development; applicant passionate for sustainable living and green lifestyles; worthwhile venture to help young people; sustainable ethos; use of solar panels, compost toilets and wood burning cookers in the days of global warming should be supported; scouts use the existing site for educational benefit; encourage sustainable tourism with benefits to the community and local amenities; in stark contrast to the development at 'Greenham Business Park' – which is not environmentally friendly, does not fit in with the landscape, destroys habitat and causes pollution; low impact design; development is appropriate to the scale and location of the site; Ecos trust support the application – the design and materials are

both highly sustainable and well suited to the landscape and represents a leading example of sustainable development.

WARD MEMBER supports the application. The applicant is very enthusiastic in working with young people on rural projects, teaching country crafts and rural life skills, with help from skilled craftsmen; this project will provide further opportunities to engage in and develop countryside skills and crafts, based around three eco cabins is totally commendable and entirely in keeping with modern environmental thinking, whilst also engaging young people to widen their knowledge of sustainable living; I believe this application maybe considered 'new build in open country' but because of the reasoning and purpose behind the project I feel that it should be supported and encouraged and granted permission; there are very few such developments coming to the planning committee and the opportunity to encourage forward thinking and promote sustainable living means that it should be granted permission.

## **POLICY CONTEXT**

Regional Spatial Strategy for the Southwest, (RPG10), VIS 2 (Principles for Future Development), SS19 (Rural Areas), SS20 (Rural Land Uses (including Urban Fringe)), TCS1 (Tourism)

Regional Spatial Strategy for the South West, Draft July 2006.

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPS9 – Biodiversity and Geological Conservation, PPG13 – Transport, Good Practice Guide on Planning for Tourism, which has now replaced PPG21 - Tourism.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Rural Centres & Villages), Policy 5 (Landscape Character), Policy 23 (Tourism Development in the Countryside), Policy 42 (Walking), Policy 49 (Transport Requirements of new Development).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC7 (Rural Employment Proposals), M4 (Residential Parking Requirements), EC23 (Tourist Accommodation), EC24 (Caravans and Holiday Chalets) and EC25 (Touring Caravans and Camping Sites) and EN12 (Landscape Character Areas).

Material Considerations – 'Static Caravan and Holiday Chalet Tourist Accommodation in Rural Areas' (Strategic Planning Transportation and Economic Development Review Panel – 11 April 2007)

## **ASSESSMENT**

There are a number of pertinent issues in the assessment of this application. These relate primarily to the following:- policy implications; visual impact of the proposed development on the rural character and appearance of the area; protected species; and highway safety.

The submitted scheme certainly has a sustainable ethos at the fore of its vision for the site. The proposed materials, sustainable construction and features have much to be commended. Nevertheless, there are other policy requirements and sustainability arguments to consider. There has been concern to the number of proposals for holiday chalets, at a time when there has been a steady decline in the occupancy rate of existing facilities across the Borough. As a result, a report on 'Static Caravan and Holiday Chalet Tourist Accommodation' was submitted to the Council's Strategic Planning, Transportation and Economic Development Review Panel – 11th April, 2007, highlighting the issues faced and making recommendations in the way such applications were assessed.

Guidance on national planning policy in relation to development in rural areas is set out in Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7). Whilst recognising the importance of tourism to the rural economy PPS7 emphasises the importance of strictly controlling new building development to protect the countryside for the sake of its intrinsic character and beauty, and ensuring that development is in accordance with sustainable development principles. It highlights the particular importance of supporting farm diversification proposals, and the need to give preference to proposals that involve the re-use of appropriately located and suitably constructed existing buildings for economic development purposes. In relation to holiday chalet developments it advises that planning authorities should:- (i) carefully weigh the objective of providing adequate facilities with the objective of providing adequate facilities with the need to protect landscapes and environmentally sensitive sites; and (ii) ensure that new or expanded sites are not prominent in the landscape and that any visual intrusion is minimised by effective high quality screening.

There is growing concern regarding market saturation within the Borough for tourist accommodation, given that the reason for permitting them as exceptions to the strict control of development in the countryside (as set out in Structure Plan Policy STR6 and Local Plan policy S7) is to assist the rural economy generally and farm diversification in particular (as provided for by Structure Plan Policy 23 and Local Plan policy S7).

Information provided by the Economic Development Officer (EDO) has identified serious concerns regarding possible market saturation of self-catering accommodation. He has stated that there is an increasing body of evidence to indicate that there is significant unused capacity within the existing stock of self-catering accommodation in Somerset. In 2004/05 (the latest year when full year figures are available) the take-up of high season lets was running at less than 80% of capacity. In the low (winter) season it fell to some 40%. Furthermore, indications from the latest figures available from Visit England for 2005/06 suggest that occupancy levels in Somerset had fallen again, which would be the third year in a row.

These figures and trends represent strong evidence of a saturated market. The Economic Development Officer feels there is some doubt about the business sustainability of the existing self-catering capacity, and that the Council should therefore be very cautious about permitting applications for further accommodation.

If proposals are based on unrealistic assumptions about the level of occupation when compared to prevailing market conditions, there is a danger that they will make little profit or even fail financially.

This could result in a situation where holiday accommodation businesses are failing the owners may seek to secure planning permission for use of the accommodation as permanent dwellings, as a means of 'cutting their losses'. This would create pressure for the introduction of dwellings in unsustainable locations that would not be acceptable under Structure Plan Policy STR6 and Local Plan Policy S7, thus undermining the objectives of countryside protection and the delivery of sustainable patterns of development.

On this basis a full market appraisal or business plan is a requisite of any application. A business plan accompanies the application. The applicant has received the support of the Rural and Community Support Officer and that of the Sustrans group, in addition there has been support from community groups, scouts, and local schools. It would appear there is a market for such a venture. The views of the tourist officer are awaited.

However, this leads onto the issue of the visual impact of the proposal in 'open countryside' and the proposed form of the development. Another concern raised within the report was that of the number of new buildings, rather than conversion of existing ones. It is considered the size, appearance and construction materials are more akin to permanent dwellings rather than accommodation that is designed for short term use. This increases the visual impact of the proposal, and creates a greater sense of permanence, as also referred to by the Council's landscape officer. Local Plan Policy EC24 relates specifically to static holiday caravans and chalets, and has a clear inference that such structures are capable of being readily removed by road. Proposals for buildings that can be regarded as permanent rather than temporary and removable should be considered against Local Plan policy EC23, which requires them to be within the defined limits of settlements. The report concludes inter alia that 'New buildings or proposals which, by virtue of their size, design, layout or method or materials of construction, have the characteristics of permanent dwellings will not be permitted'.

As such whilst the site benefits from mature screening, and the applicant proposes further landscaping, the buildings by reason of their permanent form would detract from the rural character and appearance of the area. The support for the enterprise and its green ethos and associated benefits to the local community must be balanced against the provisions of Local Plan policy. As discussed it is considered that the development does not accord for Policy EC24 and should permission be granted could be used as a precedent for allowing such buildings in open countryside.

In terms of assessing the impact of the development on wildlife the Nature Conservation Officer has identified the site as an important area for wildlife with a reasonable likelihood of protected species. The proposal would involve the removal of a large section of native hedging with connectivity to Kittisford Wood, a Local Wildlife Site (formerly known as CWS) and is likely to accommodate nesting birds and possibly dormice. There is also a pond in the vicinity of the site and the Nature

Conservation Officer considers that an ecological consultant's opinion on the suitability of the pond for great crested newts should be submitted and necessary survey work done in the spring if advised. Without such information it is recommended that the application cannot be determined in accordance with guidance contained within PPS9.

The view of the Highway Authority is awaited and Members will be updated of any response received.

To conclude, for the reasons outlined in the report it is recommended the application be refused.

## **RECOMMENDATION**

Subject to any additional comments of the County Highway Authority permission be REFUSED for the following reasons (1) In the opinion of the Local Planning Authority the proposed holiday chalets by reason of their design, materials and permanent construction are not considered to comply with the definition of a holiday chalet as defined under Policy EC24 of the adopted plan. As such the development would be contrary to Policy EC23 covering permanent accommodation due to its location beyond any settlement limit. As such the proposal would be contrary to Taunton Deane Local Plan Policies EC23 and EC24. (2) The proposed holiday chalets by reason of their form, materials and design would not be in keeping with its surroundings and would appear an intrusive form of development detrimental to the character and visual amenities of the landscape. As such the proposal would be contrary to Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 5 and Taunton Deane Local Plan Policies S1, S2, S7, EN12, EC23 and EC24. The site has been identified with there being a 'reasonable likelihood' of the presence of Protected Species in the locality. In the absence of any ecological/wildlife survey of the application site there is no guarantee that the proposal would not have an adverse effect on protected species contrary to Taunton Deane Local Plan Policy EN5 and relevant Central Government guidance

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

**CONTACT OFFICER: 356586 MR A PICK**

NOTES:

38/2007/193

ABBAY MANOR DEVELOPMENTS LTD

**ERECTION OF PHASE 1 OF B1 OFFICE DEVELOPMENT WITH ASSOCIATED TEMPORARY CAR PARK AT FORMER GOODS SIDINGS, FIREPOOL, TAUNTON AS AMENDED BY LETTER DATED 10TH SEPTEMBER, 2007 AND PLANS NOS. 06/51 L01.01D, L02.01F, L02.02E, L04.02C, L04.01B AND SK1212.06.01B**

323181/125405

RESERVED MATTERS

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**PROPOSAL**

The proposal is a reserved matters application for around 7000 sq m of office over 5 - 7 storeys on the land at the former East Goods Yard. The office building lies to the south of the railway line and north of the proposed Northern Inner Distributor Road and consists of phase one of the employment site granted outline permission in 2004. The massing of the office building is informed by the triangular shape of the western end of the site. The approach to the building from the new relief road and the train station are considered important. The building steps from west to east across the site and the height reflects the heights set out in the Taunton Design Code.

The design of the building is intended to meet the Very Good BREEAM rating with orientation of the building to allow use of solar gain and grey water recycling used to flush toilets.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY I have no objections in principle to the development. Outline consent has been granted for the whole site subject to a Section 106 Agreement to deliver, amongst other things, a part of the strategic route, the Taunton Northern Inner Distributor Road. The plan submitted with the application show a road layout which is yet not approved. On the assumption that it will be approved then it is clear that any access onto it should have adequate visibility splays and any site have adequate on-site parking and turning facilities to enable all vehicles using it to enter and leave the highway in forward gear. To that end I have had a meeting with the applicants and highlighted issues in terms visibility and turning which need amending. I understand amended plans will be submitted and look forward to receiving them. On the basis that I am confident that the problems can be ironed out. I would not seek to recommend a refusal of the application but deal with it by means of Grampian conditions. The following conditions should be attached to any consent. No development until suitable access has been submitted and approved, no development until the road layout has been submitted and approved and no occupation until the distributor road required for access has been completed and open to traffic. There will also be a requirement to condition the access, visibility splays, parking and turning. NETWORK RAIL whilst there is no objection in principle to this proposal I give below my comments and requirements



for the safe operation of the railway and the protection of Network Rail's adjoining land.

1. **FENCING** - This development will create a trespass and vandalism risk on to the railway. In the interests of promoting public safety, it is recommended that a 1.8 m high trespass resistant fence be erected parallel to but separate from the railway fence.
2. **ROADS** - The Department of Transport recommends the provision of a safety barrier adjacent to the railway, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development. The safety barrier should be designed to cater for specific loadings dependent on the road traffic anticipated.
3. **DRAINAGE** - Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 m of Network Rail's boundary.
4. **SAFETY** - No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land.
5. **SITE LAYOUT** - It is recommended that all buildings be situated at least 2 m from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.
6. **ENVIRONMENTAL ISSUES** - The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.
7. **LIGHTING** - Should the development include proposals for external lighting, I must point out that this may conflict with Network Rail's signalling system. The developers should be required to obtain Network Rail's approval of their detailed proposals.
8. **LANDSCAPING** - In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office for prior approval.

**CREATING EXCELLENCE** I have inspected the revised drawings that have now been submitted to you. I am pleased to report that these have satisfactorily responded to the design criticisms that were articulated during our useful review meeting held together with the applicants as a consequence of their original submission. **CIVIC SOCIETY** welcome the contemporary design of these offices. They are tall and on a high site relative to the main part of the town centre to the south, so their appearance is more important than is normal for offices in peripheral locations. Their northern face will also be a major element in the initial impression of the centre of Taunton for those travelling on the railway and particularly those arriving from London. In this respect this is another gateway building. We believe that the generally good design could be improved in the following ways.

1. The plant rooms and prestige suites appear as a set of boxes on the highly visible roof line. We suggest that more variety in the roof line is desirable, generating a greater sense of flow, and would like to see a greater effort being made to disguise the plant rooms which appear so different from either façade of the building. Perhaps there should be a larger suite complex on the roof of the lower western blocks to balance the large suites on the eastern blocks.
2. The north (railway) façade would be greatly improved by some moulding or larger articulation, providing more interest and relieving the effect of a succession of very flat surfaces. We understand the need for the building to be a seal against dust and noise from the tracks, but believe that the

building should make better use of the north light by having larger, (particularly taller, rather than square) windows in the terracotta faced blocks. 3. On the southern façade we find the doorways to be almost unnoticeable. Surely the building would benefit from a stronger emphasis of the entrances and wouldn't it be a good idea to provide a canopy over the arrival spaces? 4. On the materials we believe that a light cream render would be better than a plain white render: we have reservations about the proposal for terracotta tiling on the northern face, but these are linked to the extent of the tiling and if the area devoted to glass increased as we suggest above we feel that the building would no longer appear from the north as a rather uninspiring pile. We cannot see details of how the effects and flow of water will be controlled. Given the use of render it is important that it is thrown clear so that staining can be avoided. Can you check this detail. We are pleased to see the design aims for a high BREEAM/Ecohomes rating but question the design statement that says very good will be achieved but the key objective for the development is excellent.

ENVIRONMENTAL HEALTH OFFICER the previous application for the site includes a condition requiring site investigation, risk assessment and any proposed remedial work to be submitted before work is carried out on site. This condition should still apply. There are other conditions on the 1999 application relating to contaminated land (28 – 31). The information required by these could be included in the same report required by the main contaminated land condition. It would be preferable if the developer could provide one site investigation and risk assessment report for the site as a whole rather than having one for each of the smaller areas and this would save time and costs. The offices are close to the railway lines and the strategic road. A noise assessment should be carried out to determine what measures may be necessary to ensure an acceptable noise level in the proposed offices. Noise should be taken into account in the design and layout of the buildings. Acoustic glazing and ventilation should be used when other methods are not practical. The proposal shows offices at the western end of the site and a car park on the rest of the site with no indication of a noise barrier by the railway line. This arrangement will not provide any shielding to most of the nearby flats. There are some conditions re noise on the 1999 application, however these refer to noise affecting the dwellings on the site. As noise from the railway and road could affect people working in the offices I would recommend a noise condition and note.

2 LETTERS OF OBJECTION have been received raising the following issues:- the block rises 20 feet above the water tower making it a 'landmark' that could be seen from many aspects of Taunton and the surroundings; it doesn't seem to fit in with the Urban Design framework which aims to protect views of Taunton –church towers and views to the Blackdowns; present views enjoyed would be compromised; parking for 148 cars seems grossly inadequate; parking in the area is already tight and it will put undue strain on the surrounding area; Phase 2 may compromise the area even more in the future; high density means high traffic volume in an area where congestion is already a problem; the elevation with large panels punched with regular window openings does not come close to being in keeping with any local building; if the building were lowered it would mean fewer people and the parking spaces more relevant to the occupancy of the building and views of church towers and the Blackdowns would be less compromised.

## **POLICY CONTEXT**

RPG10 – Regional Planning Guidance for the South West, SS5 – Principal Urban Areas, EN3 – The Historic Environment, EN4 – Quality in the Built Environment, HO5 – Previously Developed Land and Buildings.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR4 – Development in Towns, Policy 9 – The Built Historic Environment, Policy 48 – Access and Parking, Policy 49 – Transport Requirements for New Development.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, EC1 – Employment Development, EC10 – Accessibility of New Development, M1 – Non-residential Parking Requirements, M2 and M3 – Parking, EN16 – Setting of Listed Buildings, EN25 – The Water Environment, EN32 – Contaminated Land, EN34 – Control of External Lighting, T3 - Firepool, T33 – Taunton’s Skyline, T34 – Approach Routes into Taunton.

## **ASSESSMENT**

The proposal is Phase 1 of the employment part of the East Goods Yard site at Firepool and involves a 5 - 7 storey office building in a prominent location adjacent to the railway line and the proposed Northern Inner Distributor Road. The proposal provides a significant level of office space in compliance with the outline approval granted in 2004. The main issues for consideration are the design of the building, its impact and the access to it.

Access to the site will be via the new Northern Inner Distributor Road which is yet to be constructed. A notional route has been agreed between the developer and the Highway Authority and the submitted plan reflects that general proposal. Clearly the development can’t be properly developed until such time as the road is provided and the Highway Authority has suggested a Grampian style condition to ensure that this is the case. Given that the developer owns the land on which the road is to be built this is considered to be an appropriate condition. Concern over the visibility at the access and impact on the parking layout have been addressed by the revision to the plan and this element of the scheme is now considered suitable to be conditioned. The scheme provides for 149 parking spaces in a surface car park and under the building. This level of parking complies with the standard for office use as set out in the Local Plan. Development of the adjacent site will need to be assessed in the future to ensure the parking for the site is maintained in line with policy.

The design of the building in general is considered to be an acceptable one in terms of its scale and massing and is welcomed in principle by the Civic Society. Creating Excellence initially had concern over the plant enclosures at roof level, the extent of render panels on the south frontage and the break in the panelling on the north elevation. These issues were addressed in the amended scheme submitted and the revised elevations are considered acceptable and also address a number of the issues raised by the Civic Society. The roof level is stepped and the plant enclosures relate to the higher level only, the front is designed to read more as one and is stepped in relation to the road and there are entrance canopies designed into

the doors. The building is stepped against the road to soften the impact on the frontage and allow for access visibility. The building will form a back drop to the Pump House building to the south. However the design and distance of 30 m across the road is considered sufficient not to detract from the setting of the listed building.

The building will be seen from a number of public vantage points from the surrounding area, including the railway station and the Obridge Viaduct. However in the longer term these views will be seen in conjunction with the residential development of the remainder of the site and that of the adjacent Firepool site. Whilst it will have some impact on Taunton's skyline, the scale of the building is considered to be in line with that envisaged in the Urban Design Framework and care has been taken over the design of the building to try and ensure that it will be distinctive and will add to the character of the skyline and approach to the town.

Environmental Health have drawn attention to the issues of noise and contamination which were conditioned on the outline permission. The noise issue is being addressed by the provision of a noise proof barrier fence to the northern boundary. This together with the building itself will reduce noise in respect of development to the south, while the offices themselves will need to be protected by sound insulation designed into the building. Given that the original condition is out of date a more appropriate noise condition is now considered appropriate.

The proposal forms the first part of the East Goods Yard redevelopment at Firepool and the re-use of this brownfield site is an important first step in the redevelopment of the area.

## **RECOMMENDATION**

Subject to further views of the Highway Authority the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED be subject to conditions of no development until suitable access has been submitted and approved in writing by the Local Planning Authority, no development until the road layout has been submitted and approved in writing by the Local Planning Authority and no occupation until the distributor road required for access has been completed and open to traffic, visibility splay, turning, parking, noise, materials samples and detail of roof eaves, parapets, coping to render elevation and external canopies.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered to comply with outline scheme and Taunton Deane Local Plan Policies S1, S2, EC1, M2, EN16, EN25, T3 and T33 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: 356398 MR G CLIFFORD**

NOTES:



38/2007/545

MR R CRIDDLE

**DEMOLITION OF DWELLING AND ERECTION OF 8 NO. ONE BEDROOM FLATS  
AT 74 SOUTH STREET, TAUNTON**

323481/124316

FULL

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**PROPOSAL**

Permission is sought for the erection of 8 No. one bedroom flats on the site of an existing two storey residential dwelling and garage. It is also noted that there is a concurrent permission for a first floor extension above the garage which has not been implemented. A previous scheme for eleven flats, planning reference 38/2007/299, was refused at Committee on 5th September, 2007.

The application was refused on the following grounds:- "the proposed building by reason of its scale, bulk and massing of the built form is considered to be excessive and if allowed would be detrimental to the character and visual amenities of the street scene and would harm the amenities of adjoining occupiers by reason of it appearing overbearing".

In addition, Members were also concerned with the omission of fenestration to provide natural light to the kitchen area. The primary revisions to the proposal relate to changes to the rear of the dwelling with the main bulk of the building reduced considerably in projection. A single storey extension which would also be dug down replaces the previous three storey rear wing. The ridge of the proposed building is also now set down marginally below that of the adjoining property No. 72. Proposed materials are indicated to be agreed at a later stage, although the Design and Access statement refers to the use of faced brickwork of similar colour and texture to the older surrounding buildings. The site is located within the designated Taunton Central Area and as such the site is well related to essential facilities and services and therefore the applicant proposes no parking within the scheme.

**CONSULTATIONS AND REPRESENTATIONS**

LANDSCAPE OFFICER subject to landscaping it should be possible to offer some mitigation.

TWO LETTERS OF OBJECTION have been received raising the following issues:- at the last planning committee meeting which rejected the 11 flats, it was clearly stated by Councillors that whatever was built should only cover the present footprint of the existing house, this is clearly not the case; building will dominate the area as it is on the crest of the hill; boring design, very unimaginative; not enough parking; loss of privacy to adjoining garden; noise and disruption of building work; loss of light; third time we have now had to object with little change to the proposal, costing money and time; increase in traffic.

## **POLICY CONTEXT**

PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPG13 (Transport).

Regional Spatial Strategy for the Southwest, (RPG10) Policy HO5 (Previously Developed Land).

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

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential Parking Requirements), M5 (Cycling), C4 (Open Space Requirements).

## **ASSESSMENT**

There were a number of objections to the previous scheme on the grounds of loss of light; loss of outlook; overdevelopment; parking; poor design; out of character; scale; lack of cycle storage/bin facilities; loss of family dwelling.

This application has sought to address the previous reason for refusal. It is considered that the revised design is acceptable and the use of matching materials would help to assimilate the development into the locality. The site does not lie in a conservation area and the building proposed to be demolished is of no particular architectural merit. The predominant building pattern is of two storey dwellings of a smaller footprint and scale, in rectilinear form. However, by digging down the building would be of similar height to the row of terraced properties and would provide an efficient use of land without causing any demonstrable harm to the appearance of the street scene, especially given the existing context of the site. The revised design has reduced the overall bulk of the building in relation to its plot size and the single storey rear projection would have no discernible impact on adjoining occupiers.

The internal arrangement has been designed to avoid any unreasonable overlooking to adjoining properties. It is considered that the proposal (given its orientation and separation distances) would not be so harmful to the residential amenities of No. 76 as to warrant a refusal of the scheme. In assessing the impact of the development on No. 72 it is noted that the scale of the development, to the rear, has been amended significantly. The rear projection takes the form of a single storey extension and as such it is considered the proposal would not appear so over dominating or reduce light as to be harmful to the living conditions of No. 72.

One of the recurring concerns previously raised and again with this submission, from local residents, is the lack of parking provision within the site and the knock on effect this will have on the locality. The Highway Authority previously considered that by reason of the location of the site close to the services and amenities of the town centre, it is acceptable to have zero parking provision on site. The site is therefore considered appropriate for car free development. However, as part of any consent a requirement would be imposed to provide safe cycle storage for cycles within the site. Highway Authority comments are awaited, however given the scheme proposes less units there is likely to be no objection.

The provision of 8 flats requires a contribution towards off site play and open space provision in compliance with policy C4 of the Local Plan. In accordance with standard provisions this equates to £1023.00 per one bed unit. Should Members consider the development to be acceptable then a Section 106 Agreement would be required to ensure that the required contribution was made.

It is accepted that national planning guidance seeks to make the best use of brownfield land, especially in sustainable locations such as town centre locations. Furthermore it is accepted that the proposed development has addressed previous design concerns and reduced any impact upon local residents as such it is recommended the application be approved.

## **RECOMMENDATION**

Subject to the completion of a Section 106 Agreement in relation to leisure contributions and no further new issues being raised by 20th December, 2007 the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject conditions of time limit, materials, cycle parking, meter boxes, aerals, landscaping, and contamination. Notes re Wessex Water systems, contamination, plan showing the proposed rear single storey elevation in full.

**REASON(S) FOR RECOMMENDATION:-** The proposed development is considered acceptable and material considerations do not indicate otherwise. The development accords with Taunton Deane Local Plan Policies S1, S2, M4, M5 and C4.

If the Section 106 Agreement is not completed by 11th January, 2008 a condition be added requiring a written agreement to provide the leisure and recreation contributions or refusal of the proposal as contrary to Taunton Deane Local Plan Policy C4.

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

**CONTACT OFFICER: 356586 MR A PICK**

NOTES:



43/2007/163

HAWKS MEADOW PROPERTIES LTD

**ERECTION OF SUPERMARKET (1,965 SQ M) WITH ASSOCIATED CAR PARKING AND SERVICING, LAND TO REAR OF 36-46 HIGH STREET, WELLINGTON (PARTIAL AMENDMENT TO PLANNING PERMISSION 43/2004/141)**

314067/120706

FULL

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**PROPOSAL**

The Committee considered a previous similar proposal in January 2006, when it was resolved that subject to the conclusion of a S106 Agreement on highways issues, permission be granted. Conditional approval was granted in July 2007. The current proposal provides for a building with floorspace of 1,965 sq m gross (1,300 sq m net retail floorspace), compared to 2,187 sq m on the previous scheme. The new foodstore is largely a single storey building with a small first floor section for staff facilities. Materials will be brick walls with slate roofing. A total of 112 car parking spaces, 8 disability spaces and 10 cycle spaces is proposed. The current proposal differs from the previous scheme in the following respects:- (1) The supermarket entrance has been moved from the corner of the proposed building to suit Somerfield's proposed internal layout, but the view of the building from the new High Street /Longforth Road junction remains virtually unchanged. (2) The glazed section on the projecting roof at the front of the proposed store has been replaced with a slate projecting roof. (3) The enclosed service area at the rear of the proposed supermarket has been redesigned to remove the 1.2 m high unloading platform and provide Somerfield with an unloading area which is level with the supermarket floor level. This has resulted in minor alterations to the design of the roof over this area. (4) The replacement High Street buildings have been revised on the plans to show the scheme that was granted permission in February 2007. (5) A narrow pathway has been added to the north east and south east sides of the supermarket, primarily for maintenance purposes.

A large proportion of the land is currently unused, overgrown and lying derelict.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited.

CONSERVATION OFFICER no comment to make.

TOWN COUNCIL views awaited.

THREE LETTERS OF SUPPORT have been received raising the following issues:- hope there are no more delays; the eyesore of the Discount Store and Kwiksave are long overdue for demolishing; a good supermarket in the centre of town will bring trade back to Wellington; will improve the aspect of this part of High Street;

Wellington is growing and needs a decent sized supermarket, it would be wonderful not to have to drive to Taunton for this.

ONE LETTER OF REPRESENTATION has been received raising the following issues:- would like controls put into place to stop deliveries from very large lorries due to the difficult road to get to the store from the rear, young children and older people are at risk and someone should be accountable when someone gets injured; deliveries should be prevented from being made in unsocial hours – suggest Monday to Friday 7.30 to 5.

## **POLICY CONTEXT**

Policy STR1 of the County Structure Plan contains policies related to sustainable development.

Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments. Policy S2 of the same plan provides guidelines for the design of new developments. Policy EC10 states that Taunton and Wellington town centres will be priority location for major retail development and other key town centre uses. Policy EC12 goes on to say that major proposals for retail development and other key town centre uses will be permitted within the settlement limits of Taunton and Wellington provided that certain criteria are met. Policy W11 of the Plan allocates the site for mixed-use development provided that certain criteria are met.

## **ASSESSMENT**

The proposals incorporate changes to the previously approved scheme which I consider are more traditional in form and more suitable for this location. Levelling the unloading area will help to reduce the time spent unloading vehicles and therefore limit the time delivery vehicles spend at the supermarket. The removal of the raised platform in the service area will also make the unloading of goods a safer operation. The car parking numbers in the development remain unchanged. The site is a town centre brownfield site and the proposed amendments compared to the previous scheme are relatively minor changes to the design of the proposed foodstore building. My recommendation is therefore a favourable one.

## **RECOMMENDATION**

Subject to no further representations raising new issues by 21st December, 2007 and the views of the County Highway Authority, the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED be subject to conditions of time limit, materials, rainwater goods, landscaping (hard and soft), boundary treatment, screening during demolition and construction, underground services, details of lighting, petrol/oil interceptors, details of cycle parking, parking, road within site to be kept free of obstruction, restrictions on use of lay-by and cross hatched area adjacent to boundary with 48 High Street and 1 and 2 Orchard Villas, archaeology, details of length of stay in car park, details of measures to control use of car park outside opening hours, demolition and construction work hours, details of levels, lighting to be switched off 30 minutes after closure of store, soundproofing of loading bay, Code of Practice for HGV vehicles,

noise limits, restrictions on delivery hours, surface water drainage, detailed design of the proposed access from High Street including incorporation of the private accesses to the residential properties to the east and pathway on north-east and south-east sides of building to be for maintenance/emergency purposes only. Notes re Food Hygiene Regulations, rights of way, disabled access, energy/water conservation, archaeology, Secure by Design, encroachment, length of stay in car park, CDM Regulations, contact Fire Officer, Conservation Area Consent, Section 106, Considerate Contractor's Programme, Conservation Area Consent required for demolition of Kwiksave building and removal of asbestos sheeting.

**REASON(S) FOR RECOMMENDATION:-** The site is a town centre site, the development of which is in conformity with the retail policy framework set out by central government in PPS6 and in the retail policies contained in the County Structure Plan and adopted Local Plan. The proposal is considered to be in general compliance with the criteria set out in Taunton Deane Local Plan Policy W11.

**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:

48/2007/019

HOOKIPA LTD

**CONSTRUCTION OF A ROUNDABOUT AND ALTERATION OF ASSOCIATED ROADS AND HIGHWAY STRUCTURE AT THE FORMER CHICKEN HATCHERY, BRIDGWATER ROAD, MONKTON HEATHFIELD**

325558/126220

FULL

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**PROPOSAL**

The proposal is for the erection of a roundabout and associated road links to the A38 and Eastern Relief Road as identified in the Taunton Deane Local Plan allocated site T8. The roundabout would have four arms and link to the A38 west towards Creech Castle roundabout, A38 east through Monkton Heathfield, Milton Hill and would be situated in order to be able to link to the future Eastern Relief Road as identified in the Local Plan Major allocated site T8. The roundabout is located to the east of the existing route of the A38 and is largely sited on the former Hatcheries land.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY I have no objection to the principle of a roundabout being constructed in this location, provided that it is constructed to serve development. The details shown on the drawings accompanying the application are generally acceptable. However, I have certain concerns about the juxtaposition with the existing access into the hatchery and the proposed roundabout, although this could be sorted out at detailed design stage. In consequence, I have no objection to the proposal, subject to the applicants entering into a Section 106 Agreement requiring the design, construction and funding of such a roundabout and a Grampian Condition being attached saying that the roundabout should not be constructed prior to the development associated with it being approved and constructed. COUNTY ARCHAEOLOGIST no objection. HIGHWAY AGENCY no objection. ENVIRONMENT AGENCY no comment. NATURAL ENGLAND no objection SOMERSET WILDLIFE TRUST comments awaited. CIVIC SOCIETY The Civic Society supports this application as the best available proposal for the southern termination of the ASS Eastern Relief Road (ERR) proposed for the new developments at Monkton Heathfield. We don't know why there are two alternative proposals for this land. However, having examined both the Consortium's proposals in 48/2005/072 and this 48/2007/019 application we are in no doubt that this is preferable for the following reasons:- (1) It is less damaging to the Green Wedge, especially if the ERR has to be constructed so that it may be dualled at a later date. (2) It does not subject traffic to a turning back "dogleg" manoeuvre to get to Milton Hill and the B3259. The Consortium's proposal for a more southerly roundabout leads to a 3-exit roundabout, and such roundabouts seem particularly prone to priority confusions. This "019" proposal for a conventional 4-exit roundabout with a straight path to Milton Hill seems to be both safer and conducive to better traffic flow. (3) The alternative Consortium "072" proposal may eventually result in pressure for a much greater intrusion into the Green Wedge, as there will then be a stronger case

for the proposed Western Relief Road (WRR) to be built directly from the more southerly roundabout across the Green Wedge close to Tanpitts Farm. When (if) the WRR is eventually built it may be that the Milton Hill road will need to be widened and given a much better separation for cyclists and pedestrians (heavy usage because of the school), but this would still be less damaging to the Green Wedge than a completely new route. (4) The Consortium's proposal is likely, given the planned bus gate towards the northern end of the B3259, to provide an incentive for traffic that would otherwise approach Taunton via the B3259 to continue down the A38 to Creech Castle and the Toneyway. We note that the Consortium are proposing quite a large amount of landscaping'-and planting to screen their proposed southern end of the ERR, so as to ameliorate the effects on the Green Wedge. However such landscaping is itself a change to the natural environment, and while we think that this proposal may also require both screening and noise containment features, the Wedge is less affected and thus the need for extensive landscaping is reduced. It is most important that, as a matter of principle if nothing else, the Council protects the Green Wedges declared in the current Local Plan. We do not think that they may never be changed within the lifetime of the present Local Plan, but any such change should only occur in cases of absolute necessity, and when all other alternatives (including CPOs if appropriate) have been shown to be unacceptable. We trust that the Council will fully recognise the linkages between this and the older Consortium proposal, and consider them at the same time.

LANDSCAPE OFFICER the proposals are within the Local Plan development proposals and it should be possible to mitigate them into the surrounding landscape. The proposals are largely in keeping with the Green Wedge designation. NATURE CONSERVATION AND RESERVES OFFICER views on Ecology Report awaited. FORWARD PLAN final comments awaited .

PARISH COUNCIL views awaited.

14 LETTERS OF OBJECTION have been received raising the following issues:- the closure of the A38 north through Monkton Heathfield will disadvantage local people and would hope a solution can be found that enabled access to be maintained; the proposed traffic calming measures on the A38 are considered to have a detrimental impact on the trading of existing premises along the A38, which currently benefit from such a busy road side location; the proposal for an isolated roundabout will not resulting the comprehensive development of the allocated site as required by the Local Plan policies; the applicant should provide a masterplan identifying how the application would enable the delivery of the application before the application can be determined; the proposal does not provide sufficient land within the red line to enable any landscape mitigation as required by the adopted Development Guide; Milton Hill is not adequate to cater for the heavy traffic and is too narrow to take cattle trucks, articulated lorries etc; the increased use of Milton Hill will have a detrimental impact on the quality of life of adjacent residents; the proposal should include a bank and screening along the main A38 as a sound barrier to protect the occupants of caravans who may occupy the fields; Tanpitts farm own part of the verge adjacent to Milton Hill, if this is required to be used for a cycle/pedestrian link or needed to provide a major road then we would wish for sound reduction measures to protect the existing camp site; If the bus gate was relocated it would be safer to use; the bus gate will cut off access to the shops and schools in Monkton Heathfield and prevent

commercial traffic from the motorway accessing ATS and other businesses; residents of Farriers Green will find it even more difficult to exit onto Milton Hill could a mini roundabout or traffic lights be provided?; the proposed roundabout will not answer questions of the impact that 900 houses and new businesses will have on the area and the damage to the resulting environment; the proposal will result in piecemeal development prejudicial to the ability to provide a comprehensive development of the Monkton Heathfield Development.

1 LETTER OF SUPPORT has been received raising the following issues:- the proposed roundabout represents common sense in the provision of the road link to the A38

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - (Sustainable Development), Policy 5 - (Safeguards the Landscape Character of an area with particular attention to distinctive landscape, heritage or nature characteristics), Policy 11 - (Land with High Archaeological Potential), Policy 14 - (Development proposals should ensure that protection of archaeological remains is undertaken), Policy 49 - (Transport Requirements of New Development), Policy 51 - (Identifies the A38 as a National Primary Route), Policy 54 - (New Road Schemes).

Taunton Deane Local Plan Policies S1 - (General requirements), EN13 - (Does not permit development that will harm the open character of the green wedge), EN23 - (Requires sites that may have an archaeological potential to be fully investigated before planning applications are allowed), EN25 - (Requires development near to rivers or canals not to be detrimental to their landscape, character, wildlife and recreational potential and to respect enhance and maximize the benefits of a waterside location).

### Monkton Heathfield Major Site Allocation

#### Policy T8

Sites at Monkton Heathfield are proposed for a major comprehensive development including housing, employment, and community facilities and associated developments as set out in more detail in Policies T9, T10, T11 and T12. To ensure the provision of a satisfactory overall development, a coordinated approach and the delivery of the following key elements will be necessary: -

- (A) primary and secondary school provision accommodation in accordance with Policy C1;
- (B) social and community facilities in the local centre;
- (C) playing fields and public open space in accordance with policy C4;
- (D) preparation and maintenance of a local nature reserve;
- (E) landscaping;
- (F) surface water attenuation;
- (G) affordable housing in accordance with policy H9 and H10 (35% affordable housing);
- (H) bus priority measures within the site and linking the site to Taunton town centre;

- (I) revenue support if necessary to maintain a frequent quality bus service linking the site to Taunton town centre;
- (J) a comprehensive cycle and pedestrian network within the development area and Monkton Heathfield village, providing convenient access to the schools, local centre and employment;
- (K) cycle access to Taunton town centre via the A3259 and the canal, to the Riverside Leisure and Retail facilities and to from Creech St Michael;
- (L) eastern and western relief roads; and
- (M) traffic calming and environmental enhancement on the existing A38 and A3259.

### East of Monkton Heathfield

#### Policy T9

A site of 50 hectares east of Monkton Heathfield is allocated for a mixed use development, to incorporate the following uses (with a minimum site area shown): -

- (A) Housing (25 ha);
- (B) B1 business development (4 hectares);
- (C) Public playing fields (4.5 hectares)
- (D) Primary school (2 hectares);
- (E) Local centre (3 hectares); and
- (F) Landscaping and public open space (10 hectares).

Affordable housing will be sought on this site in accordance with policies H9 and H10.

### North of Avinghill's Farm

#### Policy T10

A site of 4.8 hectares north of Avinghill's Farm as shown on the Proposals Map is allocated for residential development.

Affordable housing will be sought on this site in accordance with policies H9 and H10.

### South of Langaller

#### Policy T11

A site of 10 hectares south of Langaller is allocated for B1 light industry and B8 warehousing development.

### Community Developments

#### Policy T12

A site of 1.6 hectares east of Monkton Primary School is allocated for educational uses.

There is also supplementary planning guidance for the allocated sites: - The Monkton Heathfield Development Guide

## **ASSESSMENT**

The Taunton Deane Local Plan allocated site requires a comprehensive and coordinated delivery of the whole of the allocated sites with the southern junction of the Eastern Relief Road , A38 and Milton Hill provided in the vicinity of the former Hatcheries site. The current proposal is located in a suitable position and is a technically acceptable highway solution generally in accordance with the local plan alignment. However it is accepted that this proposal alone would not result in the provision of the development of the allocated site as envisaged within the Local Plan. In addition the proposal does not incorporate a masterplan for the development of the whole site, or landscape mitigation measures that are required in accordance with the supplementary planning guidance contained within the Monkton Heathfield Development Guide. When this application was submitted it was at the same time as the consortium's proposals (now at appeal) which included a masterplan for the development of the allocated site as required by the Development Guide. This proposal was designed so that it could fit into the Consortiums proposed road and provide a solution to the junction in accordance with the Local Plan. Two further applications have been submitted by the consortium, for the development of the eastern most allocated site (T9), including one that would provide the Eastern Relief Road up to the boundary of the Hatcheries proposed roundabout.

In view of the above I consider that it is possible to support the principle of the proposed roundabout in this location subject to the provision of acceptable landscape details, a masterplan for the allocated sites and a Section 106 requirement for the timely provision of the road.

## **RECOMMENDATION**

In the event that the adjacent landowners do not submit acceptable details for the junction of the Eastern Relief Road, A38 and Milton Hill the Local Planning Authority resolve to permit the submitted details subject to a Section 106 Agreement for the timely provision of the road, its link to the adjacent road network and the ability of the consortium to utilise the junction and link roads in association with their development proposals.

**REASON(S) FOR RECOMMENDATION:-** To enable the delivery of the Monkton Heathfield allocated site in accordance with the Taunton Deane Local Plan allocations Policies T8- T12.

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:





48/2007/055

SAINSBURYS SUPERMARKETS LTD

**ERECTION OF EXTENSION AND IMPROVEMENTS TO STORE TO PROVIDE ADDITIONAL RETAIL SALES FLOORSPACE AND THE RELOCATION OF THE CUSTOMER RESTAURANT TO THE PROPOSED MEZZANINE FLOOR AT SAINSBURY'S SUPERMARKET, HANKRIDGE FARM RETAIL PARK, HERON GATE, BATHPOOL**

325677/125250

FULL

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**PROPOSAL**

The proposal seeks 3 extensions to the existing Sainsbury store at Hankridge Farm. The extensions are required to enable an improvement in the quality and range of the existing non-retail food offer; qualitative improvements to the existing store allow for the provision of innovative and modern product displays and relieve congestion within the retail and back up areas of the store.

The extensions comprise:- a two storey and single storey extension to the north west of the store 11.9 m wide x 85 m long. The two storey element would be at the front of the store and provide a first floor restaurant with glazing facing the car park. The two storey element be located to the side of the existing store with an additional projection to the rear to provide "back up" areas for the store. The second extension is a single storey extension to the east of the rear elevation of the store where additional back up facilities would be provided and an area of second floor to be inserted at the rear to provide for improved staff facilities (offices canteen etc.). This single storey element would measure 15 m x 25 m. Finally a third smaller single storey extension measuring 18.5 m x 8.1 m is proposed at the (southwest) front of the store. The design of all of the single storey extensions is the same as the existing store. The two storey element would be built in keeping with the existing store although the roof design would be different to ensure that the overall height of the store (excluding the tower feature) is not exceeded. In total the proposal will result in 798 sq m of additional retail floor space and 454 sq m of non-sales floor space. Access and parking will remain unaltered.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST no objection. COUNTY PLANNING OFFICER the following planning guidance should be taken into account: Planning Policy Statement 6, Regional Planning Guidance 10 and the Somerset and Exmoor National Park Joint Structure Plan Review (1991-2011). This guidance supports new development within Town Centres, in accordance with a sequential approach, to protect and enhance the viability and vitality of town centres. Taunton Deane Borough Council will need to consider the need for the development; that is an appropriate scale for the need; that there are no more central sites for the development; that there are no unacceptable impacts on the town centres and that the locations are accessible. HIGHWAY AGENCY no

objection. ENVIRONMENT AGENCY no comment. WESSEX WATER Foul Drainage:- there is sufficient capacity to serve this site; these proposals seek to build over the existing sewer and have not been approved with Wessex Water. Indeed we would refuse permission for the proposal to build over/near the sewer (rear back up extension) and the proposal would need to be amended accordingly. Surface Water:- storm water should be discharged into the existing system with additional attenuation if required. Water supply; existing links should continue to be used.

PARISH COUNCIL no comments received.

TAUNTON DEANE CHAMBER OF COMMERCE we are concerned about the size of the extension and how this might impact on town centre retailers. We consider that the size of this extension will have a detrimental impact on the goal of Project Taunton to put trade back into the town centre and may indeed keep shoppers out of the town centre altogether. Finally we are concerned that this might set a precedent for similar extensions at the retail park in order to develop their retail activity.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable development, STR6 - Development in Towns, Policy 20 - The Retail Framework, Policy 49 - Transport Requirements of New Development.

Taunton Deane Local Plan Policies S1 - General requirements, EC10 - Accessibility of New Development - Major Travel Generators, EC12 - Major Retail Developments and Other Key Town Centre Uses, EC13 - Restrictions on unit size and Range of Goods to be sold, EC14 - Modernisation of floorspace.

## **ASSESSMENT**

Sainsburys supermarket is an existing out of town retail store located on the Hankridge farm Retail Park. The applicant has supplied an assessment of the need for the extension; a retail impact assessment; sequential test and traffic assessment (including a green travel plan) in support of the proposed extensions. In summary: -

(1) the supporting information illustrates that the extensions are needed for three main reasons:- to enable an improvement in the quality and range of the existing non-retail food offer; qualitative improvements to the existing store allow for the provision of innovative and modern product displays and relieve congestion within the retail and back up areas of the store

(2) the supporting information identifies Taunton Town Centre as having high levels of vitality and viability as identified in the Taunton Deane Retail Study and the Taunton Town Centre vitality and viability study (2006) and that the proposed extensions will have limited impact on that viability.

(3) It looks at the availability of alternative sites for the enlarged Sainsburys Store in a sequential manner looking first at in town centre and then edge of town centre locations and concludes that there are no suitable sites available. I consider that this has included all of the possible sites including the expansion of the existing town

centre site and that there are no other sites currently available that could provide for the identified needs at Hankridge. In addition the supporting information identifies that the current store serves the Halcon ward recognised as a deprived area and would offer employment to residents of the immediate locality in preference to employees from further a field and that Sainsbury's offer flexible working conditions to fulfil the needs of the local community in that area.

(4) The Traffic Assessment concludes that the proposals will result in a minimal increase in the number of shoppers (2%), that the site is well served by bus services, cycle links and footways, from the local area and that it proposed a travel plan to encourage its staff to use sustainable methods of transport for work based journeys. It concludes that the road junctions have sufficient capacity to cater for the increase in demand and that car parking on site is in accordance with current standards.

I am still awaiting the County Highway Authority's views on the proposal and will attach an amendment dealing with this issue on the update sheet.

The existing planning permission contains no restrictions on the range of goods that can be sold from the site and therefore the only control the Local Planning Authority can have on the goods sold is the size of the premises. In theory the site could change to a comparison goods store (up to 6750sqm including 2231 sq m of non retail floor space at present) that might have a detrimental impact on the vitality and viability of the Town Centre. As part of this proposal Sainsbury's would agree to a condition that limits the amount of comparison goods (excluding health and beauty products) sold from the whole premises to 30% of the range of goods sold from the store and I would propose a condition that limits the total retail floor space to 5869sqm as proposed. If agreed this would restrict the comparison goods to a maximum of 1760 sq m .

Planning policy and Government advice requires additional retail floor space to be provided on a sequential site selection process. This has been undertaken and no alternative suitable and available 4 ha sites identified. Taking account of the Taunton Chamber of Commerce's comments I consider that the impact on the Town Centre has been assessed and is considered to be acceptable. In addition I recognise the advantages from the proposal if the total amount of comparison goods sold from the site can be limited. In this case I consider that the current proposal will result in a reduction of an impact on the Taunton Town Centre vitality and viability.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, maximum 30% total retail floor space to comparison goods, total retail floor space 5869 sq m, no subdivision of superstore into smaller units, planning permission required for any future increases in floor space within the supermarket.

**REASON(S) FOR RECOMMENDATION:-** The proposed advantages in the ability to restrict the total floor space of comparison goods sales is balanced against the out of town location and is considered to result in a reduction of the potential impact on the vitality and viability of Taunton Town Centre and is considered to be in accordance

with Government Advice contained in Planning Policy Statement 6 and Taunton Deane Local Plan Policies EC12, EC13 and EC14.

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:

## **Planning Committee – 12 December, 2007**

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

#### **Enforcement Item**

**Parish: Pitminster**

1. **File/Complaint Number** E356/06/2007
2. **Location of Site** Sunnydene, Dene Road, Bishops Lydeard, Taunton
3. **Names of Owners** Mr Henry Small
4. **Names of Occupiers** As above
5. **Nature of Contravention**

Operational development other than that approved under approval number 06/2006/035 and the stationing of residential caravans.

6. **Planning History**

Planning permission was granted on 19 October 2006 for the erection of a stable block on land known as Plot 1 Dene Road. Work commenced on the construction of the timber structure soon after approval. It was noticed on Friday 23 November 2007 that a mini digger, septic tank and associated pipes were on site. A site visit was made and it was seen that as well as the above a concrete hard standing had been provided adjacent to the boundary fence. Mr Small said this was in order to park his large horse lorry to prevent it from getting stuck in the mud. No approval had been given for the carrying out of such works therefore a temporary stop notice was served on Mr Small at 12.50pm in order to prevent any further works. Mr Small confirmed he would submit a planning application for the works and would not carry out any further work on site. On Saturday 24 November the Local Ward Member drove past the site and noticed a large caravan on the land. The Senior Enforcement Officer made a visit where it was found that the static caravan had been placed on the site but was not on any hard standing or connected to any services. It was considered that at this point the temporary stop notice had not been breached. Over the course of the weekend however two more caravans were brought onto site, one being a twin unit mobile home. This was positioned on a hard standing and ready for connection to services. Mr Small visited The Deane House on Monday 26 November to finalize his already submitted planning application for three mobile homes. A further temporary stop notice was served that day at 14.20pm preventing any further caravans from being brought onto the site.

**7. Reasons for taking Action**

The temporary stop notices expire on 21 and 24 December 2007 respectively. As the planning application is unlikely to be considered until January 2008, it is necessary to have in place an enforcement notice and stop notice once the temporary notices expire. The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the development serves a genuine agricultural or other appropriate need. As no need has been demonstrated the development is contrary to Taunton Deane Local Plan Policy H12

**8. Recommendation**

The Solicitor to the Council be authorised to serve enforcement and stop notices in respect of operational development and the bringing onto site further caravans. Also authorisation to take prosecution action, subject to satisfactory evidence being obtained that the notices have 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 01823 356466**





## **Planning Committee – 12 December, 2007**

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

#### **Enforcement Item**

#### **Parish: Langford Budville**

1. **File/Complaint Number** E264/21/2007
2. **Location of Site** Harpford Farm, Langford Budville, Wellington
3. **Names of Owners** Mr D Hounsell
4. **Names of Occupiers** Mr D Hounsell
5. **Nature of Contravention**

Stationing of a motor home for use as a dwelling and the carrying out of an agricultural machinery repair business.

6. **Planning History**

It was brought to the Councils attention on 10 September, 2007 that the farm buildings and approximately 4.5 acres of land had been purchased by Mr Hounsell. Soon after the purchase the owner moved on to the land a large motor home. A site visit was made and the owner was informed that the unit required planning permission. However, there is a provision within the planning act allowing the stationing on land of a motor home/caravan for residential purposes for up to 28 days. When Mr Hounsell explained his future intentions for the land it was initially considered that the business use may be considered to be ancillary to the agricultural use of the land. Further concerns were received that Mr Hounsell had carried out alterations to the external appearance of the building which again may require consent. A further visit was made to the site and it was understood that the owner had instructed an agent to submit an application to regularise the motor home and any other elements of the proposal that may require planning permission. The agent was contacted to confirm the conversation with Mr Hounsell but to date no application has been submitted and the 28 days have now elapsed. The alterations to the external appearance of the building, although they may require planning permission, are not objectionable on planning grounds and it is therefore not considered expedient to pursue an application. As Mr Hounsell continues to live on the premises it is recommended that further action be taken over this breach of planning control.

7. **Reasons for taking Action**

The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the development does not constitute a genuine

agricultural or other appropriate need and would therefore be contrary to Taunton Deane Local Plan Policy H12.

**8. Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice in relation to the unauthorised residential use and take prosecution proceedings, subject to satisfactory 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**

## **Planning Committee – 12 December, 2007**

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

#### **Enforcement Item**

**Parish: Pitminster**

1. **File/Complaint Number** 30/2007/040 - E185/30/2007
2. **Location of Site** Brookfield House, Pitminster
3. **Names of Owners** Mr & Mrs Jacobs
4. **Names of Occupiers** Mr & Mrs Jacobs

5. **Nature of Contravention**

Mesh fence erected above existing wall.

6. **Planning History**

The fence was brought to the attention of the Enforcement Section in June 2007. A site visit was made and it was established that permission was required for the fence. An application was submitted in August 2007 and subsequently refused under delegated powers on 2 November, 2007.

7. **Reasons for taking Action**

The lattice fence which has been erected has an overbearing impact on the adjacent property and is detrimental to the amenities of the occupants of 3 Brookfield Mews. The development is therefore contrary to Taunton Deane Local Plan Policy S1(D).

8. **Recommendation**

The Solicitor to the Council be authorised to serve a Planning Enforcement Notice and prosecution proceedings subject to satisfactory evidence that the notice is not complied with.

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

**CONTACT OFFICER: Mrs A E Dunford Tel: 356479**

## **Planning Committee – 12 December, 2007**

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

#### **Enforcement Item**

#### **Parish: West Bagborough**

1. **File/Complaint Number** E153/45/2007 and 45/2007/017
2. **Location of Site** Land opposite Vale View Cottages, West Bagborough.
3. **Names of Owners** A J Raucki & Son, Church Street, Bishops Lydeard, Taunton, TA4 3AT
4. **Names of Occupiers** Unoccupied
5. **Nature of Contravention**  
  
Alterations to existing field entrance onto classified road and removal of hedgerow.
6. **Planning History**  
  
A complaint was received on 8 June, 2007 that works were being carried out to the existing access and the removal of the hedgerow along the roadside. The owner was contacted and informed that planning permission was required as the access was off a classified road. He was also informed that consent to remove the hedgerow was also required. An application was received on 15 August, 2007 and was subsequently refused under delegated powers on 26 October, 2007.
7. **Reasons for taking Action**  
  
The alteration to the access has resulted in the loss of a substantial length of roadside hedgerow and vegetation to the detriment of the visual amenities of this rural area and the approach to the village. Therefore the development is contrary to Taunton Deane Local Plan Policies S1 and S2. Also the development is an unacceptable visual intrusion and detrimental to the character and appearance of the Area of Outstanding Natural Beauty and therefore contrary to Taunton Deane Local Plan Policy EN10.
8. **Recommendation**  
  
The Solicitor to the Council be authorised to serve an enforcement notice and to commence prosecution action subject to satisfactory evidence should the notice not be complied with.

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

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