

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 21ST MAY 2008 AT 17:00.

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**AGENDA**

1. Apologies
2. Minutes of the meeting of the Planning Committee held on 16 April 2008 (attached)
3. Public Question Time
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
5. Bishops Lydeard Report items
  - (i) 06/2007/027 - Erection of mixed use development comprising 3 units of holiday accommodation, tourist facilities (A3 planning use class), 21 open market houses, 16 affordable housing units (comprising 8 houses and 8 flats) and associated highway infrastructure at Station Farm, Station Road, Bishops Lydeard;
  - (ii) 06/2007/028 - Erection of inn with restaurant (A4 planning use class) and associated highway infrastructure, as part of proposed mixed use development comprising tourist facility and housing at Station Farm, Station Road, Bishops Lydeard;
  - (iii) 06/2007/042 - Erection of 2 no detached dwellings on plots 38 and 39 (linked to proposed mixed use development comprising tourist facilities, inn with restaurant, housing, offices, WSR museum and carriage shed and associated highway infrastructure the subject of planning applications 06/2007/027, 028, 043 and 044), land at Station Farm, Station Road, Bishops Lydeard;
  - (iv) 06/2007/043 - Erection of single storey building to form museum (comprising exhibition space, lecture/film theatre and library/archive facility) and carriage shed (to house 2 no restored 7 coach trains and historic rail vehicles) (linked to proposed mixed use development comprising tourist facilities, inn with restaurant, housing, offices and associated highway infrastructure the subject of planning applications 06/2007/027, 028, 042 and 044), land at Station Farm, West of Railway Station, Station Road, Bishops Lydeard;
  - (v) 06/2007/044 - Erection of two storey office building (linked to

proposed mixed use development comprising tourist facilities, inn with restaurant, housing, WSR museum and carriage shed and associated highway infrastructure the subject of planning applications 06/2007/027, 028, 042 and 043), land at Station Farm, Station Road, Bishops Lydeard

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| 6.  | Bishops Lydeard   | Report items     |
|     | <p>(i) 06/2007/010 - Conversion of the Mansion House and Orangery following some partial demolition of 19 one and two bed apartments and conversion of outbuildings part for 7 two and three bed apartments and part for use as a community centre for the development, erection of 50 new dwellings (including 10 affordable dwellings), demolition of remaining former hospital buildings and the reinstatement of the site of the buildings and roads to parkland and informal gardens, restoration of parkland, formation of parking areas and footways and improvements to access road, access and footways, Sandhill Park, Bishops Lydeard;</p> <p>(ii) 06/2008/011LB - Conversion of Mansion House and Orangery following some partial demolition to 19 one and two bed apartments and conversion of outbuildings part to 7 two and three bed apartments and part for use as a community centre for the development, demolition of remaining former hospital buildings, Sandhill Park, Bishops Lydeard</p> <p>(ii) 06/2007/011LB - Conversion of Mansion and Orangery following some partial demolition to 19 one and two bed apartments and conversion of outbuildings part to 7 two and three bed apartments and part for a community centre for the development, demolition of remaining former hospital buildings, Sandhill Park, Bishops Lydeard.</p> |                  |
| 7.  | Kingston St Mary - 20/2008/003  |                  |
|     | Siting of 2 additional mobile homes and 2 additional touring caravans for gypsy family (extended family use) at Park Gate, Dodhill Corner, Nailsbourne  |                  |
| 8.  | 32/2008/004A - Display of externally illuminated and nin-illuminated advertisement signs, former Beambridge Hotel, Sampford Arundell, Wellington  | Enforcement item |
| 9.  | E252/05/2005 - Stationing of timber lodge for residential purposes, Fideoak Mill, Bishops Hull, Taunton   | Enforcement item |
| 10. | 49/2007/026LB - Unauthorised extension to rear, consisting of covered walkway and other associated works, Co-Operative Store, The Square, Wiveliscombe  | Enforcement item |
| 11. | Objection to Taunton Deane Borough (Wellington No 1) Tree Preservation Order 2008 at 11 High Path, Wellington   | Countryside item |

Tonya Meers  
 Legal and Democratic Services Manager

15 May 2008

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 Mrs 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:



Tel: 01823 356410  
Fax: 01823 356329  
E-Mail: [g.dyke@tauntondeane.gov.uk](mailto:g.dyke@tauntondeane.gov.uk)

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 – 16 April 2008**

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

Officers:- Mr J Hamer (Development Control Area Manager – West),  
Mr G Clifford (Area Planning Manager – East), Ms M Casey  
(Planning and Litigation Solicitor) and Mrs G Croucher  
(Democratic Services Officer)

Also present:- Councillor Coles

(The meeting commenced at 5.00 p.m.)

### **36. Apologies**

Councillors Mrs Smith and A Wedderkopp.

### **37. Minutes**

The Minutes of the meeting held on 26 March 2008 were taken as read and were signed.

### **38. Declarations of Interest**

Councillor Bowrah declared a personal interest in Agenda Item No 7 and stated that he would not speak or vote as he knew one of the objectors.

### **39. Erection of eight houses and one bungalow in a controlled car free development at 4 Wilton Street, Taunton (revised scheme) (38/2008/111)**

Reported this application.

**Resolved** that subject to no further representations being received by 17 April 2008, 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) The proposed estate road, footways, verges, junction, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, street furniture and tactile paving shall be constructed and laid out in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority 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;

- (c) If the period of time between MWA's ecological survey, dated October 2007, and the commencement of development extends more than one year beyond the date of the report, then a further survey shall 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;
- (d) 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;
- (e) The development hereby permitted shall not be commenced until details of the arrangements for surface water drainage from the proposed development have been submitted to, and approved in writing by, the Local Planning Authority. The agreed surface water drainage shall be fully provided on site prior to the occupation of any of the dwellings hereby permitted;
- (f) The proposed rainwater butts shall have an overflow connecting to a soakaway constructed in accordance with Building Digest 365;
- (g) C101 – materials;
- (h) The ground floor levels and finished heights of the proposed dwellings shall not exceed those shown on the submitted drawing 07020-02A;
- (i) C201 – landscaping;
- (j) P001A – no extensions;
- (k) P003 – no ancillary buildings;
- (l) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed on the in the eastern elevation of the two storey dwelling on Plot 10;
- (m) The window at first floor level in the eastern elevation of the dwelling on Plot 10 shall be inserted in obscure glazing and shall thereafter be maintained in obscure glazing;
- (n) No development shall commence until the means of providing adequate play and recreation contributions for the area has been entered into and secured in writing in agreement with the Local Planning Authority;
- (o) Details of the design of a fixed bollard and details of its management and maintenance shall be submitted to the Local Planning Authority and the bollard shall be provided prior to occupation of any dwelling on site;
- (p) Cycle and bin storage shall be provided for each dwelling and a communal collection point for refuse as indicated prior to occupation of any dwelling and shall thereafter be maintained.

(Notes to applicant:- (1) N061 – Highways Act – Section 184 Permit; (2) Applicant was advised that all nesting birds are protected under the Wildlife and Countryside Act 1981(as amended) and if discovered should not be disturbed; (3) Applicant was advised that as a few bats may be found within any building at any time of year, all contractors should be made aware in writing that "bats may be found in door lintels, within wall cavities, under roof tiles/slates and cladding etc". If bats are found during building work, all work in the proximity of the bats should stop immediately. Further advice should be sought from Natural England. Bats should not be handled, but should be left in situ, gently covered until advice is obtained. In emergency situations bats

should only be handled with gloves; (4) Applicant was advised that Badgers may forage in the area. The developers are advised to take any steps necessary to ensure compliance with the Protection of Badgers Act 1992. All site operatives should be informed that badgers could be in the area. Steps must be taken to ensure that any trenches dug are covered at night, or have a means of escape for any animals that may fall in; (5) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (6) Applicant was advised that prior to the commencement of any works on the site, the developer should agree with Wessex Water, a connection onto Wessex Water infrastructure; (7) N111 – disabled access.)

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

It was considered that the proposal represented sustainable development, which would not give rise to any unacceptable visual or neighbour impact, and it was in accordance with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision).

**40. Change of use of land to form access drive at Lower Fyfett Farmhouse, Otterford**

Reported that it had come to the Council's attention that work had commenced without planning permission on excavations to form an access track across an agricultural field at the property known as Lower Fyfett Farmhouse, Otterford.

The purpose of the access track was not for agricultural purposes but to serve the domestic dwelling. The owner of the property had been informed that the works required planning permission as it constituted a change of use. An application had been submitted but could not be registered as several items were missing from the submission. Further requests for this information had been made but to date this had not been submitted.

**Resolved that:-**

- (1) Enforcement action be taken in respect of the unauthorised access track across an agricultural field at the property known as Lower Fyfett Farmhouse, Otterford;
- (2) A stop notice be served on the owner of the land to stop any further construction works taking place; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the stop notice or enforcement notice not be complied with.

**41. Taunton Deane Borough (Wellington No 1) Tree Preservation Order 2008**



Reported that a Tree Preservation Order had been made in respect of a Beech Tree situated on land at 11 High Path, Wellington.

Objections had been received from the present owner of the property and those who were in the process of purchasing the property, details of which were submitted.

Also reported the comments of the Development Manager who considered that the tree was in good health with a good trunk and branch structure and an appropriate density of healthy buds for the species. It was considered that the tree was possibly more than 100 years old and made a significant contribution to the "treescape" of Wellington and was part of the Victorian character of that part of the town. It was considered that its removal would impact on the local environment and its enjoyment by the public and it would take many years to replace this.

Details of the responses to points raised by the objectors were also reported.

**Resolved** that the confirmation of the Tree Preservation Order be deferred for further investigation.

**42. Redevelopment of shop and storage/garage to form dwelling with replacement of shopfront at 24 Silver Street, Wiveliscombe**

Reported that planning permission had been granted in March 2007 for the conversion of 24 Silver Street, Wiveliscombe. During the works it had become evident that the building was not in good structural order and a considerable amount of the building had to be demolished.

Due to the large amount of demolition that had taken place it could no longer be considered as a conversion of an existing building.

Although enforcement action was authorised (Minute No 112/2007 refers), the owner continued with the demolition stating that elements of the structure needed to be removed due to a possible danger to adjoining properties and third parties.

The enforcement action had been delayed as a new planning application had been submitted. At the meeting of the Committee on 13 February 2008, planning permission had been granted in principle subject to the receipt of a satisfactory amended plan that indicated the restoration of a rubble wall on the southern elevation of the building.

The plan had not been received and the planning application had therefore been refused. However, construction of the property had continued.

**Resolved** that the previously authorised enforcement action be amended to relate solely to the need for rubble walling to be provided on the southern elevation of the new building.

(The meeting ended at 6.31 pm).

06/2007/027

GADD HOMES LTD

**ERECTION OF MIXED USE DEVELOPMENT COMPRISING TOURIST FACILITIES (A3 PLANNING USE CLASS), 21 OPEN MARKET HOUSES, 16 AFFORDABLE HOUSING UNITS (COMPRISING 8 HOUSES AND 8 FLATS) AND ASSOCIATED HIGHWAY INFRASTRUCTURE AT STATION FARM, STATION ROAD, BISHOPS LYDEARD AS AMENDED BY LETTERS DATED 16TH AND 22ND AUGUST 2007 WITH ACCOMPANYING REPTILE SURVEY (JULY 2007), PROTECTED SPECIES SURVEY REPORT (JULY 2007) AND EXTENDED PHASE 1 HABITAT SURVEY (JULY 2007) AS FURTHER AMENDED BY LETTER DATED 31ST AUGUST 2007 WITH ACCOMPANYING DRAWING NOS A2001 18/303B AND 304A AS AMPLIFIED BY LETTER DATED 4TH DECEMBER 2007 WITH ACCOMPANYING DRAWING NO SPP/1363/1 AS AMENDED BY LETTER DATED 18TH MARCH 2008 WITH ACCOMPANYING DRAWING NUMBERS A2001/18/PL303 REV C AND PL304 REV C**

316265/128961

FULL

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## **1.0 RECOMMENDATION**

Subject to:

- 1 The views of the Secretary of State through the departure procedure;
- 2 The applicants conducting a full Financial Appraisal to the satisfaction of the Council's financial advisors;
- 3 The applicants entering into a Section 106 Agreement to provide for:
  - a) A total of 16 units of affordable housing comprising rented, shared ownership units and low cost open market units.
  - b) Highway works comprising:
    - i) Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches and provision of traffic lights or priority lanes to the bridge approaches.
    - ii) Provision of a new roundabout at the junction of Station Road and the A358.
    - iii) These works to be completed prior to the occupation of no more than 50% of the open market dwellings.
  - c) 50% of the Tourist facility to be complete and ready for occupation prior to the occupation of no more than 50% of the open market dwellings and 100% completed and ready for occupation prior to completion of the open market dwellings.

- d) Transfer of land the subject of planning application 06/2007/043 to the West Somerset Railway prior to the development commencing.
  - e) Agreement of a landscape and wildlife management plan
- 4 The further views of the County Highways Authority on the proposed Section 106 Agreement and the further views of the Environment Agency, Natural England and the Nature Conservation Officer.

The Development Manager in consultation with the Chairman be authorised to determine the application and if permission is GRANTED be subject to conditions of:

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 03 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 04 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2005. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of B.S.5837:2005.
- 05 Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and EN8.
- 06 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 06 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 07 All trenching works within the canopy spread of existing trees should be agreed with the Local Planning Authority's Landscape Officer. All works should be hand dug and no roots larger than 20 mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.
- 07 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 08 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.
- 08 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 09 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

- 09 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 10 The children's play area and picnic area shall be laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority with 9 months of the date of commencement of the development and shall thereafter be used solely for such purposes.
- 10 Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.
- 11 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings. If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 11 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 12 The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with the standards set down in the County Council's booklet "Estate Roads in Somerset". Details shall be submitted to and approved in writing by the Local Planning Authority before their construction is commenced.
- 12 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 13 The access onto Station Road shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences.
- 13 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 14 The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.
- 14 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4.
- 15 The visibility splays shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.

- 15 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 16 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 16 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 17 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 17 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 18 The occupation of the tourist facility will be on the basis of the submitted details and for no other purposes, unless otherwise agreed in writing by the Local Planning Authority
- 18 Reason: To ensure that the proposed development does not prejudice the amenities of the locality in accordance with Taunton Deane Local Plan Policy S1(E).
- 19 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 19 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Policy S1 (A) and (E).
- 20 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 20 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 21 There shall be no access to Station Road other than the access hereby approved.
- 21 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

- 22 Before any development (including demolition, site clearance) shall commence, written confirmation will be required by 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.
- 22 Reason: To ensure the conservation of legally protected species in accordance with Taunton Deane Local Plan Policies EN4.
- 23 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious basis and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 23 Reason: To prevent pollution of the water environment
- 24 No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewage disposal works has been agreed with the sewerage undertaker to the satisfaction of the Local Planning Authority. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such improvements and/or extensions have been commissioned to the reasonable satisfaction of the Local Planning Authority.
- 24 Reason: To prevent pollution of the water environment. Note: Wessex Water Limited should be consulted and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development without causing pollution.
- 25 No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul and surface drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.
- 25 Reason: To prevent pollution of the water environment
- 26 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor design and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 26 Reason: to prevent pollution of the water environment
- 27 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be



necessary to ensure that noise from existing sources will not cause nuisance to the occupants of premises on the completed development. Such report is to be agreed, in writing, by the Planning Authority prior to commencement of development works.

- 27 Reason: In the interests of the occupiers of the proposed dwellings in accordance with Taunton Deane Local Planning Policy S1 (E).
- 28 Prior the commencement of the development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicants shall:  
(a) provide a written report to the Local Planning Authority, which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on site; (b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with, current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment; (c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the work have been completed in accordance with the agreed remediation strategy.
- 28 Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority in accordance with Taunton Deane Local Planning Policy EN32.
- 29 Equipment shall be installed that will effectively suppress and disperse fumes and/or small produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation. The external ducting should be so designed that the flue discharges not less than 1 metre above the roof eaves level.
- 29 Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties in accordance with Taunton Deane Local Planning Policy S1 (E).
- 30 Noise from any air extraction system shall not exceed background noise levels by more than 3 dB(A) for a 2 minute leq, at any time when measured at the facade of residential or other noise sensitive premises.
- 30 Reason: To protect the amenity of occupiers of adjoining properties in accordance with Taunton Deane Local Planning Policy S1 (E).
- 31 Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:- (a) provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition

of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site. (b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment. (c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

- 31 Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority, in accordance with Taunton Deane Local Plan Policy EN32.

Notes:

- 01 Your attention is drawn to the requirements of The Building Regulations 2000 Part M Access and facilities for disabled people, the advise in BS 8300 and the Disability Discrimination Act. Generally speaking a level access will be required for your proposed building(s). An early assessment of site levels will avoid expensive alterations at a later date. If you would like to discuss your proposal with the Councils Access Surveyor, Mr E J Norton, please do so on 01823 356476.
- 02 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 04 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 05 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 06 Your attention is drawn to the possibility of the development incorporating an element of public art which may add value to the scheme and make a contribution to the local community. The Council urges you to consider this and if you wish to discuss it further please contact the Development Control Manager and/or the Council's Arts Officer in the first instance.
- 07 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety

through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 08701 545500.

- 08 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 09 You are requested to consider improvement of signage directing visitors to the railway towards the village.
- 10 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station 01278 363414 for further advice.
- 11 The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the Wessex Water system for the satisfactory disposal of foul flows generated by the proposal. With respect to water supply, there are water mains within the vicinity of the proposal. It is recommended that the developer should agree with Wessex Water, prior to commencement of any works on site, a connection onto Wessex Water infrastructure.
- 12 Means of escape in case of fire should comply with Approved Document B11 of the Building Regulations 2000. Access for fire applications should comply with Approved Document B5, of the Building Regulations 2000. All the new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.
- 13 With regard to condition 31 potential ground contamination. Commercial/agricultural buildings are often used for the storage of material and fuels that could have lead to contamination of the ground in and around the buildings. There is also a potential risk from areas of filled ground (eg. old ditches/ponds or slurry pits) as the fill could contain hazardous materials, or could generate gasses as any waste breaks down. If a detailed site investigation is required this should be carried out in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land that gives more details on the relevant sources of information available (Contact the Environmental Protection Team on 01823 356339 or a copy or look on the Council's web-site).
- 14 Your attention is drawn to the possibility of the development incorporating an element of public art which may add value to the scheme and make a contribution to the local community. The Council urges you to consider this and

if you wish to discuss it further please contact the Development Manager and/or the Council's Arts Officer in the first instance.

**REASON(S) FOR RECOMMENDATION:**

The proposed development will enable the provision of tourist related development which will benefit the West Somerset railway, in line with Taunton Deane Local Planning Policy EC22 (Land West of Bishops Lydeard Station), and will also deliver a substantial proportion of the proposed residential units as affordable housing, for which there is a need in the area. In the light of the above, the proposal is considered to be in general compliance with Taunton Deane Local Planning Policy S7 (Outside Settlements) and is considered to be acceptable.

**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**

06/2007/028

GADD HOMES LTD

**ERECTION OF INN WITH RESTAURANT (A4 PLANNING USE CLASS) AND ASSOCIATED HIGHWAY INFRASTRUCTURE, AS PART OF PROPOSED MIXED USE DEVELOPMENT COMPRISING TOURIST FACILITY AND HOUSING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD AS AMENDED BY LETTERS DATED 16TH AND 22ND AUGUST 2007 WITH ACCOMPANYING REPTILE SURVEY (JULY 2007), PROTECTED SPECIES SURVEY REPORT (JULY 2007) AND EXTENDED PHASE 1 HABITAT SURVEY (JULY 2007) AS AMPLIFIED BY LETTER DATED 4TH DECEMBER 2007 WITH ACCOMPANYING DRAWING NO SPP/1363/1**

316251/128964

OUTLINE APPLICATION

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## **1.0 RECOMMENDATION**

Subject to the:

1. The views of the Secretary of State through the Departure Procedure
2. The applicant entering into a Section 106 Agreement to provide for highway works comprising:
  - i) Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches and provision of traffic lights or priority lanes to the bridge approaches.
  - ii) Provision of a new roundabout at the junction of Station Road and the A358 and; the further views of the County Highway Authority on the proposed Section 106 Agreement;

the Development Manager in consultation with the Chairman be authorised to determine the application and if permission be GRANTED be subject to conditions of:

- 01 Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
- 01 Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.
- 02 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.

- 02 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 03 Within a period of 3 years from the date of this permission, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 03 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 04 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 04 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 05 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 05 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 06 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 06 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 07 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings . If there are no discrepancies a letter confirming

- no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 07 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 08 The access onto Station Road as shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences.
- 08 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 09 There shall be no access to Station Road, other than the access hereby approved.
- 09 Reason: To ensure that the proposed development does not prejudice the amenities of the locality in accordance with Taunton Deane Local Plan Policy S1(E).
- 10 The visibility splays shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 10 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 11 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 11 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 12 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied.
- 12 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 13 The layout of the site shall be so designed as to provide for the comprehensive development of the land with the adjoining land subject of planning application 06/2007/027
- 13 Reason: To ensure that the overall development is planned in a comprehensive manner in accordance with Taunton Deane Local Plan Policies S1 and EC22.
- 14 Before any development (including demolition, site clearance) shall commence, written confirmation will be required by 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.

- 14 Reason: To ensure the conservation of legally protected species in accordance with Taunton Deane Local Plan Policy EN4.
- 15 Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation. The external ducting should be so designed that the flue discharges not less than 1 metre above the roof eaves level.
- 15 Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties in accordance with Taunton Deane Local Plan Policy S1(E).
- 16 Noise from any air extraction system should not exceed background noise levels by more than 3 dB(A) for a 2 minute leq, at any time when measured at the façade of residential or other noise sensitive premises.
- 16 Reason: To protect the amenity of occupiers of adjoining properties in accordance with Taunton Deane Local Planning Policy S1 (E).

#### NOTES:

- 01 Your attention is drawn to the requirements of The Building Regulations 2000 Part M Access and facilities for disabled people, the advice in BS 8300 and the Disability Discrimination Act. Generally speaking a level access will be required for your proposed building(s). An early assessment of site levels will avoid expensive alterations at a later date. If you would like to discuss your proposal with the Council's Access Surveyor, Mr E J Norton, please do so on 01823 356476.
- 02 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 04 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 08701 545500.



- 05 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 06 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station 01278 363414 for further advice.
- 07 The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the Wessex Water system for satisfactory disposal of foul flows generated by the proposal.

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

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

- 08 (a) Means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. (b) Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. (c) all new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.
- 09 During planning, design and operation of this establishment the applicant will need to have regard to the requirements of:

Food Safety Act 1990 (Amendment) Regulations 2004

General Food Safety Regulations 2004

Regulation (EC) No. 178/2002, 852/2004 of the European Parliament & of the Council.

Regulation (EC) No. 852/2004 of the European Parliament & of the Council.

Food Hygiene (England) Regulations 2006.

Failure to comply with the regulations is a criminal offence.

It is strongly recommended that the applicant contacts the Food Safety Team of the Environmental Health Department once plans showing the proposed layout and work flow are available. This is to discuss any details, which may need amending to ensure the premises will comply with current legislation.

Safer Food, Better Business' packs are available by contacting the Food Standards Agency on 0845 6060667 or by email [foodstandards@ecgroup.uk.com](mailto:foodstandards@ecgroup.uk.com). Catering and Retail versions are available.

The applicant is strongly urged to obtain a copy of the relevant Industry Guide, due to be updated shortly, which provides detailed guidance on compliance with these regulations.

If this a new food business, the premises must be registered with the Environmental Health Department at least 28 days prior to opening. The applicant should contact the Food Safety Team on 01823 356342 for a registration form. Failure to register is a criminal offence.

**REASON(S) FOR RECOMMENDATION:**

The proposed development will enable the provision of tourist related leisure development which will benefit the West Somerset Railway in line with Taunton Deane Policy EC22 (Land West of Bishops Lydeard Station) and further more be in compliance with Policy S7 (Outside Settlements).

**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**

06/2007/042

GADD HOMES

**ERECTION OF 2 NO. DETACHED DWELLINGS ON PLOTS 38 AND 39 (LINKED TO PROPOSED MIXED USE DEVELOPMENT COMPRISING TOURIST FACILITIES, INN WITH RESTAURANT, HOUSING, OFFICES, WSR MUSEUM AND CARRIAGE SHED AND ASSOCIATED HIGHWAY INFRASTRUCTURE THE SUBJECT OF PLANNING APPLICATIONS 06/2007/027, 028, 043 AND 044), LAND AT STATION FARM, STATION ROAD, BISHOPS LYDEARD AS AMENDED BY LETTER DATED 22ND AUGUST 2007 WITH ACCOMPANYING REPTILE SURVEY (JULY 2007)**

316119/128908

FULL

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## **1.0 RECOMMENDATION**

Subject to:

1. The views of the Secretary of State through the Departure Procedure: and
2. The conclusion of a Section 106 Agreement related to planning application 06/2007/027.

The Development Manager in consultation with the Chairman be authorised to determine the application and if permission is GRANTED be subject to conditions of:

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy

weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

- 03 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 04 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings. If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 05 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 06 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 06 REASON: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Policy S1 (A) and (E).
- 07 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwelling house(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 07 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 08 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious basis and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected

tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

08 Reason: To prevent pollution of the water environment

09 Prior the commencement of the development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicants shall: (a) provide a written report to the Local Planning Authority, which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on site; (b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with, current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment; (c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the work have been completed in accordance with the agreed remediation strategy.

09 Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority in accordance with Taunton Deane Local Planning Policy EN32

10 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.

10 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.

#### NOTES:

01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.

02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.

03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.

- 04 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 05 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations.
- 06 The development is located within a foul sewerred area. It will be necessary for the developer to agree a point of connection onto the Wessex Water system for the satisfactory disposal of foul flows generated by the proposal. With respect to water supply, there are water mains within the vicinity of the proposal. It is recommended that the developer should agree with Wessex Water, prior to commencement of any works on site, a connection onto Wessex Water infrastructure.

**REASON(S) FOR RECOMMENDATION:**

The proposed development is linked to planning application 06/2007/27, which will enable the provision of tourist related development which will benefit the West Somerset Railway, in line with Taunton Deane Planning Policy EC22 and in general compliance with Policy S7 and is therefore considered to be ACCEPTABLE.

**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**

06/2007/044

GADD HOMES

**ERECTION OF TWO STOREY OFFICE BUILDING (LINKED TO PROPOSED MIXED USE DEVELOPMENT COMPRISING TOURIST FACILITIES, INN WITH RESTAURANT, HOUSING, WSR MUSEUM AND CARRIAGE SHED AND ASSOCIATED HIGHWAY INFRASTRUCTURE THE SUBJECT OF PLANNING APPLICATIONS 06/2007/027, 028, 042 AND 043), LAND AT STATION FARM, STATION ROAD, BISHOPS LYDEARD AS AMPLIFIED BY LETTER DATED 4TH DECEMBER 2007 WITH ACCOMPANYING DRAWING NO SPP/1363/1**

316143/128921

OUTLINE APPLICATION

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## **1.0 RECOMMENDATION**

Subject to:

1. The views of the Secretary of State through the Departure Procedure and
2. The conclusion of a Section 106 Agreement related to planning application 06/2007/027

The Development Manager in consultation with the Chairman be authorised to determine the application and if permission is granted be subject to the conditions of:

- 01 Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), the means of access thereto, and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority.
- 01 Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.
- 02 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- 02 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 03 Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 03 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.

- 04 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 04 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 05 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 05 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 06 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 06 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 07 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings. If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 07 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 08 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious basis and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight



glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

08 Reason: To prevent pollution of the water environment.

09 The proposed development shall not be occupied until such time as the highway works, wildlife and landscape management plan the subject of the planning agreement relating to application 06/2007/027 have been completed to the satisfaction of the Local Planning Authority.

09 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

#### NOTES:

01 The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the Wessex Water system for the satisfactory disposal of foul flows generated by the proposal. With respect to water supply, there are water mains within the vicinity of the proposal. It is recommended that the developer should agree with Wessex Water, prior to commencement of any works on site, a connection onto Wessex Water infrastructure.

02 Means of escape in case of fire should comply with Approved Document B11 of the Building Regulations 2000. Access for fire applications should comply with Approved Document B5, of the Building Regulations 2000. All the new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

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

04 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.

05 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.

06 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction

projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 08701 545500.

### **REASON(S) FOR RECOMMENDATION**

The proposal is part of a wider development which will enable the provision of tourist related development which will benefit the West Somerset Railway, in line with Taunton Deane Local Planning Policy EC22 and in general compliance with Policy S7 and is therefore considered to be acceptable.

**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**

06/2007/043

WEST SOMERSET RAILWAY PLC

**ERECTION OF SINGLE STOREY BUILDING TO FORM MUSEUM (COMPRISING EXHIBITION SPACE, LECTURE/FILM THEATRE AND LIBRARY/ARCHIVE FACILITY) AND CARRIAGE SHED (TO HOUSE 2 NO RESTORED 7 COACH TRAINS AND HISTORIC RAIL VEHICLES) (LINKED TO PROPOSED MIXED USE DEVELOPMENT COMPRISING TOURIST FACILITIES, INN WITH RESTAURANT, HOUSING, OFFICES AND ASSOCIATED HIGHWAY INFRASTRUCTURE THE SUBJECT OF PLANNING APPLICATIONS 06/2007/027, 028, 042 AND 044), LAND AT STATION FARM, WEST OF RAILWAY STATION, STATION ROAD, BISHOPS LYDEARD AS AMPLIFIED BY DRAWING NOS A2001 18 AP001A AND AP002A RECEIVED ON 18TH SEPTEMBER 2007 AND DRAWING NO A2001 18 PL506 RECEIVED ON 20TH SEPTEMBER 2007 AS AMPLIFIED BY LETTER DATED 4TH DECEMBER 2007 WITH ACCOMPANYING DRAWING NO SPP/1363/1 AND AS AMENDED BY WATER VOLE SURVEY RECEIVED ON 12 MAY 2008.**

316417/128895

OUTLINE APPLICATION

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## **1.0 RECOMMENDATION**

Subject to:

1. The conclusion of a Section 106 Agreement related to planning application 06/200/027 and:
2. The further views of the Environment Agency, Natural England and the Nature Conservation Officer.

The Development Manager in consultation with the Chairman be authorised to determine the application and if permission is GRANTED be subject to conditions of:

- 01 Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), the means of access thereto, and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority.
- 01 Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.
- 02 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- 02 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.

- 03 Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 03 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 04 Within a period of 3 years from the date of this permission, and before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
- 04 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels.
- 05 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 05 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 06 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 06 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 07 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 07 vTo reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 08 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 08 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and

distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

- 09 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 10 Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2005. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of B.S.5837:2005.
- 10 Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and EN8.
- 11 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 11 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 12 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 12 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 13 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings . If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 13 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and

distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

- 14 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 14 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 15 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious basis and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 15 Reason: To prevent pollution of the water environment.
- 16 The building shall not be occupied until such time as the parking areas on land to the west, as indicated on planning application 06/2007/027 has been provided to the satisfaction of the Local Planning Authority.
- 16 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 17 The proposed development shall not be occupied until such time as the highway works, wildlife and landscape management plan the subject of the planning agreement relating to application 06/2007/027 have been completed to the satisfaction of the Local Planning Authority.
- 17 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

#### **NOTES:**

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

- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 04 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 08701 545500.
- 05 The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the Wessex Water system for the satisfactory disposal of foul flows generated by the proposal. With respect to water supply, there are water mains within the vicinity of the proposal. It is recommended that the developer should agree with Wessex Water, prior to commencement of any works on site, a connection onto Wessex Water infrastructure.
- 06 Means of escape in case of fire should comply with Approved Document B11 of the Building Regulations 2000. Access for fire applications should comply with Approved Document B5, of the Building Regulations 2000. All the new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

**REASON(S) FOR RECOMMENDATION:-**

The proposed development will enable the provision of enhanced facilities for the West Somerset Railway, which is in line with Taunton Deane Local Planning Policy EC22 and in compliance with Policy S7. The proposal is therefore considered Acceptable.

**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**

## **2.0 APPLICANT**

06/2007/027, 06/2007/028, 06/2007/042 and 06/2007/044 – Gadd Homes Ltd  
06/2007/043 – West Somerset Railway plc

## **3.0 THE SITE**

The site is located to the west of Bishops Lydeard railway station and comprises redundant farm buildings, a bungalow and agricultural pasture land. There are also extensive concrete hardstandings, a silage clamp and a slurry pit. The Bishops Lydeard terminus of the West Somerset Railway and the railway line form the eastern boundary of the overall development. The railway buildings and line are generally raised above the level of the site on an embankment particularly at its southern end. The access road to the railway and embankment to the Station Road railway bridge forms part of the northern boundary, the remainder being formed by Station Road fronted by a hedgerow. To the north of Station Road is the Greenway Estate. To the south and west is further farmland in the same ownership (the applicants are prospective purchasers of the site). This land is intended to accommodate a future golf club and golf course (not part of the applications the subject of this report).

## **4.0 PROPOSALS**

Five applications are the subject of this report.

**06/2007/027** Full application. Erection of mixed use development comprising 3 units of holiday accommodation, tourist facilities (A3 planning use class), 21 open market houses, 16 affordable housing units (comprising 8 houses and 8 flats) and associated highway infrastructure at Station Farm, Station Road, Bishops Lydeard.

The application was initially submitted with three units of holiday accommodation, 23 open market houses and 14 affordable housing units. The application has been subsequently amended to delete the proposed holiday accommodation (which would have formed a first floor of the tourist facilities building) and provide for 21 open market houses and 16 affordable housing units. The latter was as a result of the submission of application 06/2007/042 which provided for two additional open market houses. Overall, therefore, the number of open market houses has remained the same at 23 and the number of affordable housing units has increased to 16.

The proposed houses and flats range from one bed to four bed with detached, semi-detached and terraced dwellings.

The rationale behind the deletion of the proposed holiday accommodation is that prospective purchasers of the inn/restaurant are likely to prefer that all on-site holiday based accommodation is located within their building. This has the consequent effect of reducing the height of the tourist building. Financially the holiday accommodation was cost/benefit and therefore its omission has no effect on the viability or profitability of the scheme.



The proposal also incorporates a new access onto Station Road. The new road through the site would also serve the western entrance to the railway station in lieu of the current unsurfaced lane, served by an oblique access off Station Road. To improve the amenity of the railway and pedestrian safety on Station Road, in particular over the railway bridge, the proposal provides for the restriction of traffic flow over the bridge to single carriageway controlled by priority traffic lights and the creation of a wide footpath to both sides, providing safe viewing areas. Other highways improvements involve providing a significant contribution to the provision of a roundabout at the junction of Station Road with the A358 Taunton to Minehead road.

The materials proposed are a mixture of facing brickwork and render for the walls and natural slate and concrete double roman tiles for the roofs.

The tourist element of the proposal provides for:

- Café, with the intention that the West Somerset Railway runs the operation in lieu of its current facility which is inadequate in terms of covers and kitchen;
- Micro-brewery, with the facility to allow visitors the opportunity to observe the brewing process;
- Creative industry centre, providing a base for local creative businesses, either craft or IT/future technology biased;
- Cycle hire centre, linked to the railway and local landscape including national cycle route 3, the Brendon and Quantock Hills;
- Ice cream sales kiosk.

The tourist facilities will form a courtyard complex situated adjacent to Slimbridge and the railway buildings on the site of the original farmyard.

The proposal provides for highways and services infrastructure improvements, including providing adequate water, electricity and drainage connections to the West Somerset Railway to cope with current and expected demand.

A Financial Appraisal has been submitted to substantiate the level of enabling development in order to provide the tourist facilities, whilst securing the long term financial viability of the scheme. The open market homes are needed to underwrite the costs associated with the tourist facilities.

**06/2007/028** Outline application. Erection of inn with restaurant (A4 planning use class) and associated highway infrastructure, as part of proposed mixed use development comprising tourist facility and housing at Station Farm, Station Road, Bishops Lydeard.

The proposed building will be two storey of traditional 'rural pub' form, with a duo-pitched natural slate roof and brick with render walls. Indicative floorspace is given as 892 sqm.

**06/2007/042** Full application. Erection of 2 no. detached dwellings on plots 38 and 39 (linked to proposed mixed use development comprising tourist facilities, inn with restaurant, housing, offices, WSR Museum and Carriage Shed and associated highway infrastructure the subject of planning applications 06/2007/027, 028, 043 and 044), land at Station Farm, Station Road, Bishops Lydeard.

This proposal together with the proposal the subject of application 06/2007/044, effectively extends the area of proposed development covered by application 06/2007/027 further to the south. The materials proposed are render and facing brick for the walls and natural slate and double roman tiles for the roof.

**06/2007/043** Outline application. erection of single storey building to form museum (comprising exhibition space, lecture/film theatre and library/archive facility) and carriage shed (to house 2 no restored 7 coach trains and historic rail vehicles) (linked to proposed mixed use development comprising tourist facilities, inn with restaurant, housing, offices and associated highway infrastructure the subject of planning applications 06/2007/027, 028, 042 and 044), land at Station Farm, west of railway station, Station Road, Bishops Lydeard.

Materials will be facing red brick with blue engineering brick detailing for the walls and natural slate for the roofs. The floorspace for the proposed carriage shed is 3,250 sqm and for the museum 1,510 sqm. Public pedestrian access to the building will be across a landscaped courtyard. The courtyard will link the Museum and carriage shed with the station and the proposed tourist facilities (subject of application 06/2007/027) and will be available for external exhibition material. The building will be screened to the west by a proposed hedge and tree stand using native species.

In addition to the proposed carriage shed, with its tracks leading to it, the application also includes two additional sidings between the proposed carriage shed and the existing tracks.

The section of this Report headed 'Representations' includes a submission from the West Somerset Steam Railway Trust, which is the educational and historical trust associated with the line and who will operate the Museum.

**06/2007/044** Outline application. Erection of two storey office building (linked to proposed mixed use development comprising tourist facilities, inn with restaurant, housing, WSR museum and carriage shed and associated highway infrastructure the subject of planning applications 06/2007/027, 028, 042 and 043), land at Station Farm, Station Road, Bishops Lydeard.

The inclusion of office accommodation within the overall development is made to provide the opportunity of enlarged premises for a professional Consultancy already based in Bishops Lydeard to enable them to remain in the area. The provision of this facility will also contribute towards the overall development to the cost of the site

for the WSR Museum and Carriage Shed. Materials will be brickwork and curtain walling for the walls with natural slate for the roof. The orientation of the building, relative positioning of rooms and windows, as well as the location and enclosure of the surrounding external spaces seeks to maximise micro-climatic gain. The building will be designed to be carbon neutral using modern technology to harness natural resources to provide heating, cooling and to generate power.

The applicants have indicated that the current five applications form Phase 1 of their development proposals. Phase 2 would comprise a golf club and golf course, located to the south and west of Phase 1.

The applicants have submitted applications 06/2007/028 and 06/2007/044 in the form they have because they consider that it is preferable to submit a reserve matters detailed scheme for the inn and office building when preferred clients have been secured, rather than subsequently amending an approved scheme to suit individual operational requirements.

The proposals are based on seeking to provide a leisure facility to compliment the West Somerset Railway.

The applications were accompanied by a Bat Survey, Design Statement, Ecology Report, Flood Risk Assessment, Transport Amendment and Planning Report. A Financial Appraisal was also submitted. The aim of this was to establish the economic viability of the proposed tourism facilities, both with and without enabling development in the form of open market dwellings.

## **5.0 RELEVANT PLANNING HISTORY**

**06/2006/021** Full Application. Erection of mixed use development comprising 2 units of holiday accommodation, craft village (a3 planning use class), 19 open market houses, 22 affordable housing units (comprising 12 houses and 10 flats) and associated highway infrastructure at Station Farm, Station Road, Bishops Lydeard.

Appeal against non-determination of application withdrawn. The Planning Committee had resolved that in the event that the Local Planning Authority was in a position to determine the application, the application would have been refused for the following reasons:-

1. The site is beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to strictly control new development. Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Policy S7 state that such development should be restricted to that which benefits the rural economy, maintains or enhances the environment or is for the purposes of agriculture. In the opinion of the Local Planning Authority, insufficient justification has been put forward for the proposed development sufficient to warrant an exception being made to these policies.

2. In the opinion of the Local Planning Authority, it is considered that the proposed tourist development elements of the proposal are unlikely to be viable in the long term, leading to future pressure for other uses for the buildings which would not be in compliance with Taunton Deane Local Plan Policy EC22. Furthermore, the policy does not make provision for enabling development or retail development as proposed or provide for a site of the size indicated on the planning application.
3. The proposed development by reason of its siting and appearance would be detrimental to the setting and character of Slimbridge, which is a listed building, and the rural character and aspect of the railway station and its general surroundings, contrary to Taunton Deane Local Plan Policies EC22 and EN16.

06/2006/022 Outline Application. Erection of inn with restaurant (A4 planning use class) and associated highway infrastructure, as part of proposed mixed use development comprising holiday accommodation, craft village and housing at Station Farm, Station Road, Bishops Lydeard.

Permission refused for the following reason:

The current application for the proposed development has been submitted in conjunction with a mixed use development the subject of planning application 06/2006/021. In the opinion of the Local Planning Authority, the development of this site should not be considered in isolation but only in conjunction with the potential development of the adjoining land, in order to ensure that potential development proceeds in a comprehensive manner in compliance with Taunton Deane Local Plan Policy EC22.

## **6.0 RELEVANT PLANNING POLICIES**

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

#### **Policy SS19: Rural Areas**

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

- locate development to support the rural areas primarily in market towns, identified and designated in development plans through a balanced mix of homes, jobs, services and facilities suitable to the scale and location of such settlements.
- adopt policies which support the restructuring of the rural economy and the provision of jobs to satisfy local needs; set out policies for supporting sustainable farm diversification schemes which help to maintain the viability of the agriculture sector and rural economic vitality;

- seek ways of providing for essential shops and services to serve the rural areas;
- promote improved and integrated public transport, communications and service delivery and support innovative community based solutions to public transport and communications in order to increase access to jobs, housing and facilities;
- limit housing growth in market towns near larger urban areas where it would fuel commuting rather than meet local needs.

#### Policy EN3 – The Historic Environment

#### Policy EC1 – Economic Development

#### Policy TCS1 – Tourism

Local Authorities, tourism bodies and other agencies should seek to promote and encourage sustainable tourism in the South West by:

- improving the quality and range of attractions and accommodation in the region, especial those which:
  - promote the special cultural, heritage and countryside features of the region;
  - complement or enhance the local environment and are of a scale appropriate to the location and setting of the area;
  - support regeneration initiatives in coastal resorts, market towns and larger urban areas;
  - providing for major new flagship attractions in sustainable locations which:
    - will substantially expand the tourism market away from areas already under greatest pressure;
    - are readily accessible by public transport and can be integrated into cycle and pedestrian routes;
    - can provide opportunities for secondary attractions to locate nearby rather than compete with existing attractions;
    - promote the use of environmentally sound and sustainable construction, design and operational practices; (identifying and implementing management measures and action to deal with the pressures of tourism in 'honeypot' areas (ie traditional, well known sites that attract large numbers of tourists) and ensuring that additional development does not exacerbate the problems facing such areas;
- encouraging small scale tourism, including farm and activity tourism initiatives, in areas where it will assist the diversification of the rural economy and primarily

at the most locally accessible locations (recognising that the potential for using public transport and other non-car modes is more limited than in urban areas).

Policy H03 – Affordable Housing

**Draft South West Regional Spatial Strategy (Draft RSS)**

Development Policy C: Development in Small Towns and Villages.

Development Policy E: High Quality Design.

Policy H1: Affordable Housing.

Policy ENV1: Protecting and Enhancing the Regions Natural and Historic Environment

Policy T01: Sustainable Tourism

Policy T02: Safeguarding and Investing in Tourism Restrictions

The Independent Panel Report on the Draft RSS contains recommendations about what changes the Panel think should be made. The Report is now before the Secretary of State for consideration.

**Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000)**

STR1 – Sustainable Development

STR3 – Rural Centres and Villages

STR5 – Development in Rural Centres and Villages

STR6 - Development outside towns, rural centres and villages

Development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Policy 5 Landscape Character

Policy 9 The Built Historic Environment

The Setting, Local Distinctiveness and Variety of Buildings and Structures of Architectural or Historic Interest should be maintained and where possible be enhanced. The character or appearance of Conservation Areas should be preserved or enhanced.

Policy 22 Tourism Development in Settlements

Provision should be made for the development of tourist attractions and accommodation in settlements or defined Tourism Development Areas. New

developments which would generate substantial transport movements should be accessible by public transport.

#### Policy 23 Tourism Development in the Countryside

Outside of settlements or defined tourism development areas, the priority is to improve existing attractions and accommodation and to mitigate the environmental impact of existing development. This should be set in the context of the following considerations:

- Provision for the extension of existing tourism development should be made where net environmental improvement would result by way of the relocation of sites away from sensitive areas or by the provision of better layouts or landscaping;
- Provision for tourism development that facilitates farm diversification should be made where it is compatible with the rural location;
- New development which would generate substantial transport movements should normally be accessible by public transport.

#### Policy 35 Affordable Housing

Provision will be made for securing housing to meet the needs of those without the means to buy or rent on the open market. This provision shall meet an identified local need and should be available and affordable to successive occupiers.

#### Policy 39 Transport and Development

#### Policy 48 Access and Parking

#### Policy 49

Transport requirements of new development proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should:

- Provide access for pedestrians, people with disabilities, cyclists and public transport;
- Provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and,
- In the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan Policy Requirements.

## **West Deane Local Plan**

Although this Plan has now been superseded by the Taunton Deane Local Plan the applicant's case is largely based on the change in policy stances between the West Deane Local Plan and the Taunton Deane Local Plan.

Policy WD/RT/3 allocated land west of Bishops Lydeard Station for recreation and tourist development.

WD/RT/3 Land west of Bishops Lydeard Station is allocated for recreation and tourist development. A range of complementary recreation and tourist developments will be permitted which:-

- (A) Conform generally with Development Plan Policies for the Countryside;
- (B) Respect the Landscape, Historical Environment And Natural History of the area;
- (C) Ensure adequate highways and utility servicing arrangements;
- (D) Promote social and economic benefits to the local population;
- (E) Support the tourist potential of The West Somerset Railway; and
- (F) Respect the character and setting of the station buildings, including Slimbridge.

The Borough Council will not permit development which would detract from or not contribute to these aims. Where it can be demonstrated that an appropriate recreational or tourist development could not otherwise be achieved, the Local Planning Authority will permit a modest amount of other uses where this can guarantee the provision of suitable significant recreation and tourism development.

## **Taunton Deane Local Plan**

The following policies are relevant:

S1 General Requirements

S2 Design

S4 Bishops Lydeard and Wiveliscombe are defined as rural centres, appropriate for Selective Development which enhances or maintains their local social and economic role and environmental quality and is unlikely to lead to a significant increase in car travel.

S7 Outside Defined Settlement Limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and:



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

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

- (E) Avoid breaking the skyline;
- (F) Make maximum use of existing screening;
- (G) Relate well to existing buildings; and
- (H) Use colours and materials which harmonise with the landscape.

H11 As exceptions to H2, small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centres, provided that:

- (A) There is a local need for affordable housing, defined as the presence of households in need of affordable housing in the following categories:
  - (1) Households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation;
  - (2) Newly formed households living or including someone employed in the parish or adjoining parishes;
  - (3) Households including dependants of the households living in the parish or adjoining parishes; or
  - (4) Households including a retired or disabled member who has lived or worked in the parish or adjoining parishes for a total of five or more years;
- (B) The site proposed is the best available in planning terms and would not harm the character and landscape setting of the settlement more than is justified by the housing need to be met;

- (C) Satisfactory arrangements are made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of need as defined in criterion (A), or other genuine housing need only where this is necessary to secure full occupation of the scheme;
- (D) The proposal does not incorporate high value housing to offset a lower return on the affordable housing; and
- (E) The layout and design of the scheme conforms with Policy H2.

#### EC7 Rural Employment Proposals

EC13 Where major edge of-centre or out-of-centre shopping facilities are proposed, such as retail warehousing, food superstores or factory outlet centres, it will be necessary to assess the impact of the proposed development on the vitality and viability of existing town centres and/or nearby local centres. Subject to the results of a retail impact assessment, conditions may be imposed which could include:

- (A) preventing the subdivision of retail units into smaller units; and
- (B) Restricting the sale of appropriate broad categories of goods.

EC15 The range of shopping and service facilities serving the associated settlements, rural centres and villages will be maintained and enhanced, as follows:

- (A) Proposals to provide new rural services, including shops, public houses and surgeries will be permitted within the defined settlement limits;
- (B) Applications which seek to improve the viability of existing services through refurbishment, conversion or extension will be permitted; and
- (C) Proposals which would result in the loss of shops or other community services will not be permitted where this would damage the viability of a settlement or increase car travel by local residents as a result of a significant or total loss of such services to the community.

#### EC21 Tourist and Recreation Attractions

Within settlements, proposals for tourist and recreation facilities compatible with the size and function of the settlement will be permitted. Outside settlements, proposals for tourist and recreation facilities will be permitted provided that:

- (A) Increased visitor pressure would not harm the natural or man-made heritage; and
- (B) Any new buildings would be of a scale appropriate to the location and use.

EC22 See Below

EC23 Tourist Accommodation

M1/M2/M3 Transport, Access and Circulation Requirements of New Developments

M4 Residential Parking Requirements

C4 Sport and Recreation provision

EN4 Wildlife in Buildings to be Converted or Demolished

EN6 Protection of Trees, Woodlands, Orchards and Hedgerows

EN12 Landscape Character Areas

Policy EC22 is specific to the site. For completeness, the background and development of this policy are set out below.

### **Deposit Revision Policy EC17**

EC17 Land west of Bishops Lydeard Station is allocated for recreation and tourist development. A range of complementary recreation and tourist developments will be permitted which:

- (A) Support the tourist potential of The West Somerset Railway;
- (B) Respect the character and setting of the station buildings; including Slimbridge; and
- (C) Widen Station Road and provide a footway from the site to the A358 junction.

Where it can be demonstrated that an appropriate recreational or tourist development could not otherwise be achieved, The Local Planning Authority may be prepared to accept a modest amount of other uses where this can guarantee the provision of suitable and significant recreation and tourism development.

### **Revised Deposit Revision Policy EC17**

Land west of Bishops Lydeard Station is allocated for recreation and tourist development. Complementary recreation and tourist developments will be permitted which:

- (A) Support the tourist potential of The West Somerset Railway; and
- (B) Respect the character and setting of the station buildings, including Slimbridge.

### **Adopted Policy EC22**

Land west of Bishops Lydeard Station is allocated for recreation and tourist development. Complementary recreation and tourist developments will be permitted which:

- (A) Support the tourist potential of The West Somerset Railway; and
- (B) Respect the character and setting of the station buildings, including Slimbridge.

## **7.0 RELEVANT CENTRAL GOVERNMENT ADVICE**

### **Planning Policy Statement 1 'Delivering Sustainable Development' PPS1**

Paragraph 13 - Key Principles

Paragraph 23 - Sustainable Economic Development

Paragraph 27 - Delivering Sustainable Development - General Approach

Paragraphs 33 - 39 - Design

### **Planning Statement 3 'Housing (PPS3)**

Paragraphs 25/26 - Market Housing

Paragraphs 27-30 - Affordable Housing

Paragraphs 68-74 – Determining Planning Applications

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

Paragraph 9 In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should: (i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people; and (ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.

Paragraph 34 Regional planning bodies and local planning authorities should recognise through RSS and LDDs that tourism and leisure activities are vital to many rural economies. As well as sustaining many rural businesses, these industries are a significant source of employment and help to support the prosperity of country towns and villages, and sustain historic country houses, local heritage and culture. RSS and LDDs should:

- (i) support, through planning policies, sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, but do

not harm, the character of the countryside, its towns, villages, buildings and other features;

- (ii) recognise that in areas statutorily designated for their landscape, nature conservation or historic qualities, there will be scope for tourist and leisure related developments, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved; and
- (iii) ensure that any plan proposals for large-scale tourism and leisure developments in rural areas have been subject to close assessment to weigh-up their advantages and disadvantages to the locality in terms of sustainable development objectives. In particular, the policy in PPG13 should be followed in such cases where high volumes of traffic may be generated.

Paragraph 35 The provision of essential facilities for tourist visitors is vital for the development of the tourism industry in rural areas. Local planning authorities should:

- (i) plan for and support the provision of general tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Where new or additional facilities are required, these should normally be provided in, or close to, service centres or villages;
- (ii) allow appropriate facilities needed to enhance visitors' enjoyment, and/or improve the financial viability, of a particular countryside feature or attraction, providing they will not detract from the attractiveness or importance of the feature, or the surrounding countryside.

Paragraph 36 Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside may be justified where the required facilities are needed in conjunction with a particular countryside attraction; they meet the criteria in paragraph 35(ii); and there are no suitable existing buildings or developed sites available for re-use.

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

Paragraphs 15/16 - Species Protection

## **Planning Policy Guidance Note 13 'Transport' (PPG13)**

The introduction of this document give the underlying objectives as integrating planning and transport at the nation, required, strategic and local level in order to:

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

The underlying theme is that all traffic generating developments should be accessible by a choice of means of transport.

### **Planning Policy Guidance Note 15 'Planning and Historic Environment' (PPG15)**

Paragraph 2.14 The design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart, but are woven into the fabric of the living and working community. This can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials. This does not mean that new buildings have to copy their older neighbours in detail: some of the most interesting streets in our towns and villages include a variety of building styles, materials, and forms of construction, of many different periods, but together forming a harmonious group.

Paragraph 2.16 Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings, eg by new traffic routes, car parks, or other development.

Paragraph 2.26 The wider historic landscape.

## **8.0 CONSULTATIONS**

### **COUNTY HIGHWAY AUTHORITY**

06/2007/027 06/2007/042 and 06/2007/044 - The Planning Officer will be well aware of previous correspondence on this Application and, in particular, my letters dated 26 October 2006 regarding Application 4/06/2006/021 and /022. The present

Applications are similar. However, some of the elements have changed, e.g. a tourist facility rather than a craft village. The addendum to the transport assessment suggests that similar trip generations will be associated with either of the uses. On this basis, I see no reason to comment differently on the transport issues to those comments set out in my letter of 20 October 2006 and, therefore, do not propose to object subject to the applicants entering into a Section 106 Agreement to secure the design, construction and funding of the roundabout and shuttle traffic signal installation set out in my letter. I would also require the condition on vehicular access onto Station Road to be attached to any new consent

The following was the response on the previous applications:

The site is situated on the southwest edge of Bishops Lydeard adjacent to Station Road, Bishops Lydeard Station and the Greenway housing estate. The majority of the site is allocated in the Taunton Deane Local Plan for recreation and tourist development. However, some of the site is outside the Local Plan area and there is no provision in the plan for residential development. It is a matter for the Local Planning Authority to decide whether or not the proposal is compliant with Taunton Deane Local Plan. From a transportation viewpoint, it is on the edge of the village and generally not best placed to encourage travel by modes of transport other than the private car.

From a highway and transportation view point there are several issues to be considered in terms of highway infrastructure. In particular, the level of traffic that will use Station Road and its junction with the A358 and the necessary alterations to the railway bridge and the unction of Station Road with the A358.

1. The site access onto Station Road is appropriately site and has adequate visibility splays. Subject to minor alterations in its geometry and the extension of the southern footway to form a suitable crossover point to the existing northern footway, the access is acceptable. Conditions will need to be attached to any consent requiring its provision prior to the occupation of any of the development on site. I have yet to receive amended plans showing the necessary alterations which were discussed at a meeting with the developers and their consultants some time ago. The following condition will also be required to secure the appropriate internal estate road details:

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

2. Station Road, and in particular the bridge over the West Somerset Railway, is hump-backed and inter-visibility between the oncoming traffic is poor. There is no footway on the south side of the bridge from which access to the station platforms is provided via steps. The absence of a footway raises safety concerns for pedestrians using the steps and the bridge to cross over the railway.

In order to overcome this, it is recommended that traffic signals should be provided on the railway bridge to restrict the traffic flow to sing-way working, generally as shown on Drawing 0837.002A. This would allow sufficient width for a new footway and prevent parking of vehicles on the bridge. It also overcomes the inter-visibility issues on the approaches to the bridge.

3. The junction of Station Road and the A358 has also been considered both in terms of capacity and highway safety. It is clear from the analysis provided that there are no significant capacity issues at the junction, and therefore any improvements required area based on the existing accident problem at the junction and the potential for further accidents should the development proceed.

In conclusion, therefore, I do not propose to object to the proposal subject to the applicants entering into a Section 106 Agreement to secure the design, construction and funding of the following:

1. The provision of a roundabout at the junction of the A358 and Station road generally in accordance with the submitted drawing. This drawing needs minor alterations, and discussions are ongoing with the developers' highway consultations to facilitate this.
2. The provision of shuttle traffic signal installation on the West Somerset Railway Bridge.

06/2007/043 - The Planning Officer is well aware of previous correspondence on this application and, in particular, my letters dated 26 October 2006 regarding applications 4/06/2006/021 and /022 and, more recently, my letter of 3 July 2007 regarding application 06/2007/027. The present applications are similar; however, a tourist facility rather than a craft village is proposed. There is a new transport assessment which makes representations about the level of traffic that will be generated and concludes that the proposals will not generate such traffic as to compromise the capacity of - and safety on - the highway network subject to certain off-site works.

On this basis, I see no reason to comment differently on the transport issues to those comments set out in my letters mentioned above and do not propose to object subject to the applicants entering into a Section 106 Agreement to secure the design, construction and funding of the roundabout and shuttle traffic signal installation set out in my letters. I would also require conditions on vehicle access onto Station Road to be attached to any new consent. Conditions should also be attached to secure adequate on-site parking facilities, parking and turning facilities in conjunction with the railway museum and carriage shed.



**COUNTY ARCHAEOLOGIST** – As far as aware there are limited or no archaeological implications to the proposal, therefore no objections on archaeological grounds.

## **ENVIRONMENT AGENCY**

06/2007/027 - The Environment Agency OBJECTS to the proposed development, as submitted, on the grounds that an incomplete ERA (Flood Risk Assessment) has been submitted. The Surface Water Drainage Strategy, which forms part of the FRA, has not been submitted with the application. As this area has not been included flood risk has not been appropriately addressed thus not meeting the requirements of planning policy statement 25 (PPS25).

Should the Agency's objection to the proposal subsequently be overcome the Agency would seek the application of the following conditions. Please note the submission of the FRA will generate further conditions therefore the Agency must be reconsulted when the ERA is submitted.

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

**REASON:** To prevent pollution of the water environment.

**CONDITION:** No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewage disposal works has been agreed with the sewerage undertaker to the satisfaction of the Local Planning Authority. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such improvements and/or extensions have been commissioned to the reasonable satisfaction of the Local Planning Authority.

**REASON:** To prevent pollution of the water environment.

**Note:** Wessex Water Limited should be consulted and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution

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

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

CONDITION: During construction No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority.

The scheme should include details of the following:

1. Site Security;
  2. Fuel oil storage, bunding, delivery and use;
  3. How both minor and major spillage will be dealt with;
  4. Containment of silt/soil contaminated run off;
  5. Disposal of contaminated drainage, including water pumped from excavations;
  6. Site induction for workforce highlighting pollution prevention and awareness.
- Note: Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

#### Informative

The following recommendations! informatives should be included within the decision notice.

It is recommended that the developer investigate the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water, and include:

- a) Infiltration techniques
- b) Detention/attenuation
- c) Porous paving/surfaces
- d) Wetlands.

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

Construction vehicles should not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank.

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

The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage. Unless stated by Wessex Water that it is a combined system.

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

If there will be any abstraction from either a surface water or groundwater source eg well or borehole an abstraction license may be required. If any surface water course is to be impeded in any way an impoundment license may be required. In either of the above cases the Water Resources Regulatory and Technical team should be contacted for further advice.

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

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

Water efficiency measures should be incorporated into this scheme. These could include, for example, water butts, rainwater recycling and the use of water-efficient internal appliances and systems. It would assist in conserving natural water resources and offer some contingency during times of water shortage. A copy of our publication 'Conserving Water in Buildings' is available upon request.

A further response has been received as follows:

A copy of the revised Flood Risk Assessment (ERA) and Surface water drainage details have been received.

We note that finished floor levels for new buildings will be set at a minimum of 51.81 m AOD to address the flood risk, with refurbished buildings also set at, or flood resilient to, this level. We are satisfied with this approach.

However, we wish to maintain our objection until the following points have been clarified:

We are somewhat confused about the proposed methods of surface water management. We were of the understanding that attenuation would be provided

through the provision of a pond near the Station House at the south east corner of the site.

We had previously received a sketch from Hydrock Consulting showing preliminary designs for the pond which had a capacity of around 430 cubic metres. However, we note from the drawings the West Somerset Steam Railway Shed - is this an existing or proposed structure as we do not recall seeing it on previous plans? Does it form part of this application? I am concerned that this shed is in the vicinity of the proposed attenuation pond.

If that is the case, how are you now proposing to manage surface water on site? In the latest version of the FRA dated July 2007 we note that culverts or oversized pipes remain possible options. In accordance with the SUDS hierarchy we would wish to ensure that the more sustainable options proposed had been discounted before hard engineering solutions were considered.

We are also concerned about retaining a wildlife river corridor at the site. There is no formal delineation of the floodplain, top of bank or wildlife corridor on the latest plans. We note from drawing C/06016/C001 that the tourist facility buildings, railway shed and the picnic area may be within this corridor. We seek a target width of 5 metres for the corridor, for maintenance and conservation purposes

06/2007/042 - The Environment Agency has no objection in principle to the proposal, as the application constitutes non-major development in Flood Zone 1. However, we are aware that this application is linked to four others at the same site, and that this should not be viewed in isolation.

We have been advised by the applicant that these four applications will be considered as a whole package' by the Local Planning Authority, and will either be granted or refused on this basis. We seek confirmation from the LPA that this is the case.

We would indeed support such an approach as there are considerable benefits to producing a masterplan for the whole site which deals with flood risk management and surface water drainage. For example, this approach would reduce the maintenance burden of having smaller individual mitigation measures for each application.

We currently have an outstanding objection on application 06/207/027. We have discussed in a recent meeting with the applicant and their consultant the need to revise their ERA to address outstanding site flood risk and drainage issues.

06/2007/043 - The Environment Agency OBJECTS to the proposed development as the applicant failed to address flood risk concerns (contravening PPS25) and biodiversity concerns (contravening PPS9). As a result of this it is felt that this application fails to meet the requirements of PPS 1 sustainable development.

Flood Risk Management

The proposed development is greater than 1ha located within Flood Zone 1. In accordance with PPS25, a flood risk assessment (FRA) must accompany the application.

The applicant has submitted a short FRA undertaken by Gadd Homes. However, this refers to a more detailed FRA undertaken by Hydrock consultants for the wider mixed use development at the site, which appears to be missing from the application.

The Hydrock FRA is known to include a hydraulic model of the stream, generating flood levels and extents. It is not clear whether the location of the proposed shed over the watercourse in this manner would result in any floodplain storage loss or impact upon flow conveyance. Floodplain storage compensation would be required to address any net loss to ensure no increased risk to third parties.

The Agency have recently met with representatives from Gadd Homes and Hydrock to discuss updating the FRA to reflect the whole Station Farm development.

We expressed concern regarding the proposed culverting of the stream to facilitate the development of the carriage shed. The Environment Agency have a policy against culverting except for essential access. We prefer free spanning bridge structures, as they interfere less with the continuity of the bank and floodplain. It may be possible to divert the watercourse providing the habitat and nature of the stream can be retained. However, we would expect to see justification for why the shed could not be located elsewhere to avoid culverting/diverting the watercourse.

We wish to see a masterplan approach to surface water management across the site to minimise maintenance requirement for flood risk infrastructure. At present, there is no detailed information regarding surface water drainage. We expect to see extensive use of sustainable drainage systems (SUDS) to mimic as closely as possible the natural drainage regime at the site. Runoff must be restricted to greenfield rates for all events up to and including the 1 in 100 year (climate change) storm.

At this time there is insufficient information regarding flood risk to be able to determine the acceptability of the development in principle. We ask that a copy of the updated Hydrock FRA for the whole development is submitted so that these linked applications can be reviewed in context.

#### Biodiversity

The impact of the proposed development on the small watercourse on the eastern side of the site has not been assessed. The watercourses and associated hedgerows were shown to be one of the most ecologically diverse habitats on this site. Recent survey has revealed that slow worm a protected species is found associated with the stream area affected by the proposed development but there are no plans to avoid this habitat or to provide mitigation.

Should the Agency's objection to the proposal subsequently be overcome the agency would seek the application of the following conditions (please note the agency would need to be re-consulted as overcoming the above issues may create

further conditions).

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

REASON: To prevent pollution of the water environment.

CONDITION: Construction vehicles should not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank.

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

CONDITION: Wessex Water Limited should be consulted and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution

REASON: To prevent pollution of the water environment.

CONDITION: The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage.

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

CONDITION: No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewage disposal works has been agreed with the sewerage undertaker to the satisfaction of the Local Planning Authority. No buildings (or uses) hereby permitted shall be occupied (or

commenced) until such improvements and/or extensions have been commissioned to the reasonable satisfaction of the Local Planning Authority.

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

CONDITION: During construction No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillage will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of contaminated drainage, including water pumped from excavations
6. Site induction for workforce highlighting pollution prevention and awareness

Note: Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

REASON: To prevent pollution of the water environment.

06/2007/044 - The Environment Agency has no objection in principle to the proposal. However, we are aware that this application is linked to four others at the same site, and that this should not be viewed in isolation.

We have been advised by the applicant that these four applications will be considered as a whole 'package' by the Local Planning Authority, and will either be granted or refused on this basis. We seek confirmation from the LPA that this is the case.

We would indeed support such an approach as there are considerable benefits to producing a masterplan for the whole site which deals with flood risk management and surface water drainage. For example, this approach would reduce the maintenance burden of having smaller individual mitigation measures for each application.

We currently have an outstanding objection on application 06/207/027. We have discussed in a recent meeting with the applicant and their consultant the need to revise their FRA to address outstanding site flood risk and drainage issues.

Further to this please see out comments set out in our correspondence ref wx/2007/1 03334/02 (please see attached).

Should the above application be approved we would seek the below conditions.

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

REASON: To prevent pollution of the water environment.

CONDITION: Construction vehicles should not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank.

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

CONDITION: Wessex Water Limited should be consulted and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

REASON: To prevent pollution of the water environment.

CONDITION: The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage. Unless stated by Wessex Water that it is a combined system.

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

CONDITION: No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewage disposal works has been agreed with the sewerage undertaker to the satisfaction of the Local



Planning Authority. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such improvements and/or extensions have been commissioned to the reasonable satisfaction of the Local Planning Authority.

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

CONDITION: During construction No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority.

REASON: To prevent pollution of the water environment.

Note: The scheme should include details of the following:

- 1 Site Security
- 2 Fuel oil storage, bunding, delivery and use
- 3 How both minor and major spillage will be dealt with
- 4 Containment of silt/soil contaminated run off.
- 5 Disposal of contaminated drainage, including water pumped from excavations
- 6 Site induction for workforce highlighting pollution prevention and awareness

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

## **DEVON AND SOMERSET FIRE & RESCUE SERVICE**

06/2007/027

1. Means of Escape
  - 1.1 Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.
2. Access for Appliances
  - 2.1 Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.
  - 2.2 The plans appear to indicate that the service road to the WSR station will be pedestrian access only, which may restrict access to Slimbridge House and WSR Railway station. Please confirm that access for fire appliances will be maintained in accordance with B5.

### 3. Water Supplies

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

#### a. Burning Materials

4.1 If it is proposed to carry out any burning of structure or materials at the above mentioned site, you are required to notify Devon & Somerset Fire & Rescue Service Somerset Command & Mobilising Centre, Telephone 01823 364500 of this proposal at least 48 hours before commencement, so that the appropriate Fire Station may be made aware of this burning.

Written confirmation of this telephone call should be forwarded to the Chief Fire Officer, Fire Service Headquarters, The Knowle, Clyst St George, Exeter Devon

### **AVON & SOMERSET POLICE**

06/2007/027 and 06/2007/028 - I note that the Design and Access Statement makes reference to public/semi private/private space being clearly defined by changes in materials, secure enclosures etc to ensure the maximum practicable crime-proof environment, which I fully support.

- I have some concerns regarding a lack of natural surveillance of the proposed parking area at the south/east of the site (adjacent to the proposed museum) and the proposed picnic/play area to the east of the development. Could surveillance/visibility of these areas be improved in any way?
- The plans/documents do not appear to give any indication of the proposed lighting system for the development. Any street lighting should be to an adopted standard (BS 5489) as a minimum requirement to give residents increased security and reduce the fear of crime. Columns should be designed/located to restrict any climbing aids.
- The plans appear to indicate alleyways between plots 1 & 2 and 7& 8 giving access to the side/rear of these properties. Similarly, Plots 6 & 7. If these alleyways are essential i.e. for refuse disposal etc, they should be gated to prevent unauthorised access to the side/rear, which is where most burglaries occur.
- Ideally, the 'flying bedroom' between Plots 32 & 35 should be gated (preferably electronically operated) to prevent unauthorised access to the courtyard area.
- The proposed communal area between the Tone and Dene type houses could be liable to anti-social behaviour and should be designed to allow good natural surveillance with appropriate landscaping/defensive planting. Any such planting should be maintained below 1m height to assist visibility.

- Some of the house types appear to have windowless gable ends. Could a window be incorporated into the first floor of these house types in order to improve natural surveillance?
- The applicant is advised to formulate all physical design measures of the properties in accordance with the ACPO Secured By Design award scheme.

## **NATURAL ENGLAND**

Natural England has been consulted on the above planning applications as we were for the ones mentioned below at the same site. Your consultation letter was received in this office on 23 June 2007. The same survey information has been provided accompanied by a letter stating that updated surveys are not required. Natural England disagrees as it is common practice for badger and bat surveys to be of value for about 12 months. The bat survey was done when crevice dwelling bats are inactive more than 12 months ago, therefore, we would advise further surveys are done. This applies to the mobile badger too.

The survey information provided by the applicants indicates that bats and dormice will not be affected by these proposals. Although the hedgerows have potential for dormice the connectivity to nearby Ash Common, where dormice are present, is broken and the likelihood of dormice being affected by this stage of the development is reduced.

There is potential for slow worms and we recommend further surveys are done. All surveys should be carried out at an appropriate time of year and employ methods that are suited to the local circumstances. It is important that this work is undertaken by a reputable, qualified and, where appropriate, a suitably licensed consultant.

Although not a consideration for these planning proposals, Natural England can confirm that if the phase 2 proposal for a golf club and golf course proceeds we will expect thorough surveys for European Protected species such as dormice and great crested newts to be undertaken

The following subsequent response was also received:

Based on the information provided, Natural England objects to the proposed development. We recommend that the local planning authority refuse planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

Our concerns relate specifically to the likely impact upon Dormice, Water Voles and Slow Worms. The protection afforded these species is explained in Part IV and Annex A of *Circular 06/2005 'Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.'*

The report on the Extended Phase 1 Habitat Survey of the site carried out by Devon Wildlife Consultants (July 2007) identifies the hedgerows as being potentially suitable habitat for Dormice. It also identifies the stream as being potentially suitable

for Water Voles. We, therefore, recommend that further surveys are carried out to demonstrate whether or not the development would adversely affect these species.

In addition further information is required regarding Slow Worms. The report on the Reptile Survey carried out by Devon Wildlife Consultants (July 2007) identifies that the riparian habitat next to the stream supports a small population of Slow Worms. Further information is required regarding the impact of the development on this species and the mitigation strategy that will be put in place.

Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably experienced persons holding any relevant licences. In order to assess the potential implications on protected species, any subsequent planning application should include the following information:

- Description of the proposal – details of the type, scale, location, timing and methodology of the proposed works, including relevant plans, diagrams and schedules;
- Survey for protected species – thorough and robust survey of the development site and any other areas likely to be affected by the proposals for protected species;
- Impact assessment – clear assessment of the likely impacts of the proposal upon protected species;
- Mitigation strategy – to clarify how the likely impact will be addressed in order to ensure no detriment to the maintenance of the population at a favourable conservation status of the protected species. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities; and
- Delivery mechanisms – to include additional information as appropriate to the mitigation strategy that will be required to ensure that the proposed mitigation works are feasible and deliverable e.g. architects plans, licenses, planning agreements, contractors' precautionary method statements.

Further information on protected species surveys can be found on pages 48-50 of the *Guide to Good Practice* accompanying *PPS9*. Guidelines on mitigation can also be downloaded from the publications section of Natural England's website at [www.naturalengland.org.uk](http://www.naturalengland.org.uk).

Please note that if planning permission is granted, the applicants should be informed that this does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of *Circular 06/2005*.

## **WESSEX WATER**

Foul Drainage

Whilst there are public sewage pumping stations to the North and East of the site, there is very limited spare capacity in the receiving pumping mains.

A new pumped connection directly to Sandhill Park Sewage works, some 580m to the West, may be feasible subject to the adequacy of the sewage works to treat the proposed flows. An appraisal will be required to establish this.

#### Surface Water Drainage

Surface water flows should discharge direct to the land drainage system with the consent of Taunton Deane Borough Council/Environment Agency who, no doubt, will impose a maximum rate of discharge.

#### Adoption of New Sewers

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

#### Sewage Treatment

An appraisal of the Sewage Treatment Works and terminal pumping station is required to determine their adequacy to serve the proposed development.

#### Water Supply

The existing system is adequate to serve the proposed development.

### **HALSE PARISH COUNCIL**

06/2007/027 My Council has considered the above planning applications and wishes its objection to the development to be noted.

The reasons for objecting are as follows:

#### Taunton Deane Local Plan ("the Plan")

Part of the site of the proposed development is within the Plan (EC22) but this is for recreation and tourist use rather than residential use. In addition, some of the proposed site falls outside the Plan, Whilst it is accepted that in certain circumstances, the agreed Plan may not be followed, it is not considered that this development supports such action. The proposed creative industry centre must have a question mark against its long-term viability (see below) and the need for a pub at this location would be hard to argue as justification for building 40 properties. Were this application to succeed it would send the message that the Plan is not binding and set a precedent that would make it hard to turn down proposals to build anywhere in Taunton Deane where a developer can make half an argument to do so.

#### Increased traffic through villages

The lanes through Halse are already used as a cut through between the A358 and the M5, via Oake/Bradford (to Junction 26) or Milverton/Langford Budville (to

Junction 27). The planned development would add further traffic to the narrow lanes of limited capacity.

My Council is concerned that the traffic volumes, as per the Traffic Assessment included as part of the application, may not provide a true reflection of the traffic were approval to be given.

Examples of the potential areas of uncertainty are as follows:

- Per Para 3.3.4, the trip calculations re the holiday homes have been based on Scandinavian Village in Scotland. The relevance of this to the proposed 3 holiday lets is not established.
- Per para 3.3.9, trip survey data based on a craft centre village in Kent was used in connection with the craft workshop. The relevance to the application is again not established and may not be relevant to a brewery and other units with incoming and outgoing deliveries.

Per Para 3.4.1, the existing traffic distribution has been used to extrapolate for the development, however this would not take account of the changes in traffic caused by the proposed additional facilities such as a craft workshop, a public house and, in due course, a golf course.

It is noted that the road that arguably could have coped as being used as a cut-through between the A358 and the B3227 is that which goes by Cotford St Luke. At the time of development, the road around it was closed off, re-routing all traffic through the development itself, presumably as a means of discouraging the cut-through. Whether the installation of traffic Lights over the railway bridge was a factor in this scheme is unknown, but this situation is now proposed were the Station Fann development to go ahead. The result of not utilising the Cotford route is that the Halse lanes are by default the prime cut-through.

My Council would wish to ensure that the impact on the routes is satisfactorily assessed by the Highways Department and it be ascertained whether the result in respect of the additional traffic that would travel through Halse is considered acceptable in view of the width of the lanes.

#### Golf Clubs

It is understood from speaking with the Golf Clubs in the area that there are no waiting lists for new members. It is therefore questionable as to the merits of another course, under Phase 2 of the development, being provided.

It is also queried whether the golf club would be seeking (either initially or subsequently) to promote a restaurant facility similar to that at Oake which would impact on traffic volumes.

#### Creative Industry centre/Microbrewery/Cycle Hire

It is noted that the revised application has removed the previously included provision of a craft centre, presumably because of the understandable and justified concerns

as to the long term viability of such a centre and the inevitable pressure to change the buildings to residential use at some stage in the future.

The alternative uses now suggested must still have doubts as to how likely they are to succeed. For example:

- It is unknown how the applicant believes that there will be sufficient demand to sustain a cycle hire facility in the proposed location. Is it expected that train users will subsequently cycle to the Quantock hills which is an understandable area to explore by bike? The hills are served by many car parks which currently allow cyclists to be immediately close to bridleways etc and therefore the proposed site is not conducive as a starting point.
- Microbreweries are undeniably popular but a new venture will need to achieve sufficient orders from the trade in the area to succeed. It is assumed that no research has been done that indicates the necessary level of demand is achievable. In addition, there is an unavoidable aroma generated in beer production which may not be best sited in close proximity to what is being touted as a tourist centre, as well as having an effect on nearby houses.
- The creative industry centre is noted to have a number of possible uses. It is not known how many retail units are expected but these would give rise to a concern due to the previously expressed limitation that the railway does not operate for 50 weeks a year. In addition, anything other than tourism use on the site is against the Local Plan

The unfortunate closure of the Washford Mill craft/retail centre must indicate the difficulties that such a facility at Bishops Lydeard would face and whilst it is understood that an application to convert the Mill to residential use has been refused, the longer it remains empty, in view of targets imposed on Councils for house building, the greater the pressure to allow a future application will become. A similar concern is expressed in respect of this development

#### Proximity to the West Somerset Railway

The Railway is an important asset to tourism on Taunton Deane and should be assisted to remain so, The proposed development takes a number of irreversible steps that, in my Council's view, do damage to the long-term continuance of the railway:

- By building a pub next door, it may or may not significantly increase visitor numbers, which seem to be increasing quite happily by themselves, but would be competing with the proposed café next door and therefore would take money away from the Railway's own current (and future) catering facilities.
- There is the danger that in a few year's time, residents who bought properties would complain that they are being affected by smoke emissions, for example, in terms of it being unhygienic and a danger to health. If this matter became a legal matter, who is say whether the Railway would lose (or prefer to back down due to the cost of fighting its case) and its operations be compromised?
- As well as it being surrounded firstly by the Broadguage Business Park and now potentially on the other side of the line by houses, the valued character of its 'village station' atmosphere would be further diminished. This point is

highlighted in the Plan, which specifies that permitted developments must respect the character and setting of the station buildings,

A further response has been received as follows:

Further to my letter dated 12 September 2007, my Council wishes to request that a traffic study and an Environmental Impact Assessment be undertaken to assess the effect of the increased traffic through Raise, were the above (and associated) applications to proceed. It is requested that the assessment should take account of the effect of potential development at the Greenway end of Sandhill Park.

As previously noted, my Council's concern is that there will be a significant increase in traffic using the lanes through Raise as a cut through from the A358 to Milverton/Wiveliscombe/Wellington and the MS. This will produce traffic along lanes that are not suitable for the volumes that would be expected to be generated from additional housing.

Could you also confirm whether the traffic figures included in the application been independently reviewed and found to be satisfactory? If this has not been, nor is intended to be done, could you explain why the figures, which on my Council's reading, cannot be taken as being relevant in assessing the expected flows, are being taken at face value.

#### **SOMERSET ENVIRONMENTAL RECORDS CENTRE**

- no statutory and non-statutory and species at the site.
- one or more legally protected species found within 1km of site.
- 3 County Wildlife Sites with in 1km of the site.
- one or more 1990's badger data found.

#### **LANDSCAPE OFFICER**

06/2007/027 - The opportunities for large tree planting are limited within the scope of the site. I would particularly like to see a large tree outside plot 12/13. An indication of front garden planting, hedgerow maintenance/management would be useful especially as they appear to be within private ownership.

Who will maintain the landscape buffer planting? This is important as now residents will want views that the planting will block so ideally it should be TDBC through a S106 Agreement.

06/2007/028 - Subject to detailed landscape proposals it should be possible to integrate the proposals into the local area.

06/2007/042 - Subject to suitable landscaping it should be possible integrate the proposals into the local area.

06/2007/043 – I recommend a more substantial woodland planting scheme to the west and south of the proposed shed to provide some 'softening' of the very large carriage shed.



The following further response was received:

The site appears to be relatively well screen from the surrounding countryside, especially the A358, and partially screened from the most local public footpath that runs to the south. The greatest impact will be from the station itself but subject to appropriate historic design and materials its impact should be significantly reduce.

Overall, I consider that although there will be some local landscape impact, subject to good design and tree plating to the south of the proposed museum, its impact will be acceptable.

06/2007/044 – Subject to suitable landscaping and boundary treatment, it should be possible to integrate the proposals into the local landscape.

**HOUSING OFFICER** – Can live with the proposals for affordable housing put forward in the draft heads of terms for a Section 106 Agreement. These indicate 14 units comprising seven rented, five-shared ownership and two low cost open market units. The shared ownership should be delivered through a Registered Social Landlord, or if delivered by the applicants provided it is affordable and there is come return as and when the unsold equity because sold. The discounted value of the four low cost open market should be around 40% below open market value.

#### **NATURE CONSERVATION OFFICER**

Comments form Natural England (NE) on the previous applications highlighted the need for slow worms surveys. This information should be available before determination - note: the optimum months for surveys are April, May and September and the applicants' consultants should be able to advise on surveys during the unusual weather conditions this summer.

Richard Green's report on bats concluded that suitable roosting potential is in the pantile roof of the brick barn. Pending further comment from NE on the date and implications of RG's and Devon Wildlife Consultants' s surveys, I advise that a condition is made for a strategy to improve the site for wildlife (PPS9), detailing timing and method statements of works to avoid harm to birds, bats, slow worms (if present) and measures for the enhancement of places of rest for bats and nest sites for swallows etc and to include management proposals of hedgerows and streamside.

The following further response has been received:

Updated wildlife reports have been received in support of this application — Devon Wildlife Consultants, Extended Phase One Habitat Survey 07/042 dated July 2007; DWC's Reptile Survey, July 2007; Richard Green, Protected Species Survey Report dated July 2007. In considering DWC's report I advise that further information is needed to determine this application.

DWC's current report identifies the potential importance of the hedgerows on site for dormice and connectivity of hedges with wider countryside. I support the Report Recommendations 6. This includes the recommendation for survey information on dormice and water voles. The proposals do indicate that hedgerows will be affected and therefore, I recommend that dormouse surveys should be undertaken in the next season (summer 2008) to inform the determination process. Water vole surveys could be done in Spring 2008.

DWC's report does not mention the pond to the south west of the site and I recommend that we need comment on the possibility that great crested newts may use this pond and the need for surveys. If surveys are necessary: optimal time March — May 2008.

DWC's reptile report identified a low population of slow worms and they will need to be protected through any development of the site.

RG's report on the survey of buildings on site concluded that bats may use Building 9 and care should be used whilst dismantling. Several buildings contained swallows' nests. I support the report conclusions and add that future nest and roost sites should be implemented as part of any planning permission on site. PPS9.

I recommend that a landscape management plan should be a requirement for the long term management of the site. The Stream is an important ecological corridor landscape feature and I recommend that its course should be maintained and enhanced in any future proposals for the WSR museum.

## **CONSERVATION OFFICER**

06/2007/027, 042 and 044 - The previous application appeared to be adapting the existing outbuildings adjacent to Slimbridge House as holiday accommodation. This had the advantage that the setting of the listed building and approach down to the station was altered only slightly and retained a 'traditional' character. Given the condition and quality of the buildings their replacement is not in itself objectionable however the design of the tourist facility is an important consideration.

The layout has something approaching a 'yard' like character though the materials used have a more industrial than agricultural quality (slate and striped facing/engineering brick versus the Roman clay tile and soft red clay stock bricks of the existing agricultural type buildings). It would be my suggestion that the latter should be used here given greater relevance. Providing buildings surrounding the station with industrial overtones will have the undesirable effect of overwhelming that which is genuine and limited in extent, spoiling and diluting the village station charm, visitors are interested in seeing. Use of the materials suggested would also maintain the current quality of variation and echo past functional variation, which is at present is an aspect of historic interest on approaching the station.

Buildings here do not have hips and this is not a usual characteristic of agricultural buildings in the area. I would suggest simple pitched roofs with flat gables.

I would recommend that in terms of lighting the development replica lantern standards and wall mounted carriage lamps should not be used. The same would apply to other 'heritage' street furniture. This has already been used to ill effect in the car park opposite the station. It simply dilutes historic character and gives a themed urban feel totally inappropriate in this edge of village context.

06/2007/028 - Subject to heavy screening of the car park along the access to the Station/Slimbridge House – no objection.

06/2007/043 - Assessed proposals in terms of likely visual impact within the context of the overall development, as well as the character and appearance of the proposed museum in its own right. Comments as follows:

- Scale, form and massing of proposed development will dramatically alter the setting of what is a quintessential rural branch line station; its character will become more suburban given the uniformity introduced by having flanking buildings on both sides of the tracks.
- Difficult to assess the true aesthetic of the proposed development in the absence of a detailed materials and finishes specification.
- Density of overall development is far too much when compared with the number and massing of structures which already exist on the site.

Continued growth of the West Somerset Railway will undoubtedly place increasing demands on the present and proposed infrastructure at Bishops Lydeard. Given the recent acquisition of the large plot of land at North Fitzwarren it would seem to be more appropriate to site large utilitarian buildings such as those proposed either alongside or within the new locomotive turning triangle. The size and semi-urban nature of this site arguably accommodates a greater level of development and allows better scope for expansion over the longer term.

Recommend that this application is refused planning consent on the grounds of negative visual impact, excessive scale and detrimental effect on character and appearance of a country branch line station.

**ENVIRONMENTAL HEATH OFFICER – 06/2007/043 - no objection**

### **LEISURE DEVELOPMENT MANAGER**

06/2007/027 - The play area shown on this application appears to be designed to serve the customers of the railway not the residents of the new estate. It is not sited so as to be accessible to children on the estate and being isolated beside a road, parking and the station.

37 dwellings is sufficient to provide an integrated play area within the site. Provision for young people should also be made in order that they are not tempted to use public spaces intended for car parking or play. There should also be an offsite contribution to play pitch provision of £37,851.

06/2007/042 – The addition of two houses to the original application 06/2007/027 adds further weight to the requirement for suitable on site play provision. I refer to

my comments on application 06/2007/027 requesting an integrated play area within the site. These additional dwellings should also contribute £1,023.00 per dwelling towards off site playing pitch provision.

## **DRAINAGE OFFICER**

06/2007/027 and 028 – I note that the Hydroc's Flood Risk Assessment (July 2007) acknowledgement is made that surface water run off from this proposal will require on site attention. It is proposed to use various engineering options to achieve this. Details of any proposal attention system will require approval of this Authority and should include the use of Sustainable Drainage System (SuDS) and this should be made a condition of any approval. No works increasing the existing impermeable areas on site should commence until attenuation system has been approved.

Details of the proposed stream crossing will require approval of the EA as well as this Authority and details should be forwarded before any works commence on site and again made a condition of any approval.

062007/042 – I note that the surface water is to be disposed of via attenuation pond.

Details of any proposed ponds require approval of this Authority and should included the use of Sustainable Drainage Systems (SuDS) and should be made a condition of any approval.

No works increasing the existing permeate areas on site should commence until any system has been approved.

Details of any proposed stream crossing will required the approval of the Environmental Agency and this Authority and again details should be forwarded before any works commence on site and make a condition of any approval.

I also concur with the comments made by the Environmental Agency regarding the benefits of a drainage masterplan for the whole area and hope this can be achieved.

06/2007/044 – I refer to my previous comments made on application 06/2007/027. I note that the Hydroc's Flood Risk Assessment (July 2007) acknowledgement is made that surface water run off from this proposal will require on site attention. It is proposed to use various engineering options to achieve this. Details of any proposal attention system will require approval of this Authority and should include the use of Sustainable Drainage System (SuDS) and this should be made a condition of any approval. No works increasing the existing impermeable areas on site should commence until attenuation system has been approved.

Details of the proposed stream crossing will require approval of the EA as well as this Authority and details should be forwarded before any works commence on site and again made a condition of any approval.

**ECONOMIC DEVELOPMENT OFFICER** - I am now satisfied that the revised submission offers a more balanced proposal, with economic aspects that are both realistic and deliverable. With this in mind, now have no objection to the proposal.

## **FORWARD PLANS OFFICER**

06/2007/027, 028, 042 & 043 - The comments that I made on previous proposals in this area (applications 06/2006/021 & 022) remain generally relevant in terms of the issues and I therefore attach a copy.

The convenience store that formed part of the previous proposals was a significant concern, and its removal from the current proposals is an improvement.

The key issues to be considered remain:

- Whether the scale of benefit to the West Somerset Railway (WSR) is sufficient to outweigh the conflict of elements of the proposals with planning policies?
- Being satisfied that the provision of the 'tourist facilities' (including the pub/restaurant) that are meant to support the WSR can be secured at appropriate phasing points in parallel with the enabling development.
- Having evidence to demonstrate that the proposed 'tourist facilities' will be economically viable.
- Having a financial appraisal demonstrating that the enabling development is the minimum necessary to make the proposals financially viable.

This appears to be a fairly finely balanced situation, and it is important that satisfactory evidence is available to demonstrate that there is a reasonable prospect of long term support being provided to the WSR by the facilities being proposed.

The following was the response received on the previous applications:

06/2006/021 & 022 - These applications relate to different elements of a single combined proposal, which must be viewed as a whole.

The stated purpose of the proposals is to deliver recreation/tourism uses which are compatible with, and will help to support the viability of, the adjoining West Somerset Railway. This is a concept that has been under consideration for many years, and which has been given expression in policy EC22 of the Adopted Taunton Deane Local Plan (TDLP).

The proposed pub/restaurant and 'craft village' including craft and farm shops and a museum or art gallery, are the types of use which are identified as being complementary to the railway in the TDLP. Likewise, I would regard the proposed holiday accommodation as supporting the tourist function of the railway. These proposals are welcomed.

However, the proposals are contrary to policy EC22 in two respects: they include housing (both open market and affordable) and a general retail store which are not provided for under the policy, and they involve a site that is considerably larger than that allocated in the TDLP.

The justification for the inclusion of the open market housing is to provide cross-subsidy for the tourism/recreation uses which, by themselves, are claimed to have a negative development value. This is supported by a financial appraisal. The use of this type of enabling development was considered in the preparation of the TDLP, and it was decided, contrary to an Inspector's recommendation, not to allow for it within the policy because of the failure of this mechanism to secure the desired outcome on a previous occasion at Sandhill Park.

I consider that such a risk still remains. Although it should be possible through the use of conditions or a legal agreement to secure the provision of the premises for the recreation/tourism uses, the provision of the premises will not ensure that the businesses continue to operate for the long-term benefit of the railway.

Notwithstanding the above if, on balance, it is decided that in view of the railway's importance to recreation and tourism and the rural economy this is an acceptable risk, I would suggest that before determining the application the Council should ensure it is satisfied that:

- there is a legitimate financial justification for the proposed scale of enabling development; and
- acceptable evidence is submitted that demonstrates market demand for the facilities being proposed and that they will be financially viable.

The inclusion of retail activities in the proposals is potentially problematic, as the application site is not a sustainable location for general retailing, and may threaten the viability of existing retailers in the centre of Bishops Lydeard. The sale of 'craft' goods is acceptable, but needs to be carefully controlled to prevent the sale of convenience goods which would be in competition with village centre retailers. For similar reasons I have concerns about the inclusion of a convenience store of some 3,000 sq ft.

As the site adjoins Greenway, which is identified as part of the settlement of Bishops Lydeard in the TDLP, the inclusion of affordable housing may be in compliance with policy H11 as a rural 'exception' site. However, this requires evidence of local housing need, and the provision of appropriate types and tenures of housing to meet those needs. The Council's latest survey of affordable housing needs, the Somerset Housing Market Assessment, 2006, indicated that needs within Taunton Deane were for approximately 50% social rented and 50% intermediate housing. The views of housing officers should therefore be sought regarding the appropriateness of the proposed housing.

Policy EC22 of the TDLP also draws attention to the need for proposals to respect the setting of the station buildings and Slimbridge, so regard should be given to the views of the conservation officer on this issue.

## **BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL**

06/2007/027, 06/2007/028, 06/2007/042, 06/2007/043 and 06/2007/044 - The Council support the above applications and has the following comments:

The Council would like to see improved linkages between Bishops Lydeard Station and the Village, including the provision of a cycleway and better signing. The subway under the A358 must be retained. The Council seeks an assurance that the proposed infrastructure, particularly the roundabout at the A358 junction and works to the railway bridge, will be provided. The Council feels that the design and materials of the housing could be more varied and appealing. The council requests that adequate attention is given to internal landscaping within the development.

**A LETTER OF SUPPORT** – for application 06/2007/043 has been received from the County Council’s Community Heritage and Museum Development Officer. The expansion of the museum would bring great benefits to the local area both in terms of preserving and presenting their cultural heritage in new and exciting ways, and by providing a boost to the local economy through tourism. The museum preserves an important part of Somerset’s industrial heritage and their facilities would enable them to reach a much wider audience and continue their excellent work. The museum would be a valuable addition to Somerset’s cultural heritage sector.

## **9.0 REPRESENTATIONS**

NINETY LETTERS OF OBJECTION have been submitted raising the following points:-

1. Proposed development is getting larger and larger, when will it stop. Too large for the open countryside and will soon reach Cotford St Luke.
2. This building on green belt land will do nothing to improve the lives of those living in Bishops Lydeard, it will split the village in two.
3. Continually resubmitting the application with varying amendments is a complete fiasco.
4. The increased traffic implications, the queues from the traffic lights/railway bridge will go back to the bypass.
5. Thought the Regional Planning Authority was attempting to decrease traffic, not increase it.
6. The village infrastructure cannot, and should not be asked to cope, either socially or commercially with this ludicrous proposal. The school is already full to capacity, the roads and parking in the village cannot take the extra traffic.
7. Drainage and footpaths on the existing roads would need to be updated.
8. There should be no building on or past the water pipes from Wimbleball and Clatworthy Reservoirs.
9. Developers should pay for improvements to the local area environment.
10. Question what amenities will be provided for local children, ie younger age and teenagers, other than the ‘play area’ in the new proposed courtyard areas.

11. It is extremely important that all wildlife is looked after and protected should this proposal go ahead. Hold the Council responsible in their care of duty, to make sure nothing gets swept under any carpets, as has happened in other area's.
12. The traffic congestion it will cause residents of Halse, Park Priors and Greenway is unacceptable in spite of what the Highway Authority suggest.
13. Somerset rule that the village will benefit from the proposal – only the developer and landowner.
14. Development will destroy a unique tourist attraction because the railway has chosen to link itself with this development in order to get their plans approved and vice versa.
15. Site is in a flood plain.
16. It does not matter how, or how often, this application is dressed up, it really is totally unsuitable and unsustainable development for Bishops Lydeard. It is about time that the landowners and prospective developers were told this in no uncertain terms.
17. Why do we need this creeping urbanisation when the former Norton Fitzwarren industrial site will be turned into housing.
18. Too much self catering holiday lets in Taunton Deane. Concern that at least some of these will be subject to requests for conversion into permanent residential accommodation.
19. The proposals are encouraging the destruction of Bishops Lydeard as a village in exchange for it becoming a suburb of Taunton.
20. If policies continue as they are, what a mess the West Country is going to look. It seems nobody knows what the objective is, although we have energy concerns, foreigners pouring in and we are endlessly sacrificing our green fields and heritage.
21. Yet another piece of rural Somerset being eroded for ever.
22. Areas should be designated as similar to the National Parks.
23. If applicants were proposing to redevelop some of the terrible housing that has gone on in the past and is still with us in Somerset and replacing it with buildings of character, would support, even if it were more dense but of quality. With a little thought, much land which is not green fields and will never be considered rural is available for building.
24. Does the railway need anything so big when there are no passengers at the station for more than 120 days each year. If it is to be viable, it must generate significant extra car borne trips, especially when there are no passengers.



25. The unnecessary size of the development is an excuse for more open market houses.
26. The proposed cycle hire shop and craft shop will not pay in the long term, some other use will have to be found. The only certainties in this respect are the holiday units, the café and the toilets.
27. Query why business premises are proposed.
28. Consider that the tourist facility will finish up as a business park or general retail shops.
29. Open market houses should only be allowed to enable long term benefit to the railway.
30. The one remaining rural aspect of this heritage station is precious enough to be treated with respect.
31. Once building starts here, pressures will develop for more houses eventually in open countryside.
32. Proposal has more to do with the planned golf course than the railway. No need for another golf course in Taunton Deane.
33. Very doubtful about the long term viability of the holiday let units, particularly in view of South West Tourism occupancy figures for self catering accommodation (2006).
34. Bishops Lydeard station was saved as an example of a truly rural station on an intact branch line to Minehead. It's importance has increased as a heritage site and this big development would mean that the station would be in a built up area and the present amazing views of pristine countryside from the platforms would be destroyed. This would detract greatly from the appeal to tourists and it's heritage status. Cannot believe that the West Somerset Railway would be going along with sabotage of one of their main assets.
35. Inappropriately large number of houses constituting a considerable extension of Bishops Lydeard in the wrong place, namely the wrong side of the bypass and the railway line.
36. Will be like a new village.
37. Number of dwellings proposed is in excess of the perceived demand.
38. The proposed museum and carriage shed, which will inevitably be unattractive buildings, should be built at Norton Fitzwarren, where the West Somerset Railway has extra land in the process of being developed, so that it becomes a proper destination on the railway line, by increasing its length and securing its title as the longest preserved railway in England. This would enhance its attraction to tourists and its eligibility for heritage grants.

39. Determination of the application should await the outcome of the review of the Local Plan.
40. Contrary to the present Local Plan, adopted only three years ago.
41. Gadd's are playing mind games.
42. Do not want village made to look like a jungle.
43. Affordable homes will not be genuinely affordable.
44. Village has reached a maximum population capacity. Further development on the scale of this application will seriously damage the quality of life for existing residents and challenge the capacity of village facilities and services in this Conservation Area.
45. Will damage the existing community by moving the centre of the village away from its existing centre. If the development goes ahead, the Co-Op and other local businesses would follow, leaving a once thriving community empty. It would force locals into their cars to drive to the local shop. Having a village fragmented in two halves will destroy the close sense of community the village has at present.
46. No need for a large characterless theme pub when there are already three friendly historic real ale pubs in the village. Would be better to attract tourism into the village so existing local businesses could benefit rather than sign their death knell by sponsoring their demise.
47. Too high a density for a countryside area and would stick out like a sore thumb.
48. Homes close to a busy station would be subject to an unreasonable amount of noise.
49. Precedence for further development, unless a scheme is included to restrict any future development.
50. Proposals will further ruin the character of the station area, in addition to Broadgauge Business Park.
51. Planning Agreements, enforcements etc are no good if they mean empty premises. The most likely new occupants will be small businesses or general retail outlets. Neither will benefit the railway long term.
52. Whilst recognising the need to encourage employment, the placing of small businesses (IT and future technology based) in a tourist facility is incongruous, these are unlikely to entertain visitors to the railway.
53. The proposed micro brewery is in effect a small industrial production unit. Although the sale of beer would be attractive, there is nothing of obvious

fascination in a modern micro brewery, it is basically stainless steel tanks and plastic pipes. If it were similar to a heritage brewery, it would have a place as a genuine tourist attraction.

54. The museum is a bona fide tourist retail facility of long term benefit to the railway. However, it should be built on land allocated under Policy EC22.
55. The proposed take-away will presumably be franchised out to a fast food concern. This is not inclusion next to a heritage railway station and listed building. Question whether it will remain open when there are no passengers at the station and note that there are rumours that there may be a take-away in the village shortly.
56. The West Somerset Railway's support for the Gadd's plan is conditional on the Council's approval of their proposals, and that they do not support Gadd's plan on its own.
57. There is no provision in the Local Plan for housing on this site. Only a departure from the plan may allow it.
58. Although the principle of affordable housing is supported, this should not be used as an excuse to allow a developer and landowner to drive a coach and horses through the Local Plan on a site as important as this. It is outside the settlement limits.
59. The Economic Development Unit is lukewarm to the overall proposals and feels that:
  - a) The nature of the proposed mix of uses has shifted too heavily towards residential use; and
  - b) Such a density of residential properties within the site will detract from its appeal as a tourist attraction.
60. If any housing is to be allowed on this site against the Local Plan, it should be kept to an absolute minimum consistent with provision of genuine facilities of long term benefit to the railway. We should be thinking not only about improvement of basic facilities for tourists at the station, but also planning longer term to encourage better facilities in the village itself, better advertising and better linkage with the village.
61. The applicant's Planning Statement says it is illogical not to include land to the east of the Local Plan allocation, but it must be equally illogical to omit any mention of land taken to the south beyond the boundary of Station Farm.
62. Proposal should demonstrate some imagination and vision in design and the use of materials.
63. Any plans for the long term benefit of the railway should have nothing whatsoever to do with a golf course.

64. There is no tearing hurry to get something done. The railway is doing very well with only the present facilities. The most important thing is to get the whole thing right.
65. The site is important in that it is outside settlement limits, is landscape sensitive and is the one remaining rural aspect of a heritage railway station with historic links with England's greatest engineer, I K Brunel. It should therefore be treated with respect, sensitivity and vision. In particular, the scale of this proposed development and the unimaginative design of the houses negates this aim.
66. The Council appeared to recognise the importance of the site when it specified in the Local Plan that any development should respect the character and setting of the station buildings and the listed building, Slimbridge.
67. The Council's allocation in the Local Plan has been exceeded by a considerable margin.
68. The reasons for recommending refusal on the previous application (06/2006/021) still apply to the current application.
69. There is little point erecting buildings when, however well intentioned they may be, their almost certain long term fate is some other use.
70. Whatever planning conditions may be put on empty premises, the Council is unlikely to be willing to allow them to remain empty indefinitely. If so, their likely eventual use will be for general retailing.
71. The inclusion of items of dubious viability may be an excuse to justify more houses than would otherwise be required, assuming that enabling development is to be allowed against the Local Plan.
72. One of the reasons for rejecting the previous application was that it did not respect Slimbridge. The tourist facility is only some 10 and 14 metres from the listed building at its nearest point. Part of it contains a second storey. This is not consistent with the respect demanded in the Local Plan.
73. The proposed public house is huge, being considerably bigger than the Lethbridge Arms in the village, which is only some six minutes walk away. The pub with its car park occupies a very substantial area of the site.
74. The proposed public house will have a knock on effect on public houses in the village, which was a concern on the previous application.
75. In order to be viable, the public house will have to attract car borne visitors, possibly all year, but certainly during the four months when there are no passengers at Bishops Lydeard station.

76. The size of the public house is out of proportion to the needs of the railway. This is another factor which increases the scale of the enabling development unnecessarily.
77. If the pub is not built there will be a large hiatus in the middle of the site of some  $\frac{3}{4}$  acre and that a subsequent application for more houses may be lodged
78. The whole site will be swamped.
79. The current proposal seeks approval for more open market houses than on the previous application, when the tourist related elements are smaller than on the previous proposal.
80. The station areas are polluted by noise and smoke.
81. Grant sources should be explored to enable a more sympathetic treatment of the site.
82. Will be a grotesque intrusion into the landscape.
83. If this ill conceived development is permitted, it will be a betrayal of local democracy.
84. Walking or driving from Greenway towards the village is already hazardous due to the volumes of traffic, caused by the railway and visitors to the station standing on the bridge watching the trains and running across the road. They often completely block the path. There are many disabled, elderly and families with young children who walk along this stretch.
85. All the modifications in the world to the road will not change it from a small village lane intended for minimal traffic.
86. Two storey office block inappropriate.
87. There seems to be a hidden agenda behind this endless assault on the peace and quiet of the village, exemplified by the stream of applications. The present pantomime is an insult to the rate payers of Bishops Lydeard and a travesty of democracy.
88. Gadd Development is embarking on a rollercoaster of destruction as it submits yet another application to change this lovely area.
89. The time has come that covering more and more green fields with more and more people, problems and concrete is not turning our country into a nicer place. The applicants are hell bent on destroying forever this lovely part of rural England, where when the deed is done it is irreversible. Bishops Lydeard has survived beautifully for hundreds of years under the Quantock Hills and there is nothing that can be created here that will make it a nicer place to live.

90. Anyone who asks to replace the current environment with an urban environment must have missed out on so many of life's treasures, not experiencing stunning memories of rural life. Developers and planners should tidy up much mess already created rather than burying yet more green fields, creating an even bigger mess and problems for the future.
91. Need to prevent the foundations being laid which will lead to Bishops Lydeard and surrounds having the potential to turn into yet another town or city where life is gang culture, gun culture, unsafe and a generally meaningless existence.
92. The railway will lose it's charm.
93. This development smells of a 'Hankridge style development', a theme pub, office block and industrial shed.
94. There should be a cycle track from the site to the village.
95. This proposal is a complete over development and is even worse than the last proposal.
96. Proposed pub will increase the amount of consumption of alcohol when Central Government is trying to reduce it.
97. The plan for a golf course will have a public footpath running through it.
98. The proposed cycle hire shop is unlikely to be used by rail travellers, as the entrance to the Quantock Hills is by getting up Cothelstone Hill, which would prove very daunting to casual cyclists.
99. The proposed pub will affect the peace and quality of life of the residents of the Greenway estate.
100. The proposals should also include a small cinema and café.
101. The design of the proposed houses is not sympathetic with the style of station architecture or traditional local buildings.
102. The proposal violates various policies in the Local Plan.
103. Affordable housing (Council houses by any other name) do not sit well and integrate with a heritage area.
104. Would be far better to have a nature conservation area, a small recreational park and a railway centre/museum for passengers awaiting their trains.
105. The addition of more housing and additional cars would generate increased problems with parking in an already over crowded main street of the village.

106. Extra traffic and wear and tear on the ancient carriageway bridge over the railway line, including construction traffic. This would be increased with the future golf course club house.
107. The proposal would harm the local economy by taking trade from existing local shops and businesses, including the three pubs and the Mill Tea Rooms.
108. Local infrastructure, such as drains and water supply are unlikely to be able to support further development, especially on the massive scale in the application.
109. There should be some ecologically friendly houses.
110. Inadequate parking for residents or the visitors not arriving by rail who, if they should arrive in such large numbers as to make the scheme viable, would end up clogging Greenway and the narrow Greenway Road with their vehicles.
111. The development will threaten the success of the West Somerset Railway in that the main portal will be hemmed in by an industrial estate on one side and high density housing on the other.
112. Impact on privacy.
113. Loss of views to the Blackdown Hills.
114. Proposed inn/restaurant will seriously interrupt the skyline.
115. Limited opportunity for the planting and softening of the site.
116. Noise and anti-social behaviour issues related to a public house.
117. Noise from heavy goods vehicles delivering to the pub/restaurant and retail outlets would be unacceptable.
118. Question whether there is a need for more executive homes.
119. Other more appropriate sites available for affordable housing in the village.
120. Traffic light control on the bridge will prove to be extremely tedious.
121. Shows little empathy with the surrounding countryside and railway buildings. This is a very special station, reflecting times which should be kept for future generations to really appreciate rural life as it was. An education centre covering transport and rural life would be more beneficial.
122. Low cost housing only leads to more houses having to be built, when 'Right to Buy' makes these houses unavailable.
123. Proposal will have a tremendous impact on the environment of the villages of Ash Priors and Bishops Lydeard and Ash Priors Common.

124. Will destroy the road surfaces further.
125. Competition for the farm shop would be unwelcome.
126. Speed restriction on A358 should never have been lifted.
127. Concern about security during the off season months, when some of the properties may be empty.
128. Conflicts with the West Somerset Railway Association's slogan 'Preserving the Past for the Future'.
129. At every railway event the bridge becomes very busy with photographers etc, who, when trains pass under the bridge rush from side to side without care. At the moment these are limited by lack of standing space, the new footpaths will act as a grandstand for the railway.
130. A working group should be set up to consider the future needs of the West Somerset Railway at Bishops Lydeard.
131. Unlikely that tourists would be attracted to holiday accommodation on what is eventually a housing estate.
132. Too great a financial risk for anyone to invest in any of the proposed commercial ventures.
133. The proposed museum should go on land allocated in the Local Plan for recreation and tourism.
134. Despite what is said in the Traffic Assessment, there have been accidents in the area.
135. The subway under the A358 has a 'no cycling' sign, which is at odds with the proposed cycle hire shop.
136. The only remaining rural charm of this site must not be thrown away just to excuse an ice cream stall, a few units of doubtful viability, a public house which is totally out of proportion to the site and to the needs of the railway and a whole lot of typical developer's houses.
137. Whatever is done eventually, there should be no transgression whatsoever of the boundaries of the Station Farm site.
138. Loss of hedgerows.
139. Additional congestion will cause a problem for emergency service vehicles, such as fire and ambulance.



140. The floor area of the tourist accommodation is now less than it was in the previous plan and the affordable housing has been reduced by a third, yet there are more open market houses proposed.
141. The proposal should comprise of something which is genuinely worthwhile, not only to the railway, but also to the unusually vibrant village, rather than a vacuous and rather cynical package which has no heart in it.
142. Loss of good agricultural land.
143. Approach taken by the West Somerset Railway is naïve. As with the previous application, their support for this development has been secured through the offering of land/buildings at a non-market rate.
144. The tourist facilities proposed are of a scale far beyond the needs of existing visitors to the railway (referred to in the Local Plan Policy). It will be essential for their economic viability to draw in customers from a wide area. It is clear that the additional visitors will come to the site by car.
145. The proposed housing element falls beyond a comfortable walking threshold for access to services. The majority of journeys will therefore be made by car.
146. The Regional Spatial Strategy has a strong stance against the further development of 'dormitory' relationships with surrounding towns and villages. The majority, if not all, of the residents of the proposed houses will commute to Taunton and beyond and the vast majority will travel by car.
147. The proposals lack architectural merit and are of a density and height to overpower the site and existing buildings.
148. The development should be carried out near to where the applicant lives.
149. Flaws in the Traffic Assessment.
150. Views of this area can be seen from many vantage points.
151. Safety of small children and domestic pets will be put at risk by construction traffic and delivery vehicles.
152. Will lead to increased waiting times for a GP appointment.
153. Effect on water and gas pressure. The ageing supply network of pipes will be unable to keep up.
154. While the flora and fauna may not be endangered, this is not a good enough reason to cover them in tarmac. Badgers must use the farm as a thoroughfare, as they are often knocked down on the adjacent road.
155. Station House will be largely over shadowed by the proposed carriage sheds.

156. Satisfactory prefabricated (and cheaper) options for the carriage shed option must exist on a site which is less environmentally sensitive.
157. The proposed museum is much too big, it is five times the floor area of the Co-Op in the village.
158. An office block has no place in open countryside.
159. Need to know what Bishops Lydeard can expect from the emerging Local Development Framework, more sustainable sites than Station Farm may come forward for affordable housing and land on the eastern side of the railway may become available for West Somerset Railway facilities. The total of 37 houses may be a very high percentage of what the Local Development Framework may ultimately recommend for Bishops Lydeard over a long period.
160. There is a danger that the future aspirations of the West Somerset Railway may take precedence over the present needs of the village.
161. People will have plenty of chances to use the restored coaches when they are used on trains.
162. The cycle hire facility will not be viable without top quality cycle routes (off highway routes of a standard to match the Tarka and Camel Trails) for it to feed into.
163. Area should be defined as a Conservation Area. This action would provide the station and its environs with the level of recognition and associated protection it deserves. This in turn would ensure that it is better defended against ill conceived actions driven by the pursuit of short term gain.
164. Blazes Museum failed and that was only ¼ mile away.
165. Area is in a flood plain.
166. Being realistic, the group which plans to build the carriage shed is unlikely to have the finance in any realistic timescales to allow the commencement, let alone the completion of the shed project. The proposed buildings near the shed will merely become a storage area for rolling stock.
167. Incremental planning application's is a deliberate ploy to ensure that the full extent of the development is not immediately apparent.
168. Gadd's are like a growing cancer.
169. The site is greater than the desirable maximum walking distance to a primary school and therefore the proposed housing development is inconsistent with the Government's aims for sustainable development.
170. There is already a golf course in the village.

171. The roads in the area are too dangerous for cyclists, so to encourage tourists to the area to hire cycles is irresponsible.
172. Take-away will generate a trail of litter along adjoining paths.
173. Development Management at Taunton Deane says it is responsible for controlling building development to protect the environment, monitoring development in the area and preventing inappropriate development.
174. The existing farm buildings should be converted.
175. Question whether the future golf course is riding on the profit of the current proposals.
176. No need for houses, there seems to be plenty of houses for sale throughout the village of Bishops Lydeard and surrounding villages.
177. Proposal is unethical.
178. Proposed access is opposite a property which is home to a number of vulnerable adults and any increase in traffic volume on this road presents additional risks to these individuals.
179. Once again, the people who live in Greenway are being treated as second class citizens.
180. Most of the letters of support are not from people living in Bishops Lydeard.
181. The railway does not have the funds to build the shed and in the present economic climate this may be difficult to raise, so if the sheds are not built, this site may be used for more housing.
182. Nothing wrong with the existing A358 junction.
183. The Council's own Environmental Policy is to 'develop sustainability', - given that the burning of coal is known to be the worst for creating greenhouse emissions, fail to see how the Council can sanction this development. In thirty years time, the world's Governments will have had to take more drastic environmental action than is favoured now and ban all coal burning facilities including all steam engines.
184. The scheme shall be done in conjunction with decisions on the golf club proposal at Sandhill Park and if it is to proceed, the housing development should not commence until the railway sheds and road infrastructure have been built, or at least meaningfully commenced.
185. Gadd's are buying the support of the railway in order to get their scheme through.
186. The proposed development should be on the village side of the bypass.

187. The great majority of those who have been persuaded to write in support of the plans live a long way from Bishops Lydeard.

141 LETTERS OF SUPPORT have been received making the following points.

1. Saddened by the present demolition of Station Farm, but content that the area should be designated for recreation and tourist development.
2. In supporting the aims of the West Somerset Railway, a larger area of Somerset stretching up to Minehead will benefit from increased tourism, which help businesses.
3. The West Somerset Railway have clearly demonstrated in the past that conservation and care for the countryside is of prime importance and the facilities provided by the new development will enable them to continue to do so to an even greater degree.
4. The carriage shed will accommodate vehicles, some of which date back 80 years and will, when restored, considerably enhance the Great Western Railway ambience and will undoubtedly increase the number of passengers and tourists to the railway and this area. These carriages are largely of wooden construction and it is most important that covered accommodation be provided to prevent water ingress and other weather related issues. Covered accommodation would also afford protection against vandalism and graffiti artists.
5. Although would prefer no external developments, given the presence of Broad Gauge Business Park and the fact that the land is good for development, the current proposal is in the best interests of both the railway and the residents of Bishops Lydeard.
6. The new carriage shed will allow the railway to create the unique feature of a complete vintage train in daily use for years to come, which can only add to the tourist potential.
7. Will allow the railway to expand and provide much needed local facilities as well as housing. The railway is an asset to the village and the area in that it brings business to the area and also gives visitors and locals a perspective on the history of the area through the railway age.
8. Important to provide for mixed use on the site.
9. The twin aims of advancing a major tourist attraction in the area and including affordable housing seems wholly sensible.
10. Scheme provides a 'win win' situation with all parties getting something, including affordable housing.

11. In Devon, there is a policy of supporting high quality tourism away from the coasts and this development would assist that aim.
12. The railway provides an excellent public service and they should be encouraged to run daily services from Taunton.
13. The plans are extremely well thought out, covering all aspects of local needs with the affordable housing, a great draw for local people to stay in the area, better disabled parking which in turn will free up more spaces in the main car park, an excellent museum facility and coach workshops. It will probably be a first for a preservation railway to offer all this.
14. Sadly farming is suffering hugely and the land being planned for development is a very small in relation to farming needs.
15. Will enable the West Somerset Railway to better manage their activities under cover.
16. The provision of affordable housing in the scheme will enable those who would like to purchase their own home make that all important and difficult first step onto the property ladder. The houses will only be available to local people, which will mean they do not have to move away to find an affordable home.
17. The provision of an inn and restaurant on the site will be beneficial to those who wish to stay in the area and explore its many attractions, as well as enabling people who travel on the railway to stay locally.
18. The much better café/buffet facility within the development will be of benefit to daytime travellers.
19. Although there are objectors to the scheme, the benefits of the scheme to the local community greatly outweigh any perceived problems.
20. Significant improvement to road safety on a very nasty junction at the railway entrance by the provision of a roundabout and good street lighting as well as the single lane working and pavements on the overbridge at the station.
21. The railway enables visitors to travel to Minehead avoiding use of the A358 and adding to the already congested parking at Minehead.
22. The proposal will provide much needed social housing, including a mix of private and affordable local housing.
23. The proposal will considerably improve the safety of pedestrians on the railway bridge.
24. Additional housing and commercial properties are needed in the area which, together with the improved tourist facilities will greatly benefit the economy of this part of Somerset and the county as a whole.

25. Despite public objections, it seems certain the scheme will go ahead, therefore advantage should be taken of planning gain to create a roundabout at the junction with the A358 Bishops Lydeard bypass. This junction has long been a dangerous one, contributing to the number of accidents advertised on signposts along the bypass. This opportunity should not be passed over, as it was when the Broadgauge Business Park was given planning consent.
26. Although would rather keep open green spaces, as Bishops Lydeard will have to provide additional dwellings in the future and this area is already designated for some building, it is important to be realistic and try to get the best possible solution.
27. The café, toilets, accommodation for railway volunteers and museum are all welcome features, which will obviously be of long term benefit to the railway.
28. Passengers arriving by train at the station will see a railway related structure, the other features of the development being largely obscured.
29. Since mankind set foot on this planet, development has taken place. This proposal is by no means outrageous in size or out of step with the needs of the community. A balanced development this side of the A358 creating employment and homes will be an asset to the village community.
30. When the proposal is considered as a complete project and not as a selection of single units there are a number of significant advantages to be gained, not only for the West Somerset Railway, but also for Bishops Lydeard village in terms of improved road safety and additional or improved local amenities.
31. The Conservation Officers recommendation that the proposed railway developments could be sited at Norton Fitzwarren is inappropriate. At present the Norton Fitzwarren site is on a flood plain and still largely agricultural. The Local Plan does not allow for a heritage railway centre with a station sheds, lots of visitors and by implication cars. The junction at Norton Bridge is substandard. It is not the railway's intention to shift its current operations from Bishops Lydeard.
32. The West Somerset Railway is part of our national heritage and has won several national awards for being the best. These awards have been made for its standard of presentation, as a visitor attraction and facilities for educational purposes in teaching children the part steam railways played in our history. The proposal will improve these aspects, thus continuing to maintain it both as a visitor attraction and as part of our national heritage.
33. The development is vital to the future of the West Somerset Railway and tourism in West Somerset. The potential economic benefits far outweigh the NIMBY approach that seems prevalent in most of the objections posted.
34. A development close by the railway will be less visually damaging than a stand alone greenfield site.

35. Will provide a high quality museum environment in which to present a range of railway artefacts and present the history of the railway. Currently the museums on the railway are cramped and are unable to show their full range of artefacts. This purpose built structure will enable much of that restriction to be addressed and provide an area to allow educational presentations.
36. The restaurant would provide another facility for West Somerset Railway visitors, who currently have to walk into the village if they want a full meal on arrival at Bishops Lydeard, which many are reluctant to do.
37. The proposal will improve safety on the railway bridge.
38. There is a clear need for the carriage shed development, as this is a case where development in open countryside is justified as they need to be connected to the operational railway. The proposed museum and other tourist facilities have a less strong justification for an open countryside location, but they are dependent on the heritage railway operation. Design of the proposed railway buildings is important.
39. Trust that developers will provide roundabout and that there will be no further houses.
40. The carriage shed proposal has been designed to enhance the local environment, much improving the whole appearance of the Bishops Lydeard station area.
41. Proposal will enable the small museum in the goods shed to be moved and the original building restored to its proper condition as a goods shed for display of appropriate items.
42. Without the proposed development, the railway will struggle to bring in non-enthusiast customers because of its cramped family facilities.

WEST SOMERSET STEAM RAILWAY TRUST wholeheartedly support the applications and make the following observations:

1. The proposal will complement and assist the West Somerset Railway (WSR). Approximately 70,000 passengers each year join the WSR at Bishops Lydeard. Enhanced facilities at Bishops Lydeard, as well as the inherent advantages each will bring, will have three significant beneficial effects.
  - (a) They will improve the experience for those visitors who would have already come and so encourage them to return;
  - (b) For a holiday maker at Minehead or elsewhere near one of the other nine stations along the line, the improved facilities will provide more encouragement for a trip on the WSR to be made at all. Also holiday makers will be more likely to stay at Bishops Lydeard for longer and so use and support other village facilities;

- (c) A casual caller at Bishops Lydeard who has a while to wait until the next scheduled departure will be more likely to enjoy the facilities until the next train, rather than driving on. This advantage applies in particular in the 'shoulders' of the WSR season from March to May and September and October where there is room for growth in visitor numbers.
2. The WSR, as one of Britain's premier heritage steam railways, has a gap in its facilities in that it does not have a major museum commensurate with its status and visitor numbers. The existing museum in the former goods shed does not have the space or facilities for this. It is also intended that the museum/visitor centre will incorporate a film/lecture theatre facility and an educational archive, so that papers and artefacts which have come into the railway's possession or have been lent to it can be conserved and made available to the public. There is no museum of this type in Somerset. It will be a mainstay of any visit to the WSR and will materially and substantially contribute to the local tourist economy and education provision.
  3. Since the WSR connection to the national network at Norton Fitzwarren was upgraded in 2006, the number of trains running onto the WSR has increased considerably. Furthermore, internal services have grown in recent years with more services now starting from Bishops Lydeard than in the past. There is therefore an acute shortage of siding space at Bishops Lydeard and further sidings are required to relieve the pressure on the existing facilities.
  4. The existing café, like the museum, is not commensurate for the terminus of a major tourist attraction such as the WSR. The proposed café, which it is intended would be operated by the WSR, would provide suitable, modern facilities in an appropriate location and design. The other facilities in the 'tourist facility', including a cycle hire shop and micro-brewery are both highly complementary to different segments of the WSR tourist traffic.
  5. The carriage shed has been designed as an integral part of the museum. It will house the West Somerset Steam Railway Trust's collection of heritage railway carriages (dating from the 1890s to the 1940s), many of which are intended for use on the WSR. Unlike the all-steel carriages used in normal service on the WSR, which date from the 1950s and 1960s, these older carriages are built on a wooden frame and must be protected from the weather when restored. The Trust's project to produce two trains of wood carriages cannot progress without a site for secure weatherproof accommodation for the vehicles, in a location where they can easily be brought into service on the WSR and retired for protection at the end of their days of service. Equally, they must be available for public access when not in service. Bishops Lydeard as a location fulfils those objectives perfectly. Being able to offer travel in authentic railway carriages from these earlier periods will be a significant boost to the WSR's tourist offering.
  6. The junction of the A358 and Station Road is used by virtually all of the WSR's road-borne visitors to Bishops Lydeard station. Conversion of the A358/Station Road junction to a roundabout will benefit local people, WSR staff and visitors



alike. The proposed improvement on the overbridge will be of significant benefit to all concerned with no effect on the heritage of this location.

7. The enabling development itself brings benefits to the WSR:
  - (a) Much needed improvement to the A358/Station Road junction;
  - (b) It brings a traffic calming scheme and pavement over the railway station bridge, which will bring safety improvements for local residents, road users and railway visitors alike;
  - (c) Services (water, electricity and sewerage) will also be laid into the site, the costs of which will be prohibitive for the railway alone;
  - (d) It brings a community close to the station, which is the best protection against unwanted nocturnal visitors;
  - (e) The inn/restaurant is consistent with the intended use of the land.

It is the enabling development which makes the whole development possible. The WSR could not finance the development from its own reserves.

8. Only a small proportion of the WSR's visitors came purely to travel from A to B. The vast majority come to experience travel on a re-created Great Western Railway branch line which looks back to the 1950s, 40s or 30s. The development must fit in with that aesthetic. The appropriate context for the station buildings is as part of a successful and useful steam railway, which the WSR provides. The WSR now has over 200,000 visitors per year. Bishops Lydeard is the southern terminus and has had then to adapt to the role. The vast majority of the 200,000 visitors make some use of the station. The WSR plans for the total number of visitors to grow to 250,000 in the next 5 years, which implies an increase from 70,000 to 100,000 starting from Bishops Lydeard. The number of services from the national rail network is expected to grow following the present investment in new facilities at Minehead (turntable) and Norton Fitzwarren (turning triangle) which are expected to come into use later this year and 2009 respectively. Bishops Lydeard station has developed through its life. It ceased to be quiet rural station long ago and in the modern era, development to cope with Bishops Lydeard's new role has continued. All this necessary development means that it is no longer feasible to describe the present day Bishops Lydeard as a 'quintessential rural station'. In comparison, the WSR does have 'quintessential rural stations', the best examples being Crowcombe Heathfield and Blue Anchor. It is Bishops Lydeard's role as the terminus or gateway to the line which allows visitors to experience the delights of stations such as Crowcombe and Blue Anchor without subjecting those locations to development pressures.
9. The railway is very alive to the visitor experience which it provides. The proposed buildings for the railway will be visitor experiences in themselves. They will be constructed in the brick-built style favoured by the Great Western Railway in the late 19th and early 20th century. Red brick with blue/black

engineering brick corners, door and window arches under a slate roof to complement the 1904 built signal box immediately opposite the proposed site and other GWR structures on the railway. The visual impact of the proposed carriage building has been minimised by:

- (a) Partly setting it into the ground in a natural depression so as to reduce its overall height;
  - (b) Keeping it as far south as possible, given the constraints imposed by the Taunton high pressure water mains and the need to provide rail access, to allow a suitable space between it and the existing buildings;
  - (c) Designing the eastern edge with a pitched roof to minimise the height of the eastern elevation and so its apparent height at the wall – only 3.6 metres;
  - (d) Confining it to only seven coaches in length.
10. The new buildings will allow the core museum function to be removed from the existing 1862 built Goods Shed. The ugly modern metal extensions can then be removed, allowing the Goods Shed itself to be restored to its original appearance, inside and out, to present a true picture of the era when rural goods travelled by train.
11. The museum and carriage building will, it is correct to say, reduce the view of the field to the west of the station from part of the southbound platform. It has very little effect from the northbound platform. It must be remembered that the persons who have the advantage of the view from the station platform are the WSR's visitors, not the public in general. The overwhelming majority will have come to ride on the train and so will have the benefit of 20 miles of countryside views between Bishops Lydeard and Minehead. It will have little or no effect on the view enjoyed by any neighbouring property. Rural views to the south towards the Blackdown Hills will not be affected.
12. Without the WSR, Bishops Lydeard would be a station no more. Only the tenacity and hard work of the WSR volunteers and employees over many years has secured the present and future of Bishops Lydeard station. This development reinforces and continues that process.
13. Norton Fitzwarren is not a viable alternative for the museum and carriage shed for the following reasons:
- (a) The Heritage Carriage Project will be predicated on public access to the vehicles as they are restored and then displayed in a museum setting when not in use on the line. The funding will be based upon grant applications which will require an established degree of infrastructure during the life of the grant;
  - (b) Easy public access to a museum is plainly an essential pre-requisite, Bishops Lydeard station is open on days when trains do not run (now only

a little over 100 days per year). Norton is not open to the public, nor is it likely to be for several years;

- (c) Development at Norton is at an early stage and currently has no infrastructure or facilities for public or goods access. It is unlikely that could be developed to an adequate level for public access in the timescale required to attract grant funding.
- (d) There is an urgent need to establish covered accommodation for the heritage carriages in a much shorter time scale than any development at Norton Fitzwarren could provide.
- (e) Whilst there is the possibility that a station building may become available for Norton Fitzwarren, the timetable is likely to be in the order of five or more years and the intended use is likely to be an interchange with limited public access and parking from Norton itself.

BISHOPS LYDEARD RESIDENTS ASSOCIATION objects to the proposals and raise the following points:

1. The proposals do not comply with the Local Development Plan Policy. Less than three years after its adoption by the Council, it will be a betrayal of local democracy if so many strategies and policies were cast aside in the name of a 'departure'.
2. Area would be polluted by noise and smoke. Unpleasant symptoms from sulphur fumes have been experienced by workers in Broadgauge Business Park adjacent to the station, therefore contrary to TDLP Policy S1 (F).
3. The Local Plan notes that the historic built environment is protected by listed building legislation and development affecting this is of particular weight in the planning process. See no reason why Gadd's plan should qualify for special exemption from the importance the Council attaches to this strategy.
4. Do not think that Gadd's plans reinforce the local character and distinctiveness of the area, including the landscape setting of the site, and any building involved (contrary to TDLP Policy S2(A)).
5. Local Plan Policy S4 states that Bishops Lydeard is appropriate for selective development which enhances or maintains environmental quality and is unlikely to lead to significant increases in car travel. The proposals do not enhance or maintain environmental quality. The proposed pub/restaurant has 51 car parking spaces. The takeaway facility must generate significant increases in car travel especially when there are no passengers at the station for some 125 days per year.
6. Policy S7 of the Local Plan states that outside defined settlement limits (which Station Farm is), new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area, relates well to existing buildings (criterion G) and accords with a specific

development plan policy or proposal (criterion B). Do not believe that the proposals do any of these things.

7. Development proposals must preserve listed buildings and their setting. The so-called tourist facility is only 10 metres away from the listed building (Slimbridge) at its nearest point.
8. Under Local Plan Policy EC22, land is allocated for recreation and tourist development which supports the tourist potential of the West Somerset Railway and respects the character and setting of the station buildings, including Slimbridge. No housing is included in this policy. The buildings must satisfy the criteria for recreation and tourism. Do not think that business premises, small scale industry (brewery) or a 'take-away' do so. Concerned that the cycle hire and craft shop will not be viable in the longer term and that pressures will develop for other uses, eg more business premises and/or general retail outlets. Have little faith in planning conditions and 'agreements' in the long term. Empty premises cannot be enforced for ever.
9. Do not think that the proposals respect the character and setting of the historic heritage railway station and the scale of the carriage shed is not appropriate (contrary to Policy EC21).
10. Do not consider that the site is the best available in planning terms (Policy H11) because the site is polluted by smoke and noise (Policy S1 (F)) and the proposed development does not respect the character and setting of the station buildings, including Slimbridge (Policy EC22).
11. The rural setting of the historic station would be obliterated by the huge carriage sheds (150 metres long, 22½ ft high) which would not respect the old station buildings. These are the views which visitors see when they first enter the station. There is still the sense that this is a rural halt and the views convey a sense of peace and tranquillity. The sheds would be a grotesque intrusion into a landscape sensitive site.
12. The proposed inn would impact adversely on the three pubs in the village – the nearest being five minutes walk away.
13. Do not think there is any place for an office block and car park in open countryside on a site reserved for recreation and tourism.
14. There are too many houses proposed on the site, the density of housing on the site would detract from its appeal as a tourist attraction and so large a development here could have adverse effects on the village.
15. Need to be very clear about the implications for Bishops Lydeard in the emerging Local Development Framework (LDF). It would make no sense to allow on this site what could be as much as 75% of the allocation in the LDF. The latter may well provide more sustainable sites for housing than Station Farm, which is one km from the village primary school. This site is too important for short-termism.

16. Worried that the size of this overall plan (and its profits) may be important for the possible needs of the planned golf course. Do not think that a plan for the long term benefit of the railway should have anything to do with the golf course.
17. The importance of the historic station and its setting extends far beyond Bishops Lydeard and Taunton Deane. Our heritage is not the property of any one individual or limited company – it belongs to all of us. Any development west of Bishops Lydeard should be kept as small as possible consistent with provision of genuine extra facilities for the long term benefit of the railway and meeting the important environmental and heritage requirements of policies S7 and EC22.
18. No mention in the Planning Statement of the land taken for housing in excess of the allocation to the south of the Station Farm site. The Statement draws heavily on the obsolete West Deane Local Plan to make its case. But that Plan specified that a modest 25 houses was the absolute limit. This raises serious questions about the present total of houses.
19. Application 06/2007/043 depends upon securing a huge sum of grant aid. To date there has been no indication from the West Somerset Railway or the West Somerset Steam Railway Trust of what grant sum is required or its likely sources. Unless these are known and secured, the Authority should not approve an overall plan which at this stage appears to depend on a very large unknown quantity. A grant which may be forthcoming is an unsatisfactory background to the granting of planning permission. The implications of a shortfall in grant aid are too important for our heritage and for Bishops Lydeard because it could mean a subsequent request for even more housing in open countryside. A basic steel-framed industrial building is likely to cost £2.2m. A similar building but with brickwork to top of door level would cost £2.7m. The construction of brick walls to eaves level with a slate roof and incorporating heritage refinements could take the cost even higher. Other considerations may also add to the cost – purchase of land, provision of platforms and track and internal fittings. A further sum of close to £1m is likely to be required for the restoration of the carriages. Assume that the applicant's estimate of £1.2m for the carriage shed does not include the museum, cost of land, etc or the restoration costs of the carriages.
20. The project for the carriage shed is not urgent. Carriages are mostly transported by road on low trailers and thus may be stored and restored anywhere. There would be little difficulty securing temporary storage until infrastructure at Norton Fitzwarren is ready to attract grant funding for a permanent weatherproof building on land already in railway ownership with no Local Plan heritage restrictions placed upon it. Do not accept that it is essential that the carriages are displayed in huge intrusive sheds. The carriages will be seen in use on the line. If the coaches eventually reside at Norton Fitzwarren, there should be no difficulty for those who want to see them at other times. It is the intention of the West Somerset Railway to erect a station at Norton Fitzwarren.

21. Whilst support both the proposed museum and café, doubt if the museum has to be the size proposed (6½ times the area of the present museum) and situated to obliterate the view between the station master's house and the station buildings. It should be situated on a less intrusive area and designed to be more in keeping with the Brunel style station buildings.
  22. Concern regarding the size of the proposed inn/restaurant and the possible effect on public houses and bed and breakfast establishments currently in Bishops Lydeard and on the proposed WSR café. Furthermore if it is not built, there will be a large hiatus in the middle of the site. If no alternative use for the long term benefit of the railway is found, the major concern is that a request could come forward for more houses to fill the hiatus.
  23. Disagree with the assumption that by spending more time at the station, visitors will be more likely to use and support other village facilities. A condition of any development permitted should include the improvement of signage and linkage to the village.
  24. Question whether this is really an intelligent choice of site for residential development, adjacent to the station with the possible effects of noise and coal smoke pollution.
  25. Support the principle of affordable housing and fully understand its wide appeal, but think it ill-considered to include affordable housing as a justification for a large residential development on a site outside settlement limits with restrictive heritage criteria placed upon it. In his report on the previous (2006) application, the Planning Officer said that the provision of affordable housing on the site had to be considered against the background of the Conservation Officer's report and the overall development on the character and rural setting of the station. It would be extremely difficult to understand if he did not express a similar view with respect to the current application.
- 2.6 Refusal reasons on previous applications still apply.

## **10.0 PRINCIPAL ISSUES FOR CONSIDERATION**

- (A) Does the proposed development comply with relevant Local and National planning policies? POLICY
- (B) Is the access to the site and the road network of the area suitable to serve the proposed development? HIGHWAYS AND ACCESS
- (C) Are the proposed tourism and leisure facilities viable without the enabling development? NEED FOR OPEN MARKET DWELLINGS
- (D) Will the proposed leisure and tourism elements be viable in the future? VIABILITY OF LEISURE AND TOURISM DEVELOPMENTS
- (E) Will the proposals affect the commercial viability of existing services in the area? IMPACT ON LOCAL SERVICES

- (F) Will the proposed development support the tourist potential of the West Somerset Railway (WSR)? WEST SOMERSET RAILWAY
- (G) Is the site a suitable location for affordable housing and is the proposed development capable of delivering such housing? AFFORDABLE HOUSING
- (H) Has the proposal development made appropriate arrangements for any wildlife present on the site? WILDLIFE
- (I) Is the site at risk of flooding? FLOODRISK
- (J) Will the setting and character of the station buildings, including Slimbridge be respected? IMPACT ON STATION BUILDINGS AND SLIMBRIDGE
- (K) What will the landscape impact be of the proposed development? LANDSCAPE IMPACT
- (L) Is the proposed development sustainable? SUSTAINABILITY
- (M) Other Issues

**(A) Policy**

The development of land alongside Bishops Lydeard Station as a tourist attraction has been considered for a number of years and was first formalised in the now superseded West Deane Local Plan which was adopted in 1996. The Plan noted that there are poor visitor facilities at Bishops Lydeard Station and that land west of the station has the capacity for a major residential and tourist facility which would create economic benefits in its own right and help to support the continued viability of the railway. The Plan allocated by Policy WD/RT/3, (the wording is included in the Relevant Planning Policies section of this report) an 8 ha. site for recreation and tourist development.

At this time, the Authority accepted that tourist and recreation proposals here may not be viable in their own right. This was in part because of the uncertainty surrounding tourism businesses, and in part because of the likelihood of expensive off-site highway improvements being required. The policy therefore allowed for 'modest' levels of non tourist or recreational developments, such as housing or offices, where this was necessary to underpin tourism proposals. This would be subject to a detailed financial appraisal proving that the non-tourist 'enabling' development is necessary to ensure the viability of the recreation and tourist development.

The 8 ha site proposed in the West Deane Local Plan took in the area covered by the current application sites.

The West Deane Local Plan has now been superseded by the Taunton Deane Local Plan. The Deposit version of the Plan, published in 1998 (at that stage Policy EC17)

carried forward proposals for recreation and tourist development west of Bishops Lydeard Station. The Policy stated that the Authority may be prepared to accept a modest amount of other uses, where this can guarantee the provision of suitable and significant recreation and tourism development. In the Revised Deposit version of the Plan, published in 2000, the allocated area was significantly reduced, resiting to the north western part of the originally proposed site. It did, however, indicate that Station Farm, lying between the allocated site and the station, would be suitable for similar uses. The reference to provision of a modest amount of other uses was deleted from the policy.

This reduction in site area was the subject of objections which were heard at the Local Plan Inquiry. At the Inquiry, the Authority contended that the site is not a sustainable location for substantial residential development or a significant tourist development due to its remoteness from Taunton, and therefore conflicted with national, strategic and local planning policies. It was furthermore noted that a similar allocation at nearby Sandhill Park had resulted in the development of 50 dwellings (now known as Lethridge Park), but the museum (Blazes) which was set up in conjunction with the housing has subsequently closed.

The objections considered at the Inquiry proposed the re-instatement of a more substantial area for development in line with that included in the West Deane Local Plan and the deposit Draft version of the Taunton Deane Local Plan. They considered that the Revised Deposit proposal was not viable without significant housing development of up to 60 dwellings to enable the leisure proposal to proceed.

The Local Plan Inspector concurred with the Council's view that substantial housing development of the magnitude suggested by the objectors would be unsustainable in this location. The experience of Sandhill Park also led him to conclude that there was no guarantee that substantial enabling development would provide for ongoing benefits to the West Somerset Railway which could be set against general policy. In addition he considered that the development of a substantial housing scheme in this location would be harmful to the setting of the existing station and the environment of the area generally.

Notwithstanding the above conclusions, the Inspector considered the West Somerset Railway to be a valuable heritage and tourism facility and he noted that the then current provision for visitors in and around the terminus to be poor. In his view, the Local Plan should seek to encourage the further development of facilities for the railway and he considered that the policy in the Revised Draft Local Plan was less supportive of that objective. He therefore concluded that a reference should be reinstated in the policy to indicate that the Council would consider a modest amount of enabling development where an acceptable development scheme based on improvement to the West Somerset Railway facilities was proposed.

The Authority did not accept this Recommendation of the Inspector. In its reasons for not accepting the Recommendation, reference was made to the experience at Sandhill Park. The Authority also considered that more appropriate and sustainable opportunities could be justified. Examples indicated were a related joint commercial/West Somerset Railway allocation on land adjoining the bulk of the West Somerset Railway operation, south of Broadgauge Business Park or a residential



allocation east of the A358, in closer proximity to existing village facilities. The Authority therefore considered that there were valid planning reasons for resisting the reinstatement of wording in its policy to facilitate enabling development at the West Somerset Railway.

Further representations to the Local Planning authority on behalf of the appellants contended that the reasons for not accepting the Local Plan Inspectors Recommendation did not present valid planning reasons for resisting the enabling development, since it was clear that without it the desired improvements to the facilities at the station simply could not take place. The representations therefore requested the reinstatement of the Inspector's Recommendation with the need for there to be a modest amount of enabling development. This was not accepted by the Authority in accordance with the final adopted version of the Local Plan (Policy EC22). The Adopted Plan does not, therefore, provide for any enabling development. The current intention, therefore, is that the original site of approximately 8 ha in extent, with enabling housing development, has been reduced to a site of approximately 2 ha in extent, without any enabling development. The applicants regard this approach to be totally contrary to achieving the objective of improving the southern terminus of the West Somerset Railway, which is regarded as a major tourist facility. The current proposal provides for enabling development in the form of unrestricted open market housing. In this respect, the proposal is contrary to the Adopted Local Plan policy related to the land west of Bishops Lydeard railway station. The application sites are also substantially larger than that allocated in the Local Plan, albeit partly being on the site of farm buildings to which reference is made in the Plan that further suitable development may be appropriate.

## **(B) Highways and Access**

A Transport Assessment was submitted with the previous 2006 planning applications. An Addendum has been submitted with the current planning applications, which sets out the implications of the revised proposals on the level of traffic generated by the proposed development.

The aim of the Assessment was to assess the suitability of the proposed development in terms of traffic and transport matters. The Assessment considered the accessibility of the site by means of travel other than the car, the existing traffic and safety conditions in the vicinity of the site, and the capacity of the local road network to cater for the development traffic. A survey of existing traffic flows was carried out.

A number of bus services operate via Bishops Lydeard, including services which operate regularly throughout the day to Taunton (including Sundays). There are bus stops close to the site and further bus stops are provided within the village.

Car parking is provided on the basis of 51 spaces plus 4 disabled spaces for the inn/restaurant and 50 spaces for the tourist facility. Each dwelling will have at least one parking space. The proposed office development incorporates 10 parking spaces.

The Transport appraisal assesses the proposed development in terms of its potential impact upon the local highway network and also for its consistency with transport policy. The Appraisal contends that the proposals are consistent with Central Government and Local transport planning policies.

The analysis of accident records indicates that there are no shortcomings in the immediate vicinity of the site and the proposed access on Station Road. The proposed traffic signals on the railway bridge to restrict traffic flow to single way working would improve the inter-visibility between oncoming traffic on approach to the bridge and allow sufficient width for the new pedestrian footway between the site and the A358.

The Addendum concludes that the alterations to the scheme are comparable in traffic terms to the traffic generation set out in the Transport Assessment submitted with the earlier applications. The plans provide for a roundabout to be provided at the junction of Station Road and the A358. On this basis the County Highway Authority does not raise objection to the applications.

### **(C) Need for Open Market Dwellings**

The Financial Appraisal submitted with the planning applications concluded that without open market housing the final value of the proposed tourism and leisure elements is negative. This in part is brought about by the abnormal cost associated with the location of the development involving additional access roads, road works in the form of traffic controls and a roundabout at the A358/Station Road junction and costs of dealing with services in the form of an electricity sub-station and drainage disposal. The appellants consider that the mix of development reflects the optimum mix of commercial and open market dwellings in order to provide a financial viability that is acceptable to bring the scheme to fruition.

### **(D) Viability of Leisure and Tourism Developments**

An assessment of the applicant's Financial Appraisal has been obtained from an independent consultant.

The latter considers that there is a need for some enabling development in the form of open market houses in order to make the tourist related developments viable.

### **(E) Impact on Local Services**

The rural centre of Bishops Lydeard lies on the other side of Bishops Lydeard to the site. The local facilities include 2 public houses, newsagents, post office, corner food store, Co-op, butchers, health centre/pharmacy, builders merchants, public library, veterinary surgery, primary school and church. The footway on the northern side of Station Road continues to a 2.5 m wide lit subway for pedestrians and cycle use under the A358, emerging to join a footway on the Bishops Lydeard centre side.

There are a number of existing public houses and restaurants in Bishops Lydeard and the surrounding area. The independent consultant for the previous applications

indicated that the proposed development could affect these existing outlets, but fundamental viability may not be adversely affected.

### **(F) West Somerset Railway**

The West Somerset Railway is an important tourist attraction for the area. However, facilities for visitors at Bishops Lydeard station, the southern terminus of the line, are limited. Proposals are encouraged which enhance the tourist potential of the railway. Therefore proposals for further facilities to meet the needs of existing visitors to the West Somerset Railway are encouraged, subject to meeting the requirements of Local Plan policies, in particular Policies EC21 and EC22. The West Somerset Railway now wholeheartedly support the proposals.

One of the main tourism objectives of the Council is the promotion and enhancement of the West Somerset Railway. This involves the development of the southern terminus of that railway at Bishops Lydeard as a tourism attraction.

Photographs of the station taken in 1972 have been submitted by the West Somerset Steam Railway Trust providing a comparison with the current condition of the station. The Trust considers that such comparison will instantly dispel any suggestion that the present West Somerset Railway will have difficulty in sustaining the effort needed to finance and bring the proposed museum and carriage display building to fruition. The same level of refurbishment has been achieved over 22 miles of railway, 9 further stations, five signal boxes and many locomotives, carriages and other items of rolling stock.

### **(G) Affordable Housing**

The proposed development provides for 16 affordable housing units. These will be a mix of rented, shared equity and low cost market housing.

The Housing Officer supports the provision of affordable housing, and I consider that this is an appropriate location for such use in terms of proximity to services and the suitability of the access.

### **(H) Wildlife**

Various Wildlife surveys and reports were submitted with the previous 2006 planning applications. The Wildlife consultant modified considers that these are still relevant. He understands that the site has not been since the issue of the report and on this basis the recommendations of the report are still considered to apply.

The proposal involves the demolition of a number of buildings. No evidence of use by bats was found in any of the buildings. Several of the buildings were considered unsuitable for bats, although one of the traditional brick barns offers potential bat roosting between the roof tiles. Several swallow nests were present in the outbuildings. Shrew and mouse droppings were found in the attic of the bungalow. No evidence of use by barn owls was found. The conclusions of the survey state that the roof of the brick barn should be dismantled carefully by lifting tiles rather than sliding them. Should any bats be discovered during dismantling, the work

should cease and English Nature be contacted for further advice. The survey also recommends that demolition work should be planned for between September and March to avoid risking destruction of active swallow nests, which are protected under the Wildlife and Countryside Act.

A Wildlife Habitat survey was also carried out to look for signs of legally protected species and to evaluate the wildlife value and potential of the site. Within the site there are hedgerows, ditches, a minor brook, small areas of semi-improved grassland, and a number of trees present. The results of the survey indicated that the site holds no statutory or non statutory designations and there are no records of protected or notable species on the site. No protected habitats or rare species of flora were noted during the site survey. A small horticultural hedgerow growing along the bungalow driveway is considered to be of some value to nesting birds. Piles of rubble provide a potential refuge for reptiles. The farmyard is considered to be of low ecological value. Small areas of semi-improved grassland to the north of the site and to the immediate west of the bungalow garden provide a potential foraging ground for species of reptile in particular slow worms. These areas are considered to be of low - moderate ecological value. The pasture fields are considered to be of low ecological value. The habitat adjacent to the brook provides potential habitat for slow worms and grass snakes. SERC have identified numerous records of reptiles within 1 km of the site.

If the above reptile habitats are to be affected by the proposed development, the survey states that a reptile survey utilising artificial refuges is required prior to commencing site works. If reptiles are confirmed to be inhabiting these areas, a translocation programme should be put in place to remove the reptiles to a new habitat prior to commencing site works.

The hedgerows are deemed unsuitable for dormice, no direct evidence of which was identified within the hedges. No sign of badgers were identified during the survey.

In conclusion, the consultants note that although no direct evidence of protected species activity within the boundary of the site has been identified, habitats which are suitable for a number of protected species have been identified during this site survey. In particular, it recommends that any work where birds may be disturbed should be avoided during the bird breeding/nesting season, which is generally between March and September.

Part of the proposals provide for the translocation of one of the hedgerows to the rear of the visibility splay along Station Road. The Wildlife consultants consider that although the hedgerow is considered 'important' due to its age and wildlife value, under the Hedgerow Regulations 1997, its overall ecology would not suffer greatly if translocated nearby. A bat survey is recommended prior to any works being undertaken to the mature pedunculate oak tree on the site. The Consultants recommend that any planting schemes on site should only utilise native species or those horticultural species known to be of benefit to wildlife.

At present, Natural England consider that there is insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected agencies - in particular dormice, water voles and slow worms.

Further reports on water voles have been submitted and the further views of Natural England and the Nature Conservation Officer are awaited.

### **(I) Flood Risk**

A Flood Risk Statement was submitted with the planning applications. Whilst the site is outside the identified flood risk zones, consultants were commissioned by the applicants to produce a strategy in liaison with the Environment Agency for the dispersal of surface water runoff from the estate roads, buildings and associated hard landscape areas, utilising the land to the south of the application site. The strategy also covers the existing stream, as well as establishing the optimum finished floor levels for the housing and tourist facilities.

The Environment Agency is still seeking clarification on a number of issues related to the proposed development and discussions with the applicant's consultants are ongoing.

### **(J) Impact on Station Buildings and Slimbridge**

Taunton Deane Local Plan Policy EC22 states that any development must respect the character and setting of the station buildings, including Slimbridge, a Grade 2 listed building.

With regard to the mixed use development and tourist facility (Application 06/2007/027), the Conservation Officer notes that the replacement of the existing outbuildings to Slimbridge with a new building is not in itself objectionable, although he considers that the design of the proposed tourist facility is an important consideration. Unlike on the previous proposal, he does not specifically raise the issue of the proposed housing as a detrimental impact on the setting of the listed building, Slimbridge. The amended plans address the design issues raised by the Conservation Officer and agreement of materials is covered by a recommended condition.

In their submissions, the applicants note that the setting of Slimbridge, which is a Grade II listed building, is respected by an interruption in the built form in the vicinity of the existing house and garden. This is further reinforced in terms of scale and massing as the courtyard tourist building steps down in height on its northern and southern sides.

With regard to application 06/2007/043, the Conservation Officer does not specifically raise concerns with regard to Slimbridge, which is the only listed building in the area. He does, however, have concerns with regard to the impact of the proposed carriage shed and museum building on the setting of the station and considers that these buildings would be better located on land owned by the West Somerset Railway at Norton Fitzwarren.

The West Somerset Steam Railway Trust Ltd has submitted photographs of Bishops Lydeard Station in 1972, just before it came into the care of the present West Somerset Railway. These provide a comparison with the present site of the station. The Trust considers that when assessing the effect of the proposed buildings on the

heritage and setting of the existing buildings, it should be recognised that the existing buildings may well not have survived at all were it not for the largely voluntary efforts of the present railway staff.

### **(K) Landscape Impact**

The proposed landscape strategy aims to retain the rural character of the area. The hedge to the west of the access road is to be translocated to the south of the forward visibility splay. This will preserve the natural feature as well as providing an instant mature visual barrier to the proposed development. The existing hedge bank to the north is maintained and this is to be reinforced with specimen tree planting to improve its form and impact and to create a strong visual buffer. The new hedge bank with timber fence proposed for the eastern boundary provides a physical and acoustic barrier between the inn and the courtyard development. Within the development specimen trees have been used wherever appropriate to break up the hard surfacing of the car parking areas. Spaces are sub-divided by gravel planting areas with trees. Hedgebanks form rear plot divisions where possible and strategic specimen tree planting is placed to break up the silhouettes of the buildings and screen them from neighbouring properties.

The Taunton Deane Local Plan notes that the site is potentially sensitive in landscape terms. However, the Landscape Officer does not raise any in principle objection to the proposal and considers that the proposed boundary landscape buffer would help to soften the impact of the proposal on the open countryside to the south and west of the proposed development.

### **(L) Sustainability**

The proposed development is close to bus services linking Bishops Lydeard with Taunton and is also within reasonable walking distance of the rural settlement of Bishops Lydeard, with its range of local facilities.

The proposed tourist facility would be an attraction to visitors arriving by train on the West Somerset Railway. However, there are times of the year over the winter period when no services are run. I consider that it is inevitable that a proportion of the customers of the tourist facilities would arrive by car.

The buildings will use construction methods and materials whose standards are in excess of those required by current Building Regulations. Energy conservation and supply are considered in the method of construction and materials selection. The use of micro-renewable energy sources is being considered.

Adequate provision could potentially be made for any wildlife on the site.

### **(M) Other Issues**

Reference is made to the applicant's submission to the current proposals comprising Phase 1 of an overall development, with Phase 2 being a future golf course and club house. The golf course proposals are not the subject of the current application and should have no bearing on their consideration.

A number of the letters of representation make reference to smoke and fumes from the steam engines on the West Somerset Railway having an adverse impact on the amenity of the future occupiers of the new dwellings. However, the Environmental Health Officer raises no objection and has not raised this as an issue and I therefore do not consider that it is appropriate to raise objection to the scheme on these grounds.

The size of the housing element of the proposal is below the threshold at which contributions for improving education facilities in the area may be sought under the Local Plan policies.

Provision of additional leisure facilities would potentially affect the viability of the scheme from an enabling point of view and is not considered to be appropriate.

Loss of value of existing residential properties is not a valid planning issue.

## **11.0 CONCLUSION**

Previous planning applications for tourist related development together with enabling housing development and affordable housing were not viewed favourably by the Committee when they were considered in January 2007. Since that time, the overall proposals have been changed to revise the tourism element of the proposals and incorporate development by the West Somerset Railway itself, in the form of a museum and carriage shed. Elements of the other tourist related development will also be operated by the West Somerset Railway.

The proposal provides for a tourism and leisure development on the site, financially pump-primed by an appropriate level of enabling residential development. The Authority's financial consultants have confirmed that the tourism elements of the proposal, with the receiving infrastructure and highways works, would not be financially viable unless there was an element of enabling, in the form of open market housing, development. There are significant 'up-front' costs to be borne, not least the off-site highway improvements and the provision of properly upgraded services to the site. In practice this means that without the enabling housing development, the tourist development, including the proposed museum and carriage shed would not proceed because the infrastructure start up costs would be too great.

If the proposal does not proceed, the aspirations of the West Somerset Railway, one of the major tourist attractions of the area, are unlikely to be met. I consider that the proposals provide an opportunity to enhance the Deane's tourism attraction and this must be given considerable weight in deciding the applications. The proposal also provides for a number of affordable housing units, which will go some way towards meeting the clear need in the area.

These positive aspects of the proposals have to be balanced against other important issues. The site is outside the settlement limits where open market housing would not normally be allowed unless there is an appropriate need and there are objections to the proposals from the Conservation Officer.

Although the site is outside defined settlement limits, the scale of the proposed housing development is considerably less than that proposed by objectors at the Taunton Deane Local Plan Inquiry and to that extent will not be as harmful to the setting of the railway station and the environment of the area generally. Most of the housing development is on land currently occupied by farm buildings and their surrounding hardstandings, etc. The proposal also provides for a significant proportion of the new housing to be affordable. In the current climate of there being a dire shortage of such housing, the provision of this will be of considerable benefit to the area. The development will also provide tourist facilities which will be of benefit to new buildings directly for the West Somerset Railway. The West Somerset Railway is one of the major tourist attractions of the area and these elements of the proposal support the aspirations of the railway and hence the vitality and viability of the local economy. The Taunton Deane Local Plan Inspector considered that in order to be supportive of further development of facilities of benefit to the railway, a modest amount of enabling development was appropriate. Against the background of the Council's financial advisors concluding that the tourism related aspect of the proposal would not be viable on their own, I consider that the principle of the development, including the open market housing is acceptable.

The Conservation Officer and a number of the objectors suggest that the proposed carriage shed and museum buildings should be located at Norton Fitzwarren. The West Somerset Steam Railway Trust, in their submissions, do not consider that this is a suitable option, a view with which I concur. There is an overriding need for improvements to the 'destination' facilities at Bishops Lydeard station, which is, and is likely to remain, the southern terminus of a major heritage steam railway. The provision of the carriage shed to house rare heritage carriages and much improved museum facilities, together with rationalisation of the existing station buildings and surroundings will be of great benefit to the aspirations of the railway. The current role of the station as a major terminus in what is somewhat cramped facilities currently dilutes the rural branch line station image. Indeed in the immediate surroundings of the existing station buildings, the proposal will allow the railway to revert their buildings back more towards the way they once were - particularly on the western side of the station. The proposed carriage shed, by its nature, will be a long building and will close off some views from the southbound station platform, it must be borne in mind that the platform is on private (West Somerset Railway) land and the current platform has been extended by the West Somerset Railway since it took over operation of the line. Views across the open fields towards the Blackdown Hills will not be affected.

The proposed carriage shed building will also screen the main views from the platform of the new residential development. Visitors to the station will therefore see railway related buildings and features, rather than houses. I therefore conclude that although the setting of the station will change as a result of the proposed developments, when all the issues are taken into account, in particular the aspirations and support of the West Somerset Railway, the applications should be viewed favourably.

I consider that with the recommended Section 106 Agreement, the tourist related facilities will be provided in tandem with the housing development. The provision of the infrastructure work will also enable the West Somerset Railway to proceed with



bids for grant aid funding and launch general funding appeals purely for the buildings themselves. They will be provided with a serviced site and they have readily available the trackwork, ballast and other materials to establish the basis for the carriage shed at an early date.

The proposal will also secure improvements to the local highways infrastructure, in particular the provision of a roundabout at the junction of Station Road with the A358.

My recommendations are therefore favourable ones.

**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**

06/2008/010

GRADECLEAR LTD

**CONVERSION OF THE MANSION HOUSE AND ORANGERY FOLLOWING SOME PARTIAL DEMOLITION TO 19 ONE AND TWO BED APARTMENTS AND CONVERSION OF OUTBUILDINGS PART TO 7 TWO AND THREE BED APARTMENTS AND PART FOR USE AS A COMMUNITY CENTRE FOR THE DEVELOPMENT, ERECTION OF 50 NEW DWELLINGS (INCLUDING 10 AFFORDABLE DWELLINGS), DEMOLITION OF REMAINING FORMER HOSPITAL BUILDINGS AND THE REINSTATEMENT OF THE SITE OF THE BUILDINGS AND ROADS TO PARKLAND AND INFORMAL GARDENS, RESTORATION OF PARKLAND, FORMATION OF PARKING AREAS AND FOOTWAYS AND IMPROVEMENTS TO ACCESS ROAD, ACCESS AND FOOTWAYS, SANDHILL PARK, BISHOPS LYDEARD**

315620/129860

FULL

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## **1.0 RECOMMENDATION**

Subject to:

1. The views of the Secretary of State under the Departure Procedures;
2. The views of the Nature Conservation Officer and Natural England; and
3. The applicant entering into a Section 106 Planning Agreement to provide for the following:
  - (a) No repair works to the Mansion to be commenced nor the occupation of more than seven dwellings on the new build land (other than the affordable housing) until a Repair Bond (in the sum of £750k) has been entered into;
  - (b) Completion of Repair Works within five years of the date of the Repair Bond;
  - (c) No commencement of the conversion works or occupation of more than seven dwellings on the new build land (other than the affordable housing) until a Conversion Bond (in the sum of £1m) has been entered into;
  - (d) Completion of the Conversion Works within five years of the date of the Conversion Bond;
  - (e) No commencement of the Repair Works or Conversion Works until it has consulted with the Council to the appointment of the main contractor to carry out the Repair Works and Conversion Works, such contractor to be a specialist in the execution of restoration/repair works to historic buildings;
  - (f) Works of Restoration to the Pleasure Gardens shall be completed in accordance with details and a specification to be approved within two years from the occupation of any dwelling;
  - (g) Works of Restoration of the Parkland Areas shall be completed in accordance with details and a specification to be within three years from

- the occupation of any dwelling and prior to the occupation of the last five dwellings on the new build land other than affordable homes;
- (h) Occupation of no more than seven dwellings on the new build land, other than the affordable housing, until the Repair Works and Conversion Works have commenced;
  - (i) No dwelling to be occupied until the Hospital Buildings have been demolished, the material arising removed and the site made good, in accordance with details and a specification to be approved;
  - (j) Details of the proposed Mansion House Management Agreement to be included in any documentation relating to the sale of any dwellings in the Mansion, there to be no occupation until the Agreement is completed;
  - (k) Details of the proposed Barns Management Agreement to be included in any documentation relating to the sale of any dwellings in the barns, there to be no occupation until the Agreement is completed;
  - (l) Details of the proposed New Build Management Agreement to be included in any documentation relating to the sale of any dwellings on the new build land, there is to be no occupation until the Agreement is completed;
  - (m) The documentation relating to the sale of the dwellings still provide for the occupiers to be housed by the Parkland Management Agreement, there is to be no occupation until the Agreement is completed;
  - (n) No parking of vehicles or bicycles other than within designated areas, with covenants being imposed on the purchasers of dwellings;
  - (o) No dwelling to be occupied until a Travel Plan has been submitted to and approved in consultation with the Highway Authority;
  - (p) The provision of 10 units of Affordable Housing (five shared ownership/five for rent);
  - (q) The provision of community space; and
  - (r) Creation of public paths, parking and interpretation of the assets.

3. The further views of the Environment Agency and English Heritage, and the views of the County Highway Authority;

The DCM be authorised to determine the application in consultation with the Chairman and if permission is granted be subject to the following conditions:

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 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. Such schemes shall be implemented in accordance with an approved programme and details.
- 02 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN28.

- 03 Before any works hereby permitted are commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.
- 03 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels in accordance with Taunton Deane Local Plan Policy S1(E).
- 04 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority. Natural materials shall be used for the roofs of the proposed new dwellings. A sample panel of brick and render shall be erected on site prior to approval.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 05 The external surfaces of the buildings to be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.
- 05 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B)(i).
- 06 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 06 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 07 Details of the structure and colour of the mortar to be used in the brickwork (stonework) shall be submitted to and approved by the Local Planning Authority before the development commences.
- 07 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 08 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within a period of time or a phased programme agreed with the Local Planning Authority before commencement of the development. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 08 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 09 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls,

cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

- 09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 10 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 10 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN6.
- 11 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 11 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Policy EN6.
- 12 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 12 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policy EN6.
- 13 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 13 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 14 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 14 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 15 The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout,

- levels, gradients materials and method of construction shall be submitted to the Local Planning Authority.
- 15 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 16 Prior to the commencement of development a scheme and programme of works as necessary for the driveway and adjacent footway, together with details of the future maintenance arrangements (for the drive and estate road) shall be submitted to and approved in writing by the Local Planning Authority. The necessary works shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted, and shall thereafter be maintained in accordance with the agreed programme.
- 16 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 17 None of the dwellings hereby permitted, shall be occupied until a footway has been provided between the site access, and the entrance to the Greenway estate, in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of said authority.
- 17 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 18 There shall be no vehicular access to the site other than from South Drive and Station Road.
- 18 Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjoining highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 19 The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the dwellings which they are to serve are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 19 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 20 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 20 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 21 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.
- 21 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Planning Policy Guidance 15.
- 22 All services shall be placed underground.

- 22 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).
- 23 Detailed drawings indicating height, design, intensity of light and manufacturer's specification of any external lighting in non-private areas shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced.
- 23 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN34.
- 24 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of two copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).
- 24 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).

- 25 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) there shall be no addition or extension to the dwelling(s) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 25 Reason: The Local Planning Authority is not satisfied that the dwelling(s) could be extended without detriment to the amenities of the area or the existing dwelling in accordance with Taunton Deane Local Plan Policies S2 and H17.
- 26 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 26 Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Policies S1 and S2.
- 27 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 27 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2 (A).
- 28 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 doors or windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.
- 28 Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and to preserve the design and external appearance of the building(s) in accordance with Taunton Deane Local Plan Policies S1(D) and S2.
- 29 Details of the appearance of any sub-stations for utility provision shall be submitted to and approved in writing by the Local Planning Authority.
- 29 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 30 Before the development hereby permitted is commenced details of the security fencing to any building materials compound shall be submitted to and approved by the Local Planning Authority and such fencing shall be provided to the satisfaction of the Local Planning Authority within one month of the commencement of the development and thereafter maintained until the completion of development on the site.
- 30 Reason: In the interests of the protection of the public in accordance with Taunton Deane Local Plan Policy S1(E).



- 31 The mitigation measures for protected species and other wildlife, set out in the submitted 'Report on Ecological Survey' shall be carried out as part of the development.
- 31 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Policy EN4.
- 32 The windows hereby permitted shall be recessed in the wall to match the existing window recesses.
- 32 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 33 Prior to commissioning, specific details of windows and external doors, including finished treatment, shall be submitted to and approved in writing by the Local Planning Authority.
- 33 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 34 There shall be no bell casts to the proposed rendered areas.
- 34 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Planning Policy Guidance 15.
- 35 Provision shall be made for combined radio and TV aerial facilities to serve the development hereby permitted and no external radio or TV aerial shall be fixed on any individual residential property or flat or other unit of living accommodation.
- 35 Reason: Provision shall be made for combined radio and TV aerial facilities to serve the development hereby permitted and no external radio or TV aerial shall be fixed on any individual residential property or flat or other unit of living accommodation.
- 36 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied.
- 36 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.

### **Notes to Applicant**

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 04 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 05 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who

may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

- 06 The development hereby approved may be subject to the Construction (Design and Management) Regulations which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 07 Your attention is drawn to the Listed Building Consent relating to this property numbered 06/2008/011LB.
- 08 The dwellings to be erected should be built of good quality materials in view of the location of the site adjacent to a Listed Building.
- 09 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 10 With regard to Condition 02, you should use the principles of sustainable drainage methods (SUDs) as set out in the attached notes.
- 11 You are advised that a licence may be required in respect of the protected species on the site.
- 12 Noise emission from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800. Saturdays 0800 - 1300. All other times including public holidays - no noisy working. The developer should ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition.
- 13 The following advice is provided by the Somerset Fire Brigade:- 1. Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. 2. Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. 3. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards."
- 14 The following informatives are requested by the Environment Agency: (a) The Agency recommends that because of the need to protect and safeguard the environmental qualities of the site, and the scale and likely programme of construction, the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds, and the control and removal

of spoil and wastes; (b) This Agency must be notified immediately of any incident likely to cause pollution.

15 You are advised to contact Wessex Water (01225 526000) with regard to connection to their infrastructure.

06/2008/011LB

GRADECLEAR LTD

**CONVERSION OF THE MANSION HOUSE AND ORANGERY FOLLOWING SOME PARTIAL DEMOLITION TO 19 ONE AND TWO BED APARTMENTS AND CONVERSION OF OUTBUILDINGS PART TO 7 TWO AND THREE BED APARTMENTS AND PART FOR USE AS A COMMUNITY CENTRE FOR THE DEVELOPMENT, DEMOLITION OF REMAINING FORMER HOSPITAL BUILDINGS, SANDHILL PARK, BISHOPS LYDEARD**

315620/129860

LISTED BUILDING CONSENT-WORKS

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**1.0 RECOMMENDATION**

Subject to:

1. The views of the Secretary of State;
2. The applicants entering into a Section 106 Planning Agreement (to provide as recommended on planning application 06/2008/010); and
3. The further views of the Environment Agency and English Heritage, and the views of the County Highway Authority;

Consent be granted subject to the following conditions:-

- 01 The works for which consent is hereby granted shall be begun within three years from the date of this consent.
- 01 Reason: to comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 02 The surfaces of the works for which consent is hereby granted shall be of materials as indicated in the application form and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: to safeguard the appearance of the building and the visual amenities of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 Prior to the works of demolition and conversion, for which consent is hereby granted, is commenced, a photographic record and measured survey of those elements of the historic complex to be demolished, removed or compromised, shall be submitted to and approved in writing by the Local Planning Authority.
- 03 Reason: To ensure appropriate information is secured to enable an agreed programme of repairs in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Planning Policy Guidance 15.
- 04 The external surfaces of those parts of the building to be retained following the consent to demolish shall be repaired or renewed with salvaged materials from the building demolished, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.

- 04 Reason: To ensure that the proposed development does not have an adverse effect on the appearance of the original building in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 05 Prior to the works for which consent is hereby granted is commenced, specific details of the means of venting recovered roofs, and enclosed bathrooms/ensuites, shall be submitted to and approved in writing by the Local Planning Authority.
- 05 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Planning Policy Guidance 15.
- 06 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, specific details of the means by which fire separation and sound transmission measures are to be accommodated, shall be submitted to and approved in writing by the Local Planning Authority.
- 06 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 07 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, a schedule of repairs on a room by room basis, shall be submitted to and approved in writing by the Local Planning Authority.
- 07 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 08 Prior to the works of conversion of the mansion, for which consent is hereby granted is commenced, a schedule of existing doors/linings/architraves, which are to be relocated, shall be submitted to and approved in writing by the Local Planning Authority.
- 08 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 09 All additional doors, linings and architraves, required as part of the approved conversion works to the mansion, shall accurately match those details appropriate to the relevant order of the building, specific details of which shall first be approved in writing by the Local Planning Authority
- 09 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 10 No damp proofing methods shall be installed in the mansion complex, unless prior written approval is first given by the Local Planning Authority.
- 10 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 11 Where partitions are removed the work shall be made good to match the original.
- 11 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 12 Where new partitions are constructed they shall be scribed around, not cut into the existing cornices, skirtings or other features.
- 12 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 13 Rooms with cornices, moulded skirtings etc which are to be divided shall have new lengths of cornice, and skirtings to match existing unless otherwise agreed in writing by the Local Planning Authority.

- 13 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 14 Prior to the commissioning, specific details of new staircases, the ensembles to Unit 6, kitchen fitments to Units 5 and 6, the rear glazed making good (including fire surrounds) to reopened fireplaces in the mansion, shall be submitted to and approved in writing by the Local Planning Authority.
- 14 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 15 Prior to the commissioning specific details of all windows, doors (internal and external), staircases, skirtings and architraves, including finished treatments for the converted outbuildings, shall be submitted to and approved in writing by the Local Planning Authority.
- 15 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 16 Rooflights shall be flush fitting.
- 16 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 17 Before any structural works are undertaken precise details of the methods, materials to be employed and areas affected shall be submitted to and approved in writing by the Local Planning Authority.
- 17 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).
- 18 Details of all new works such as damp proofing, heating, lighting, plumbing, shall be approved in writing by the Local Planning Authority before such installation commences.
- 18 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7(B) (i).

## **2.0 APPLICANT**

Gradeclear Ltd

## **3.0 THE SITE**

Sandhill Park comprises the Mansion together with its outbuildings, sitting in parkland landscape. The Mansion is listed Grade II\* but is in deteriorating condition and is included on the Buildings at Risk Register prepared by English Heritage. There are walled gardens and ranges of outbuildings.

The last substantial use of the building was as a hospital, which closed in 1992. Since then the buildings have passed through several ownerships and the Mansion was used unsuccessfully as a fire museum. Some of the former hospital buildings to the west of the Mansion have been used for short lease offices with access across the front of the Mansion House.

#### **4.0 Proposals**

- (i) 06/2008/010 Conversion of the Mansion House and Orangery following some partial demolition to 19 one and two bed apartments and conversion of outbuildings part to 7 two and three bed apartments and part for use as a community centre for the development, erection of 50 new dwellings (including 10 affordable dwellings), demolition of remaining former hospital buildings and the reinstatement of the site of the buildings and roads to parkland and informal gardens, restoration of parkland, formation of parking areas and footpaths and improvements to access road, access and footways, Sandhill Park, Bishops Lydeard
  
- (ii) 06/2008/011LB Conversion of the Mansion House and Orangery following some partial demolition to 19 one and two bed apartments and conversion of outbuildings part to 7 two and three bed apartments and part for use as a community centre for the development, demolition of remaining former hospital buildings, Sandhill Park, Bishops Lydeard

The applications were accompanied by:

- (i) A Design and Access Statement, incorporating a Concept Statement and listing of repairs to the Stables, Walled Garden, Outbuildings and Mansion;
- (ii) Planning Support Report;
- (iii) Development Appraisal;
- (iv) Transport Statement and Travel Plan;
- (v) Flood Risk Assessment;
- (vi) Historic Landscape Appraisal;
- (vii) Tree and Woodland Condition Survey;
- (viii) Ecology Impact Assessment

A draft Section 106 Agreement has been submitted which provides for:

- (i) Repairs to the Mansion;
- (ii) Conversion works to the Mansion;
- (iii) Restoration of the Pleasure Grounds and Parkland Area;
- (iv) Demolition of Hospital Buildings;
- (v) Timing/Phasing of the new build;
- (vi) Management Agreements;
- (vii) Parking; and tTavel Plan;
- (viii) Affordable Housing;

The new build open market element provides 4 two bed, 12 three bed and twenty four four bed houses. The affordable rented provides for 5 two bed houses and the shared equity provides for four two bed and one three bed houses. The conversion of the existing buildings is as indicated in the description. An area of 61 sqm is proposed as a commercial area.

The comprehensive package of proposals also provide for the demolition of the complex of former hospital buildings to the west of the Mansion and the reinstatement of the remainder of the pleasure grounds and parkland setting of the listed building.

Because of the condition of the Mansion, the basis of the application is that significant financial resources will be required to secure renovation. The package of proposals has been prepared in consultation with English Heritage and seeks to comply with their guidelines "Enabling Development and the Conservation of Heritage Assets". The application is therefore comprehensive and includes the whole of the parkland as well as the listed Mansion and its outbuildings, and is seen by the applicants as constituting the minimum enabling development to secure the restoration of the heritage assets at Sandhill Park.

The development proposals provide for the following:

### **Mansion**

- (i) Comprehensive restoration of internal and external fabric;
- (ii) Specialist restoration of plaster work;
- (iii) Restoration of staircase to original position;
- (iv) The orangery restored and converted to a dwelling unit;
- (v) Demolition of recent alterations on the north side
- (vi) Roof covering totally replaced; and
- (vii) Kitchen garden walls repaired, paths restored and fountain repaired.

### **Outbuildings**

- (i) Blocked window and door openings restored;
- (ii) Tin roof replaced with natural materials; and
- (iii) Quadrangle of buildings completed.

### **Former Hospital Buildings**

- (i) Demolish and remove all buildings;
- (ii) Re-contour area and reclaim to parkland and lawns; and
- (iii) Restore views between the Mansion and the parkland and vice versa.

### **New Dwellings**

- (i) Located north of the kitchen gardens;
- (ii) Remove unauthorised tipped material; and
- (iii) Considered minimum new development to enable restoration.

### **Parkland**

- (i) Comprehensive restoration;
- (ii) Lake de-silted;
- (iii) Fencing removed/replaced as appropriate;
- (iv) Incongruous 20th Century items removed;



- (v) Replacement planting to 19th Century design;
- (vi) Selective consolidation of relics;
- (vii) Managed grazing regime; and
- (viii) Comprehensive tree inspection and surgery.

### **Pleasure Gardens**

- (i) Restoration of and management of the ornamental woodland (American gardens) north west of Mansion house;
- (ii) Comprehensive tree inspection and surgery;
- (iii) Replacement and additional tree planting (some exotic species);
- (iv) Planting to northern boundary connecting east and west sides of pleasure grounds providing containment to new development; and
- (v) Paths reinstated.

The following proposals are set out in the Master Plan for the grounds:-

### **Character Area 1 Gardens and Pleasure Grounds**

- Re-establish the historic relationship of the west and east lawns with the park.
- Re-create the late nineteenth century boundary line which divided the lawns and forecourt from the Inner Park preferably using the iron park fencing evident in early twentieth century photographs.
- Re-instate the level of the west lawn at its western boundary where it has been altered to accommodate the hospital buildings.
- Re-establish the link between the north end of the western lawn and the pleasure grounds.
- Remove the tarmac car park and tennis court and re-establish the east lawn, surfaced with fibres and or similar to create an occasional parking surface if required.
- Plant the perimeter of the east lawn with shrubs and trees and direct the views south east towards Bishops Lydeard and south over the Inner Park.
- The west wing of the pleasure grounds to be the subject of a detailed restoration scheme including tree surgery, replacement of original tree and shrub species and restoration of the original footpath system including the main path leading through the woodland to Highland Covert which would re-establish the views out over the parkland.
- A detailed survey of the planting should be undertaken and replanting guided by the species found.
- The boundary with the Inner Park, formerly marked by the ha-ha, should be relocated and re-established.

- Establish a representative band of woody, preferably ornamental coniferous planting along the north boundary with the northern farmland to re-establish a design link between the west and east wings and enclose the open area and any subsequent development with it.
- Re-establish the planting in the north eastern section of the pleasure grounds in the ownership of Gradeclear, using species in character with the earlier planting.
- As a long term aim the southern end of the drive should be reunited with the house so that a direct link is once more established.
- Restore the southern end of the northern approach to its original alignment parallel to the stables and service buildings.

## **Character Area 2**

### **Service Areas**

- Retain the two kitchen gardens either left open and laid to lawns and paths or re-stocked as productive areas.
- The third kitchen garden which comprised the northern section of the kitchen garden has been overlain by a considerable area of fill. It is proposed that this material is removed and that this area could be used for development.
- The buildings and open spaces of the stables and yard should be retained and re-used for another purpose.
- The other service spaces are of no great design significance and could also be used for development.
- Re-introduce a strip of coniferous and other woodland planting along the northern boundary to link with the replanting of the western pleasure grounds.

## **Character Area 3**

### **Inner Park**

- It is recommended that the hospital buildings to the south west of the house should be removed and that the site is re-graded to the earlier contours and returned to permanent pasture.
- The present cattle stocking regime is causing damage to the fabric of the Inner Park, in particular in the vicinity of Ash Fish Pond, and it is proposed that the park be re-established as a sheep meadow rather than cow pasture. However, although presently used as sheep pastures the Outer Park could be used as cow pasture to facilitate the change to the Inner Park.

- Selectively clear the edges of Ash Fish Pond to open up the views of this area from the environs of the house and the Inner Park.
- Repair the damaged bank of Ash Fish Pond.
- Establish a belt of planting along the eastern edge of the park at its junction with Lethbridge Park.
- Re-establish the ha-ha between the north west section of the parkland and the west wing of the pleasure grounds.
- Carry out a comprehensive tree management and replacement programme based on the 1880's first edition Ordnance Survey.

#### **Character Area 4 Outer Park**

- Retain the Outer Park as open agricultural land, retaining and enhancing such parkland features as remain, including parkland trees and structures such as Ballifants Farm.
- Views across the Outer Park should be retained and where obscured, opened up, particularly that south east of Lethbridge Park which is becoming obscured by a late twentieth century tree belt.

#### **Character Area 5 Greenway Wood**

- Establish a long term management plan for the woodland.
- The drive should not be widened any further and the twentieth century institutional accretions should be removed including concrete kerbs.
- The narrow neck of trees flanking the drive at the north end of the wood, linking the wood with the Inner Park, should be replanted with mixed ornamental coniferous and broadleaved species.
- Preserve the causeway and remnants of the former south east approach by removing invasive vegetation as it is of interest to retain this feature as a record of the historic development of the various approaches to the mansion house.

#### **Character Area 6 Northern Approach and Farmland**

- It is recommended that if the opportunity arises the walls around the new gardens connected with the North Lodge and the official entrance to Lethbridge Park should be removed and replaced with iron parkland fencing.

- Replace the gardens with woody planting as described above as the ornamental planting in front of the present entrance off the public road is out of character with the approach to a country estate and should be replaced with lawn.
- Replanting the screen planting flanking the north drive but with windows for views eastwards.
- Restore, where possible, the screen planting where the northern approach meets the eastern pleasure grounds.

The proposal will involve the retention of 2,343 sq m in footprint of the existing buildings, principally the Mansion and its associated buildings and the demolition of 3,219 sq m footprint of existing buildings, which are mainly 20th Century hospital buildings. The tennis court and tarmaced area on the eastern side of the Mansion are to be removed and an area of tree planting on a slightly raised grassed area is to be provided to screen a new car parking area immediately behind.

It is proposed that there be an area of managed gardens around the Mansion, stables, barn and new dwellings, which will be separated from the rest of the parkland by metal parkland fencing and cattle grids, minimising the need for fencing in the rest of the park, but allowing general access as well as grazing for livestock to continue.

The proposal includes building 2,683 sq m in footprint of new building to the north of the existing walled gardens as enabling development in a layout and style that reflects the form and scale of the restored existing buildings already to the north of the main house. Much of the area was covered with fill from the demolition of buildings that existed before the development of Lethbridge Park to a depth of 1.5 m above its original level. It is now proposed to reinstate this area back to its original levels and to create a backdrop of tree planting that existed between the American garden and the group of trees that abut Lethbridge Park. These proposed new dwellings are to be in the form and style of simple agrarian buildings, taking precedent not only from the existing restored buildings immediately adjacent to it but also from other similar buildings in the locality.

The restoration of the historic parkland is a key objective of the proposal. Because a large part of the original park is no longer in the applicant's control, it is impossible to recreate some parts of the original parkland. However with the proposed removal of the 20th Century hospital buildings to the south west of the mansion house, all of this area becomes available for parkland restoration and is seen by the applicants as creating considerable gains to the landscape as well as the setting of the listed Mansion. A new metal parkland fence running down the western side of the American garden and sweeping around the southern side of the Mansion will recreate the 19th Century separation of the more managed land immediately around the house and the grazing in the open parkland beyond. The parkland is depleted of mature tree stock and most of the planting in the 20th Century has been inappropriate in its setting. It is therefore proposed to remove some trees and plant new trees elsewhere.

The restoration of the American garden and new tree planting to the north is an objective to recreate the original backdrop of woods to the Mansion as well as new planting to the east to separate the parkland from Lethbridge Park. The restoration of Ballifants Lake and the views to it is an objective of the proposals. The original path network within the American Garden is proposed to be reinstated and to connect to the new path network running between the new dwellings to the north of the walled gardens and also to the reinstated paths in the walled gardens and around the Mansion.

Since the refusal of permission of the previous applications by the Secretary of State there has been a series of meetings involving ourselves, the applicants, English Heritage and the Government Office for the South West. These have considered how the national policy objectives contained in PPS1, PPS3, PPS7, PPG13 and PPG15 can be achieved in a financially viable long term manner. The approach has focussed on re-establishing the likely 'heritage/conservation deficit' for repairing and restoring the Grade II\* listed building and its associated parkland setting. The applicants advisors have made a thorough search of possible grant fund availability to cover any such shortfall. However it is apparent that there is no readily available funding for this project to restore the Mansion and the parkland.

The passing of time since the last application and decision in 2006 has allowed the applicants to explore different ideas for the Mansion and surroundings with different organisations. However, none of these alternatives have resulted in an offer for the site and buildings that has been able to be funded and pursued. This information has been incorporated into the submission as it helps to establish that a new scheme based on the principles of the last submission, but amended where possible in line with the views of the Secretary of State, is the most likely scheme to succeed and secure the restoration of the Mansion and the parkland.

The current proposal provides for an additional six dwellings over and above that proposed in the previous applications. Three additional terraced units have been provided on the north-east boundary, where a car park was proposed on the previous scheme, with a further three additional units achieved by amendments to the original scheme, to create smaller units but within the volume as originally proposed.

The scheme puts forward a proposal to create 10 affordable units (i.e. 20%) within the parameters of floorspace, footprint and layout considered with the previous applications. The affordable units will provide a mix of two and three bedroom houses and will be based on 50% rental and 50% shared equity housing. Discussions with one of the Council's preferred housing providers have commenced.

The ability of a costed 'Green Travel Plan' and providing links to the local village facilities by footway and cycleway, to minimise reliance on private car usage, has been reassessed.

The potential for enhanced public appreciation of the heritage and landscape assets has been costed and reassessed. The linking of existing public footpaths with new permissive routes is put forward in the planning application together with some public

parking space to improve appreciation of the visual and heritage assets and the improvement of the public footpath network.

The detailed Section 106 Agreement provisions have been revised to ensure deliverability of all the above elements and with fall back sanctions if they are not delivered.

## **5.0 RELEVANT PLANNING HISTORY**

There have been a large number of planning applications related to Sandhill Park, not all of which are directly relevant to the current application. The following are of relevance to the current application:-

**06/1990/012** Change of use of former offices to private conference/lecture room facilities, Sandhill Park Hospital, Bishops Lydeard. No objection raised June 1990. This permission related to the front part of the Mansion.

**06/1990/016** Change of use of the Old School as a private nursing school for 20 children, Sandhill Park Hospital, Bishops Lydeard. Full permission granted June 1990. This permission related to one of the former hospital buildings to the west of the Mansion.

**06/1991/036** Change of use of Mansion and outbuildings into national fire museum, relocation of RDA facility and residential development at Sandhill Park, Bishops Lydeard. Application withdrawn February 1995.

**06/1991/037** Change of use of Mansion and outbuildings to form museum, residential development of 50 houses (scheme B) and development of an equestrian centre, former Sandhill Park Hospital, Bishops Lydeard, application refused May 1992.

**06/1992/011LB** Change of use of Mansion and outbuildings to museum, including internal alterations, Sandhill Park, Bishops Lydeard. Consent granted June 1992.

**06/1992/012** Change of use of Mansion and outbuildings to museum, Sandhill Park, Bishops Lydeard. Full permission granted May 1992.

**06/1992/017** Change of use of former ancillary hospital buildings to business use (class B1A and B1B) Sandhill Park, Bishops Lydeard. Full permission granted January 1993.

**06/1993/005** Change of use of Mansion and outbuildings to national fire museum, relocation of Riding for the Disabled facility and erection of 50 two storey dwellings and garages, Sandhill Park, Bishops Lydeard. Permission refused May 1993. Subsequent Appeal dismissed January 1994.

**06/1993/014** Residential development of two-storey dwellings and garages on approximately 0.5 ha and relocation of riding for the disabled facility on land at Sandhill Park, Bishops Lydeard, Application withdrawn.

**06/1994/004** Change of use of Mansion and outbuildings to museum, formation of museum car park, relocation of riding for the disabled centre and residential development comprising 50 two-storey dwellings and garages on land at Sandhill Park, Bishops Lydeard. Outline permission granted January 1995.

**06/1995/020** Change of use from hospital building to office accommodation, School House, Sandhill Park Hospital, Bishops Lydeard. Full permission granted July 1995.

**06/1997/020** Erection of 50 detached houses, including access road, enabling site works, etc. Sandhill Park, Bishops Lydeard. Reserve matters approved December 1997. This application was the submission of details following permission 06/1994/004 and comprises the current Lethbridge Park development.

**06/1998/005** Conversion of premises from museum to office (B1), Sandhill Park Mansion, Sandhill Park, Bishops Lydeard. Permission refused July 1998. Subsequent appeal withdrawn.

**06/1998/043** Conversion of premises from museum to offices (B1), Sandhill Park Mansion, Sandhill Park, Bishops Lydeard. Full permission granted April 2003.

**06/1999/006** Conversion of outbuildings to form three dwellings, stable block and storage barn, Sandhill Park, Bishops Lydeard. Application withdrawn.

**06/1999/007LB** Conversion of outbuildings to form three dwellings, stable block and storage barn, Sandhill Park, Bishops Lydeard, Application withdrawn.

**06/2003/015** Demolition of outbuildings, conversion of buildings into 24 dwellings and erection of 46 dwellings, Sandhill Park, Bishops Lydeard. Application withdrawn.

**06/2003/016LB** Demolition of part and conversion of retained buildings into 24 dwellings, Sandhill Park, Bishops Lydeard. Application withdrawn.

**06/2004/013** Demolition of some buildings, and repair, refurbishment and conversion of retained buildings into 25 self-contained dwellings, restoration of the parkland and erection of 45 dwellings, Sandhill Park, Bishops Lydeard. Full application refused by the Secretary of State May 2006. The Inquiry Inspector's letter and Secretary of State's decision letter are appended to this report.

**06/2004/014LB** Demolition of parts and conversion of retained buildings into 25 dwellings, Sandhill Park, Bishops Lydeard. Application refused by the Secretary of State May 2006. The Inquiry Inspector's letter and the Secretary of State's decision letter are appended to this report.

## **6.0 RELEVANT PLANNING POLICY**

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

Policy SS19 Refers to development in rural areas and guides development to sites within or adjacent to existing settlements.

Policy EN1 Supports biodiversity in general terms.

Policy EN3 The Historic Environment. Local authorities and other agencies in their plans, policies and proposals should:

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

Policy EN4 Quality in the Built Environment.

Policy H03 Affordable housing.

Policy H05 Previously developed land and buildings.

Policy H06 Mix of housing types and densities.

Policy TRAN 1 Reducing the need to travel.

Policy TRAN 5 Demand management.

Policy TRAN 7 The rural areas.

Policy TRAN 10 Walking, cycling and public transport.

### **Draft Regional Spatial Strategy**

Development Policy A	Development at the Strategically Significant Cities and Towns (SSCTs).
Development Policy B	Development in Market Towns.
Development Policy C	Development in Small Towns and Villages.
Development Policy E	High Quality Design.
Development Policy G	Sustainable Construction.
Development Policy H	Re-using Land.
Policy H1	Affordable Housing.
Policy H2	Housing Densities.
Policy ENV1	Protecting and Enhancing the Region's Natural and Historic Environment.
Policy ENV4	Nature Conservation.



Policy ENV5

Historic Environment.

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

Policy STR1 Sustainable Development.

Development in Somerset and the Exmoor National Park should:

- Be of high quality, good design and reflect local distinctiveness;
- Develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking;
- Minimise the use of non renewable resources;
- Conserve biodiversity and environmental assets, particularly nationally and internationally designated areas;
- Ensure access to housing, employment and services;
- Give priority to the continued use of previously developed land and buildings;
- Enable access for people with disabilities.

Policy STR3 Rural Centres and Villages.

Policy STR6. Development Outside Towns, Rural Centres and Villages.

Development outside Towns, Rural Centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Policy 1 Nature Conservation

Policy 5 Landscape Character

Policy 9 The Built Historic Environment.

The setting, local distinctiveness and variety of buildings and structures of architectural or historic interest should be maintained and where possible be enhanced. The character or appearance of Conservation Areas should be preserved or enhanced.

Policy 33 Provision of Housing

Policy 35 Affordable Housing

Policy 39 Transport and Development.

Proposals for development should be considered having regard to:

- The management of demand for transport;
- Achieving a shift in transport modes to alternatives to the private car and lorry wherever possible; and

- The need for improvements to transport infrastructure.
- Policy 42 Walking
- Policy 44 Cycling
- Policy 45 Bus
- Policy 46 Rail Operation
- Policy 49 Transport Requirements of New Development

## **Taunton Deane Local Plan**

S1	General Requirements
S2	Design
S4	Rural Centres
S7	Outside Settlements
H7	Conversion of Rural Buildings
H9	Affordable Housing within General Market Housing
EC6	Conversion of Rural Buildings
EC7	Rural Employment Proposals
EC9	Affordable Housing within General Marketing Housing
M4	Residential Parking Provision
M5	Cycling.
EN3	Local wildlife and Geological Interests.
EN4	Wildlife in buildings to be converted or demolished.
EN6	Protection of trees, woodland, orchards and hedgerows.
EN8	Tree planting.
EN12	Landscape Character Areas.
EN19	Recording of listed buildings affected by development and salvage of important building materials.
EN20	Parks and gardens of special historic interest

## **7.0 RELEVANT GENERAL GOVERNMENT POLICY GUIDANCE**

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

Paragraph 13	Key Principles.
Paragraphs 17 - 20	Protection and Enhancement of the Environment.
Paragraphs 27 - 29	General Approach to Delivering Sustainable Development.
Paragraphs 33 - 39	Design.

### **Planning Policy Statement 3 - 'Housing' (PPS3)**

Paragraph 9	Strategic Housing Policy Objectives.
Paragraphs 10 - 11	Planning for Housing Policy Objectives.
Paragraphs 12 - 19	Achieving High Quality Housing.
Paragraphs 20 - 24	Achieving a Mix of Housing.
Paragraphs 25 - 26	Market Housing.
Paragraphs 27 - 30	Affordable Housing.
Paragraphs 68 - 74	Determining Planning Applications.

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

Paragraph 1	Key Principles.
Paragraphs 8 - 11	Housing.
Paragraphs 12 - 13	Design and Character of Rural Settlements.
Paragraphs 15 - 16	Countryside Protection and Development in the Countryside.
Paragraphs 17 - 18	Re-use of Buildings in the Countryside

### **Planning Policy Guidance Note 13 - 'Transport' (PPG 13)**

Paragraphs 4 - 6	Objectives.
Paragraphs 12 - 17	Housing.
Paragraphs 28 - 30	Design, Safety and Mix of Uses.
Paragraphs 40 - 44	Rural areas.
Paragraphs 49 - 55	Parking.
Paragraphs 75 - 77	Walking.
Paragraphs 78 - 80	Cycling.

### **Planning Policy Guidance Note 15 - Planning and the Historic Environment (PPG15)**

Paragraph 1.1                      It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.

Paragraph 1.5                      Conservation can itself play a key part in promoting economic prosperity by ensuring that an area offers attractive living and working conditions which will encourage inward investment - environmental quality is increasingly a key factor in many commercial decisions. The historic environment is of particular importance for tourism and leisure, and Government policy encourages the growth and development of tourism in response to the market so long as this is compatible with proper long-term conservation. Further advice on tourist aspects of conservation is given in PPG 21 and the English Tourist Board's publication 'Maintaining the Balance'.

Paragraph 1.6                      Stewardship: The role of local authorities

Paragraphs 2.11 - 2.15      Development Control.

Paragraph 2.16              Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings, eg by new traffic routes, car parks or other development.

Paragraph 2.26              The wider historic landscape

Paragraph 3.3              The importance which the Government attaches to the protection of the historic environment was explained in paragraphs 1.1-1.7 above. Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and an irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out, against the criteria set out in this section, for alteration or demolition. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

Paragraph 3.4              Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special

architectural or historic interest of the building and on its setting.

#### Paragraph 3.5

The issues that are generally relevant to the consideration of all listed building consent applications are:

- (i) The importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms ('historic interest' is further explained in paragraph 6.11);
- (ii) The particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (eg interiors) may come to light after the building's inclusion in the list;
- (iii) The building's setting and its contribution to the local scene, which may be very important, eg where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby;
- (iv) The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

#### Paragraph 3.6

The grading of a building in the statutory lists is clearly a material consideration for the exercise of listed building control. Grades I and II\* identify the outstanding architectural or historic interest of a small proportion (about 6%) of all listed buildings. These buildings are of particularly great importance to the nation's built heritage: their significance will generally be beyond dispute. But it should be emphasised that the statutory controls apply equally to all listed buildings, irrespective of grade; and since Grade II includes about 94% of all listed buildings, representing a major element in the historic quality of our towns, villages and countryside, failure to give careful scrutiny to proposals for their alteration or demolition could lead to widespread damage to the historic environment.

Paragraph 3.8

Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings in conservation areas is in question.

Paragraph 3.12 - 3.15      Alterations and extensions

### **Enabling Development and the Conversion of Heritage Assets (June 2001)**

Enabling development is development that is contrary to established planning policy national or local - but which is occasionally permitted because it brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused. It is often associated with proposals for residential development to support the repair of a country house.

This document was prepared by English Heritage as a Policy Statement and Practical Guide to Assessment of Enabling Developments. This advocates a presumption against enabling development unless it meets specified criteria, the most important of which is that the sum of benefits clearly outweighs the disbenefits not only to the historic asset or its setting, but to any other relevant planning interests. It was intended to amplify and reinforce the well established guidance set out in PPG15. The statement applies to development which is contrary to established planning policy.

The following are the criteria which English Heritage consider should be met:

- 1) The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting;
- 2) The proposal avoids detrimental fragmentation of management of the heritage asset;
- 3) The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose;
- 4) The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
- 5) Sufficient financial assistance is not available from any other source;
- 6) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits;

- 7) The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (ie the disbenefits) of providing the enabling development.

If it is decided that a scheme of enabling development meets all these criteria, English Heritage believes that planning permission should only be granted if:

- 1) The impact of the development is precisely defined at the outset, normally through the granting of full rather than outline planning permission;
- 2) The achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in DOE Circular 01/97, Planning obligations;
- 3) The heritage asset is repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
- 4) The planning authority closely monitors implementation, if necessary acting promptly to ensure a satisfactory outcome.

A Consultation Draft of the Updated Edition of this document was published in July 2007 for comment by the end of October 2007. The seven enabling development protocols have been largely retained as before.

## **8.0 CONSULTATIONS**

COUNTY HIGHWAY AUTHORITY - views awaited.

COUNTY RIGHTS OF WAY OFFICER – “I confirm that there is a public right of way (PROW) recorded on the Definitive Map which crosses the area of the proposed development/area highlighted on your plan at the present time (footpath no. T 4/12). I have enclosed a plan showing this footpath for your information.

The County Council do not object to the proposal subject to the developer being informed that the grant of planning permission does not entitle developers to obstruct a public right of way.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

If the path is to be diverted, the relevant application will need to be made to Taunton Deane Borough Council.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.

- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW
- then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483091.

With regard to new public access I would stress the need for the creation of a public bridleway alongside the drive to connect the development to Greenway Road for the passage of sustainable transport modes ie: walking, cycling and horse riding. A link from this bridleway to Lethridge Park would also be very desirable to connect this estate to Bishops's Lydeard and its amenities in a safe way that is currently unavailable. These links are considered crucial in encouraging modal shift for short utility and recreational journeys and would need to be constructed to a suitable multi-user path standard.

It would not be desirable to extend such a public bridleway along the Lethbridge Park road to the B3224 due to the nature of the road and safety aspect for cyclists and horse riders. Therefore a bridleway link heading west from Sandhill Park to the road in the region of the western ends of footpaths T 1/4&5 to connect with the bridleway network west of Ash Priors would be preferable. To compliment this link the upgrading of footpath T 4/12 west of the drive to a bridleway could be beneficial by creating an extended off-road (in the main) circuit for riders. Whilst I am aware these two links fall outside of the development area, they could still be negotiated if adequate resources are allocated."

ENVIRONMENT AGENCY - "The Environment Agency OBJECTS to the proposed development as flood risk management concerns have not been sufficiently addressed thus contravening PPS 25 Development and Flood risk.

The Flood Risk Assessment (FRA) has discounted the full use of SUDS as filtration rates are not suitable at the site, even though there are no filtration testing included in the FRA. Despite this omission we recognise that if ground conditions are not favourable some SUD techniques are limited, however we still believe that other SUD techniques could be promoted on this site. Is it not possible to have some form of lined ponds, detention or swales etc to form a management train for the site? We note that permeable paving has been recommended out falling to underground tanks however the option of underground tanks is quite disappointing considering the scale of this site. The FRA states that a detention pond could be incorporated but does not go into detail on this issue.

There is no drainage plan showing the likely locations of the permeable paving or possible storage methods. There are no background calculations to quantify the volume of storage required. We note that the Microdrainage simulations have been



provided but this has identified flooding on site for the Q 100 storm. Is further storage required to offset this flooding or is it within safe limits? Has flood routing been carried out to show if the proposed developments are at risk from this flooded volume?

Should our objections to the proposal subsequently be overcome we would seek the application of the following conditions.

**Condition:**

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

**Reason:** To prevent pollution of the water environment

If the capacity of any storage container is greater than 200 litres the developer should refer to Guidance for the Control of Pollution (Oil Storage) (England) Regulations 2001 published by the Department for Environment, Food and Rural Affairs.

**Condition:**

No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning Authority .

**Reason:** To prevent pollution of the water environment.

Note: Down pipes from properties should be designed to prevent foul inputs and/or wrong connections.

**Condition:**

No part of the development shall be brought into use until the foul drainage system has been constructed, completed and connected in accordance with the approved plans.

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

**Condition:**

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

points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

**Reason :** To prevent pollution of the water environment

**Note:** Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the Applicant/Agent. During Construction and Demolition the following should be followed and the relevant Pollution Prevention Guidelines should be used to produce working method statements.

**Condition:**

There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

**Reason:** To prevent pollution of the water environment.

**Condition :**

No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillages will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of silt/contaminated water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness

**Note:** Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

**Reason:** To prevent pollution of the environment.

The following recommendations/informatives should appear on the decision notice.

Any waste created in the process of demolition and construction should be taken to an appropriately licensed waste facility and the Duty of Care laws. followed.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

Development which involves a culvert or obstruction to flow on an Ordinary Watercourse will require Land Drainage Consent under the Land Drainage Act 1991. An Ordinary Watercourse is defined as any watercourse not identified as a Main River held on maps by the Environment Agency and DEFRA.

The site is located on a major aquifer of intermediate vulnerability. As a consequence, groundwater is considered to be sensitive and appropriate protection of controlled waters to pollution prevention is required.

Construction vehicles should not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank.

River water should be diverted away from the excavation site using coffer dams. Work should stop immediately the coffer dams are breached or flooded.

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

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

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

Further discussions have taken place between the developer's consultants and the Environment Agency with a view to addressing their concerns.

ENGLISH HERITAGE - “English Heritage has previously supported a similar application for residential conversion of the Mansion House and outbuildings and provision of enabling development at Sandhill Park on the basis that it would secure the repair and reuse of an important grade II\* listed country house as well as restore its parkland setting. That application was called in to a public inquiry and ultimately refused by the Secretary of State for Communities and Local Government. Amongst the reasons for refusal were the lack of affordable housing, the fact that other options for reuse of the house had not been fully explored and that the scheme, therefore, was not demonstrably the most appropriate means of securing the future of the listed building as well as deficiencies in the legal agreement. The Secretary of State considered that, overall, the benefits to the heritage asset did not outweigh the disbenefits of allowing development contrary to planning policy.

Since that decision some discussions have taken place with the applicant and the relevant authorities in order to try to address the reasons for refusal of the previous scheme, resulting in the current re-submission, with minor variations. Whilst the physical impact of the scheme is very similar to the one we previously supported we are mindful of the Secretary of State's reasons for refusal and believe that this application does not fully address all of those issues, in particular the production of an options appraisal for the site which identifies whether this is its optimum viable use. In addition, there are issues relating to the financial justification which need

updating from the previous submission in relation to valuation. We have outlined these in detail below and will reserve our final views on the scheme until that information is available. Given the time that has elapsed since the original application for enabling development and the change in economic climate we do not think that the previous financial justification can simply be 'taken as read'.

#### English Heritage Advice

A significant omission of this application is the absence of a detailed options appraisal for the site which was evidently an important factor in the Secretary of State's refusal of permission. The paragraphs relating to this within the planning statement do not, in our view, constitute the "thorough investigation into alternative solutions" referred to within the appeal decision notice. We would expect to see a stand-alone document examining this issue in depth and also commenting on any marketing of the site carried out in the post appeal decision period. Any expert advice obtained during that period should be directly reported, not summarised, and financial evidence of lack of viability of alternative uses/options should be provided. Much of this information may well already exist, judging from the applicant's planning statement but it needs to be provided explicitly rather than implicitly and reinforced by direct evidence from experts in the relevant fields rather than by hearsay.

Only if that information can be satisfactorily provided can the merits of the current scheme be assessed. Essentially, the conversion proposals for the main house and outbuildings are the same as before - with the exception that one small outbuilding immediately behind the house is now proposed for community rather than residential use. Since these were previously subject to considerable negotiation we are not likely, therefore, to raise design issues in relation to the conversion on this application unless the finances change significantly. The restoration proposals for the grounds to Sandhill Park also appear largely the same as before and, as long as these can be more effectively secured this time through a Section 106 Agreement, these are still likely to be acceptable to English Heritage subject to review of any detailed changes by our Landscape Architect. The addition of five dwellings to the new development is intended to address the previous lack of affordable housing. Since they are located within the same area as previously accepted by English Heritage for new development we do not consider that their impact on the setting of the listed building will be hugely significant but they do raise a question about the financial case for the enabling development which we feel has not been fully addressed.

English Heritage guidelines on Enabling Development and the Conservation of Heritage Assets stipulate that the need for enabling development must be clearly demonstrated and that the development must demonstrably be the minimum necessary to achieve the conservation benefits. At the time of the previous planning application English Heritage undertook a full financial appraisal of the scheme in order to satisfy itself on these points. That assessment was undertaken a number of years ago now and we need to be satisfied that the financial circumstances have not significantly changed in a way that might alter the need for enabling development. Whilst revised costings have been submitted for the new application, and these include significant holding costs, the site value has not been amended at all and we are aware that property prices have fluctuated and also that the twentieth century

hospital buildings that were formerly occupied as offices (and presumably bringing in some income) when the previous application was submitted are now unoccupied and in a deteriorating condition. Although a substantial site value was accepted at the time of the previous applications it cannot be simply taken for granted that value is still relevant and acceptable. It does therefore need to be substantiated and validated by independent experts.

An English Heritage quantity surveyor is currently assessing the costings submitted with the application and we assume that the Council will be undertaking a similar exercise on the valuations provided, following which -with the additional information that we are requesting - a decision can be reached on the financial case being put forward for the enabling development.

#### Recommendation

We would be grateful if, in the meantime, the applicant can be requested to address the areas of information still outstanding which have been outlined in this letter and once the financial information is complete we can provide more definitive advice to the Council on the heritage merits of the scheme.”

SOMERSET ENVIRONMENTAL RECORDS CENTRE - County Wildlife Site - Sandhill Park Estate - Parkland with an important assemblage of veteran trees. One or more legally protected species, three other County Wildlife Sites, one County Geological Site and badger sett found within 1 km.

#### FIRE SAFETY OFFICER

1. Means of Escape - Means of escape in case of fire should comply with Approved document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.
2. Access for Appliances - Access for fire appliances should comply with approved Document B5, of the Building Regulations 2000.
3. Water Supplies - All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

LANDSCAPE OFFICER - “Subject to the suitable restoration of the parkland and future management as well as the careful landscaping of the proposals there may be scope to accommodate the scheme. The historic analysis and management proposals look good. The detailed landscape proposals need to be further clarified but in principle look OK.”

LEISURE DEVELOPMENT MANAGER - “In accordance with Policy C4 provision for play and active recreation must be made.

The design of the proposed play space should reflect the Taunton Deane Play Policy. In addition to the designated play space will access be permitted to the open space for children to play?

The scale of the community provision whilst it is welcome is limited due to the lack of kitchen facilities and adequate toilet provision. The facility needs to be fully accessible for use by the disabled and the communal space needs to be flexible to accommodate different uses.

In addition to the proposed play space and community provision a contribution towards borough wide outdoor recreation of £1,023.00 per dwelling should be made. The contribution to be index linked.”

DRAINAGE OFFICER - “I note the comments made by the EA regarding the disposal of surface water from the proposal and the lack of details regarding proposed SUDS techniques. Although these are outlined in the FRA produced by PFA Consulting dated December 2007, more details of their proposals are required and agreed before any planning approval is given.”

HOUSING ENABLING MANAGER - “The Housing Enabling Manager supports this application on the basis of 10 affordable dwellings being provided through an RSL as agreed with Developer and Housing Enabling Manager.

5 shared ownership	3 x 2 bed houses
and	2 x 3 bed houses
Plus 5 social rented	2 x 2 bed houses
and	3 x 3 bed houses”

FORWARD PLANS OFFICER -Given the Council’s support for the previous proposals on this site (app’n ref 06/2004/013), the key issue now is whether this application addresses adequately the reasons identified by the inspector and Secretary of State (SoS) that led to her decision to refuse the original.

In reaching her decision on the previous proposals the SoS concluded that the weight of disbenefit in terms of conflict with planning policy outweighed the benefit to the heritage asset. She had several significant concerns:

- given the significance of the conflict of the enabling housing development with PPS7, the absence of an options appraisal considering whether housing represented the most appropriate type of enabling development to meet the conservation deficit;
- the lack of any affordable housing; and
- shortcomings in the proposed S106 agreement in relation to restoration of the parkland and securing public access to it.

It is my understanding that all three issues have been addressed by the applicants. So, provided that the proposals continue to be acceptable in terms of the heritage assets, and are shown to be the minimum enabling development necessary to secure the benefits to the heritage assets, they should be supported.

RIGHTS OF WAY DIVERSIONS OFFICER - No observations to make.

## **9.0 REPRESENTATIONS**

### 14 LETTERS OF REPRESENTATION:

- 1) Welcome the development of the site as it is currently an eyesore and attracts unwelcome visitors.
- 2) Very concerned about the provision of parking for the proposed development and would not want any extra vehicular or pedestrian ingress via Letheridge Park. Should be more parking provision.
- 3) The proposed maintenance charges do not look sufficient to maintain a Grade II listed building and extensive grounds. Likely to be double the quoted figure, which may prove excessive to the residents in the affordable homes.
- 4) Most of the residents will use their cars to commute several miles to work. Expecting them to use the bus service is fanciful, particularly if they have to walk up the South Drive after dark. The A358 is not safe for cyclists between Bishops Lydeard and Taunton.
- 5) Effect on wildlife, especially young deer which frequent the rough woodland.
- 6) Light pollution from illumination of the access road.
- 7) Should be a speed limit on the access road.
- 8) Disruption to adjacent residents from noise and dirt from construction.
- 9) The whole site should be secured.
- 10) Beck should be cleared of debris on a regular basis.
- 11) Footpaths/rights of way should be maintained.
- 12) 50 new dwellings is excessive.
- 13) The infrastructure of Bishops Lydeard, which is currently overstretched, will not support an additional 70 units.
- 14) Support the development - the area has been blighted by 10 years of vandalism and arson to the outbuildings to the west of the Mansion. It is only a matter of time before the beautiful listed mansion is vandalised or destroyed by arson.
- 15) The scheme appears to be well thought out with a strong emphasis on conservation and ecological benefit.
- 16) Overflow vehicles, parked in inappropriate locations would seriously erode the intended visual impact as well as providing a permanent administrative problem for the overseers of the proposed Parkland Management Agreement, which intends to restrict such parking.

- 17) Should be restrictions on working hours during construction work to avoid noise pollution.
- 18) The main car park should be positioned to the west of the Mansion and the South Drive routed away from Lethbridge Park to avoid excessive noise pollution.
- 19) Bishops Lydeard school is over subscribed and with no plans for expansion to accommodate any additional children.
- 20) Tennis court should be renovated rather than being turned into a car park.
- 21) The concept put forward in the Travel Plan defies all logic.
- 22) No transport for the residents in the affordable housing who may not have transport of their own.
- 23) Precedent for further new development.
- 24) There should be traffic lights where the South Drive meets the main road and the bridge over the railway needs upgrading and strengthening to accept the additional traffic.
- 25) Should be no future alteration to the North Drive entrance.
- 26) Extending the bus service from Greenway to serve the Mansion is neither feasible nor economically viable.
- 27) Proposal is well designed and balanced.
- 28) Current situation of decline is a hazard to farming.

#### **10.0 PRINCIPAL ISSUES FOR CONSIDERATION**

- (A) Have the objections raised by the Secretary of State in refusing the previous applications been overcome by the current proposals? **Changes since previous applications.**
- (B) Is the proposed development in compliance with Development Plan Policies? **Policy.**
- (C) If the proposed development is contrary to Planning Policy, has it been demonstrated clearly that the harm that would be caused will be outweighed by the public benefits that the development would bring? **Enabling Development.**
- (D) Is the access to the site suitable and is the proposed parking adequate? **Access and Parking.**



- (E) Is the impact on the Listed Building acceptable? **Impact on the Listed Building.**
- (F) Are the landscaping proposals acceptable? **Landscape.**
- (G) Is the location and design of the new dwellings appropriate? **Location and Design.**
- (H) Will the current proposal act as a precedent for future development at Sandhill Park? **Precedent.**
- (I) Have nature conservation interests been adequately taken into account? **Nature Conservation.**
- (J) Are the surface water drainage arrangements appropriate for the proposed development? **Surface Water Drainage.**
- (K) Is the proposal development sustainable? **Sustainable.**
- (L) **Other issues.**

**(A) Changes Since Previous Applications**

Applications for Planning Permission and Limits Building Consent were submitted by the current applicants in 2004. The proposals provided for the conversion of the Mansion and orangery to 19 one and two bed apartments, the conversion of a number of outbuildings to form 7 one, two and three bed homes, the demolition of all hospital buildings and the erection of 44 two, three and four bed houses to the north of the walled gardens. The applications were based on English Heritage's 2001 guidelines for enabling development. The Planning Authority supported the applications being of the view that the proposals would not only secure the renovation of the existing buildings and their conversion to a use that would secure their long term maintenance, but that they would also provide for the removal of some of the existing old hospital buildings in the grounds of the Mansion. The parkland setting was proposed to be renovated and its long-term maintenance secured. The applications were called in by the Secretary of State under the Departure Procedures and following a Public Inquiry held in January 2006, the applications were refused. The reasons for the refusal are set out in the Secretary of State's decision letter, which is included as an Appendix to this Report. The Inspector's Report on the proposals is also appended.

The Inspector who held the Inquiry concluded in his recommendation to the Secretary of State that although the proposed new-build housing would be contrary to development plan and national policy given the location within open countryside and the unsustainable nature of the location and also would not provide affordable housing, the development was justifiable on the grounds that it would enable the eventual repair and maintenance of a listed mansion and parkland of national importance. Although he considered that the sub-division of the Mansion may harm the integrity of the listed building, he considered that the proposed use would be the optimum viable use and that on balance the new buildings proposed were justified as

enabling development. He felt some interpretation of the restored landscape and building was appropriate.

The Inspector recommended refusal only on the grounds of inadequacies in the S106 Agreement which accompanied the application which he considered would result in the whole of the benefit not being secured before the disbenefit occurred.

The Secretary of State agreed overall with the Inspector's conclusions and recommendation of refusal but with some reservations and exceptions. She considered that the conversion of the Mansion House to residential uses was acceptable in principle as a means of preserving the historic character and setting of the Grade II\* listed building. She accepted a conservation deficit in the region of £4m. However she considered that the benefits to be gained from the proposal failed to outweigh the disbenefits and the "serious conflict" with development plan policies. The Secretary of State's reasons for refusal are summarised below:

1. The Inspector considered the site to be unsuitable for affordable housing and that there was a need to minimise the amount of enabling development. The Secretary of State disagreed with these conclusions and considered that affordable housing should form part of the scheme.
2. The Secretary of State did not consider the proposed conversion scheme for the Mansion House to be necessarily "the optimum, or the only viable use compatible with the special interests of the building." She considered that there was an absence of any evidence of a thorough investigation into the viability of alternative solutions beyond the office and museum use previously permitted.
3. The Secretary of State agreed with the Inspector that the proposals met the first five of English Heritage's seven criteria for enabling development as set out in their guidance entitled "Enabling Development and the Conservation of Heritage Assets". However with regard to the sixth criteria which requires applications to demonstrate that the amount of enabling development is the minimum necessary to secure the future of the heritage assets and minimises disbenefits, whilst the Secretary of State accepted that the development would provide a means of meeting the conservation deficit, she did not consider that it necessarily followed that the development was the most appropriate means of doing so. She considered that English Heritage's seventh criterion, which seeks a balance between the benefit to the heritage asset and the disbenefits in terms of development contrary to policy, needed to be given significant weight.
4. The Secretary of State agreed with the Inspector that there were problems in the S106 Agreement which could lead to the completion and sale of the new dwellings without certainty of the full landscape restoration of the parkland. She considered however that a form of agreement could be drafted which overcame these concerns.

The current applications are very similar to the previous proposals but have been designed to overcome these reasons for refusal.

i) **Possible Alternative Viable Uses for the Mansion**

The Secretary of State agreed that the conversion of the Mansion to 26 units was acceptable in principle. However, she was not convinced that residential use and the provision of new housing was the most appropriate form of enabling development. Since the previous decision, the applicant has therefore explored a number of alternative possibilities to make up the deficit and the following is the conclusions recorded by the applicant's consultants.

1. **Hotel:** The number of rooms which could be created in the Mansion House would be insufficient to create a viable hotel development and would necessitate additional development which would have a detrimental impact on the walled garden and parkland. It is likely that there would be a continual pressure for additional facilities and development and therefore this would not represent a long term solution.
2. **Leisure:** The potential for the use of the site for a country club with health and leisure facilities has been explored, however the site is not near enough to a major conurbation to attract sufficient usage and therefore such a use would not be viable. It is likely that this use also would create a continual pressure for new facilities and changes to keep pace with new tastes.
3. **Golf Course:** The Mansion House is too large to sustain a club house and the creation of a golf course would be detrimental to the historic parkland setting and the farming enterprise. A very large parking area would be required. There are considered to be sufficient courses in the area to meet demand. The parkland is only big enough to accommodate a small 9 hole golf course making it unattractive to golfers.
4. **Nursing and Care Home:** The site has been considered by several developers of nursing home developments. However, all operators require 150 units [or more] including what is termed the "first stage" Care Village which would have to be created in the parkland close to the Mansion House. This would not only affect the appearance of the parkland but would have a detrimental impact on the setting of the listed building. This use has been discounted as a possibility.
5. **Private House:** The Mansion House has been viewed by a number of agents and private individuals who have all expressed the opinion that the House is too big and now too close to the Lethbridge Park residential scheme.
6. **Offices:** The advice given in PPS7 is that when considering the conversion and reuse of redundant rural buildings, employment is the preferred use. Policy EC6 reflects this advice, but of course the best use for a listed building is preferably the original use, ie in this case as a single dwelling. The previous use of the Mansion as a museum failed because such a use was not economically sustainable.

The property has been widely advertised, including the potential use for offices, but there has been little genuine interest. In order to reuse the Mansion for offices, significant expenditure would be required for repair and fitting out and significant levels of enabling development would be required to fund the necessary work. The applicants have concluded that reuse for offices would be an inappropriate use of this listed building and would not provide a long term future for this historic asset. Despite the extant planning permission, this has not helped to secure the future of the building as it has remained unimplemented for 5 years.

The former hospital buildings to the west of the Mansion have been used, at least in part, for offices over the years but they are now vacant and heavily vandalised. They are totally alien to the listed building and its setting and the proposals envisage their removal.

Policy EC7 states that large scale offices which generate significant traffic movements should be located within town centres. Therefore the use of Sandhill Park for offices would not be considered to be an appropriate location for offices in terms of the Local Plan. Also, in terms of sustainability, the Transport Statement demonstrates that the use of Sandhill Park for the proposed residential use would generate less traffic.

Since the previous decision the property has been extensively marketed both by the applicants themselves and by employing a number of agents. This exercise proved unsuccessful in finding possible users, other than residential. There have been no serious offers during this time.

The concerns expressed by the Secretary of State in respect of alternative enabling development and uses for the Mansion House have therefore been addressed in full and the applicants have demonstrated that they have not been able to find a suitable alternative form of development to the proposed residential use which would be financially viable and which would retain the integrity of the Mansion House and its setting within the surrounding parkland.

## ii) **Minimum Enabling Development**

The application proposals have been formulated on the basis of English Heritage's guidelines for enabling development, ie to enable the restoration of the heritage assets. The scheme is based on the detailed work which was carried out for the previous scheme and which had been the subject of extensive discussions with the Borough Council and English Heritage.

In respect of the previous scheme which was refused, the Secretary of State considered that the proposed development met the first five of the seven criteria set out in English Heritage's statement on enabling development. She also considered that a scheme yielding a contribution in the region of £4m from the enabling development could be regarded as providing the minimum necessary to cover the conservation deficit. However, she did not consider that it necessarily followed that the proposed development provided the most

appropriate means of meeting the conservation deficit and that significant weight needed to be given to English Heritage's seventh criteria which seeks a balance between the benefit to the heritage asset and the disbenefits in terms of development contrary to policy.

iii) **Benefits and Disbenefits of the Proposal**

The Secretary of State expressed specific concern in respect of the balance between the benefits to the heritage asset overall and the disbenefits in terms of development which was contrary to policy (the seventh part of the enabling protocol).

In order to address these concerns, consideration has been given in the current proposal to the creation of a more socially inclusive and sustainable community by incorporating ideas for communal space, some employment generated from the uses, the incorporation of affordable housing and by providing the opportunity for linking the proposed development and Lethridge Park via the established footpaths.

The development now incorporates a community space within the converted outbuildings to the rear of the Mansion House. This is provided to assist with the community facilities which could be provided to meet some of the needs of new residents. The space will be run by the on-site management company which will be looking after communal spaces and grounds. It could be used for day-to-day activities, social events and as a central meeting place for the residents. With easy pedestrian access from Lethbridge Park it could be used by residents in that area to help with integration between the two areas of housing and improve facilities in this area.

Whilst the site is separately accessed along its own private drive there are opportunities to link with the public paths that run between Lethbridge Park and the site. By creating possible links off the paths a circular walk and easier routes to the south and the village might be possible including cycleways.

The Secretary of State commented on the public benefits that might accrue from an investment in a heritage and landscape asset. In this regard it is suggested and demonstrated in the submitted S106 that some public parking and improved permissive routes could help to interpret and enjoy this asset for the benefit of the wider public whilst not affecting the private amenity of Sandhill or Lethbridge Park.

There is scope to enjoy the woodland areas to the south of the park without impinging on the farming interests or the amenity of nearby residents. This could produce a public resource for ecological interpretation and landscape enjoyment.

I consider that the combination of the benefits as originally proposed and the additional benefits set out above, does provide an acceptable balance between the benefit to the heritage asset and the disbenefits in terms of development contrary to general policy. It follows therefore that English Heritage's seventh

criterion in terms of enabling development has now been met through these combination of circumstances.

#### **iv) Affordable Housing**

In order to keep the amount of enabling development to a minimum the original proposal did not include any affordable housing and this was accepted by the Planning Authority and the Planning Inspector. However, the Secretary of State considered that an **element** of affordable housing should be provided as part of the proposed development in line with PPG3 (now replaced by PPS3).

Supporting paragraph 3.55 to Policy H9 of the Taunton Deane Local Plan states that 20 - 25% of affordable housing should be provided on windfalls sites but qualifies this with the following statement "The actual level being determined by any exceptional costs associated with the site which would threaten its economic viability and whether the provision of affordable housing would threaten other planning objectives which need to be given priority."

The level of affordable housing required in connection with the proposed development has been discussed on a number of occasions with the Council's Housing Enabling Manager. In line with these discussions, 10 units of affordable accommodation are provided as part of this development.

I consider that the provision of affordable housing is in accordance with the requirements of PPS3 and is in general compliance with local plan policy H9 and meets the requirements of the Council's Housing Enabling Manager. Moreover, discussions with a social provider have already commenced.

It is considered therefore that the reason for refusal by the Secretary of State on the grounds of a lack of provision of affordable housing has now been overcome.

#### **B. Policy**

There are no specific proposals for Sandhill Park in the Taunton Deane Local Plan. The site is outside any recognised settlement and therefore policies for the open countryside apply. In such areas, national and local planning policies impose general restraint on development in the countryside. Policies STR6 of the Structure Plan and Policy S7 of the Taunton Deane Local Plan are relevant. Both policies state that new building in such locations will not be permitted unless it benefits economic activity and maintains or enhances the environmental quality and landscape character of the area and satisfies one of four criteria:

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

One of the exceptions to the strict control is where development results in the re-use and adaptation of existing buildings in the open countryside. The prospects of alternative uses for the Mansion have been widely advertised, including use as offices, but there have been no takers. It is also significant that a museum was once tried and failed. The applicants question whether the Mansion and the former hospital buildings to the west are suitable for modern day offices on this scale. Significant enabling development to finance these works of restoration and conversion would still be required. The applicants consider that there must be serious doubts about the suitability of office use in buildings of this scale and state of disrepair in this location. They conclude that re-use for offices would not be appropriate and would not provide a long term future for the historic assets.

Policy EC9 of the Taunton Deane Local Plan allows for the loss of employment where the overall benefit of the proposal outweighs the disadvantages of that loss. I take the view that the overall benefits of the proposal in terms of the conservation of the heritage assets represented by the Mansion, its outbuildings and the parkland and the measures proposed for its appropriate long term use and maintenance far outweigh the disadvantage of the loss of employment potential about which there are, in any event, fundamental difficulties. I therefore do not consider that there is any fundamental conflict with Policy EC9.

### **C. Enabling Development**

The applicants consider that their application proposes the minimum of new housing development to enable and secure the future of the Mansion, its outbuildings and parkland. They see it as a complete and comprehensive set of proposals which will restore both the Mansion and the parkland and provide a long term future for both. The proposals have been formulated on the basis of English Heritage's guidelines for enabling development and to enable the restoration of the heritage assets.

The application is supported by a range of specialist reports submitted with the application. A transparent financial exercise has taken place which sets out the costs of restoration and future maintenance as well as potential revenues to enable these works.

The English Heritage document 'Enabling Development and the Conservation of Heritage Assets' provides the ground rules for considering enabling development. The criteria to be considered are set out in Section 7.0 of this report.

I am conscious that a case for enabling development has already tried and failed at Sandhill Park. However, what we are faced with here is a building on English Heritage Buildings at Risk Register and the future prospects for the building in the event of the current proposal not proceeding are likely to be bleak. The condition of the buildings has worsened considerably since the previous proposal.

In an attempt to minimise the extent of enabling development and the number of residential units proposed, it has been necessary to strike a balance between, on the one hand, the number of units and on the other, the size of those units. Ultimately the determining factor here is the sales area of development (ie the number of square metres) and its cost and price rather than the number of units as such. It is

the unit value of floor area achievable in the market place than the number of units which determines the overall viability of the scheme.

Superficially, a small number of relatively large units would appear attractive and would be consistent with sustainable development principles. However, large units are less attractive to the market and would not deliver the required unit values. Some of the larger reception rooms within the Mansion House have been retained rather than sub-divided and thus those units are not of optimal size, but this is a necessary concession to preserve the integrity of the heritage asset. Overall therefore, the required floorspace from which revenue is to be generated to enable the development has been sub-divided into the minimum number of dwelling units likely to be attractive to the market.

The proposals seek to deal comprehensively with the Mansion; its outbuildings and the parkland as well as the 20th century buildings. The package of proposals seeks to restore the heritage assets in terms of the Mansion, outbuilding and parkland, securing an appropriate use and appropriate long term future. All the works have been costed by financial consultants and set out in the Development Appraisal document submitted with the application.

English Heritage see the beneficial re-use and repair of the Mansion as high priority. In terms of the financial justification for the development under the enabling guidelines, it is fully aware of the need for this to be vigorously scrutinised and with the previous proposal commissioned its own independent advice. The conclusion of that exercise was that there was a legitimate financial case for enabling development commensurate with the current proposal. English Heritage therefore concluded that a case for enabling development could be supported on the basis of the significant benefits that it could bring to the Grade II\* listed building and its setting. With the current proposals, English Heritage has requested further justification on the enabling development and alternative use aspects and their further views on the applicant's further submissions are awaited at the time of compiling this Report. English Heritage consider that an historically based restoration of the surviving areas of historic designed landscape, following on from the removal of the 20th century buildings is something that is a worthwhile objective for Sandhill. It sees the proposal as achieving a much needed long-term sustainable solution for the site, for which there currently seems no alternative prospect.

I do not consider it is appropriate to request contributions towards education or recreation facilities although a children's play facility is provided and the grounds of the Mansion will be available for use by residents. Clearly in order to fund such contributions, it would be necessary to increase the amount of enabling development. This would be at odds with the approach set down by English Heritage which is to identify the minimum development necessary to enable the conservation of the heritage assets.

#### **D. Access and Parking**

The proposed access is via the south drive. Planning permission has been granted for the re-use of most of the existing buildings, both the Mansion and the former hospital buildings, for offices. In addition, the buildings have other lawful uses and



the potential exists to re-use yet other currently unused buildings. The Transportation Statement submitted with the application demonstrates that the existing access arrangements in Station Road and the south drive were considered appropriate and suitable for a significant scale of office use. It also demonstrates that the proposed residential use could generate less traffic than the lawful office use and therefore it is compliant with Criterion B of Local Plan Policy S1. A condition is recommended that would prevent any link between north drive and south drive.

The Secretary of State, when considering the previous application, felt that whilst there would be realistic alternatives to the private car, private cars would be likely to be used for most trips. However she did not consider that the proposed development would give rise to significant highway danger. A Residential Travel Plan submitted with the application will assist in encouraging residents to use public transport, walk, cycle and car share. Cycle storage will be provided within the development and a cycle shelter is proposed at the southern end of the south drive to encourage people to cycle to a position close to the bus stop and use public transport. It is recognised that in rural locations such as this there will be a greater reliance on the car, the inclusion of a community space into the scheme will allow for some trips away from the site to say other halls and facilities for community needs to be prevented

Access to Sandhill Park is via a private driveway with a width of about five metres and which has a footway over its entire length. The existing footway is to be retained and repaired.

A new length of footway is proposed on the north side of the road to Halse, in order to connect with the existing footway to the west of the junction with Greenway. This will provide a continuous footway link from the proposed development along the existing driveway and along Station Road into Bishops Lydeard via the pedestrian subway under the A358. The proposed footway construction is contained within either public highway land or land within control of the applicant. The existing lighting along the private driveway is to be replaced with new low level bollard pedestrian lighting. The driveway and footway will remain private and maintenance arrangements will therefore be a part of the Management Agreement for the site.

A total of 101 parking spaces is proposed, equating to an overall provision of 1.33 spaces per unit, including six visitor spaces. This is in line with Policy M4 of the Taunton Deane Local Plan which states that whilst in general terms no more than an average of 1.5 spaces should be required in respect of the conversion of buildings to residential use, a significant reduction in car parking provision should be sought. Parking provision at an average of 1.33 spaces per dwelling is therefore consistent with both central government and local plan policy requirements.

I do not consider it likely that any 'overspill parking' would take place on North Drive or Lethbridge Park.

A Residential Travel Plan is proposed to assist in encouraging residents to use public transport, to walk and cycle and to car share. This includes provision of a sum of £5,000 to Somerset County Council for improving bus stops and the setting up of a sustainable transport account with a deposit of £5,000 for a contingency provision.

Upon each occupation, new residents will be informed of the financial advantages of car sharing, including being provided with details of the County Council car sharing scheme. New residents will also be provided with bus timetable information. A Site Travel Plan Co-ordinator will be appointed in order to ensure that the measures identified in the Travel Plan are undertaken and that the efficiency of the Plan is monitored and reviewed.

Opportunities to encourage cycling as part of a multi-modal journey have been identified by the Travel Plan by providing cycle parking facilities at the southern end of the access driveway so that residents could be able to cycle up and down the driveway and leave their cycles in a secure location and continue their journey by public transport.

## **E. Impact on the Listed Building**

The Mansion House is currently in a poor state of repair, as are the outbuildings, and is included on the 2007 Historic Buildings at Risk Register published by English Heritage. There has been more deterioration since the previous applications were determined in May 2006. The proposal would enable both the Mansion and the outbuildings to be sympathetically restored and put to appropriate and beneficial long term use.

A major portion of the work is to be the restoration and refurbishment of the fabric of the Mansion, principally the repair and recovering of the roofs, the repair and replacement of the external joinery and the repair and replacement of the damaged stonework and painting. Internal plasterwork within the Mansion will be preserved and the integrity of larger rooms retained. The main staircase will be relocated in its original position. Unsympathetic modern additions will be removed and the immediate setting of the listed building will be enhanced and restored. The proposed demolition of the inappropriately designed and located former hospital buildings to the west of the Mansion will significantly enhance its setting while the new enabling residential development will be located to the rear of the Mansion and will not impose on its setting. The Landscape Analysis submitted with the application demonstrates the appropriateness of the proposed site for the enabling residential development as being the optimum location.

The screening provided by the proposed new planting restoring the connection between the remaining east and west parts of the pleasure grounds, the use of appropriate natural materials for the roofs and walls of the new development, the restoration of the walled gardens and fountain and the careful setting of levels will ensure that the proposals north of the Mansion will be appropriately assimilated into the landscape and the setting of the listed buildings.

## **F. Landscape**

Policy 5 of the Somerset Structure Plan seeks to protect the distinctive character of the Somerset countryside for its own sake. Further to that policy, Policy EN12 of the Taunton Deane Local Plan identifies Landscape Character Areas in which development proposals must be sensitively sited and designed to respect the distinctive character and appearance of these areas. Sandhill Park lies in a

transitional position between the High Vale and Low Vale Landscape Character Areas and also has views to the Quantocks Landscape Character Area.

The parkland at Sandhill Park makes a significant contribution to the distinctive character and appearance of this part of the Character Area. However its own character and appearance has declined over the years by way of bad management, ill-thought out and badly designed development within the grounds and latterly by further degradation and vandalism due to the uncertain future of both the house and the parkland. However the current proposals, put forward by the applicant's Landscape consultants, would provide a comprehensive package of enhancement works restoring the inner and outer parts of the parkland. Restoring distinctive features including informal lawns, pleasure grounds, pathways, walks, trees, groups of trees etc in addition to removing inappropriate modern additions such as fencing, kerb stones and street lighting are proposed. The most significant removal of modern additions would be the removal of the complex of former hospital buildings to the west of the Mansion and this area restored to informal lawns and parkland. In itself, the removal of these buildings would not only significantly enhance the setting of the listed building, but it would also restore the panoramic views across the parkland to the south, which was a key component of the original Mansion/parkland design relationship. These can be enjoyed from public paths.

The parkland restoration proposals would involve tree/shrub surgery, new planting, replacement tree planting, re-establishment of planting, repairs to and opening up of views to Ash Fish Pond, planting to screen views of Lethbridge Park and restoration of the pleasure grounds. All these works will be designed so as to be beneficial to wildlife.

Although Sandhill Park is not a registered park or garden, the intimate relationship between the park, the mansion and the buildings and features within the park provides a landscape setting of considerable interest. The proposals provide for the establishment of a Restoration and Management Plan which would secure the future of Sandhill Park, based on the two basic principles of conserving and enhancing the area in its entirety as a park of historical importance, whilst also maintaining its visual attraction to visitors and residents alike.

In respect of the previous proposal, the Secretary of State agreed with the Inspector's conclusions that the proposed removal of later additions from the Mansion was to be welcomed. She also agreed with the Inspector that the proposed demolition would result in the removal of the substantial blot of the remaining hospital buildings and that the conversion and restoration of the restored outbuildings would enhance the integrity of the combined heritage asset of the mansion and the parkland.

Overall she agreed that the significance of the landscape setting would be considerably enhanced by the proposed restoration.

## **G. Design**

The stables and barns to the north of the Mansion are to be converted to dwellings. This includes rebuilding the missing part of the stables in the south-west corner to

complete the symmetry of this set of buildings, while maintaining existing pedestrian access to the southern kitchen garden. Lawned areas would be created within the courtyards and areas of cobbled courtyard would be restored and pedestrian only areas created.

The two remaining walled gardens are to be retained and used as recreational open space for the residents of the proposed dwellings. 20th century institutional additions built against the garden walls are to be removed. This will allow the integrity of the gardens to be restored. Blocked-in openings within the walls of the gardens are to be re-opened and re-used to link the proposed development to the recreational open space. The walls are to be repaired and re-pointed as necessary and the ground is to be excavated, levelled and re-seeded and the original footpaths and fountain relocated.

Section 10C of this Report considers the question of the appropriateness of enabling development. In the event of this being accepted, it is then necessary to identify the optimum location for that enabling development. Following on from the historical landscape analysis of Sandhill Park undertaken by the applicants landscape consultants, a number of areas were considered for potential enabling development and consideration was given to their impact upon the historical landscape. Following this analysis, the land to the north and east of the walled gardens is proposed for the new built development. This is considered to be the optimum location for the proposed enabling development.

The area is currently occupied by the remains of an unauthorised car park created for the museum using demolition rubble from the former hospital buildings to the east. Its removal would reduce land level by approximately 1.5 m and further earth modelling would reduce the overall height of proposed buildings.

Historic research suggests that the area was once the site of a third kitchen garden, of which there is now no trace. Also, the research suggests that the pleasure grounds to the east and west were previously joined across this area. This connection would be reinstated and, together with existing trees to the north, would provide screening and enclosure to the enabling development. The enabling development would not break the skyline and there would be no loss of trees to accommodate development in this area. The area is well contained by existing tree cover on three sides and would be enhanced by the proposed planting to the north. The area is not prominent in views from within the park and would not compromise the original visual relationship between the Mansion and the parkland. In addition, the location of the enabling development as an 'extension' of the outbuildings to the rear of the Mansion will create a 'tight' building group continuing the visual relationship between the Mansion and the outbuildings.

The appeal decision in 1994 (06/1993/005) rejected development to the north of the kitchen gardens because development there would be seen from the top floor at the rear of the Mansion, from the kitchen gardens and from the north driveway. The Inspector concluded that there would be a harmful effect on the character of the area and the setting of the listed building.

However, there are significant and material differences between that appeal proposal and the current proposal and related contextual circumstances. Taken as a comprehensive package, the current proposal would be neither harmful to the setting of the listed buildings nor the integrity of the parkland and would moreover have a positive impact on both. The 1994 appeal proposal did not secure the removal of the former hospital buildings to the west of the Mansion. The Inspector was therefore not able to weigh the benefit of removing the hospital buildings against the disbenefits of the new housing. That appeal proposal, whilst illustrative in nature, was for an inappropriate suburban form of development.

The current proposal is for a courtyard-type development of simple rural form reflecting the form, scale and subordination of the existing complex of ancillary buildings to the rear of the Mansion. The proposal is detailed in nature and provides for substantial new planting on the northern boundary. Any views of the new development further north from the rear of the Mansion would therefore be of only marginal impact. In views from the kitchen garden, by locating new buildings set back from the garden wall and at reduced ground level, the enabling development would not be prominent in any views from the enclosed kitchen gardens. Similarly, from the north driveway, the existing tree cover would screen views into the area in question and the landscaping and management proposals would maintain that relationship. The additional tree planting now proposed will screen and enclose the new development. I consider that any residual harm caused by the appearance of the area on the setting of the listed building by what is minimum enabling development would be more than offset by the conservation of the Mansion and its outbuildings, the enhancement of its setting by the removal of the former hospital buildings, by the restoration of the parkland and by additional tree planting and screening.

The proposed new buildings are arranged in groups of 4 – 10 units around a series of courtyards. The dense arrangement seeks to continue the character and form and scale of arrangement present on the existing outbuildings. The buildings are predominantly terraced. The layout minimises wasted space between dwellings and avoids a suburban residential character. Long sweeping roofs serve to link individual dwellings, replicating the form and pitch of the existing outbuildings. The new buildings are all two storey with some simple variation in height due to levels and detail. Eaves heights are kept to a minimum to replicate the scale of the existing buildings. Fenestration is simple and arranged to minimise individual openings. This also reflects the scale and layout of the openings on the existing outbuildings. Materials proposed are a mixture of brick and render with stone detailing with slate roofs. Windows and doors would be stained timber.

## **H. Precedent**

As indicated above, some new development has already been carried out at Sandhill Park, in the form of Lethbridge Park. I take the view that the current proposal will provide for the bringing back of the Mansion and its outbuildings into beneficial use. I am recommending a Section 106 Agreement to secure this. If the Mansion is brought back into beneficial use, under current development Plan policies and the enabling development guidelines, there would be no justification for any further new residential development.

## **I. Nature Conservation**

An Ecological Survey has been carried out, on behalf of the applicants, by Somerset Environmental Records Centre, with comment from Somerset Wildlife Trust. This sets out practices for the arrangement of the parkland and dealing with habitat of protected species. A further Report sets out any necessary work for mitigation and protection of species present on the site. The views of the Nature Conservation Officer and Natural England are awaited.

## **J. Surface Water Drainage**

A sustainable drainage strategy, including Sustainable Drainage Systems is proposed for managing the disposal of surface water run-off from the proposed development. The proposals would include a network of tank sewers and off-line cellular storage or a detention pond, together with areas of pervious pavements designed to limit post development flows from the development sewer network to existing discharge rates. Overland flows from existing impermeable areas with no positive drainage systems would be removed.

The Flood Risk Assessment submitted with the planning application demonstrates that the proposed surface water drainage measures would ensure that the rate of surface water run-off following development of the site does not exceed the existing rate of run-off for the same event up to the 1 in 100 year event, including an allowance to take account of climate change and that the peak flood flow passing downstream would be restored. Further discussions are taking place to seek to overcome the concerns of the Environment Agency.

## **K. Sustainability**

In general terms this is not the most sustainable location for new development. However there is footpath access between the site and Bishops Lydeard which is to be improved as part of the development. The village centre and employment areas are also accessible by cycle. There is a frequent bus service between Bishops Lydeard and Taunton some of which terminate/commence at Greenway. There is therefore a reasonable choice of transport modes and therefore the proposal is compliant with Criterion B of Local Plan Policy S1. A Travel Plan is proposed which seeks the use of alternative forms of transport to the car. The development is also justified on the basis of it enabling the restoration of the listed buildings and historic parkland. In this case the new development is considered to be sustainable because it will enable the conservation benefits to be achieved.

Although the site is located within open countryside and outside a settlement, it is relatively close to Bishops Lydeard with its range of facilities. The proposed new population at Sandhill Park would help make the community and commercial facilities as well as the public transport system, more viable.

A third of the development does not require the construction of new buildings. Furthermore, the demolition of the twentieth century hospital buildings and tarmac

access roads would have the effect of returning 'previously developed land' to parkland which will compensate for the new build on 'previously undeveloped land'.

Overall there will be a net increase in open, undeveloped land with more landscaping and tree planting as a result of this proposal. This gives a net environmental and landscape improvement.

The proposal finds a new use to bring a Grade II\* listed building back into active occupation in a timescale that saves it from further falling into disrepair and decay.

The proposals provide for the restoration of the parkland and provide for its long term management and that of the various specimen trees, woodland and pleasure grounds. In doing so, the proposals would increase diversity and any potential species found would be accommodated in situ or, if present within buildings to be demolished, consent by separate licence would be sought for their appropriate relocation. Overall, wildlife interests are likely to be enhanced.

## **L. Other Issues**

Any potential loss of property values at the existing Lethbridge Park development is not a valid planning consideration.

I do not consider that there will be any unacceptable loss of amenity to the existing residents of Lethbridge Park caused by any noise or pollution resulting in traffic travelling along the south drive.

## **11.0 CONCLUSIONS**

Sandhill Park is a listed building of Grade II\* quality included on English Heritage's Buildings at Risk Register. The necessary renovation and conservation works will be extensive. The applicants have put forward a comprehensive package of enabling development proposals involving the conversion of the Mansion and its outbuildings to 25 apartments and dwellings, together with the construction of 50 new dwelling on land to the north of the former kitchen gardens. The package of proposals deals comprehensively with the Mansion, its outbuildings and the parkland and their future use and maintenance.

The buildings are in a poor state of repair and the applicant is keen to ensure that through these applications a meaningful progression towards restoration can take place. In order to provide the necessary funding for the repair and restoration of the Mansion, a new use must be found for the Mansion House and its related outbuildings and some form of enabling development proposed.

In the 1990's, consent was granted for the change of use of the Mansion to a Fire Museum with enabling development in the form of residential development on the site of former hospital buildings now known as Lethridge Park. The Museum, however only operated for two years or so and, whilst effecting temporary repairs, the scheme did not provide the comprehensive restoration of the Mansion and the parkland expected by the Section 106 Agreement.

The 2004 applications were referred to the Secretary of State for determination and following an Inquiry held in January 2006, the applications were refused by the Secretary of State. In her determination of the applications, she considered that the conversion of the Mansion to residential use was acceptable in principle as a means of preserving the historic character and setting of the Grade II\* listed building. However she identified a number of issues to be addressed in the determination of the proposal. The Secretary of State considered that the proposed development would be contrary to the Development Plan in that it would be outside a defined settlement and reliant on the private car. However she was also of the view that the proposals would enable works of restoration to the listed building and the protection of its setting such that the building would no longer be on the Buildings at Risk Register.

The Secretary of State was of the view that consideration must be given to the provision of affordable housing and that without such provision the proposal was contrary to the development plan. Officers and the applicant have considered this matter together and assessed that there is a local need in Bishops Lydeard which could be assisted through the development. This has been considered alongside the need to meet the conservation deficit with only the optimum amount of development necessary. Accordingly to reflect local need and the financial requirements of the enabling development, a figure of ten affordable units (20% of the new build) is proposed.

The Secretary of State remarked upon the absence of any evidence of a thorough investigation into the viability of alternative solutions to the proposed residential use of the Mansion and new build residential development in respect of ensuring the long-term retention and future use of the Mansion. Reference was made in her decision to English Heritage's policy statement which emphasises that decisions on enabling development should not be taken lightly and should follow the evaluation of all potential options as part of the assessment process. Over the last 18 months, the owner has considered if there is an alternative form of development which would create a viable and likely scheme. A number of alternative concepts for the buildings and the land have been explored with experts in the fields of interest, but none resulted in an offer being made for the site or funding being received.

The Secretary of State did consider that the proposal met the first five of the seven criteria set out in English Heritage's statement on enabling development and that with regard so the sixth criteria that a scheme yielding a contribution in the region of £4 from the enabling development could be regarded as providing the minimum necessary to cover the conservation deficit. However, she did not consider that the proposed scheme necessarily provided the most appropriate means of meeting the conservation deficit and that significant weight needed to be given to the seventh criteria which seeks a balance between the benefit to the heritage asset and the disbenefit in terms of development contrary to policy.

The Secretary of State considered that there were 'flaws' in the original Section 106 Agreement, which could have led to the completion and sale of the new dwellings without the certainty of the full landscape restoration of the parkland. However she agreed that the issues within the Section 106 could have been put right had she



been minded to approve the applications and therefore this did not need to prohibit development if all other matters were acceptable.

She also raised concerns that an opportunity had been missed in failing to provide in the Agreement for public access to, and interpretation of, the landscape.

The original Section 106 Agreement, considered within the 2004 applications has been reassessed in the light of the Secretary of State's decision. New clauses have therefore been inserted in the Draft Agreement submitted with the planning application covering the following:-

- (a) Delivery of landscape restoration;
- (b) Delivery of affordable housing provision;
- (c) The provision of community space; and
- (d) Creation of public paths, parking and interpretation of the assets.

The weight of the open countryside policy versus the conservation deficit remains but has to be considered against the additional exploration of alternative uses for the Mansion and its outbuildings, the provision of more local facilities in the area, the improved interpretation of the heritage and landscape assets and the affordable housing as part of the scheme. However it is considered that any harm to the open countryside policy is outweighed by the conservation deficit which remains to be met. The areas of concern which resulted in the refusal of permission of the previous applications by the Secretary of State have been satisfactorily addressed. The applicants have addressed this issue in the changes contained in the current proposal, including more elements in the proposed Section 106 Agreement.

It is accepted that the application site does not process highly sustainable characteristics. However, in the circumstances, I consider that residential development is the only practical, feasible and achievable option if the Grade II\* listed Mansion is to be preserved. This should be given significant weight in determining the application. The development will result in the removal of undistinguished buildings that mar the setting of the listed building and its surrounding historic parkland.

The Landscape analysis by the applicant's landscape consultants demonstrates that the location chosen for the enabling development is the optimum one with no material effect on the character appearance or setting of the listed building. There would be no loss of trees in this area and there is scope to reconnect the south and west parts of the pleasure grounds, further screening the new development.

My conclusion is that the Secretary of State's previous concerns have been overcome and the proposal represents a comprehensive package which will bring significant benefits in terms of conservation of heritage assets. Although the proposals for the new element of the development is contrary to open countryside planning policies, I am satisfied that the development proposed represents the minimum necessary enabling development. I consider that with the recommended Section 106 Agreement, the Council's position is safeguarded. Subject to this Agreement two outstanding consultation responses and the Secretary of State's views under the Departure procedures, my recommendation is a favourable one.

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES:

## APPENDIX

20/2008/003

MR JAMES HARRIS

**SITING OF 2 ADDITIONAL MOBILE HOMES AND 2 ADDITIONAL TOURING CARAVANS FOR GYPSY FAMILY (EXTENDED FAMILY USE) AT PARK GATE, DODHILL CORNER, NAILSBOURNE AS AMENDED BY REVISED SITE PLAN, BLOCK PLAN AND APPLICANT'S LETTER AND SUPPORTING INFORMATION RECEIVED 2<sup>ND</sup> MAY 2008**

322065/128170

FULL

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**PROPOSAL**

Permission is sought for the siting of two additional mobile homes and two touring caravans for gypsy family (extended family) use at Park Gate, Dodhill Corner. The application site, previously used as a pony paddock, was granted planning permission in 2003, reference 20/2003/013, for the siting of two mobile homes and two touring caravans for a gypsy family. This comprised Mr Harris and his spouse, together with their children and Mr Harris's parents living as one family unit.

The application site is roughly triangular, located to the west of the Taunton – Kingston St Mary road at the junction with the road leading to Dodhill. The site is screened partially by hedges on the boundaries with these roads (north and east). To the west of the site are two industrial units and to the south agricultural land. The previous permission accepted that on the basis of the information submitted the applicant, Mr Harris, was a bonafide gypsy. On the basis that the application is now for Mr Harris's extended family – Paul Harris and Alison Harris are the brother and sister of the applicant. It is therefore accepted that both Paul and Alison Harris are bonafide gypsies.

**CONSULTATIONS AND REPRESENTATIONS**

**LANDSCAPE OFFICER** – The mobile homes are prominent in the local countryside especially travelling north to Kingston St Mary. It will be difficult to mitigate the landscape impact and therefore the proposals are contrary to Policy EN12.

**HIGHWAY AUTHORITY** – The proposal relates to the siting of two additional mobile homes and two touring caravans within an existing caravan site. The proposal is considered to meet the requirements of Policy 36 (Sites for Gypsies and Travelling People) of the Structure Plan. The proposal will see an increase in traffic movements from the site, however it was apparent from visiting the site that the improvements that were required under previous planning permission 20/2003/013 have been met. As such no objection is raised to the proposal.

**PARISH COUNCIL** – The Parish Council strongly object to the proposal for the following reasons:

1. Members of the Council consider it to be a contentious issue and requests that it go before Planning Committee at which the Parish Council intends to be represented.
2. It is considered unnecessary as the current owners have not yet made use of the existing planning agreement;
3. Overdevelopment of the site;
4. The existing unit is visually intrusive and further development will add to this in a Special Landscape Area (SLA) and on an approach to an Area of Outstanding Natural Beauty to the Quantocks.

WARD MEMBER

I strongly support the view that this application should go before the Planning Committee.

### **CONSULTATIONS AND REPRESENTATIONS**

14 Letters of objection – Summary of objections: - outside of settlement limits; development ‘creep’; residential development previous refused; discrimination to allow development contrary to accepted protection of rural areas – planning decisions inconsistent and contrary to government guidance to treat people fairly; can I put caravans in my back garden for extended family?; overdevelopment of the site; where would the children play?; improved visibility splays would require loss of hedgerow adversely affecting the landscape; previous permission not yet implemented, where has that ‘need’ gone – what circumstances have changed; views of the community and Parish Council should be taken into account and not ignored; lack of consultation on original application; landscape impact close to AONB and gateway to the Quantocks, area sited within Special Landscape Area; green belt land; detrimental to rural character and appearance; landscape mitigation not the solution; a temporary permission for a timber hut (for breeding rabbits) on this field has now led to two sheds for industrial use, a stable block, a mobile home, another mobile home (not yet brought onto the site) and space for two tourers, all with planning permission, what is to stop further expansion?; site was never assumed to be suitable other than for one family; has the need been verified?; TDBC provide more sites than other districts within Somerset, expanded sites should be looked at elsewhere; local authority had developed a policy aimed at providing permanent sites for gypsies as part of an overall strategy; additional vehicles will have adverse impact upon highway safety in this location; having established a permanent home the applicant does not follow a gypsy lifestyle as such the application is to set up a mobile home park irrespective of gypsy status; increase sites value; precedent.

### **RELEVANT PLANNING POLICY**

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

POLICY STR6 - Development Outside Towns, Rural Centers and Villages.

Development in the Countryside will be strictly controlled to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

#### POLICY 5 - Landscape Character

The distinctive character of the countryside of Somerset and the Exmoor National Park should be safeguarded for its own sake. Particular regard should be had to the distinctive features of the countryside in landscape, cultural heritage and nature conservation terms in the provision for development.

#### POLICY 36 - Sites For Gypsies and Travelling People

The provision of sites for gypsies and other traveling people should be made where the site is within reasonable distance of a settlement providing local services and facilities.

#### POLICY 49 - Transport Requirements of New Development

Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should: -

- (1) Provide access for pedestrians, people with disabilities, cyclists and public transport;
- (2) Provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and,
- (3) In the case of development, which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

#### Taunton Deane Local Plan

Taunton Deane Local Plan - The following policies are considered especially relevant:

##### S1 General Requirements

Proposals for development should ensure that:-

- (A) additional road traffic will not lead to overloading of access roads or road safety problems;
- (C) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance, which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
- (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use.

##### EN12 Landscape Character Areas

Development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas.

##### S7 Outside Settlements

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

(B) accords with a specific Development Plan policy or proposal;

#### H14 Gypsy and Travellers sites

Outside the defined limits of settlements, sites for gypsies or non-traditional travellers will be permitted, provided that:

- (A) there is a need from those residing in or passing through the area;
- (B) there is safe and convenient access by bus, cycle or on foot to schools and other community facilities;
- (C) a landscaping scheme is provided which screens the site from outside views and takes account of residential amenity;
- (D) adequate open space is provided;
- (E) accommodation will enjoy adequate privacy and sunlight;
- (F) accommodation for incompatible groups of gypsies and/or non-traditional travellers are not mixed on the same site;
- (G) areas for business, where appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents; and
- (H) in the case of transit sites, there is convenient access to a County or National route;
- (I) the site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area;
- (J) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

Taunton Deane Borough Council noted, in an Executive Report dated 3 May 2006 – titled "providing for Gypsies and Travellers", that Circular 01/2006 altered the approach to the provision and assessment of gypsy and traveller sites nationally.

In order to address these alterations the Executive agreed that whilst all proposals will still need to be assessed in terms of Policy H14 of the Taunton Deane Local Plan, the criteria that are applied may need to be considered in a more flexible way where an identified need has been established. The fact that a site may be in an area with a landscape, wildlife or conservation designation should no longer in itself be a reason for refusal, unless it can be demonstrated that the development would undermine the objectives of that designation. A more flexible approach should also be taken in terms of distance to local facilities. Whilst sites immediately adjoining settlements may best meet sustainability criteria they can also give rise to other problems, particularly in relation to impact upon residential amenity.

The report also acknowledged that Circular 01/2006 states that large-scale gypsy sites should not dominate existing communities. As a result, in implementing policy H14, the relative size of any proposed site in relation to nearby settlements must be taken into account as a material planning consideration.

### **RELEVANT CENTRAL GOVERNMENT GUIDANCE**

Up to date Government advice is contained within ODPM Circular 01/2006 of particular relevance are paragraphs referred to below

#### Paragraph 4

This circular will help to promote good community relations at a local level, and avoid the conflict and controversy associated with unauthorized developments and encampments

Paragraph 12 The Circular's main intentions are;

- (a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
- (b) to reduce the number of unauthorized encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;
- (c) to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3-5 years;
- (d) to recognize, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
- (e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- (f) to identify and make provision for the resultant land and accommodation requirements;
- (g) to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- (h) to promote more private gypsy and traveller site - provision in appropriate locations through the planning system, while recognizing that there will always be - those who cannot provide their own sites; and
- (i) to help to avoid gypsies and travellers becoming homeless through eviction from, unauthorized sites without an alternative to move to.



#### Paragraph 19

A more settled existence can prove beneficial to some gypsies and travellers in terms of access to health and education services and employment and can contribute to a greater integration and social inclusion within the local community. Nevertheless the ability to travel remains an important part of their culture. Some communities of gypsies and travellers live in extended family groups and often travel as such. This is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.

Circular 1/2006 requires all local planning authorities to carry out Gypsies and Travellers Accommodation Assessment (GTAA) to ascertain the need for pitches in their districts. This must then be submitted to the relevant regional authority. The regional authority will use the information from the GTAA to impose quotas of gypsy pitches on all the districts in the region. Each district will be obliged to allocate sufficient land in their Development Plan Documents (DPDs) to meet its quota. The circular contemplates that this process will lead to the provision of an adequate number of gypsy sites.

The circular sets out "transitional arrangements" to govern the consideration of new pitches before quotas are imposed by the relevant regional authority (paragraphs 41-46). In certain circumstances it may be necessary for local planning authorities to make allocations in this period. Further, in districts where there is a clear need for additional sites and a likelihood that allocations will be made within a defined period, it may be appropriate to grant temporary planning permissions for gypsy sites.

#### Paragraph 48

In applying rural exception site policy, local planning authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection.

#### Paragraph 53

Local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites.

#### Paragraph 54

Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the Local infrastructure.

#### Paragraph 60

In particular questions of road access, the availability of services, potential conflict with statutory undertakers or agricultural interests and any significant environmental impacts should be resolved at the earliest opportunity.

## **REGIONAL SPATIAL STRATEGY (RSS)**

The Regional Spatial Strategy (RSS) is formulated by the Regional Assembly and will be responsible for deciding the amount of provision within each district for additional gypsy and traveller sites.

In April 2006 the Regional Assembly published a draft RSS of which paragraph 6.1.1.13 states 'at the time of publication of the draft RSS the Regional Planning Board was of the view that there was not sufficiently robust information available on which to establish district level numbers and that it was necessary to establish transitional arrangements in accordance with C1/2006 and that there will be an early review of the draft RSS 'to fully implement the Government's requirements' (i.e. to impose quotas).'

For the South West, this regional context can be summarized as follows:-

- The extent of existing provision in the region is approximately 550.
- The following parts of the region have relatively high numbers of unauthorized sites; South Gloucestershire, City of Bristol and North Somerset, Unitary Authority areas, and parts of Devon, Gloucestershire and Dorset counties.
- An interim estimate of the additional pitch requirements at regional level is about 1,100 pitches, which will be used to monitor delivery in LDDs.

Regarding pitch requirements, the indicative regional figure set out above will serve as a monitoring basis until local authorities have completed their needs assessments and are able to provide a more comprehensive position for site requirements. It is anticipated that all local authorities in the region will have completed their GTAAs in 2007, and it is hoped a single-issue review of the Draft RSS can be completed in step with this.

The partial revision of the RSS to review additional pitch requirements, referred to in the Draft RSS, has made significant progress and has now completed its Examination in Public. The EiP Panel's report is due in May (this will be updated if the report is issued prior to the committee date). This report will specify additional pitch requirements to 2011 for Unitary Authority and District Council areas. The Draft Review identified a requirement for 17 additional pitches in Taunton Deane, although it is anticipated that this may be increased to around 20, taking into account a need for existing gypsy pitches to expand. To date, 10 new pitches have been permitted in the Borough since the start of the RSS period in 2006.

## **GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT (GTAA)**

PPS3 tasks local authorities with ensuring that everyone has access to a decent home, and Circular 01/2006 requires them to undertake Gypsy and Traveller Accommodation Assessments (GTAA) in their areas, to assess the scale of need and identify pitch requirements. The information produced is to inform the preparation of Regional Spatial Strategies, which will identify the number of pitches required for each local planning authority, and the preparation of Development Plan Documents.

An assessment of accommodation needs was undertaken by the Ark consultancy in 2005 for all the Somerset local authorities, but it pre-dated the Government guidance on the preparation of GTAAs. Consequently it was not fully compliant with the guidance, and did not produce a specific recommendation for the number of additional pitches required. Since then, in order to have an input to the preparation of proposals for gypsy and traveller needs in the RSS, an estimate of pitch requirements has been made. This was made by officers of the County and District Councils and representatives of the Gypsy and Traveller communities. It identified a need for 17 additional pitches. However, it is recognised that the figure produced was an interim estimate, and that further detailed work is required as a matter of priority to properly assess the situation and inform the preparation of the Local Development Framework

Work is due to start on the updated GTAA in the near future. Its results will inform the preparation of the Council's LDF, including any need which may exist for the identification of new sites.

## **RELEVANT LEGISLATION**

### **European Convention for the Protection of Human Rights and Fundamental Freedoms (Human Rights Act 1998)**

Articles 8 and 14 of the Convention and the First Protocol Articles 1 and 2 are of particular importance in the consideration of this application.

#### Article 1

1. Everyone has the right to respect for his private and; family life, his home The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association
2. No person shall be denied the right to education. In the exercise of any function which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religion and philosophical convictions.

## **ASSESSMENT**

Circular 01/06 relating to gypsy and traveller sites has amended the definition of 'gypsies and traveller's' to be more wide-ranging. The new definition is:-

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'.*

The proposed occupiers of the additional two mobile homes are the brother and sister of Mr Harris. The status of Mr Harris as a bonafide gypsy has been demonstrated and accepted as part of the determination of the previous permission relating to this site. There is therefore a clear family link which must be taken into account in the assessment of the application. Circular 01/06 identifies that some gypsies...live in extended family groups and that this is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.

The supporting documentation identifies that both Paul and Alison Harris do not have any permanent base of their own, but are 'in dire need of a base and address, from which they can register with doctors, dentists and schools'. The Council's housing department have attempted to contact both Paul and Alison Harris but understand that both are outside of the County at present. Circular 01/06 makes it clear that local planning authorities should not refuse private applications solely because the applicant has no local connection; furthermore in this case there is clearly a family connection to the site. It is accepted that there is currently an unmet need for gypsy sites within the area. Furthermore, the applicant has stated that both Paul and Alison Harris were not accounted for in the previous assessment.

Circular 01/06 recognises that traditional patterns of work are now changing and that the community has generally become more settled. The Circular states that a more settled existence can prove beneficial to some gypsies and travellers in terms of health and education services. The design and access statement outlines the desire to settle in the locality and to be in close proximity to educational and health care facilities.

The application site is located in the open countryside where normal policies resist the erection of new dwellings or the siting of new residential caravans. However there are exceptions to this policy including policy H14, which allows the principle of gypsies and traveller sites within rural areas provided they can fulfil certain criteria. These criteria were relaxed as a result of Government advice contained within Circular 01/06 to allow additional sites and in particular to expand existing sites where appropriate. In particular the Executive agreed a more flexible approach in terms of distance to facilities and accepted that sites could be provided in areas of local landscape designation provided they do not undermine the purpose of the designation. The guidance contained within Circular 01/06 identifies that sites in rural settings, where not subject to special planning constraints, are acceptable in principle. The location of the proposed units is considered to be acceptable given that the site already has planning permission. The application site is located approximately one mile from Kingston St Mary, which is the closest settlement to the site, and a similar distance to the northern edge of Taunton. It is considered the proposal would not place undue pressure on the local infrastructure given the relative low number of mobile homes.

The applicant has recently submitted clearer plans to identify the position of the mobile homes within the site. In relation to concerns regarding overdevelopment of the site, the users would be required to obtain a caravan site licence. The main issue with regards to the additional mobile homes would therefore be from a visual perspective.

The site is not located in an area of nationally recognised designations as referred to within the Circular 01/06. The site is not located within an Area of Outstanding Natural Beauty. Despite concerns from the public regarding the impact upon the Quantocks AONB to the north it is considered that the proposal would not directly affect the AONB landscape such as to warrant a refusal. It is not questioned that the proposal would have a landscape impact, as highlighted by the Council's landscape officer and by the Parish Council and representations received from local residents. The question is whether the need for the development outweighs any harm to the character and appearance of the area.

The guidance within Circular 01/06 states that local landscape and local nature conservation should not be used in themselves to refuse planning permission for gypsy and traveller sites. It is therefore important that the assessment relates to whether the position of the mobile homes causes demonstrable harm to the rural character and appearance of the landscape in this location. The previous assessment with regards to the original permission referred to the existing visual impact of the two industrial units at this point, which already has a impact on the visual amenities of the locality. As such whilst the addition of further mobile homes would have an impact it is not considered in this context that it would be so harmful as to substantiate the refusal of the scheme when taking into account other material considerations. Moreover, it is considered that additional supplementary landscaping would help to mitigate the visual impact of the development. The Highway Authority consider that the proposed visibility splays implanted previously are acceptable and there would not therefore result in any further loss of hedgerow.

The Highway Authority do not raise any objection with regards to parking or highway safety implications.

To conclude, the applicant's personal circumstances and family connections for choosing this private site are considered to be a material consideration, and would offer a settled base for the extended family to provide for their education and health requirements, balanced against the degree of landscape impact. It is concluded that the visual harm of the mobile homes in this location would not be so harmful as to outweigh the applicant's need and as such it is recommended that the application be approved subject to the imposition of appropriate conditions.

## **RECOMMENDATION**

Permission be GRANTED subject to the conditions of occupation by extended gypsy family only, personal occupancy, no fencing, details of any external lighting, details of foul drainage and surface water; no more than four mobile homes on the entire site, no business activities unless agreed by the LPA, no open storage of items connected with business activities; landscaping.

**REASON(S) FOR RECOMMENDATION:-** The additional mobile homes are considered to fulfil an outstanding gypsy need in accordance with Taunton Deane Local Plan Policy H14 (as amended).

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

**CONTACT OFFICER: MR A PICK**

NOTES:

## Planning Committee – Wednesday 21 May 2008

### Report of the Development Manager

#### Enforcement Item

**Parish:** Sampford Arundell

1. **File/Complaint Number** 32/2008/004A
2. **Location of Site** Former Beambridge Hotel, Sampford Arundell, Wellington
3. **Names of Owners** British Country Inns Plc, Ampney House, Falcon Close, Quedgeley, Gloucs
4. **Name of Occupiers** As above
5. **Nature of Contravention**

Display of externally illuminated and non-illuminated advertisement signs.

#### 6. **Planning History**

The property known as The Beambridge Hotel has recently gone under extensive refurbishment. This included re branding the property as The Inn at Sampford. An application for Advertisement consent was received on 14<sup>th</sup> February 2008 for the display of a number of externally illuminated signs together with a series of flag type advertisements positioned along the frontage of the site facing the A38. Whilst the application was being considered the works continued and the advertisements were displayed prior to the application being determined. The application was determined under delegated powers on 9<sup>th</sup> April 2008 where signs identified as C, H and E were approved but signs A, D and G were refused. These signs comprise of banner signs on the road frontage and large signs on the two gables of the property.

#### 7. **Reasons for Taking Action**

It is considered that the position of the banner signs cause the distraction of attention of vehicle drivers and is therefore prejudicial to the safety of vehicular and pedestrian traffic and is contrary to Policy EC26 of the Taunton Deane Local Plan. The individual letters applied to the gables of the building by reason of their siting, appearance and proportion detracts from the visual amenity of the area and the character of the building and therefore contrary to Policy EC26 of the Taunton Deane Local Plan

**8. Recommendation**

The Solicitor to the Council be authorised to commence Prosecution proceedings to secure the removal of the signs.

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

**CONTACT OFFICER: Mr JAW Hardy Tel: 01823 356466**



## Planning Committee – Wednesday 21 May 2008

### Report of the Development Manager

#### Enforcement Item

#### Parish:

1. **File/Complaint Number** E252/05/2005
2. **Location of Site** Fideoak Mill, Bishops Hull, TAUNTON
3. **Names of Owners** Mr G Hunt
4. **Name of Occupiers** Ashwood Timber Ltd, Fideoak Mill, Bishops Hull
5. **Nature of Contravention**

Stationing of Timber Lodge for residential purposes

6. **Planning History**

A complaint was received in September 2005 that a mobile home had been stationed on the site and was being occupied by the owner. A site visit was made and it was found that there were in fact two units linked by a timber structure. The owner was contacted and informed that the use was unauthorised and that a Planning application should be submitted. The site is in an area liable to flooding and the owner had contacted the Environment Agency to ascertain what works needed to be carried out in order to alleviate the flooding risk. In October 2006 the mobile homes were removed and replaced with a large timber lodge. Ashwood Timber manufactures such buildings and the structure doubled as a show home as well as a residence for the owner. An application was submitted but due to the flood alleviation works not being implemented the Environment Agency raised objections. The applicant subsequently withdrew the application. In February 2007 the owner was given 14 days to submit an application but at the time the extensive flood works being carried out had not been completed therefore the owner requested a longer time be given for the application to be submitted. The application was finally submitted on 3<sup>rd</sup> October 2007 but was subsequently refused under delegated powers on 21<sup>st</sup> January 2008. No appeal against the refusal has been received and the Timber Lodge is still on site and occupied.

## **7. Reasons for Taking Action**

The site, as identified in the Taunton Deane Local Plan is in open countryside, outside of any defined settlement limit, where it is the Policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural need or benefits economic activity. The Local Planning Authority is of the opinion that the development does not satisfy the above criteria and is therefore contrary to Policy S7 of the Taunton Deane Local Plan and Policy STR6 of the Somerset and Exmoor National Park.

The site is located within an indicative floodplain (floodzone 3) and is therefore liable to flooding. The application has insufficient detail to satisfy the Environment Agency and Local Planning Authority that the use here would be acceptable in flood risk terms and the proposal is therefore contrary to Policy EN28 of the Taunton Deane Local Plan and PPS25.

## **8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to satisfactory evidence being obtained that the notice has 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 JAW Hardy Tel: 01823 356479**

## **Planning Committee – Wednesday 21 May 2008**

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

#### **Enforcement Item**

<b>Parish:</b>	Wiveslicombe
<b>1. File/Complaint Number</b>	49/2007/026LB
<b>2. Location of Site</b>	Co-Operative Store, The Square, Wiveliscombe
<b>3. Names of Owners</b>	Co-Operative Group
<b>4. Name of Occupiers</b>	Co-Operative Group
<b>5. Nature of Contravention</b>	

Unauthorised extension to rear, consisting of covered walkway and other associated works.

#### **6. Planning History**

Applications 49/2001/060 and 061LB for replacement of covered walkway to rear of Co-Op store, refused 10 January 2002.

Applications 49/2002/069 and 071LB for replacement of covered walkway to rear of Co-Op store, granted temporary permission (until 31 November 2005) and refused respectively 11 November 2002.

Applications 49/2007/025 and 026LB for the retention of the canopy to the rear, granted temporary permission (until 30 June 2010) and refused respectively 25 June 2007.

## **7. Background**

The issue of the unauthorised development to the rear of the Co-Op has been ongoing since 2001.

In November 2002 Listed Building Enforcement action was deferred for the life of the temporary planning permission i.e. 31 November 2005, with the intention of a more permanent and acceptable design being promoted which would also meet the future needs of the users of the Town Hall.

When applications 49/2007/025 and 026LB were determined by Committee temporary planning permission was granted on the basis that the applicants had indicated that they were shortly to submit applications for a replacement rear extension and Listed Building Enforcement action was delayed for 6 months i.e. November 2007.

Whilst discussions may have been ongoing with the Town Hall Trust post June 2007, Council Planning Officers have not been privy to the same.

Given the clear lack of progress a letter to the Agent, advising that a report to Committee was being prepared recommending that Listed Building Enforcement action be instigated without delay, was sent on April 22<sup>nd</sup> 2008.

By email dated 28<sup>th</sup> April 2008 the Co-Operative Group acknowledged that communication with the Council had broken down. It also detailed the Groups current position and requested a deferral of the Listed Building Enforcement action.

## **8. Reasons for Taking Action**

- a) The existing extension has a serious detrimental impact on the character of the Listed Building (as evidenced by Committee refusal for its retention)
- b) Whilst the Council has been lenient in granting successive temporary planning permissions for retention of the unauthorised rear extension, no tangible evidence has been received to date to suggest that action should be delayed further.

## **9. Recommendation**

The Solicitor to the Council be authorised to issue a Listed Building Enforcement Notice to secure the removal of the rear extension and effect associated repairs as a result of its removal.

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

**CONTACT OFFICER:**

**Diane Hartnell – 01823 356492**

PLANNING COMMITTEE – 21 MAY 2008

**Report of the Development Manager (to be read in conjunction with the original report submitted to the planning committee of 16 April 2008)**

**Countryside Items**

**Objection to Taunton Deane Borough (Wellington No.1) Tree Preservation Order 2008 at 11 High Path, Wellington  
TD1044, T1 Beech**

**Additional information and comments received from the objectors Mr Trueman and Mr Payne at the planning committee of 16 April and by letter since**

- a) There is a manhole cover at the base of the tree, under which there is a void which may destabilise the tree. Some roots have been found growing into the void and may damage the sewer in the future.
- b) The boundary wall is in fact listed along with the house.
- c) The tree is nearer to the adjacent houses than was recorded in the officer's report.
- d) The beech tree that stood in the garden of 9 High Path was blown down in high winds, not felled for health and safety reasons.

**Officer's Further Comments**

In response to the above points:-

- i) The size of the void beneath the manhole cover is not known, but it is unlikely to be significant compared to the extent of the tree's roots that will have grown beyond the canopy edge, anchoring the tree. Roots may enter cracks in a sewer or drain that is already damaged but they seldom initiate the damage.
- ii) The conservation officer has confirmed that the boundary wall is in fact listed as it forms part of the curtilage of the listed building. However, she is of the opinion that the wall and any damage being caused to it is not significant enough to support removal of the tree.
- iii) More accurate measurement has revealed that the edge of the tree trunk is 6.3 metres from 11 High Path and 6 metres from 12 High Path. When using current guidelines for assessing trees for TPO, this is far enough away for the tree to be considered for TPO.
- iv) The health of the beech tree that blew over at 9 High Path is not known.

A full aerial inspection of the tree has now been carried out by Colin Inder of Arboricare Ltd, and a copy of his report is attached. The conclusion of Colin's report is that the tree is healthy and of normal vigour, but that some crown reduction work should be considered, to include the removal of a wounded branch on the east side.

## **RECOMMENDATION**

That the Tree Preservation Order be confirmed. An application to carry out the management works recommended in Colin Inder's report would be favourably received.