

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 22 September 2010 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 1 September 2010 (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 07/10/0016 – Erection of two 4/5 bedroomed dwellings in the garden to the rear of Gardeners Hall, Back Lane, Bradford on Tone
- 6 14/10/0009 – Demolition of vicarage and erection of replacement vicarage with parish office and 2 no dwellings with associated access at The Vicarage, Creech St Michael
- 7 23/10/0009 – Construction of extension to patio area, construction of decking, erection of retaining wall and timber fencing screen at The Globe, Fore Street, Milverton
- 8 27/10/0009 – Construction of an access into Ayton Fields on land adjacent to Higher Knapp Farm, Hillfarrance (retention of works already undertaken)
- 9 38/10/0214 – Outline planning application for erection of up to 11,200 sqm of office (B1) floorspace, up to 4,475 sqm of hotel (C1) floorspace, up to 49 residential units, together with associated car parking, landscaping, infrastructure works and new vehicular access on to Priory Bridge Road Car Park and 84-94 Priory Bridge Road, Taunton
- 10 42/10/0031 – Change of use of part of paddock to form extension of domestic garden for children's play area including play equipment for a temporary period of 5 years at Little Oaks, Staplehay, Trull (retention of development already undertaken)

- 11 E/0088/43/10 - Unauthorised sign for Asda Stores on land off Taunton Road, Wellington
- 12 Planning Appeals - the latest apeal decision received (details attached)

Tonya Meers  
Legal and Democratic Services Manager

15 September 2010

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

## **Planning Committee Members:-**

Councillor P Watson  
Councillor D Wedderkopp  
Councillor M Floyd  
Councillor B Denington  
Councillor M Hill  
Councillor D House  
Councillor C Bishop  
Councillor J Allgrove  
Councillor C Hill  
Councillor L James  
Councillor T McMahon  
Councillor S Coles  
Councillor F Smith  
Councillor A Wedderkopp  
Councillor R Bowrah, BEM  
Councillor E Gaines  
Councillor I Morrell

## Planning Committee – 1 September 2010

Present:- Councillor Bishop (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Brooks, Coles, Denington, Mrs Floyd, C Hill, House, McMahon, Morrell, Mrs Smith, Mrs Stock-Williams, Watson, A Wedderkopp and D Wedderkopp

Officers:- Mr G Clifford (East Area Co-ordinator), Mr M Bale (West Area Co-ordinator), Mrs J Moore (Major Applications Co-ordinator), Ms M Casey (Planning and Litigation Solicitor) and Mr R Bryant (Democratic Services Manager)

Also present: Councillor Cavill in relation to application No 48/10/0026.  
Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### 95. Apologies/Substitutions

Apologies: Councillors Gaines and Miss James

Substitutions: Councillor Brooks for Councillor Miss James and Councillor Mrs Stock-Williams for Councillor Gaines.

### 96. Minutes

The minutes of the meetings of the Planning Committee held on 30 June 2010, 21 July 2010 and 11 August 2010 were taken as read and were signed.

### 97. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor McMahon also declared a personal interest as a Director of Southwest One. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Cavill declared a prejudicial interest in application No 48/10/0026. He left the room during the consideration of the application.

### 98. Applications for Planning Permission

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

(1) That **outline planning permission be granted** for the under-mentioned development:-

**38/10/0153**

**Erection of storage warehouse (Class B8) at Chip Lane, Taunton**

## Conditions

- (a) Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A2) Dr No 101 Rev A Site as proposed;
  - (A3) Dr No 080102018/200 Site Section as proposed;
  - (A3) Dr No 080102018/100 Site Location Plan;
  - (A2) DrNo.101/Rev B Site as Proposed Parking Arrangement;  
73245/AR/A05/A 8M Box Van Servicing;
  - 73245/AR/A04/A 8M Box Van Servicing;
  - 73245/AR/A03/A 10M Rigid Vehicle Servicing;
  - 73245/AR/A02/A 10M Rigid Vehicle Servicing;
  - 73245/AR/A01/A 16.5M Articulated Vehicle Servicing;
- (c) The premises shall be used for a storage warehouse and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);
- (d) No deliveries shall be taken at or dispatched from the site outside the hours of 07.30 hrs – 19.30 hrs nor at any time on Sundays, Bank or Public Holidays, without the prior written approval of the Local Planning Authority;
- (e) No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority;
- (f) The area allocated as a service yard on the approved plan shall not be used other than for the loading/unloading and manoeuvring of vehicles in connection with the use of the premises as B8 Warehouse and no servicing of the premises shall take place from the adjacent highway;
- (g) There shall be no working, machinery operating, processes carried out or other activities within the building or the site edged red, including no operation of refrigerated vehicles or units, between the hours of 19.30 and 07.30 hours nor at any time on Sundays, Bank or Public Holidays;
- (h) The scale of the building shall be no greater than the illustrative plans submitted with the Design and Access statement;
- (i) The development shall provide for covered and secure storage facilities for bicycles details of which shall be indicated on the plans submitted in accordance with Condition (a) above. Such facilities shall be provided prior to the commencement of use of the building to which it relates and shall thereafter be retained for those purposes;
- (j) No development shall take place until there has been submitted to, and

approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the use hereby permitted is commenced and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (k) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (l) Details of any floodlighting shall be submitted to, and approved in writing by, the Local Planning Authority before its installation commences. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

(Notes to applicant:- (1) Applicant was advised that landscaping should include trees and shrubs along the southern boundary of the site; (2) Applicant was advised to investigate the use of sustainable drainage systems (SUDS) in order to reduce the rate of run-off; (3) Applicant was recommended to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (4) Applicant was advised to be aware of the importance of checking with Wessex Water to ascertain whether there is any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, the applicant should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus; (5) Applicant was advised to contact Network Rail before works begin, as the proposed works are in close proximity to the railway boundary; (6) Applicant was advised to contact Network Rail (NR) if there is any intention to alter any ground levels. There should be no excavations near railway embankments, retaining walls or bridges. A 1.8m high trespass resistant fence should be erected parallel to, but separate from, the railway fence. All buildings should be at least 2m from the boundary fence for construction and maintenance works. There should be no increased flows of surface water onto Network Rail land, culverts or drains, and no soakaways within 10m of the NR boundary. No scaffolding, plant or cranes should be used, such as may fall onto NR land in the event of failure; (7) Applicant was advised that there is a Section 106 Agreement covering this site which you should seek to alter prior to commencement of any works on the site (planning application No. 38/92/0368 refers); (8) Applicant was advised that the site is not within an industrial area, and therefore noisy activities associated with B2 uses are not likely to be acceptable in respect of Condition (c). In addition refrigerated vehicles may cause a nuisance to nearby residents and these should not be parked at this site; (9) Applicant was advised that the site is adjacent to an area of High Archaeological Potential and Importance (alongside the northern part of the site). Should any excavations occur in this area, the applicant should first contact Somerset County Council's Historic Environment Service; (10) Applicant was advised that it would be preferable to use a similar design

to that approved on the adjacent buildings, planning reference No 38/10/0205.)

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements). The proposal was considered to be an acceptable use in an area of employment, and would be a positive step for economic development in accordance with Planning Policy Statement 4(PPS4). Any adverse impacts to local residents were considered to be outweighed by the need to provide employment in a suitable area, and this site was appropriate and sustainable in accordance with PPS4.

(2) That **planning permission be granted** for the under-mentioned development:-

**32/10/0003**

**Removal or variation of Condition 04 of planning approval 32/03/0002 to allow conversion of double garage and store for ancillary residential use at The Ferns, Whiteball, Wellington (amended description)**

(a) The parking spaces indicated on drawing No 2510/4/B shall be set aside and permanently retained for the parking of motor vehicles in connection with the use of the dwelling known as The Ferns, Whiteball and shall not be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised to seek advice from the Local Planning Authority prior to undertaking any works to the garage so as to ensure that all works undertaken are in accordance with permitted development rights.)

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon parking provision serving the dwelling house and would not adversely affect highway safety and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and M4 (Residential Parking Provision).

**99. Change of use of part of a Dutch Barn and sections of fields to support an eco tourism Yurt Site at Hill Farm, West Monkton (48/10/0026)**

Reported this application.

**Resolved** that subject to the receipt of an acceptable Habitats Regulation Assessment the Chairman or Vice-Chairman, in consultation with the Development Management Lead, be authorised to resolve the issue.

## **100. Appeals**

Reported that an appeal decision had been received, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.13 pm.)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors McMahon and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor McMahon

07/10/0016

MR RICHARD ADAMS

**ERECTION OF TWO 4/5 BEDROOMED DWELLINGS IN THE GARDEN TO THE REAR OF GARDENERS HALL, BACK LANE, BRADFORD ON TONE**

Grid Reference: 317413.12276

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed development would derive access via a track which does not afford sufficient visibility from or of vehicles exiting the site at its junction with Back Lane. It would, therefore, be detrimental to highway safety, contrary to Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.
- 2 The proposed development would derive access via a track which is of insufficient width to allow two vehicles to pass and would, therefore, lead to vehicles entering the site having to wait or reverse onto the highway in the event that a vehicle was leaving simultaneously. Such a situation would be detrimental to highway safety for all users of the road, contrary to Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

**SITE DESCRIPTION AND HISTORY**

The site comprises a rear garden area to a large detached house, Gardeners Hall. The area extends beyond a number of other residential properties, which lie to the east and southeast of the site. The 4 dwellings to the south of Gardeners Hall are bungalows, but Green Hedges beyond them, Centuries opposite the access track and The Nursery to the south of the site are all two-storey detached properties.

The site itself is a large, relatively flat area laid to lawn. There is a concrete block constructed out building in the northeastern corner. The eastern site boundary is formed by a post and wire fence, although there are some trees along this boundary, which separates the site from an adjoining agricultural field, farm buildings and a converted barn 'The Barton'. To the north, the boundary is a hedge, again separating the site from agricultural land, continuing across the boundary of 3 Gardeners Close, which borders the land proposed to be retained as garden to Gardeners Hall. Most of the eastern boundary of the site is presently open to the remainder of the Gardeners Hall curtilage, although hedges and some fencing form the boundary to the residential properties of Oxbarton, and Linden Lea at the southern end of this boundary.

The southern boundary is formed of a post and wire fence, which separates the site

from an access track. The boundary includes a metal gate, which gives an existing access into the site from this location. This track would give vehicular access to the site, it rises up from Back Lane at its western extent and is surfaced with loose stone/gravel as far as Linden Lea, from where it becomes a grass track serving the site and field to the east. Visibility from the track onto Back Lane is severely restricted, especially to the north, where Back Lane bends backwards slightly against the access.

There is no planning history relating directly to this site. However, land to the north of Gardeners Hall has previously been developed for housing and an attached building has been converted to a dwelling.

## **PROPOSAL**

This application seeks full planning permission for the erection of two 4/5 bedroom two-storey detached dwellings. The dwellings would be sited such that plot 1 faced east, backing onto the neighbouring bungalows and plot 2 facing south, towards the access. Large garden areas would be located to the rear of each dwelling, with attached double garages provided alongside. The dwellings would be finished with natural stone and painted render, with clay tiled roofs and timber casement windows.

The application form suggests that a tarmac drive would be laid to the highway, but the full length of the access is not included within the application site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BRADFORD ON TONE PARISH COUNCIL* – No objection in principle, but there are objections to the access, which is believed to be within the conservation area.

The current access and visibility splays are totally inadequate to accept any further traffic onto a narrow lane, which is used as a rat run. The property known as 'Centuries' which lies opposite the access to the proposed new properties is continually being damaged, particularly by heavy vehicles. Further development off Back Lane will only exacerbate this situation.

There is currently only one drain serving surface water from the properties along the access in question.

The property known as 'Green hedges' has a boundary abutting the access. At the present time, this is an 'open boundary, but the owners will consider reinstating their boundary wall, which would make access even more difficult.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Details need to be denoted on the plan how access is derived from the public highway. Note that Bradford on Tone is deficient in services and is, therefore, not sustainable in transport terms. However, accept that the site is within the settlement limits and, as such, it would appear that there is a presumption in favour of small scale development. In terms of the detail:

"Back Lane is an unclassified highway and is subject to a 30mph speed restriction. From personal observations and experience, it is likely that the majority of through traffic would opt to take the route via Regent Street, rather than use Back Lane, however it is a well utilised Lane, given the number of properties that are located

here.

Back Lane is narrow (down to 3m in places), with a lack of designated passing places and no footways. This is not a location where the Highway Authority would welcome new development, which would generate significant additional traffic.

The existing access with Back Lane, for vehicles emerging is substandard and whilst I am aware it is already being utilised this is an historical arrangement, and it is imperative, in the interests of highway safety for all road users, that any new development is served by a suitable means of access from/onto the adjoining public highway.

The access onto the highway, will serve in excess of two and it should have a minimum width of 5m, to enable vehicles entering the exiting the site to pass each other and to avoid waiting or reversing onto the adjoining public highway, particularly given the constraints of Back Lane. It would appear that the access is not within the ownership of the Applicant to enable these improvements to be incorporated. It should also be noted this deficiency will mean that this access road is not considered appropriate for adoption by SCC.

...It is imperative, in the interests of highway safety, that adequate visibility is incorporated to serve any new development being proposed.

Visibility splays, as set out in "Manual for Streets", based on co-ordinates of 2.4m x 43m in each direction to the nearside carriageway edge would be appropriate in this location, with no obstruction greater than 900mm. Having visited the site, I am not convinced these splays can be provided as this will be dependent upon what land is owned/controlled by [the applicant].

Maximum parking levels [3 spaces] should be applied in this location, given the village is considered to be unsustainable in transport terms... There is sufficient space within the site for the parking and turning of vehicles to be incorporated.

Taking the above points into consideration if the required visibility splays cannot be provided that are considered essential in the interests of highway safety, a recommendation of refusal will be forthcoming by the Highway Authority".

*HERITAGE AND LANDSCAPE OFFICER* – Subject to the strengthening of the eastern boundary hedgerow and retention of the existing trees, the wider landscape impacts will be reduced.

*WESSEX WATER* – The development is located within a sewered area. It is recommended that the Council should be satisfied that the proposal to dispose of surface water to a soakaway is satisfactory.

In terms of water supply, there are mains within the vicinity of the site, although there are on-going low pressure problems and only a minimum standard domestic provision can be made.

*CONSERVATION OFFICERS* – The proposed development would be approximately 60m east of the Bradford-on Tone conservation area. It would not be visible from within the Conservation Area and would, therefore, have no impact on its setting.

## Representations

4 letters have been received objecting to the proposal, raising the following issues:

- The track has dangerous access. Visibility is poor on egress and there have been 2 accidents, including between a car and motorcycle, and a number of near misses. The development could produce 6-8 additional vehicles. There are currently 5 dwellings served from the track, so there will be a 50% increase in traffic.
- Previous applications for development from this access have been refused.
- The access point on Back Lane is the narrowest part of the lane – turning into the access is difficult. There are no footways, so accidents could involve pedestrians.
- The development is likely to increase flooding in Back Lane – the track is already a torrent in heavy rain.
- The track cannot take construction vehicles or refuse lorries being only 4m wide.
- A private sewer runs through plot 1. Linden Lea and Southay have access rights for maintenance. Mains services are not readily available on the site.
- There will be further erosion of the countryside – this was once a Greenfield site and only became part of the settlement boundary when Gardeners hall purchased it as Garden land.
- The development would require the removal of an 11,000 Volt transformer, which supplies power to the eastern part of the village.
- Question whether the mains sewer is adequate.

1 Letter of comment has been received raising the following points:

- The applicant does have a right of access to the site, but it is not owned by the applicant and has been included in the application site.
- The traffic statement does not account for continued access into the field beyond the site and may be flawed.

8 Letters of support has been received, raising the following points:

- The proposal is in no way detrimental to the surrounding properties or countryside.
- The houses shown are of a high quality, in keeping with the village as a whole and would compliment the site and surroundings.
- It is not an overdevelopment of the site.
- The additional traffic in Back Lane would be minimal.
- Bradford on Tone needs more good sized houses to help meet a need and encourage more families into the village.
- Additional dwellings will help to maintain the village pub, which struggles to survive.
- They would not overlook or impose on any adjoining/nearby property.

## PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,

EN14 - TDBCLP - Conservation Areas,  
M4 - TDBCLP - Residential Parking Provision,  
STR1 - Sustainable Development,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
PPG13 - Transport,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the determination of this application are considered to be the principle of the development, the impact on highway safety, the impact on neighbouring residents and the impact on the character of the area.

### **Principle**

The site is within the settlement limit of Bradford on Tone. As noted by the Highway Authority, the settlement is deficient in basic services, which suggests that the development may not be 'sustainable' in transport terms. However, it is considered that the presence of the settlement limit gives a presumption in favour of development and, on that basis, it is considered to be acceptable in principle.

### **Highway Safety**

The site is accessed from Back Lane via a narrow private track which already serves 5 dwellings and a field. The access has poor visibility at its junction with Back Lane in terms of emerging and forward visibility. Indeed, when travelling south down Back Lane, it is almost entirely concealed from view.

Back Lane itself is narrow and has no footways. However, it already serves a significant number of dwellings. It is not considered that the minimal increase in traffic along Back Lane would cause a detriment to highway safety. However, there will be a significant increase in the amount of traffic using the access point onto the Lane – the track currently serves 5 dwellings and a further two dwellings would see an increase of 40% taking the number of dwellings alone, and not accounting for the Highway Authority's recommendation that 3 parking spaces should be provided per dwelling for properties of this size. As noted, visibility is limited, and is constrained by neighbouring residential development. It seems, therefore, that there is no opportunity to improve the visibility due to land ownership constraints, notwithstanding that this would be undesirable given the detriment that may be caused to the visual amenities of the area and the character and appearance of the conservation area, the border of which is along Back Lane. The applicant has suggested that the small increase in traffic arising from the development would not cause a detriment to highway safety, but the Highway Authority does not concur, and your officers feel that there is no reason to disagree with that professional advice from the County Council.

In support of their application, the applicant refers to planning permission 07/06/0028 for a dwelling at The Old Nursery, accessed from the same point on Back Lane. However, this was a proposal for a replacement dwelling and so does not carry any weight in terms of its impact upon the highway network.

### **Neighbouring residents**

The dwellings have been designed in such a way that minimises overlooking to the

neighbouring residents. Plot 1 is sited adjacent to Linden Lea, the closest neighbour, in the southern part of the site, but the main dwelling will face down its own private garden, some 33m from that rear boundary, at right angles to this existing neighbour. It is considered, therefore, that there would not be any unreasonable overlooking of this dwelling. Similarly, the proposed dwelling is sufficiently distanced from the established neighbouring boundaries not to cause any overbearing impact upon those existing dwellings. Similarly, the proposed dwelling on plot 2 is in excess of 30m and at an angle to 3 Gardeners Close to the northwest.

### **Character of the area and design**

Bradford on Tone is characteristic of a settlement that has steadily evolved over many centuries, always attracting fairly modest amounts of development at any given time. Therefore, there is no prevailing style or vernacular from which to draw inspiration for new development. Render and stone, however, are probably the most common facing materials in this part of the village and the development is, therefore, considered to respect this context.

The design of the dwellings themselves are considered to be well proportioned and, although large and fairly bulky, are not out of place, given the proposed plot sizes. The choice of materials and finishes appears to indicate a development of a high quality and, therefore, it is considered to be acceptable. Whilst external chimney stacks are not particularly characteristic of this part of Somerset, there are other examples of these within the village.

Whilst Back Lane is within the conservation area, the site itself is not. The conservation officer considers that the development would not adversely affect the character and appearance of the conservation area and, given that no alterations are proposed to the access and the site itself is behind other development in respect of the conservation area boundary, this view is accepted.

When viewing from the open countryside, the site already forms the residential boundary of the village with surrounding agricultural land. This boundary is currently weak in terms of soft landscaping, and the proposal would offer the potential for additional landscaping. Provided that this was secured, the landscape officer is satisfied that the proposal would be acceptable in terms of its landscape impact.

In light of these considerations, the proposal is considered to be acceptably designed, not impacting unreasonably upon the character of the area.

### **Other matters**

The application is accompanied by a wildlife survey, which indicates that there is no notable presence of protected species on site. Neighbouring land owners have noted the need to retain access to the adjoining field, the presence of sewers on site and the difficulty of getting services to the site. It is also noted that an electricity cable and transformer would have to be relocated if development were to proceed. However, these are civil matters that any developer would have to resolve outside the planning system. Wessex Water has confirmed that sewerage and water supply infrastructure is adequate for the proposed development.

### **Conclusion**

The proposed development is considered to be acceptable in principle and would not impact unreasonably upon other nearby property or the visual amenities of the area. However, the access to the site is considered to be substandard in terms of its width and visibility at the junction with Back Lane. It is, therefore, considered to be detrimental to highway safety. There are no other material considerations which outweigh this objection and a refusal on this basis is, therefore, recommended.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**

**DEMOLITION OF VICARAGE AND ERECTION OF REPLACEMENT VICARAGE WITH PARISH OFFICE AND 2 NO DWELLINGS WITH ASSOCIATED ACCESS AT THE VICARAGE, CREECH ST MICHAEL, AS AMENDED BY PLANS AND REVISED PLANNING STATEMENT RECEIVED ON 29 JULY 2010.**

Grid Reference: 32741.125334

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

It is considered that the proposal is in line with PPS 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings (St Michael's Church), is in line with Policies S1(General Requirements), S2(Design), and M4(Residential Parking Requirements) of Taunton Deane Local Plan. It is not considered that there are any detrimental impacts on the amenities of the nearby residents and that the replacement Vicarage and the two new properties are a positive contribution to the character of the village.

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- (A3) DrNo 758/TS/02 Tree survey
- (A1) DrNO 758/TS/02A Constraints and Protection Plan
- (A2) DrNo 1031/P01B Proposed site plan
- (A2) DrNo 1031/P02 Rev B Proposed ground floor plan
- (A2) DrNo 1031/P03 Rev B Proposed first floor plan
- (A2) DrNo 1031/P04 A Proposed roof plan
- (A3) DrNo 1031/P05 A Proposed vicarage elevations
- (A3) DrNo 1031/P06 Rev A Proposed vicarage elevations
- (A3) DrNo 1031/P07 Rev A Proposed vicarage elevations
- (A3) DrNo 1031/P08 Rev A Proposed vicarage elevations
- (A3) DrNo 1031/P09 Rev B Proposed elevations D1-D2
- (A3) DrNo 1031/P10 Rev B Proposed elevations

(A3) DrNo 1031/P11 Rev B Proposed elevations D1-D2  
(A3) DrNo 1031/P12 Rev A Proposed elevations  
(A3) DrNo 1031/P13B Proposed site sections AA  
(A3) DrNo 1031/P14 Rev A Proposed context plan  
(A2) DrNo 1031/P15 Rev C View of proposals-1  
(A2) DrNo 1031/P16A View of proposals-2  
(A3) DrNo 1031/P21 Rev A Proposed sections BB  
(A3) DrNo 1031/P22 Existing sections site/churchyard  
(A1) DrNo 7875-200-001 Rev A Topographical survey

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN23 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 5.

4. None of the dwellings shall be occupied until works for the disposal of surface water and sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

5. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Michael Woods Associate's submitted reports, dated August and November 2009 and the advice of the reptile surveys to be undertaken and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

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

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect wildlife and their habitats from damage bearing in mind this/these species is/are protected by law.

6. The development hereby permitted shall not be commenced (including any ground works or site clearance) until reptile surveys have been carried out and have been submitted to and approved in writing by the Local Planning Authority.

Reason: To establish the presence of reptiles on site prior to any development on site in accordance with PPS9.

7. All existing trees on site as shown on plan 758/TS02A shall be protected (to the areas shown) in accordance with BS5837:2005 Trees in relation to construction.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN8.

8. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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.

9. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

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

10. All services shall be placed underground unless otherwise agreed in writing

by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).

11. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

12. The dwellings shall not be occupied until the means of vehicular access has been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

13. The bathroom, shower and landing windows to be installed in the northeast elevation of the building shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed) to be agreed in writing by the Local Planning Authority prior to installation and shall not be modified thereafter without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of nearby dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

14. The area allocated for parking and turning shown 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.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

15. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow,

shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

16. The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with policy S1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

17. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.

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

18. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A, B and C of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: In order to protect the character of the area adjacent to the Listed Building and having regard to the proximity of Protected Trees in accordance with Policy S1(D) and EN8 of the Taunton Deane Local Plan.

#### Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highway Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Highway Office, Burton Place, Taunton, 0845 3459155. Application for such a permit should be made at least four weeks before access works are intended to commence.
2. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU

legislation is irrespective of the planning system and the developer 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.

3. TDBC Wildlife Officer advises she supports
  - the recommendation that a reptile survey should be carried out between the months of April and September
  - the surveyor's recommendation that clearance of vegetation and demolition of the buildings should take place outside of the nesting season.
  - the following, if work is to be undertaken on the trees, then ivy should be removed by hand and placed on site to allow any bats to escape.
4. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

## **PROPOSAL**

The proposal is for the demolition of the 'old' vicarage, erection of a replacement vicarage with meeting room and WC, and two new semi-detached dwellings with associated parking and new vehicular access to Vicarage Lane. The buildings have been designed to minimise any overlooking to the adjoining dwellings to the northeast as the windows are to bathrooms/shower and landings. Only one bedroom window faces north, and the distance to the nearest dwelling to the north (Honeymead) is at least 30m. The turning and parking areas are located between the proposed new dwellings and the fence to the adjoining dwellings. There are also cycle and bin storage areas shown. Hedges will separate the garden areas. A pedestrian path will link through an existing gateway to the Churchyard.

The agent has submitted justification in relation to the proximity to the Listed Building (St Michael's Church) and the situation in an area of High Archaeological Potential, as well as a Design and Access Statement which advises the reasoning for the new dwellings. It is stated that the existing Vicarage does not meet modern requirements for such buildings, it does not have a meeting room, there are no WC facilities in the Church, the building is unattractive in this historic setting, and now does not meet modern energy efficiency standards. The construction of the new Vicarage and 2 new dwellings allows the Bath & Wells Diocesan Board of Finance to meet its duties as Charitable Trustees in providing a building with longevity to support the pastoral needs of the Parish in the most economic way. The layout takes account of the protected trees, the churchyard's stone boundary walls, distance to adjacent properties and the Local Planning Authority/County Highway Authority's concern not to have additional vehicular traffic using the existing vehicular access.

The Archdeacon of Taunton has responded to comments made about the need for a modern Vicarage, meeting room, 2 new dwellings, and the lack of a car park for the Church. He advises the existing vicarage does not meet modern standards, there is

no meeting room nor WC facilities, the sale of the additional dwellings will cover most of the costs associated with the construction of the vicarage. In addition the need to retain trees and the poor access to the vicarage limits additional parking.

## **SITE DESCRIPTION AND HISTORY**

The site is to the east of Bull Street at its junction of Vicarage Lane. St Michael's Parish Church with associated churchyard is situated to the south of the site. Residential properties are sited to the east, north on the opposite side of Vicarage Lane, and to the west on the opposite side of Bull Street. It currently comprises a vicarage which is unoccupied, set in substantial grounds within which are located a number of trees including some which are subject to TPO. These trees are generally sited to the west of the site close to the junction of Bull Street and Vicarage Lane. The site is set on a higher level than the surrounding roads. The existing Vicarage is sited towards the north of the site with car parking to its north with pedestrian access to Vicarage Lane, and a narrow vehicular access from a point at the junction of Vicarage Lane and Bull Street.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - This proposal can be separated into two parts. The first of which is the construction of a new vicarage. This will make use of the existing access which is considered to be sub-standard as it does not provide sufficient visibility for vehicles exiting onto the junction of Bull Street and Vicarage Lane. However as this dwelling will be a direct replacement for the existing vicarage vehicle movements will remain relatively similar to the existing vicarage. In terms of the internal layout, the dwelling will provide parking for two vehicles which is in accordance with the parking standards set out in the Local Transport Plan. Sufficient space has been provided to allow vehicles to turn and leave in a forward gear.

In regards to the second part of the proposal this relates to the erection of two dwellings with associated parking. This would require the creation of a new access onto Vicarage Lane. It is my opinion that sufficient visibility can be obtained in either direction to allow vehicles to leave in a forward gear. In terms of the access this would have a total width of 5m with a carriageway width of 4.8m. This is sufficient to allow two way vehicle flow. Each dwelling will be provided with two parking bays as per the requirements of the Local Transport Plan. Both dwellings will be served by a shared turning area which will allow vehicles to turn and leave in a forward gear. These dwellings will utilise the junction of Vicarage Lane with Bull Street. It is my opinion that the junction is of sufficient standard to be able to accommodate the additional vehicle movements which will be associated with this proposal.

I therefore raise no objection to this proposal and if planning permission were to be granted I would require conditions to be attached.

*CREECH ST MICHAEL PARISH COUNCIL* - The Parish Council voted by 6 votes to object to the application, with 3 votes in support and 2 abstentions. The objections were regarding the two new houses to be built on the site of the existing vicarage would be looking straight into the two properties of the Glebe and would take away their privacy. Access into Vicarage Lane was already an issue. This would be

compounded as there would no longer be a carpark for church users. Parishioners would have to park in the road, which was already congested by resident's vehicles. It was also felt there was no need to demolish the existing Vicarage. *On amended plans - strongly object*, the issues of objection still stand, the amendments are only cosmetic.

*WESSEX WATER* - site is within foul sewer and mains drainage area, notes for connection and re other sewers in the area

*HERITAGE AND LANDSCAPE OFFICER* - subject to protection of the existing trees during construction, and including landscaping the proposals are acceptable.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* -

*DRAINAGE ENGINEER* - Note that surface water to discharge to soakaway, this to be to BRD 365.

*CONSERVATION OFFICERS* - PPS5 & 9 not cited, no cross section of proposal and Church, no mention of Church and Churchyard in Design and Access statement; no mention of any potential for archaeology or potential impact on the setting of the Church; and Churchyard, many other areas of concern in the detailed design. Objections raised on the basis of inadequate information to enable a fully considered response. *Re revised submissions* - Some aspects still not covered, eg need for WC facilities in the Church; appropriate repair/actions of churchyard monuments needed; subject to some further details, the scheme is acceptable.

*NATURE CONSERVATION & RESERVES OFFICERS* - the wildlife report found no evidence of bats, there was a suitable habitat for nesting birds, any clearance should take place outside the nesting season, the stonewalls and tussocky grass provide good reptile potential, supports recommendation that a reptile survey take place between April and September, suggests conditions.

## **Representations**

Cllr D Fothergill (County Councillor), concerned about impact on local roads and highways, additional traffic generated by 2 new properties and Parish Office, an already unacceptable problem with localised congestion; the new PPS3 rules out "garden grabbing"; this is a unique location beside the Parish Church, the redevelopment would serve to undermine the quality of the historic surroundings.

10 Objections to original plans:

- There should be a carpark for churchgoers instead of the two new houses, as there are poorly parked cars/obstruction caused by cars on Sundays and at other times of services such as weddings and funerals;
- There used to be parking in the pub carpark, but this is now a private house, the 'alternative' parking at the canal car park is a significant distance away and is not used by elderly/disabled churchgoers, parking should be closer to the church;
- On street parking will be reduced further as a result of this proposal;
- There is no access for emergency vehicles when church goers park in Vicarage Close;
- Three parishes have amalgamated, so there are an increased number of churchgoers to accommodate;
- There will be more traffic as a result of two additional dwellings;

- Overlooking to adjacent house and garden;
- Fence between properties should be replaced by a wall;
- Concern over the state of the boundary which is supposed to be maintained by the Church;
- The potential for expansion of Creech St Michael could result in further demand for parking;
- The meeting room should be properly accessible, failure to provide parking close to the meeting room may be contrary to the Disability Discrimination Act;
- The Vicarage should be closer to Vicarage Close and the garden area next to the Church could be made into a carpark with easy access to the church;
- The Vicarage parking area should be made larger;
- The meeting room/toilets should be located closer to the Church with direct pedestrian access;
- The original Church setting has been 'overtaken' by housing along narrow lanes which now causes problems to motorists trying to park or manoeuvre;
- There is a need for additional Church facilities to support the growing population.

#### 8 letters of objection to revised plans

- Previous comments re parking have been ignored;
- Previous comments reiterated;
- New window now overlooks property and garden;
- Disappointed that standard letters of support are from members of the Church, who are not local residents and thus do not appreciate the parking situation;
- The Church should properly consider the parking and facilities for the congregation as a whole, this is the ideal opportunity;
- Still overlooking to The Glebe.

#### 12 standard letters of support

##### 5 letters of support to original plans:

- The proposal will benefit the village;
- A lot of care taken to leave existing trees, and provide a Vicarage and houses which have least impact on the surrounding area;
- parking has always been difficult in Bull Street and the replacement Vicarage does not change this;
- A well designed Vicarage, with facilities such as office and WC, only small windows face the Glebe, the proposal will help towards financing and providing a good quality vicarage with manageable garden;
- Will be up to current standards including energy saving;
- Parking needs to be addressed separately.

1 letter supports a new vicarage but raises concerns over the car parking around the church.

St Michael's Parochial Church Council fully support the proposal for the Parsonage House, whilst recognising that members of the church congregation and the local residents have concerns about parking in the local area.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
 PPS3 - Housing,  
 PPS 5 - PPS5 Planning for the Historic Environment,

S&ENPP9 - S&ENP - The Built Historic Environment,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
EN12 - TDBCLP - Landscape Character Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within village boundaries, and is outside flood PPS25 Flood Zone 2 and 3, and as such residential development is in principle acceptable. However it is within an Area of High Archaeological Potential, adjacent to a Grade 1 Listed Building and has TPO trees. These constraints have led to the current proposal. The majority of objections relate to the concept of proposing new dwellings when there is a lack of parking for the Churchgoers. Many churches do not have parking adjacent to or in close proximity. The view of the Local Planning Authority and County Highway Authority is that whilst many community facilities would benefit from parking, such provision is not always provided, especially in an historic context. New facilities normally have parking, but not in town centres. It is considered reasonable for the Church 'Authorities' together with the local PCC to consider the needs and wants of the parishioners together with the constraints of any site. It is not considered reasonable for the Local Planning Authority/County Highway Authority to insist on the provision of parking in this location.

It is not considered that there will be any overlooking to neighbours, there is one window facing northwest, but this is across a road and a significant distance to any dwellings. The upper level windows facing northeast are to bathroom/shower, landing and will all be obscured glass, and thus there should be no overlooking. In terms of decision making this site is not considered to be 'brownfield land' in PPS3 terms, it is an existing unoccupied dwelling in a large site (0.7acre), and the proposed layout is acceptable having regard to the surroundings.

The concerns of the Conservation Officer have now largely been met and the proposals are considered to be appropriate to the location of the site adjacent to the Grade 1 Listed Building. The concerns still outstanding do not prevent a decision from being made and the proposal is considered to preserve the listed building and its setting in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In conclusion, the parking issues are recognised. There appears to be a parking problem on Sundays and other occasions such as Weddings and Funerals, however the absence of on site parking is a situation experienced by many Churches. The application submitted is for a replacement Vicarage and 2 new dwellings, and not for a car park and there is a need for the replacement Vicarage to serve church needs. There are no Highway Authority objections to the proposal and the trees and setting of the church are considered to be safeguarded, as is the amenity of neighbours and proposal as revised is considered to be acceptable.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Ms K Marlow Tel: 01823 356460**

23/10/0009

MR STEVE PETTS

**CONSTRUCTION OF EXTENSION TO PATIO AREA, CONSTRUCTION OF DECKING, ERECTION OF RETAINING WALL AND TIMBER FENCING SCREEN AT THE GLOBE, FORE STREET, MILVERTON (AS AMENDED)**

Grid Reference: 312353.125762

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon the visual amenity of the street scene, will preserve the character and appearance of the conservation area and will not harm the setting or historic interest of the listed building. Further, the proposals will not give rise to significant detriment to surrounding residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EN14 (Conservation Areas), PPS5 (Planning for the historic environment) and is in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Location plan  
(A1) DrNo 2302/1A proposed layout

3. Reason: For the avoidance of doubt and in the interests of proper planning. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. (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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition 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.

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

#### Notes for compliance

1. It is noted that the existing block work wall is painted white. Your attention is drawn to planning permission 23/07/0027 and listed building consent 23/07/0028LB, which requires the block work screen wall to be rendered in full, as approved. Failure to undertake and complete the works with the correct finish is likely to result in Enforcement action being sought by the council.

## **PROPOSAL**

The application, as amended, seeks planning permission for the construction of a new timber deck seating area; block paviour path; timber balustrade; railway sleeper steps and a rendered block work wall with timber fence screen over; the existing screen walls and skittle alley outbuilding will be retained. The proposed development will allow for an extension to a previously approved seating area in association with the public house known as the Globe Inn, Milverton.

The proposed decking area will cover an area of approximately 30.25 sq metres. The proposed screen wall and fence will have a maximum height of 2.7 metres above the level of the proposed decking; the timber fencing along the brick paviour pathway will be at a height of 1.7 metres (approx) above ground level.

## **SITE DESCRIPTION AND HISTORY**

The Globe Inn is a grade II listed building located in a prominent position in the centre of Milverton and the designated conservation area. The building, which serves as the village's only public house with restaurant is of a random stone construction, with section to the rear rendered and finished in white. To the rear and fronting onto

Rosebank Road, the site occupies an elevated position within the street scene and has a steep sloping bank above the highway. To the rear of the property is a skittle alley with lobby area that have flat/ lean to roofs; there is also a tall block work wall which screens a previously permitted outdoor patio area (planning reference 23/07/0027).

In 2009, permission was granted for the demolition of the skittle alley and erection of a large function room to the rear of the public house, together with a terrace path and fire escape route around the new building, planning references 23/09/0019 & 0020LB.

Planning permission and listed building consent have been granted previously for the demolition of the skittle alley, the erection of a single storey extension to form a function room, the formation of a patio area and the erection of a screen wall to the rear of the application site, planning references 23/09/0019 and 23/10/0020LB. Earlier applications dating back to 2002 relate to works and extensions to the rear of the pub.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*MILVERTON PARISH COUNCIL* - Object to the proposed development - concerned with increase in noise affecting neighbouring properties.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*CONSERVATION OFFICERS* - No observations to make.

Environmental Health Officer - **Noise** - It is impossible to estimate the increase in people noise that the additional decking area will create as this will be variable depending on the number of customers and the management of these customers by the proprietor.

The screening of the area with close boarding fencing will provide some noise attenuation but will not stop all noise escaping as it is an open area.

### **Representations**

5 letters of objection raising the following planning related matters:

- bit by bit/piecemeal growth of outdoor area
- overlooking and loss of privacy to properties opposite along Rosebank Road
- wall has not been rendered as required by previous permissions
- fence will not help to deaden noise
- increase in noise level clearly audible within adjoining properties
- noise level will increase and spread further
- skittle alley should be retained in full to protect privacy of neighbouring properties
- terrace extension to the east will impact upon privacy
- restrictive condition limiting use of the patio to 9:30pm should be applied
- proposals will practically double outdoor area causing intrusive levels of noise
- The Globe operates primarily as a restaurant and additional outdoor space will encourage non-diners in the summer and the area would become a beer garden.
- walls, trees and fencing will not restrict noise

- proposals will not blend in with surrounding buildings within conservation area.
- forms state a reduction of three parking spaces when the extension is likely to result in an increased parking requirement
- lack of permanent structures suggests a more permanent extension may be the next proposal
- why have the previously approved walls not been rendered as required?
- decking area overlooks Rosebank Road and the properties opposite - likely to cause significant disturbance
- proposals are visually intrusive

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
 S2 - TDBCLP - Design,  
 EN14 - TDBCLP - Conservation Areas,  
 PPS 5 - PPS5 Planning for the Historic Environment,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Listed building consent has been granted for the proposed development under LPA reference 23/10/0008LB, which was approved on September 1st 2010 subject to conditions. The proposed development provides for a matching development to this listed building consent, albeit with the omission of internal works to the main building. As such it is considered that regard has been had as to the impact of the development upon the listed building, in line with relevant development plan policies and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The pertinent issues that require consideration in determining the proposed development are therefore considered to be the impact upon visual and residential amenity. Further, the application site is located within a designated conservation area and therefore regard must be had to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

### Visual amenity:

The amended proposal provides for a block work wall, which will be rendered, together with closed boarded fencing above, erected in order to screen to the proposed decking area and pathway further to the east. Objections have been received to the amended design, where it is felt that the proposals do not appropriately reflect the character of the surrounding buildings or area in general, which is located within the Milverton conservation area. Further questions have been raised as to why the previously permitted block work wall has not been rendered as required, but instead painted white. The lack of a rendered finish to the existing wall was observed when carrying out the site visit and as a result, this information has been passed to the councils Enforcement Team to follow up. This does not, however, have a bearing on the present application.

Turning to the proposed appearance and materials for the screen wall, it is considered that a block work wall is acceptable and in keeping with that previously permitted. It will also reflect the appearance of the listed building which has areas of white stone walling. The section of fencing, whilst being located along an elevated

position, will not be overly prominent within the street scene as a result of it being set back from (5 metres approx) and above the adjacent highway. Further, it is thought that the section of fencing that screens the path extending east beyond the decking area potentially falls as permitted development and therefore it would be unreasonable to resist this particular part of the proposals.

Having regard to the overall visual impact of the development proposed, it is considered that the screen wall and fence, by virtue of their positioning, will not be overly prominent or intrusive within the street scene and appropriately reflect the character of the area, as demonstrated by the grant of listed building consent (23/10/0008LB), which found no harm to arise to either the setting of the listed building or the conservation area. However, the previous landscaping has not been undertaken and, therefore, in order to aid assimilation of the proposed development into the area, it is considered reasonable to attach a landscaping requirement to any approval.

#### Residential amenity:

**Privacy/overlooking** - The proposed decking area is to be set at a lower level than the existing outdoor patio by 0.9 metres. The block work wall and timber fencing will be erected to a height of 2.65 metres above the level of the decking and 1.7 metres above the level of the proposed path. Currently direct views are afforded out of the site towards those properties opposite along Rosebank Road - principally 1, 2 & 3 The College as well as Walnut Tree Cottage, in part. Objections have been received concerned as to the impact of the development in terms of overlooking into neighbouring gardens, windows and the like. To the east, the site is currently open and only screened by trees and planting whilst to the south affords open views at and into windows within the north elevation of properties along The College. Having regard to the proposed development, it is felt that by virtue of the site levels and the height above ground level of the proposed screening, the decking area and path will not give rise to any material harm to the privacy of neighbouring properties, which will be afforded sufficient screening.

**Noise disturbance** - additional noise that may arise from the proposed decking area has given rise to a number of objections from local residents as well as Milverton Parish Council. With an increase to the external usable floor space within the grounds of the public house, there is potential for the existing level of noise from the property to increase from time to time. Notwithstanding this, the Council's Environmental Health Officer has noted that noise associated with people and outdoor space is difficult to assess and any nuisance will primarily depend upon the number of people that will use the area and, arguably more important, how the use of the area will be managed by the proprietor. The pub has an existing outdoor patio area which is screened from its surroundings by a tall block work wall and the pub building(s) itself. The proposed area, being 30.25 square metres in area will allow seating for only a small number of patrons. It is without doubt that the proposed decking area will, at times, have the potential to increase noise levels within the pub garden area that may be audible within nearby properties. However the area is limited in scale and will be set down into the sloping bank as well as being screened by a tall wall/fence and the existing skittle alley building that is to be retained. It is considered that with there being no fixed and continuous emission of noise, with the decking area likely to be used infrequently and principally during the warmer periods of the year, there is no substantial evidence to suggest that additional noise from the proposed decking area will give rise to such a significant level of harm to neighbouring amenity so as to refuse planning permission.

It has been suggested that the proposed area, if allowed, be restricted in its hours of use by way of a time limit condition. At times, such could be reasonable and justified and could potentially reduce the possibility of disturbance occurring. Notwithstanding this matter however, it is considered that given the existing patio area is unrestricted to its times of use, in planning terms, it would not be reasonable of the council to begin restricting the use of additional areas such as that proposed. Were we to do so, such a condition would likely be in conflict with the tests of soundness set out in circular 11/95 (Use of conditions in planning). As a fall back position, if, as a result of the proposed development, continual nuisance to neighbouring properties were to arise in the form of noise/disturbance from the outside area, such can be appropriately reported to and controlled through the councils Licensing and Environmental Health services.

Conclusion:

The proposals are considered not to harm the visual amenity of the street scene or character and appearance of the designated conservation area. Further, it is considered that given the intermittent use of the proposed decking area, and by virtue of the existing patio area, screening and the proposed screening of the decking area, there will be no significant harm to residential amenity in terms of privacy/overlooking or noise above and beyond existing levels so as to warrant the refusal of planning permission and that through proper management of the public house and its facilities, it will be possible to keep noise and disturbance to neighbouring properties to a minimum.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

27/10/0009

MR R AYTON

**CONSTRUCTION OF AN ACCESS INTO AYTON FIELDS ON LAND ADJACENT TO HIGHER KNAPP FARM, HILLFARRANCE (RETENTION OF WORKS ALREADY UNDERTAKEN).**

Grid Reference: 317568.124782

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual amenity or give rise to any material harm to highway safety and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), Somerset & Exmoor National Park Joint Structure Plan Review policy 49 and Planning Policy Guidance note 13 (Transport).

**RECOMMENDED CONDITION(S) (if applicable)**

1. Within 6 months of permission being granted, the access and track shall be hard surfaced (not loose stone or gravel) over its first ten metres, details of which shall be submitted to and approved in writing by the Local Planning Authority beforehand

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

2. Within 6 months of permission being granted, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved by the Local Planning Authority beforehand.

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

Notes for compliance

**PROPOSAL**

Planning permission is sought for the construction of a new access onto agricultural land to the south of Higher Knapp Farm and adjacent to Altona Park, at Hillfarrance. Works to construct the new access were commenced on 3rd November 2009 and

therefore, the application has been made in retrospect following a complaint made to the councils Enforcement team by a member of the public. The proposed development includes the formation of a 3 metre deep tarmac apron adjoining the highway.

The application is put before the planning committee of Taunton Deane due to the Agent representing the applicant being related to an employee of the council.

## **SITE DESCRIPTION AND HISTORY**

Ayton Fields is an agricultural small holding of approximately 14 acres (5.66 hectares). The site is currently accessed via an unauthorised vehicular access point to the south west corner of the site, which is opposite the residential property of Altona Park. All land is located to the north of Higher Knapp Farm and is within the parish of Hillfarrance. The access created measures approximately 5.2 metres up to the approximate boundary line between Ayton fields and the land and access on adjoining land to the south. A stone track has been laid with a five bar field gate approximately 12 metres along the track from the highway.

An agricultural building was erected in 2009 following the receipt of an agricultural notification, LPA ref 27/08/0035AGN, with access to the building and associated land being taken from the field access to the south and through a gap within the hedgerow between Ayton Fields and land associated with Higher Knapp Farm. A number of trees and sections of new hedgerow have been planted within the site to screen the building from wider landscape views.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Objection raised - "The proposal seeks to retain the newly formed access which has been provided as a sole means of access into the land in the ownership of the applicant...The access is from/onto a classified unnumbered highway that is subject to the national speed limit (60mph), although the speed of traffic on this highway is observed to be travelling slower than this, given that this stretch of highway is predominantly narrow in width, poorly aligned and forward visibility is limited. Whilst I am sympathetic with the Applicants reason/need for requiring the access, this does not negate the need for planning permission or warrant the creation of an access that is considered by the Highway Authority, to be substandard, particularly in terms of visibility, surfacing and drainage. Unless the access is brought up to an appropriate highway standard, a recommendation of refusal will be forthcoming, unless the LPA considers there is sufficient need/justification for the access to remain as it is, that overrides the highway safety requirements." Advice re general access requirements provided.

*OAKE PARISH COUNCIL* - No observations received at time of writing

*SENIOR ENFORCEMENT OFFICER* - No observations

*HERITAGE AND LANDSCAPE OFFICER* - Subject to details of landscape planting, the proposals are acceptable. Recommend concrete rather than tarmac at entrance as more rural in character.

## **Representations**

None received.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
PPG13 - Transport,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues that require consideration are the impact of the development upon the visual amenity and character of the area along the highway following the removal of a section of hedgerow and formation of the access, together with the impact of the development upon highway safety.

### Visual amenity:

It is estimated that in order to form the existing access into the site, a 6-7 metre section hedgerow has been removed from along the highway and the new stone/gravel hardstanding laid. Within the site, a significant amount of planting has taken place, including a new hedgerow along the north side of the access track up to the parking/turning area. No objections have been received with regard to the removal of the hedgerow; it is recognised that the lane off of which the access has been created is characterised by narrow sections of highway with blind bends and steep, tall hedgerow/banks and trees on either side. Notwithstanding this, the access does not form a prominent opening within the hedgerow along the highway and is only visible upon passing and not longer views along the lane.

The proposals state that the new access will be surfaced in tarmac with a 3 metre deep skirting laid where the access track meets the highway limits. The landscape officer has recommended that the hardstanding be laid as concrete and not tarmac, which is more akin to the rural scene. Further, the highway authority have recommended that the first 10 metres of the access and track should be hard surfaced (not loose stone/gravel), which is significantly greater than the proposed 3 metres. Having regard to the proposed materials, the observations of the landscape officer are considered to be justified and it is accepted that concrete would, generally be more appropriate. However, directly opposite the application site is a large entrance serving a property named Altona Park and such has a wide access and visibility splay far greater in scale to that proposed, and is laid to tarmac. Given this precedent, it would be difficult to resist a tarmac surface and therefore no amendments or alterations to this part of the proposals have been sought. The advice of the highway authority officer is supported and it is considered that an appropriately worded condition should be attached to any subsequent permission requiring a 10 metre length of the access track to be surfaced, not loose stone or gravel.

Having regard to the above, the access, being formed directly adjacent to an existing field access to the south is considered not to materially harm the character or visual amenity of the area.

### Highway Safety:

The highway authority officer has objected to the proposed development virtue of the proposed access being substandard in terms of visibility, surfacing and drainage. Having regard to the surfacing and drainage off the access and track, it is felt that such can be controlled through appropriately worded conditions.

The proposed access is substandard in terms of the level of visibility being provided. The highway authority would normally expect for splays of 43 metres either side of the access drawn from a point 2.4 metres back from the highway edge. Such would require a significant length of hedgerow to be removed which would have a significant impact upon visual amenity and character of the area.

The highway from which access is taken is a classified unnumbered highway. It is important to note that prior to the new access being constructed, access into Ayton Fields was taken via the adjoining field access that went over land to the south (believed to be within the ownership of Higher Knapp Farm) and through a new opening within a field boundary hedgerow. However this access is no longer available to the applicant, the latter is now closed off with an earth bank and hedgerow re-planted, which had left the land locked with no form of vehicular access to the holding or storage building. Such necessitated the requirement to form a new vehicular access to the site.

Whilst the access is substandard in visibility terms, there will be no material increase in vehicles seeking access/egress onto land at this point along the highway, and visits to the site are infrequent. Further, the area is particularly isolated and traffic flow along the highway has been observed as being low. As such, it is felt that there will be no significant risk to highway safety above and beyond the previous arrangements over adjoining land that did not require the grant of planning permission. Having regard to the above matters, it would be unjustified to refuse planning permission on highways related grounds.

### Conclusion:

The proposed development, to retain a new access and track onto agricultural land will not give rise to any material harm to visual amenity of the area and it is felt that additional planting undertaken provides an acceptable level of mitigation for landscape impact. The impact upon highway safety will be no greater than the previous access arrangement to the site. As such it is recommended that planing permission be granted subject to conditions.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

ST MODWEN DEVELOPMENTS LTD

**OUTLINE PLANNING APPLICATION FOR ERECTION OF UP TO 11,200 SQM OF OFFICE (B1) FLOORSPACE, UP TO 4,475 SQM OF HOTEL (C1) FLOORSPACE, UP TO 49 RESIDENTIAL UNITS TOGETHER WITH ASSOCIATED CAR PARKING, LANDSCAPING, INFRASTRUCTURE WORKS AND NEW VEHICULAR ACCESS ON TO PRIORY BRIDGE ROAD AT PRIORY BRIDGE ROAD CAR PARK AND 84-94 PRIORY BRIDGE ROAD, TAUNTON**

Grid Reference: 323068.125123

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to the receipt of comments from the County Highways Authority and Environment Agency.

The development is on an allocated site in the Taunton Town Centre Area Action Plan and proposed an appropriate mix of uses to secure a strategic office site that has good sustainable access links, provides a high quality layout with public realm improvements and would not harm the amenity of the area. The proposal accords with polices FP1, FP2, IM1, IM2, TR2, TR3, TR4, TR5, F1, F2, and ED1 of the Taunton Town Centre Area Action Plan, Policies S1, S2 EN4 and T3 OF the adopted Taunton Deane Local Plan, Policies STR1 and STR4 of the Somerset and Exmoor National Park Structure Plan, and the advice and guidance contained in PPS4.

**RECOMMENDED CONDITION(S) (if applicable)**

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. Application for approval of the reserved matters as required by condition 1 shall accord with the submitted outline planning application parameters plan Drwg No. 023\_DI\_284.6.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Cotswold wildlife Surveys August-September 2009 and Halcrows Ecological appraisal May 2010 and any up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance,
3. Measures for the enhancement of places of rest for bats and birds.

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

The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and enhance the site for wildlife in accordance with relevant guidance in PPS9.

4. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Additional Site Characterisation

Further investigation works should be carried out in line with Sec 8 of the St Mowden Firepool Taunton Ground Conditions Report 03/06/10. This includes delineating hotspots and an investigation in the area surrounding hole WS105 to delineate the extent of asbestos cement present. A risk assessment must be completed to assess the nature and extent of any contamination.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written

report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved

scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies S1 and EN32 of the Taunton Deane Local Plan.

5. Prior to development commencing details of replacement public car parking with a minimum of 200 spaces shall be submitted to and approved in writing by the Local Planning Authority. Such replacement parking shall be provided in accordance with the approved details during the construction of the development.

Reason: To ensure that adequate public parking spaces are provided in accordance with the provisions of Policy FP2 of the adopted Taunton Town centre Area Action Plan 2008

Notes for compliance

The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer 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.

**PROPOSAL**

This is an outline planning application for a mixed use development of offices and residential with an option for hotel accommodation in lieu of office space. All matters are reserved other than access into the site which would be derived from Priory Bridge Road.

The maximum total amount of floorspace for the commercial development would be 11,200 sq m (gross external) with 112 car parking spaces and 65 cycle parking spaces.

Within that total floorspace, up to 4,475 sq m could be for hotel accommodation with the remainder being offices. Alternatively, the total amount of commercial floorspace could be offices.

It is also proposed to construct up to 49 apartments on the northern part of the site with up to 52 car parking spaces and 74 cycle parking spaces.

The submitted parameters plan shows the development blocks (building zone) being set back between 30m and 40m from the riverside edge which is to become an area of public realm with integrated flood defence. This area would also allow vehicle access across that site frontage. The public realm works have previously been presented to the Planning Committee and has a resolution to grant planning permission.

The development blocks which would face onto Priory Bridge Road would be set back to the existing building line, about 6m from the back edge of the footway.

The maximum building height would rise from the north of the site at 12m high to the south east corner at 24m high. This would equate to a commercial building of approximately 6 stories. The block facing onto Priory Bridge Road would have a maximum height of 20m (approximately 5 commercial stories).

Two vehicle access are proposed from Priory Bridge Road, one of which would move the existing car park access to the west so as to be opposite St Augustine Street. A second access would be provided in the area of the of the existing narrower car park access between Nos. 88 and 92 Priory Bridge Road

The application is accompanied by the following documents:

- Planning Supporting Statement
- Statement of Community Involvement
- Design and access Statement
- Ground Conditions Report
- Framework Travel Plan
- Flood risk Assessment
- Drainage Statement
- Ecological statement
- Tree Survey Methodology and Schedule
- Transport Assessment.

A confidential financial appraisal has been provided in order to assess the viability with regard to Section 106 contributions.

## **SITE DESCRIPTION AND HISTORY**

The site extends to 1.54 hectares and forms part of the redevelopment allocation known as Firepool. The application forms the first phase of development on the Priory Bridge Road Car Park and includes Nos. 84 to 94 (residential and commercial buildings).

The site is triangular in shape and bordered by Priory Bridge Road to the South, the River Tone to the North West and the residential development of Priory Park and Winters Field to the East.

The site was allocated for redevelopment in the adopted Taunton Deane Local Plan, has formed a key part in the Taunton Vision and forms part of a larger riverside allocation in the Taunton Town Centre Area Action Plan (TTCAAP). The riverside allocation includes the surface car park, the former livestock market and railway siding sheds between Canal Road and the Station. Policies FP1 and FP2 of the TTCAAP state:

### Policy FP1

#### Riverside - Development Content

The Riverside development will provide:

- a. at least 47,000 sq m (net) office space
- b. approximately 8,000 sq m gross of additional retail and leisure floorspace, of which 4,000 sq m gross should be convenience retailing
- c. approximately 400 dwellings, including 25% affordable housing
- d. a 500 space multi-storey car park (screened with single aspect development where it adjoins public space)
- e. a 3- or 4-star hotel with at least 100 bedroom
- f. primary healthcare facilities
- g. the relocation of the Produce Market within the town centre
- h. a 'boulevard' linking the railway station with the River Tone and Priory Bridge Road
- i. public conveniences close to public parking and the River Tone, to replace the existing facilities at Canal Road and Priory Bridge Road
- j. potential for active street level uses at locations shown on the Proposals Map
- k. high quality riverside promenades
- l. a contribution towards public art at 0.3% of construction costs

### Policy FP2

#### Riverside - Transport Measures

The Riverside development will provide the following transport measures:

- a. travel plans on the basis identified in Policy Tr4 and agreed with the County Council
- b. car and cycle parking within developments in accordance with the Somerset Parking Strategy
- c. a minimum of 200 public parking spaces during construction and on

- completion of the development
- d. a priority bus and cycle route from the railway station via the boulevard to Priory Bridge Road, including high-quality provision for waiting passengers
- e. initiatives to encourage rail and bus use by employees and visitors
- f. high-quality pedestrian and segregated cycle routes along each bank of the River Tone
- g. shared pedestrian and cycle bridges across the River Tone
- h. an internal layout that facilitates improved pedestrian and cycle links to North Taunton and Taunton East

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - comments awaited

*BRITISH WATERWAYS* - comment:

We understand that the current outline application does not include the area of land occupied by the Canoe Club. We would ask that access to the canoe club and slipway remains available throughout the development .

Normally, British Waterways would request that a contribution be made to alleviate the additional cost of upkeep of the canal towpath as a result of increased usage by the occupiers of the development, both for recreational purposes and commuting purposes. We have successfully justified and achieved contributions elsewhere under appendix B of Circular 05/2005. However we note the Developers comments regarding viability and that a viability assessment will be submitted to the Council.

We would request that the Council consider whether a contribution is necessary to mitigate the impact of additional usage of the Canal towpath which forms an important part of the green infrastructure of the area. We would ask that the application is considered against the Council Green Infrastructure Delivery Plan. We would be willing to provide a more detailed response on this matter, if, after considering the Viability Appraisal, the Council is minded to seek contributions.

*POLICE ARCHITECTURAL LIAISON OFFICER* - comments:

I would make the following initial general observations:-

PPS1 makes it clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Design & Access Statements should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and what measures are proposed to mitigate any identified potential problems. With regard to this application, the DAS makes only brief references to safety and security e.g. *active frontages providing safe overlooked routes for pedestrians, safe and secure parking for residents etc.* Whilst these comments are relevant, in my view, the crime and disorder aspect should have been addressed more fully by the applicant.

Judging by the illustrative Layout, the orientation of the three blocks does appear to provide active frontages and also permits good surveillance of the parking courtyards at the rear of the blocks.

Casual intrusion by the public between and at the rear of the blocks should be discouraged and controlled, including vehicular access, by the use of appropriate signage and symbolic measures e.g. rumble strips, change of road surface colour/texture or similar physical measures. Any unobserved access routes avoided.

The DAS mentions 'secure car parking for residents' but does not describe the proposed boundary treatment for the resident's car park, other than to mention a 'secure landscaped boundary' between the development and the existing dwellings in Priory Fields. Any side/rear boundary of whatever description should be minimum height of 1.8m and permit an element of visibility through it e.g. wall topped by railings or similar. I note a 'drive through' access for residents into the resident's car park but similarly there is no mention of how this 'drive through' is to be secured. An appropriate form of access control should be provided for this 'drive through' e.g. electronically operated gates or similar, otherwise, the security of the rear courtyard resident's parking will be compromised.

Secure motor cycle and pedal cycle parking should also be provided for both the Residential and Commercial Blocks which should be within view of residents/employees.

Any design features of the blocks which allow climbing and access points should be avoided. In particular, recesses and blind corners should be eliminated.

Natural surveillance of all access points should be maximised. Formal surveillance in the form of CCTV should be considered for preventing and detecting crime and property management.

The development should have a defined perimeter e.g. hard landscaping, planting, symbolic surface changes or similar. In addition, each block should incorporate clearly defined defensible space around it comprising low wall/fence, planting or similar. This is particularly important in respect of the Residential Block to deter crime and ASB affecting residents on the ground floor.

Landscaping should not impede natural surveillance. For this reason, shrubs should be maintained below 1m in height and mature trees have a clear trunk height of 2m from ground level. Defensive planting i.e. thorny shrubs could be used in appropriate locations to deter unauthorised access and enhance security.

Lighting should be carefully designed to cover high risk areas, deter intruders and reduce the fear of crime. All adopted and unadopted roads, footpaths, car parks etc should comply with BS 5489.

With regard to the physical security of the actual buildings i.e. doorsets, windows, security lighting etc, in particular the Residential Block, the applicant is advised to formulate all measures in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website - [www.securedbydesign.com](http://www.securedbydesign.com) - under the headings 'New Homes 2010' and 'Multi-Storey Dwellings'.

SCC - ECOLOGY - no comments received

SOMERSET WATERWAYS ADVISORY COMMITTEE - no comments received

SOMERSET WILDLIFE TRUST - comment:

The proposed development site lies adjacent to the River Tone, which represents a valuable wildlife corridor for many species, including otters and bats. The river corridors value is attested to by the various designated site along its length, including the Childrens Wood, Hankridge Riverside LNR, and Netherclay Community Woodland. Given the proximity of this proposed development to such an important biodiversity resource, and the prestige of this urban regeneration project, the Trust firmly believes that the proposal should deliver enhancements for local biodiversity, in line with PPS 9 (Biodiversity and Geological Conservation). The Trust has on many occasions previous suggested to Project Taunton that it could work with stakeholders such as the Trust and Somerset County Council to produce a long-term Biodiversity Management Plan covering the entirety of the Firepool site, and encompassing other developments along the river, such as the Castle Green public realm improvements. It is imperative that the functionality of this river corridor be maintained in the face of increased urban pressures, and the only way to achieve this is through a co-ordinated approach to the conservation and enhancement of the features that engender its value. Piecemeal mitigation of potential impacts will deliver nothing less than a reduction in ecological value and functionality of the corridor, as such a site-only approach invariably fails to consider the cumulative pressures distorting population dynamics in different sections of the linear feature. The Trust would therefore strongly urge the planning authority to address this issue, by at least conditioning the production of a biodiversity management plan for the whole Firepool site – this is not an unreasonable or burdensome request, but a fundamental consideration in the delivery of genuinely sustainable development.

As it is, the proposal submitted fails to mention any site-specific enhancement of the natural environment, relying on the habitat creation applied for under 38/09/0400 (Application for public realm works to the River Tone corridor at land adjacent to Priory Bridge Road, Firepool, Taunton). It is the Trusts firmly held opinion that biodiversity should be enhanced within this development area through additional areas of planting, to create a contiguous network of multi-functional green-space across this section of the Firepool site. As a bare minimum, the recommendations contained within the ecological assessments should be incorporated into the design of the site:

#### Maintenance and buffering of linear habitat features

The area of dense native scrub and shrubs located to the northeast of the Firepool site should be retained. Provision should be made for the improvement of habitat connectivity by creating linked up green spaces within the development area and down to the river corridor. Areas of river corridor should be planted with native shrubs, to provide shelter and lying up sites for otters. Landscaping of the Firepool site should incorporate features that will benefit a range of invertebrate groups, to maintain the forage interest for swifts, swallows and bats.

## Artificial roost provision

Bat and bird boxes (particularly for swifts) should be placed around the site to off-set potential impacts to these species.

## Further survey work

The single end-terrace property to the northwest of the Firepool site should be surveyed for roosting bats. The previous survey did not cover the whole area covered in this planning application and it is therefore important that the areas which were missed out are surveyed; this is particularly important as although bats are known to utilise the section of the river along Childrens Wood, the roost the bats come from is as yet unidentified. Given the time after sunset at which they are seen foraging, the roost is very close to the river.

*WESTERN POWER DISTRIBUTION* - no comments received

*WESSEX WATER* - comment:

The Drainage Strategy submitted with the planning application is in accordance with Wessex Water's discussions with the Applicant's agents regarding servicing the site at Priory Bridge Road.

We would like to reiterate, however, that Wessex Water require continuous access to the siphon chamber in Area 1. There is to be no building within 3m of the chamber and it should be noted that there is likely to be an odour nuisance when the chamber is being maintained.

I trust that you will find the above comments of use, however, please do not hesitate to contact me if you require further information or clarification

*CONSERVATION OFFICERS* - comments awaited

*DRAINAGE ENGINEER* - comments:

No development shall commence until a detailed design for the provision of surface water disposal and flow protection works has been submitted and approved by the authority. The submission shall include a full operations and maintenance strategy. This strategy shall identify all the future land use limitations, identify the ownership, all operational and maintenance arrangements for the works over the lifetime of the scheme. It should include SUDs provision as outlined in the Drainage Statement submitted by Halcrow Yates.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - comments:

"I note that a report has been submitted with the application:

- St Mowden. Firepool Taunton Ground Conditions Report. 03/06/10

This report includes details the site history, investigations, soil and water sampling and a risk assessment of potential risks from contamination. Some elevated levels of contaminants were found.

The report does make some recommendations for remedial works to sever any potential pathways between soils and site end users (Sec 8). It also recommends some additional investigations to be carried out during construction works.

A report and risk assessment should be submitted following the additional site investigation works. The developer should also provide more detail of the proposed remedial works (i.e. clarification of the proposed areas of clean cover and thickness required and confirmation that the commercial areas will consist of hard-standing)."

Recommends that this be secured by a planning condition.

*ECONOMIC DEVELOPMENT MANAGER* - comments awaited

*HERITAGE AND LANDSCAPE OFFICER* - comments:

Subject to landscape details it should be possible to integrate the proposals into the riverside landscape. Reference should be made to the Councils Green Infrastructure Strategy and particular use of the river as a corridor for access and enjoyment of the river. Landscape treatment of the Priory Bridge Road will be very important as a gateway route into the town centre. Have photovoltaics been considered on the roofs?

*LEISURE DEVELOPMENT MANAGER* - comments

I have the following observations to make on this application

In accordance with Local plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings

A contribution of £1,100 for each dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £2,200 for each 2bed+ dwelling should be made for towards children's play provision.

A contribution of £885 per dwelling should also be sought towards community hall provision.

The public art contribution required in accordance with the Taunton Deane Public Art Code either through commissioning and integrating public art into the design of buildings and the public realm or by a commuted sum to the value of one percent of development costs should also be adhered to.

*NATURE CONSERVATION & RESERVES OFFICERS* - comments:

The proposal is for outline planning to erect office space, housing, parking and landscaping at Priory Road car park, Taunton.

The site is predominately hard standing with some buildings located to the SE of the site. The site abuts the River Tone on part of its northern boundary. The public realm works, which formed a separate planning application, partly separate the site from the River Tone.

Several wildlife surveys carried out in 2006 and, 2009 and an ecological appraisal carried out in 2010 have been carried out on this site as part of the survey work in connection with the Firepool development. However I suspect that not all of the buildings have been surveyed to check for signs of bat occupancy. The plan (Ecological Survey Boundaries) shows the ecological survey as being edged in green. This boundary does not coincide with the survey boundary illustrated in Cotswold Wildlife Surveys Protected Species Report 2009 (the new site boundary now includes two extra residential properties, a depot and another building in the extreme SE corner of the site).

If this the case these buildings should be surveyed for signs of bat occupancy prior to any demolition. Bats have been recorded in the vicinity of the River Tone so the design of lighting of this development should be handled sensitively. The assessment concluded that otters use the river near the footbridge, so I support recommendations made in the Ecological appraisal, dated May 2010, with regards to enhancing the river corridor for otters and bats. In addition I support recommendations made in the Appraisal with regards to birds, and reptiles. As with all developments of this nature there are opportunities to enhance the site for wildlife so In accordance with PPS9 I suggest the following condition

*ENVIRONMENT AGENCY* - comments awaited

*SCC - CHIEF EDUCATION OFFICER* - no comments received

*TDBC STRATEGY UNIT*- comment:

Design and Access Statement

The vehicular access ways to Priory Bridge Road don't look very pedestrian-friendly – for example, they seem to have quite large radius corners. Can this be reconsidered?

The Design and Access Statement refers to 'street enclosure' being provided on Priory Bridge Road – is this achievable with 4.5 x 70 or 4.5 x 90 visibility splays? It's important that streets have trees within them and that they are not precluded by visibility or other requirements.

Transport Assessment

It is important that the car parking provision is capable of being managed as part of a longer-term access strategy for Firepool.

This is a very central development with good alternatives to car travel. Alternatives to a car parking space for every dwelling should therefore be investigated (e.g. a residential car club).

Cycle parking – provision of 65 cycle spaces for the offices does not seem to take enough account of the great potential that exists to increase the level of cycling in Taunton. In the Netherlands, it would be quite common for 25% of trips to be made by bike. To reflect this, the cycle parking standards in the TTCAAP are deliberately aspirational. This site in particular is in the river corridor, which is linked to extensive off-road cycle paths, and is immediately next to a route forming part of the National Cycle Network. For a site in this location, the proposal to allow for a 12% modal share does not seem ambitious enough. Urban Initiatives are suggesting that 50% of all trips in Taunton should in future be made by non-car modes, and a major proportion of these would probably need to be made by bicycle.

Discussions with SCC suggest that the TTCAAP standard of 1.5 cycle spaces per dwelling is actually not enough, and there should instead be 1 space per bedroom. Thus there would need to be 98 spaces for 49 flats, rather than 74.

## **Representations**

5 letters have been received which raise the following issues:

- The height of the buildings will result in loss of a view of the river
- Loss of town centre parking.
- Questions whether housing and office space in this location is really needed.
- The new entrance is nearer properties in Winters Field.
- Loss of light to residential properties due to height of buildings.
- Replacement car parking facilities should be up and running before any work commences.
  
- Cycle Somerset suggest that permission is only given for developments that would have 25% of journeys being made by bicycle (double the present proposal)
- They also state that houses and flats require more spaces for cycles as each household will have more than one bike.
- The health and environmental benefits of cycling should also be taken into consideration when assessing applications in the Firepool Area.
  
- Somerset Cricket Club welcome the application which would provide new employment opportunities for Taunton.
- They also raise concern that town centre parking will be reduced and suggest the market site be converted to allow parking.
  
- The owners of one of the properties that is subject of the application (94 Priors Bridge Road) have advised they do not wish to sell and its inclusion in the application is a cause of some concern.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,  
H10 - TDBCLP - Affordable Housing Targets,  
EC23 - TDBCLP - Tourist Accommodation,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
EN4 - TDBCLP - Wildlife in Buildings to be Converted or Demolished,  
EN25 - TDBCLP - The Water Environment,  
EN33 - TDBCLP - Building Waste,  
EN34 - TDBCLP - Control of External Lighting,  
T3 - TDBCLP - Firepool Major Development Site,  
STR1 - Sustainable Development,  
STR4 - Development in Towns,  
FP1 - TTCAAP - Riverside - Development Content,  
FP2 - TTCAAP - Riverside - Transport Measures,  
IM1 - TTCAAP - Priorities for Developer Funding,  
IM2 - TTCAAP - Approach to Viability,  
TR2 - TTCAAP - Parking in New Development,  
TR3 - TTCAAP - Smarter Choices,  
TR4 - TTCAAP - Travel Plans,  
TR5 - TTCAAP - Car Sharing,  
TR6 - TTCAAP - Developer Contributions to Transport,  
F1 - TTCAAP - Developments within the Floodplain,  
F2 - TTCAAP - Developer Contributions to Waterways and Flooding,  
ED1 - TTCAAP - Design,  
ED2 - TTCAAP - Public Art,  
ED3 - TTCAAP - Mixed Use,  
ED4 - TTCAAP - Density,  
ED5 - TTCAAP - Combating Climate Change through New Development,  
ED6 - TTCAAP - Off-site Public Realm Enhancements,  
TS1 - TTCAAP - Training and Skills,  
UNQ - Unique Policy Code,  
PPS1 - Delivering Sustainable Development,  
PPS 1 SUPP - Planning and Climate Change,  
PPS3 - Housing,  
PPS4 - Planning for Sustainable Economic Growth,  
PPS 5 - PPS5 Planning for the Historic Environment,  
PPS25 - Development and Flood Risk,

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Principle of Development

The Taunton Town Centre Area Action Plan (TTCAAP) allocates the Riverside area of the Firepool major site as a strategic office site providing the main focus for office development in Taunton. The aims of the TTCAAP for this site are to change market perceptions of Taunton as a place to live and work and secure office development in a sustainable way.

This application comprises the first phase of development of the riverside on what can be considered to be a contained part of the larger site. While a Masterplan covers the larger site, this is the most appropriate first phase which can be combined with the public realm works on the south side of the River Tone.

The application has been submitted in an uncertain economic climate and is

accompanied by a financial appraisal so that the viability can be considered against the planning obligations set out in the TTCAAP and Planning Obligations SPD.

The principle of development has been clearly established over many years and through a number of adopted Council planning documents.

The consideration of the detailed appearance, landscaping, layout and scale are reserved for subsequent approval. The application includes a Design and Access Statement in addition to identifying building zones and scale parameters which allow for appropriate consideration at this stage.

### Development Mix

The TTCAAP policy for the riverside site (which includes the larger former market site) states that the development will provide:

- at least 47,000 sq m (net) office space
- approximately 8,000 sq m gross of additional retail and leisure floorspace
- approximately 400 dwellings
- a 500 space multi-storey car park
- a hotel with at least 100 bedrooms
- primary healthcare facilities

This proposal is seeking to provide approximately 25% of the minimum office space and 12% of the residential. The proposals include the ability for a hotel to be constructed in lieu of some of the office space to be provided on this site.

All of these uses fall well within the scope of the policy and it is considered quite beneficial to the local economy that the application is weighted heavily towards the provision of commercial floorspace rather than residential.

The locations of the individual aspects of the development proposed are well considered with the commercial aspects facing onto the river and road and the residential part at the north of the site overlooking the weir and being adjacent to existing residential development.

This application proposes an appropriate development mix in favour of commercial development.

### Design

The design (being appearance, landscaping, layout and scale) is reserved for subsequent approval however development zones and scale parameters do form part of this outline application. The development zone is based on providing frontage to Priory Bridge Road and the River Tone. The zone has been aligned at the north of the site so as to not interfere with views and vistas of the adjoining residential development. The maximum height of the building in this development zone would be 12 metres to respect the height of the adjoining residential buildings.

The proposed height of the buildings then steps up along the riverside frontage and to the corner facing onto Priory Bridge Road. Indicative 3D modelling has been provided to show the mass of such a building and the Design and Access Statement proposes that the top storey be set back from the main building façade in order to reduce mass and apparent height.

In order for a development of this height and scale to succeed on this site (where the TTCAAP and Town Centre Design Code suggest building heights of 4 to 5 stories with potential for taller 8 storey development in selected locations) it will be essential for the detailed design to be of the highest quality. The overall Masterplan protects views of the church towers of Taunton through the Station Boulevard and it has to be acknowledged that any redevelopment of a surface level car park will have a significant impact on the character of this area.

Overall it is considered that the development zone allows for sufficient gaps between buildings and the river while also providing a significant scale of development and efficient use of land.

### Access, Car Parking and Cycle Storage

The two vehicle access points are to be considered at this stage. The detailed position of one and the locational zone for the other have been submitted. The detailed comments of the County Highway Authority are awaited, however, pre-application discussion did take place with them. In addition to these vehicle access points, pedestrian and cycle access points would be provided along the existing riverside path which includes the Sustrans link, over the enhanced pedestrian bridge and a link is also shown to Winters Field where there is an existing 'desire line' worn into the grass.

The proposed amount of car parking is at the upper end of the maximum provision set out in the TTCAAP with 1 space per dwelling and 1 space per 100 sq m of B1 office space. Although this is high, it is within the thresholds previously agreed. As a first phase of development, which doesn't already have the benefit of the proposed routes and links to the Station, it is considered to be appropriate.

The proposed level of cycle storage within the scheme is less than set out in the TTCAAP and the submitted Transport Statement makes the argument that the expected level of cycle parking is very high. It suggests that on average 7% of employees utilise bicycles as a means of transport and even if a 5% modal shift is applied, the resulting 12% would only suggest that 65 spaces should be made available. The TTCAAP requires 128 spaces for the office and, as set out in the consultation responses, is deliberately aspirational.

The applicants have suggested that the proposed 65 spaces would be appropriate based on achieving BREAM excellent and it may be difficult to achieve more secure and covered cycle parking based on the land available.

The comments of the County Highways Authority are awaited which will consider both the submitted Travel Plan and Transport Statement, however it is expected that the level of cycle parking for the office uses would need to be increased to meet the minimum level set out in the TTCAAP. The proposed 49 spaces for the 49 residential apartments meets the required minimum standard of 1 space per unit.

Policy FP2 of the TTCAAP requires a minimum of 200 public parking spaces to be provided during construction and completion of the development. These can be accommodated on the former Market site and is part of the Development Agreement between Taunton Deane Borough Council (as landowner) and the applicants St Modwen (as development partner.)

## Flood Risk and Protection

There is an existing low flood defence on the south side of the river consisting of a kerb line. This is at a level varying between 14.74m AOD and 15.0m AOD. This defence will be raised to 15.6m AOD as part of the public realm works previously considered by the committee. It is also proposed that the finished floor levels of the buildings be raised to 15.75m AOD

As the site forms an allocation which was considered as part of the Strategic Flood Risk Assessment for Taunton Deane, the sequential and exceptions tests are not required to be carried out. The development does require an appropriate Flood Risk Assessment (which has been carried out and submitted) and the comments of the Environment Agency with any suggested conditions are awaited.

As a car park, the majority of the site is already impermeable surface with little scope for infiltration. Based on the Masterplan, the result of this devolvement (combined with the public realm works) would be increased infiltration areas by approximately 0.3 hectares. A detailed design of Sustainable Urban Drainage System (SUDs) will be required to bring this site forward and the comments of the Environment Agency are awaited to combine with the comments of the Council's Drainage Engineer. This may require a suitably worded condition to secure the implementation and future maintenance of such a system.

## Planning Obligations and Viability

Policy IM1 of the TTCAAP and the Planning Obligations SPD identify areas where development sites are expected to contribute in accordance with the principles of Section 106 of the Town and Country Planning Act. These include affordable housing, road schemes, park and ride provision/extension, flood plain re-profiling, public realm improvements, the replacement of Firepool Weir, education provision, community facilities, play and outdoor sports facilities, public art and travel plans.

Policy IM2 of the TTCAAP requires developers to produce satisfactory evidence in cases of alleged non-viability. Financial details have been submitted to show the development costs of a scheme that would meet the highest levels of sustainability and the potential incomes for such a development. Those details have been assessed in and it is considered that as a first phase of development in the current climate, developer contribution is not viable.

Therefore a decision has to be made as to whether the redevelopment of this site and provision of employment opportunities outweigh the requirements for affordable housing and other potential requirements outlined above. The scheme does deliver the public realm improvements to the south side of the river and increased flood defence. Integrated public art does form part of the development agreement with Taunton Deane Borough Council (as landowner) as does the requirement for the highest levels of sustainable development.

The decision must be based on the viability of this scheme and does not prejudice future phases of development on the adjacent sites which would be assessed separately. It is acknowledged that this proposal forms the first phase of development where potential incomes through rents are less than on completed sites and this is a significant factor. Overall it is considered that potential delivery of a

high quality development in the current climate is a determining factor that outweighs the non-delivery of planning contributions for other off-site works and the delivery of 25% affordable housing (12 units).

### Conclusions

There are outstanding comments from the County Highways Authority and Environment Agency which will need to be fully assessed in making a decision on the application. Subject to those comments, it is considered that the release of this site to commercial development with a smaller proportion of residential would result in overall benefits to the local area and economy and be a major step forward in realising the Taunton Vision and the aims and objectives of the Taunton Town Centre Area Action Plan.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr B Kitching Tel: 01823 358695**

42/10/0031

MR & MRS P M HUGHES

**CHANGE OF USE OF PART OF PADDOCK TO FORM EXTENSION OF DOMESTIC GARDEN FOR CHILDREN'S PLAY AREA INCLUDING PLAY EQUIPMENT FOR A TEMPORARY PERIOD OF 5 YEARS AT LITTLE OAKS, STAPLEHAY, TRULL (RETENTION OF DEVELOPMENT ALREADY UNDERTAKEN)**

Grid Reference: 321244.121845

Retention of Building/Works etc.

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

Also that if refused the Committee authorise the serving of an Enforcement Notice to secure the removal of all play equipment and the cessation of the use of land for private domestic purposes and take prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.

- 1 The area of countryside to the west of Staplehay is rural in nature and the introduction of this garden land changes the rural ambience of the area to a domestic one. The change of use of this area for 5 years would still erode the countryside character and result in harm to the visual amenity of the area. Furthermore it would set an undesirable precedent for future development. As such, the proposal is contrary to policy 5 of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S1 and EN12 of the Taunton Deane Local Plan.

**PROPOSAL**

Little Oaks is a large brick and tile detached dwelling, set in a row of properties fronting Honiton Road. The existing rear garden is approximately 17m x 20m without any extension. It backs on to open countryside and to the north, a public footpath passes the site.

A planning application was submitted earlier this year for the change of use of part of the paddock to the rear of the site to domestic garden and for the siting of children's play equipment. Within the site, beech trees have been planted along a bank, and a climbing frame and two goal posts have been sited. The boundary fence to the rear of the existing residential curtilage of Little Oaks has been removed, opening up the existing garden to the site in question.

The applicant sought to change the use of an area 16.5 metres by 28 metres, which lies to the rear of Little Oaks and stretches behind the rear of The Beeches by 2.5 metres and Arden by 7.5 metres. They stated that they did not intend to change the use of the remainder of the paddock.

That application was withdrawn and consequently a report was put to full planning committee seeking authorisation to take enforcement action. The committee

resolved not to authorise enforcement action, but instead suggested that a further application for temporary consent was submitted.

This application now seeks temporary consent for five years to retain the land as garden land with the siting of childrens' play equipment. The area in question has however been reduced to run along the line of the beech hedgerow and bank.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No Observations

*TRULL PARISH COUNCIL* - Trull Parish Council supported the original application for a play area for the family's children. This second application has not materially changed except that a temporary five year limit has been imposed. The Parish Council are therefore still fully in support.

### *HERITAGE AND LANDSCAPE OFFICER -*

In my opinion the proposals are contrary to EN12 and would have a detrimental impact on the rural character of the area and set a precedent for further garden extensions in the local area. The site is clearly visible from the footpath, which runs east-west to the north of the site.

### **Representations**

4 letters of support on the grounds of:

- No detrimental affect on any surrounding property
- Relatively little space within the house for active, healthy play
- Site is properly and regularly maintained
- Do not believe use of equipment causes any undue harm to local landscape or private amenities of neighbouring properties
- Sweeping hedgebank is an established feature which will provide visual screening from the public right of way. Play equipment is difficult to see from footpath
- Equipment cannot be seen by neighbouring properties, except Arden.
- Respects agricultural nature of the paddock and surrounding area
- Attractive environment for applicants and neighbours
- Safe, secure and appropriate environment for children to play

15 letters of objection on the grounds of:

- Breaches should not be condoned, planning requirements are set to protect the environment for everyone. Proposal is contrary to local and national planning policies, within Landscape Character Area and alien/damaging to the character and appearance of the agricultural land
- Extension of garden land is inappropriate in this location and even for 5 years would set an unfortunate/dangerous precedent which would encourage similar proposals for the many similar settings and re-applications of previous refusals, making it difficult to resist them and resulting in further erosion of agricultural land, detracting from rural character of area
- Agricultural land should be protected from domestic encroachment and the

rural character and visual amenity of the area preserved for the enjoyment of the whole community. Protecting agricultural land and maintaining rural nature is for the benefit of all our families now and in the future

- Loss of prime agricultural land that could undermine the regional identity of Staplehay, eroding the farming area
- Request for temporary permission makes no difference, agree with previous reason for recommending refusal
- Planning permission was granted for the original dwelling with sufficient garden space for play areas, change of use of additional agricultural land seems unnecessary
- Refer to recent decision by Newcastle City Council on a similar case where it was decided that the land was designated for agricultural use and must be protected from development
- If granted for 5 years, it will allow 8 years of such use and could then be argued that a permanent change of use should be made. TDBC will then find themselves in a difficult position
- Suggests conditions to prevent any form of subsequent change of use, development or construction on the site if application is approved.
- Concerns over future use of the site
- Query what will happen to remainder of bounded area outside of proposed change of use site and whether any conditions will be imposed. Would like to see planning authority take appropriate steps to ensure that land is returned to it's proper use

Other matters raised including:

- Concerns that change of use will lead to further changes of use, possibly relating to the whole paddock in future if line of settlement is broken
- Surprised that application is submitted so quickly following refusal
- Surprised that councillors sought to encourage an application for temporary use, based on a supposed need for an extended area for children's play rather than viewing it strictly in planning terms.
- There is a well-equipped playing field within a short walking distance.
- Proposed development is contrary to the wishes of a large majority of local residents, who have expressed strong opposition to development of green spaces in the parish. Views recorded in Trull Parish Plan.

Letter received from applicant in response to objection letters:

- Latest application submitted at request of TDBC Planning committee
- Fence was erected to prevent children from injuring themselves on metal fence, TDBC confirmed this was acceptable.
- Planting scheme for the paddock was agreed by TDBC
- Climbing frame has remained on site with knowledge of TDBC.
- No evidence for speculative comments made.
- It is not intended to further change the use of the remaining paddock area and would accept a legal restriction to prevent any future applications.

## **PLANNING POLICIES**

EN12 - TDBCCLP - Landscape Character Areas,  
S&ENPP5 - S&ENP - Landscape Character,  
S1 - TDBCCLP - General Requirements,

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is important to note that whilst the paddock as a whole lies within the control of the applicants, this application relates only to an area largely to the rear of Little Oaks, measuring 28 metres in length and contained within the beech hedgerow. Furthermore, there appears to be a great deal of confusion in representations submitted that the previous application was refused. Members will recall that the planning application was withdrawn and members resolved not to authorise enforcement action, but instead invited a further application for a temporary period.

Whilst this application now seeks temporary permission, it is for a period of 5 years. This is considered a very lengthy period, which would result in the same concerns as previously.

There is a well established line forming the rear boundaries of the row of dwellings, of which Little Oaks forms part. The garden area therefore 'juts out' significantly into the agricultural land to the rear and in area is more than double the size of the existing large garden. Although a bank with beech planting has been created, along with further tree planting, the site remains clearly visible from the footpath to the north.

This countryside is rural in nature and the garden land introduces a domestic and urban element into an otherwise rural environment, eroding the countryside character and resulting in harm to the visual amenity of the area.

Furthermore, the extended residential curtilage would set an undesirable precedent for other properties to do the same, resulting in an unacceptable level of harm to the surrounding landscape.

It should also be borne in mind that granting consent for a period of five years is a considerable length of time. If members are minded to approve the application for five years, it could be very difficult to resist a future application for a permanent change of use at the end of this period.

Whilst concerns have been raised regarding tree planting and fencing to the paddock, it should be acknowledged that planning permission is not required for those elements.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Miss K Purchase Tel: 01823 356468**

## Planning Committee – WEDNESDAY 22 SEPTEMBER 2010

### Report of the Development Manager

#### Enforcement Item

##### Parish:

1. **File/Complaint Number** E/0088/43/10
2. **Location of Site** Land off Taunton Road, Wellington
3. **Names of Owners** THE MANAGER  
ASDA STORES LTD  
LONGFORTH ROAD  
WELLINGTON  
SOMERSET
4. **Name of Occupiers** ASDA STORES
5. **Nature of Contravention**  
  
Unauthorised sign for Asda stores on land off Taunton Road, Wellington

##### 6. **Planning History**

The site of the unauthorised sign has for a number of years been used to display a sign for a Car Dealership. This company ceased trading about 5 years ago but the sign remained. Asda Stores opened about 12 months ago but recently the sign for the car dealership was removed and replaced with a large sign for the Asda Store at Longforth Road. The sign is about a quarter of a mile from the store so therefore it is classed as an advance sign requiring Advertisement Consent. A letter was sent to the store manager on 20th July 2010 requesting an application to be submitted within 7 days. To date no application has been received and the sign continues to be displayed in contravention of the Regulations

##### 7. **Reasons for Taking Enforcement Action**

The sign is an incongruous feature within a prominent location along a strategic route and approach into Wellington where the sign appears as an undesirable intrusion resulting in visual clutter, detrimental to the visual amenities of the area. The proposal is therefore contrary to policies EC26 and T34 of the Taunton Deane Local Plan and PPG19.

**8. Recommendation**

The Solicitor to the Council be authorised to commence prosecution action with regard to the unauthorised display of the sign.

**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**

**APPEAL DECISION FOR COMMITTEE AGENDA – 22 SEPTEMBER 2010**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>DECISION</b>
APP/D3315/A/10/2123391/NWF	Replacement of ancillary building (garage/workshop) with building comprising of garage and ancillary accommodation to the dwelling house at netherclay cottage, thurlbear, taunton (resubmission 28/09/0001)	Non-determination refusal.	28/09/0002/INV	The Inspector concluded the subsidiary accommodation proposed would not be tantamount to a separate dwelling and complies with Policies H18, S1 and S2 of the TDLP. He therefore <b>ALLOWED</b> the appeal with conditions requiring the development to be carried out in strict accordance with the approved plans, samples of materials be submitted for approval and restricting occupation of the subsidiary building to that of a dependent of the resident family.

**TDLP** = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park