

Planning Committee

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 30 November 2011 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 19 October 2011 (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 20/11/0015 – Application to alter the approved layout and house design for Plots 8 and 9 of approval 20/04/0026 for the development at Hill Farm, Kingston St Mary
- 6 23/11/0033/LB – Installation of 12 PV panels on south facing roof at Haven House, Fore Street, Milverton
- 7 38/11/0620 – Change of use from mixed A1 retail and A3 café use to mixed A3 café and A5 hot food takeaway use at 25 Bridge Street, Taunton
- 8 43/11/0083 – Conversion/alteration/extension to provide 4 shops and 6 apartments at 2-6 Cornhill, Wellington. Outline application for the demolition of existing structures and the erection of 30 dwellings on land adjoining North Street Car Park, Wellington
- 9 43/11/0106 – Erection of 4 no two bedroom cottages and 3 no two bedroom cottages to the rear of the former Three Cups, Fore Street, Wellington
- 10 48/11/0030 – Installation of ground mounted photovoltaic panels in Gotten Copse at Hestercombe Gardens, Cheddon Fitzpaine
- 11 Planning Appeals - The latest appeal lodged and appeal decision received (attached)

Tonya Meers
Legal and Democratic Services Manager

12 January 2012

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.

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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

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Planning Committee Members:-

Councillor C Bishop	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor J Allgrove	
Councillor R Bowrah, BEM	
Councillor B Denington	
Councillor A Govier	
Councillor C Hill	
Councillor M Hill	
Councillor L James	
Councillor N Messenger	
Councillor I Morrell	
Councillor J Reed	
Councillor F Smith	
Councillor P Tooze	
Councillor P Watson	
Councillor A Wedderkopp	
Councillor D Wedderkopp	
Councillor G Wren	

Planning Committee – 19 October 2011

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, C Hill, Mrs Hill,
Miss James, Morrell, Mrs Reed, Mrs Smith, Tooze, Watson, A Wedderkopp,
D Wedderkopp and Wren

Officers:- Mr B Kitching (Development Management Lead), Mrs J Moore (Major
Applications Co-ordinator), Mr M Bale (West Area Co-ordinator),
Mr R Williams (Planning Officer), Mrs J Jackson (Legal Services Manager),
and Miss M Casey (Planning and Litigation Solicitor)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

92. Apology

Councillor Mrs Messenger.

93. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control.

94. Application for Planning Permission

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

That **planning permission be refused** for the under-mentioned development:-

46/11/0020

Change of use of land to site mobile home for use as agricultural workers dwelling at Alebar Farm, Blackmoor, West Buckland (retention of works already undertaken)

Reasons

The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. Whilst the

business being operated from the site comprises a mix of enterprises, the overall business remains of a small scale and of a nature where the vast majority of work can be carried out and most problems/emergencies are likely to occur during part of the normal working day (however long that day may be). As such, it has not been proven that it is essential for the proper functioning of the enterprise for a worker to be readily available at most times. Therefore the functional need for the retention of the mobile home has not been demonstrated and the development fails the functional test set out in Planning Policy Statement 7, Annex A. The proposal therefore represents an unjustified residential development in the open countryside, contrary to Policies S1 (General Requirements) and S7 (Outside Settlements) of the Taunton Deane Local Plan, Policies STR1 & STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained within Planning Policy Statement 1 (Delivering Sustainable Development) Planning Policy Statement 3 (Housing) and Planning Policy Statement 7 (Sustainable Development in Rural Areas).

Also **resolved** that:-

- (i) an enforcement notice be served to cease residential occupation of the site and to secure the removal of the mobile home and other unauthorised structures;
- (ii) the Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- (iii) the time period for compliance with the notice be six months.

95. Demolition of dwelling and erection of 4 no. dwellings with associated parking and 1 no. garage at Milanwil, Mountway Close, Bishops Hull (amended scheme 05/11/0032) (05/11/0037)

Reported this application.

Resolved that subject to the receipt of amended plans detailing the relocation of a bedroom window and additional hedge planting to the front of plot 4, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A4) DrNo 01 Location Plan;
- (A4) DrNo 02 Block Plan;
- (A4) DrNo 25 Location Plan – Pattern of Development;
- (A4) DrNo 27 Proposed Block Plan;
- (A2) DrNo 23 Rev C Proposed Site Plan;
- (A2) DrNo 19 Rev A Ground Floor Plan and Elevations Plots 1 and 2 Scheme 'A';
- (A2) DrNo 16 Rev A Existing Topography Survey;
- (A2) DrNo 28 Rev A Ground Floor Plan and Elevations of Plots 3 and 4 and

Garage Block;

- (c) 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;
- (d) 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 buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (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;
- (f) The access and area allocated for parking and turning shall be hard surfaced before the dwellings hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings hereby approved details of which shall be submitted to, and approved in writing by, the Local Planning Authority beforehand;
- (g) The area allocated for access, parking and turning on the submitted plan (Drawing: 23 Rev C) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted;
- (h) The garage door for plot 3 shall be of a roller shutter type and permanently retained as such.
- (i) 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), there shall be no extension, addition or outbuilding, including alterations to the roof, without the further grant of planning permission;
- (j) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report, dated January 2011 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; and
- 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 and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented.

(Notes for applicant:- (1) Applicant was advised that the access hereby permitted should 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; (2) Applicant was advised 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.)

Reason for planning permission, if granted:-

The proposal, for residential development, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

96. Proposed development of 51 residential dwellings with associated access, roads, footways, drainage, parking and landscaping at The Hatcheries, Bathpool, Taunton (48/11/0023)

Reported this application.

Resolved that subject to:-

(1) The applicants entering into a Section 106 Agreement to secure the following:-

Transportation - A package of highway improvements including:-

1. The design, construction and funding of a Right Turn Lane junction at the site access;
2. The design, construction and funding of a Toucan crossing on the A38 to the north-east of the site;
3. Implementation of an approved Full Travel Plan for the development, such travel plan to have been agreed in full prior to the signing of the Section 106 Agreement (prior to reserved matters or commencement of the development), appended to the agreement and supported by a Full Travel

- Plan schedule which contains a full range of measures to assist with sustainable travel including residential cycle parking;
4. Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property, to aid with uptake of smarter travel choices;
 5. Smarter travel management fund of £5000 to aid with the provision of matters such as on-site cycle servicing for residents and other events/one-off promotions to assist a travel plan coordinator to promote sustainable travel, for the initial period of the Travel Plan; and
 6. Bus stops and shelters on both sides of the road between Bathpool and Brittons Ash at a location and specification to be agreed with the County Highway Authority.

Affordable housing - 13 units comprising 100% intermediate rent.

Education

- i) Financial contributions for the provision of six primary school places and three secondary school places at a total of £128,949; and
- ii) Payments to be phased with 50% payable at the commencement of development and 50% on the commencement of the final 50% of dwellings.

Leisure

- i) The provision of £56,100 towards recreation facilities; and
- ii) The provision of £68,200 towards off site open space provision; and

(2) The provision of acceptable amended landscaping details,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - 0368/102G Planning Layout;
 - 0368/103E Street Elevations;
 - 0368/104H External Works Layout;
 - 0368/105G Vehicle Tracking Layout;
 - 0368/107G Adoption Plan;
 - 0368/108G Materials Plan;
 - 0368/302C Road and Sewer Long Sections;
 - 0368/320F Drainage Strategy; and
 - Energy Statement;
- (c) Notwithstanding the submitted details, 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;

- (d) The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority;
- (e) The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath;
- (f) The development shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
- (g) No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan 0368-102 rev E for cars to be parked;
- (h) Where the garage door is to be an up and over style there shall be an area of hard standing at least 6m in length as measured from the nearest edge of the highway to the face of the garage doors unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (i) No dwelling shall be occupied until a covered and secure space has been laid out within the site for 51 bicycles to be parked, 1 for each dwelling unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (j) Prior to the commencement of works on site a foul and surface water drainage strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall include arrangements for the points of connection and capacity improvements required to serve the development and the timing for the implementation of the strategy. Prior to the occupation of any of the dwellings hereby permitted the drainage scheme shall be fully implemented in accordance with the approved details unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (k) No development approved by this permission shall be commenced until details for the intended operational and maintenance plan for all drainage works serving the site are submitted to, and agreed in writing by, the Local Planning Authority. The approved drainage for the site shall be installed prior to the occupation of any dwellings hereby permitted and shall thereafter be maintained in strict accordance with the maintenance plan and in full working condition thereafter unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (l) 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) Site Characterisation - An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. 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:-

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages. If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

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 - If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, 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 someone 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;

- (m) Prior to the commencement of any development works on site in association with the dwellings hereby permitted, the applicant shall provide details of the noise mitigation measures as outlined in the report ref UK18-14949 Noise Environ, February 2010. This shall include details of acoustic windows, ventilation, the facades that require additional noise attenuation and details of the proposed noise barrier. This shall include confirmation that the proposed attenuation system will meet the requirements of standards outlined in the report and BS8233. The proposed development shall thereafter be built in accordance with those details and thereafter maintained as such unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;
- (n) No dwelling hereby permitted shall be occupied until the traffic controlled crossing of the A38 has been installed and is operational;
- (o) Prior to the occupation of any of the dwellings hereby permitted, a fully equipped Children's Play Area shall be provided on site in accordance with the details shown on plan number 185.09.SK100. The Children's Play Area shall thereafter be maintained in a safe condition and in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority;
- (p) Development shall not be commenced until details of a scheme to protect and enhance the development for nesting birds has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be based upon the advice in Michael Wood Associates's submitted report dated November 2009 concerning:-
 - 1. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; and
 - 2. Measures for the enhancement of places for nesting birds.Once approved, the works shall be implemented in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority;

- (q) (i) The landscaping/planting scheme shown on the submitted plan 185.09.PP01 rev G 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;
- (p) 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.

(Notes to applicant:- (1) Applicant was advised to formulate all physical design features of the dwellings i.e. doorsets, windows, security lighting etc in accordance with the Police approved 'Secured by Design' award scheme, full details of which are available on the SBD website or by contacting the Police Liaison Officer; (2) Applicant was advised to note 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) Applicant was advised to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site; (4) Applicant was advised to make provision within the site for the disposal of surface water so as to prevent its discharge onto the highway.)

97. Erection of fencing and laying of hardstanding at the corner of Mill Lane and Stocks Lane, Hatch Beauchamp

Reported that it had come to the attention of the Council that a vertical boarded fence, approximately 1.8m high, had been erected without planning permission on the boundary of an area of land at the corner of Mill Lane and Stocks Lane, Hatch Beauchamp. A hardstanding had also been laid on the land concerned which was next to a watercourse in Flood Zone 3b without consent.

Although the owner of the land had attempted to regularise the situation by submitting a planning application for a larger scheme which included the retention of both the fence and the hardstanding, the application had been refused under delegated powers earlier in the month.

The Committee had therefore been recommended to take enforcement action to seek the removal, or reduction in height, of the fence and the removal of the hardstanding.

During the discussion of the item, Members agreed that further evidence as to whether the hardstanding had altered ground levels to the extent that it would restrict or impede flood waters should be obtained.

Resolved that:-

- (i) An enforcement notice be served to seek the removal, or reduction in height, of the unauthorised fence which had been erected on land at the corner of Mill Lane and Stocks Lane, Hatch Beauchamp;
- (ii) Should investigations show that future flood waters were likely to be restricted or impeded, a further enforcement notice be served to seek the removal of the unauthorised hardstanding which had been laid on the land concerned;
- (iii) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice(s) was not complied with; and
- (iv) The time period for compliance with the notice(s) be three months.

98. Appeals

Reported that two appeal decisions had been received, details of which were submitted. Both appeals had been dismissed.

(The meeting ended at 6.55 pm)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors Govier and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren
- Daughter works as an administrator in Development Control – Councillor Mrs Reed

MR LLOYD DORMER

APPLICATION TO ALTER THE APPROVED LAYOUT AND HOUSE DESIGN FOR PLOTS 8 AND 9 OF APPROVAL 20/04/0026 FOR THE DEVELOPMENT AT HILL FARM, KINGSTON ST MARY

Grid Reference: 321858.129763

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development, when compared to the extant permission would not impact unreasonably upon the character and appearance of the area generally and the natural beauty of the Quantock Hills Area of Outstanding Natural Beauty specifically; the amenity of existing and proposed neighbouring residents or the highway network. It is, therefore, in accordance with Policies S1 (General Requirements), S2 (Design) and EN10 (Areas of Outstanding Natural Beauty) of the Taunton Deane Local Plan and Policy 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review.

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) DrNO 1111-05 Location plan
(A1) DrNo 1111_04 Rev A site layout
(A1) DrNo 1111_03 Rev A Floor plans and elevations - plots 8 and 9 and covered parking

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

3. Prior to their installation, details and/or 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.

4. (i) Prior to its implementation, 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

PROPOSAL

This application seeks full planning permission for the erection of two dwellings on land at Hill Farm, Kingston St. Mary. The application is a revised design and layout for two plots (plots 8 and 9) in a previously permitted (and partially implemented) development of 23 dwellings, granted planning permission under application number 20/04/0026.

The application proposes to replace two semi-detached dwellings, linked by their garages, with two larger, detached dwellings. The proposal also seeks to increase the site area for the two plots, such that it extends all the way to an existing field boundary, to the west of the site; previously it was proposed to construct a new boundary across the field.

The two dwellings would provide large detached dwellings, with attached garage and car port facilities for 3 vehicles. Plot 9 also proposes a detached car port providing covered parking for two further vehicles to the side and front of the plot.

It is proposed to plant some additional trees and new hedgerows around the two plots.

The application is before committee because the agent is related to a member of staff.

SITE DESCRIPTION AND HISTORY

The site, towards the western edge of Kingston St Mary, occupies an elevated position on the north side of the road to Bishops Lydeard and Cothelstone and is within the Quantock Hills Area of Outstanding Natural Beauty. It is elevated from the road, with a steep bank along the road frontage. Stone retaining walls have been constructed at the site entrance, which leads to two gates creating a private development, accessible only by the residents and their visitors. The site is clearly visible when viewing from the west, on approach to the village.

Following on from a previous permission for a smaller scheme, planning permission 20/04/0026 was granted for 23 dwellings. The dwellings were proposed to be broadly arranged in two courtyards, with dwellings arranged fronting these public areas and a spine road running towards the eastern edge of the site, alongside the existing Hill Farm and an adjoining barn conversion. The site subject to the current application is situated at the furthest end of the site from the access, in the northwest corner. A new western boundary for the development was to be created along the backs of the westernmost plots, in a straight line across the centre of the field.

The permission was subject to a Section 106 agreement requiring payment of monies towards the provision of recreation facilities and that at least 33% of the dwellings were smaller 1 or 2 bedroom properties.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

KINGSTON ST MARY PARISH COUNCIL – No objection.

SCC - TRANSPORT DEVELOPMENT GROUP – Comments awaited.

LANDSCAPE – I am concerned that the proposals will have a detrimental impact on the local landscape. It may be possible to reduce that impact by reducing the garden widths by 8-10m and planting the area to the west of the boundary hedge with native woodland species such as oak, wild cherry and hazel and without the change of land use from agriculture to garden.

WESSEX WATER – New water supply and waste water connections will be required from Wessex Water. Provide advice on how to apply for this.

Note that a public water main is shown on record plans within the land identified for the proposed development. It is possible that the development proposals will affect existing water mains.

THE QUANTOCK HILLS AONB SERVICE – No comments received.

Representations

None received.

PLANNING POLICIES

EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
EN12 - TDBCLP - Landscape Character Areas,
AONB - Area of Outstanding Natural Beauty,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,

DETERMINING ISSUES AND CONSIDERATIONS

The proposal seeks to redesign two plots on an already permitted development. As such, it is considered that the principle of the development has been established by the extant permission. The main issues in the consideration of this application are whether the proposed changes in design and layout are acceptable, in terms of their impact on the character and appearance of the area – including the proposed development and Area of Outstanding Natural Beauty (AONB), and the impact on neighbouring property. The point of access to the highway network is not proposed to be altered or modified and, therefore, the development is considered to be acceptable in terms of highway safety.

The proposed dwellings would be larger than others that have already been constructed and remain to be built on this development. However, like the remaining development, they are designed with a traditional appearance and are well proportioned.

The previous design provided a high level of enclosure around the courtyard in this part of the estate and this is weakened slightly by the new proposal which would provides larger dwellings set further back. The garage/car port for plot 9 would be seen at the end of the courtyard and this does not provide an ideal visual stop; however, it does have accommodation over and, as such, provides some frontage. Given that the main front elevation for plot 8 would also occupy this central position, the overall composition of buildings is considered to be acceptable. The orientation of Plot 8 has been redesigned since the original submission so that the proposed dwellings have an acceptable relationship with other surrounding property and plots in terms of overlooking.

In terms of policy M4 of the Taunton Deane Local Plan, there is a significant overprovision of parking for this proposed development, with a total of 8 covered parking spaces proposed. However, these are reasonably well sited within the plots and, with regard to the above comments, do not detract unreasonably from the street scene. It is, therefore considered to be acceptable in this location, which is remote from many essential day to day services. In short, it is not considered that insisting on a lower parking provision would encourage less reliance on the private car.

The site is already prominent when viewed from the west and the proposed dwellings would move closer to the west. However, the revised site boundary, although technically encroaching further into the open countryside, follows an existing field boundary, rather than the contrived line across the centre of the field originally proposed. The Landscape Officer has suggested further reductions in the garden size and an increase in the proposed planting. Using the existing hedge boundary allows the existing hedge to be significantly enhanced, and the size of the

plot means that further tree planting can be undertaken along the boundary. As such, it is considered that the proposed arrangement is acceptable, with regard to the existing planning permission. Additional planting has been agreed in principle with the applicant and full landscaping details can be required by condition.

With the enhanced landscaping proposals, it is considered that the impact on the visual amenities of the wider area will be acceptably mitigated and the natural beauty of the AONB would be preserved.

It would appear that the existing Section 106 agreement would continue to apply to the re-planned development and, therefore, there is no need for a new agreement in order to secure the necessary contributions. Plots 8 and 9 were originally proposed to be three bedroom and therefore the obligation relating to building size is not affected. Wessex water have noted that existing sewers may be affected by the proposal, but it would appear that these have been laid specifically to serve the development.

With regard to the above, the proposals are considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

MR GWILYM WREN

INSTALLATION OF 12 SOLAR PV PANELS ON SOUTH FACING ROOF AT HAVEN HOUSE, FORE STREET, MILVERTON

Grid Reference: 312188.125758

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

The panels, by reason of their location, expanse of coverage and prominence, would have a detrimental impact on the character of the building. Therefore, the building would not be preserved, contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

Installation of 12 solar PV panels on the south facing roof.

SITE DESCRIPTION AND HISTORY

The site comprises a single dwelling, which is a Grade 2 Listed Building, one of many in Fore Street. Due to the fall in ground levels, the building has 2 storeys to Fore Street, with 3 storeys to the rear. The dwelling has slate roofs over sandstone walls to front and render to rear. There is no recent planning history.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

MILVERTON PARISH COUNCIL - would prefer to see the panels sited symmetrically but supports the application in principle.

Representations

5 letters of SUPPORT from local residents raising the following issues:

- location at the rear, will not detract from the visual importance of the Conservation status in the village;
- supported provided centrally located;
- does not detract from the street view of people passing through the village;
- proposal will not be overly visually intrusive especially because the panels would not be visible from most of the conservation area;
- not visible from Fore Street;
- supportive of alternative, sustainable energy sources;
- whilst visible from the rear, will not have any significant negative impact on the surroundings or the conservation area.

PLANNING POLICIES

S&ENPP9 - S&ENP - The Built Historic Environment,
PPS 5 - PPS5 Planning for the Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when determining application for listed building consent, special regard to paid to the desirability of preserving the building, its setting and any special architectural or historic features it possesses.

The applicant has submitted the following justification: the house was not listed on the basis of the rear elevation but on its frontage which will not be affected by panels on the rear; the "wider setting" from the rear is not that special as includes Creedwell car park which is bounded by single storey garages and outhouses. Indeed the Conservation Area barely spreads beyond the rear curtilage of the house; this proposal is a temporary structure and as such will not affect the preservation, the setting or features of Haven House; this application represents a sustainable development which will contribute to Government targets and as such is in line with the proposed National Planning Policy Framework.

The purpose of a list description, is primarily to identify the building on the ground, it does not purport to be exhaustive or to include all the features which make a building worthy of listing.

Due to the significant changes in level, between Fore Street and Jubilee Gardens/ Creedwell car park, the principal roofs of a number of properties on Fore Street (mostly listed buildings) are highly visible. Whilst it is agreed that the panels will not necessarily physically affect the building, their presence over most of the roof will be very different to the existing slate and will therefore affect the existing building's character.

Wherever possible, alternative, sustainable energy sources, are encouraged. There will inevitably be some instances (as here) where the impact of such needs to be assessed against other matters. In terms of applications for listed building consent, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear:

"In considering whether to grant listed building consent for any works the Local Planning Authority...shall have special regard to the desirability of preserving the

building or its setting or any features of special architectural or historic interest which it possesses.”

Thus, in determining a listed building consent application, the Local Planning Authority must focus on this single issue, unlike a planning application where a whole raft of material considerations must be balanced in reaching a conclusion. Therefore, very little, if any, weight can be given to the wider benefits of providing renewable energy.

Given the above, the proposal is deemed to not preserve the character of the building and as such is contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor national park Joint Structure Plan Review.

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

CONTACT OFFICER: Ms D Hartnell Tel: 01823 356492

MRS T LITTLEJOHNS

CHANGE OF USE FROM MIXED A1 RETAIL AND A3 CAFE USE TO MIXED A3 CAFE AND A5 HOT FOOD TAKEAWAY USE AT 25 BRIDGE STREET, TAUNTON

Grid Reference: 322578.124899

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the receipt of comments from Environmental Health raising no objections and no new objections received by the 8th December 2011

The proposal is considered not to have a detrimental impact upon visual amenity, residential amenity or the vitality and viability of the defined Secondary Shopping Area and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and T21 (Secondary Shopping Area).

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

(A4) Existing and Proposed Elevations Plans

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

Notes for compliance

1. You are advised that any alterations to the shopfront will require planning permission, and that any new signage may require advertisement consent.
2. Any external flue will require separate planning permission and the granting of this permission does not infer that such a flue would be acceptable.

PROPOSAL

The proposal comprises the change of use of the ground floor of the building from a mixed use (A1 and A3, retail and a cafe) to either A3 (cafe, restaurant) or A5 (hot food takeaway).

No end user of the building has been identified, and the submitted layout plan is for illustrative purposes only.

As there is no end user no details of any proposed alterations to the shopfront, or new signage, have been submitted. Details of where a flue and rubbish store could be located have been included in response to an officer query.

SITE DESCRIPTION AND HISTORY

The three storey mid terraced building is located close to the town centre within the Secondary Shopping Area. The ground floor of the building is currently empty and prior to this the building had two uses; a retail unit could be found at the front of the building and a small cafe located to the rear of the building.

Planning history

38/09/0377 - Change of use to mixed use (A1 and A3) at 25 Bridge Street, Taunton. Granted conditional approval on 26th January 2010.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection. Following comments: -

- Proposal within Development limits and in close proximity of town centre, therefore principle acceptable.
- Sited on Bridge Street a Class 1 highway to which 30mph speed limit applies. A well utilised town centre route.
- Highway Authority would not wish to see any vehicles parking directly outside development given the close proximity of the traffic light junction of Bridge Street and Wood Street and location of Pedestrian refuge on Bridge Street, which would lead to disruption of highway network.
- Close to town centre and provision of public car parks are in close proximity.

ENVIRONMENT AGENCY - No comment. Proposal outside those topics requiring consultation with the Environment Agency, as set out in Articles 16 and 17, and Schedule 5 of the DMPO.

ENVIRONMENTAL PROTECTION CONTAMINATED LAND - No comment.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Views awaited.

Representations

THREE LETTERS OF OBJECTION: -

- Do we need another takeaway in this area? There are already a number in the area, many poor quality; have enough Charity shops and food shops.
- Increase in amount of rubbish on street; doorways already full of rubbish in the mornings; rubbish blown in during day if doors are open.
- Smells from existing takeaways already at times very strong.
- Takeaway will not benefit day trading.
- Need quality business and retail outlets.

LETTER OF OBJECTION FROM WARD COUNCILLOR: -

- Inadequate parking with double yellow line outside the entrance.
- Opening of Third Way means even temporary stops will lead to traffic delays on already over busy Bridge Street.
- No rear entrance to premises means further traffic difficulties on deliveries of supplies to the takeaway.
- No plan on how they will get rid of waste fumes which will make life difficult for upstairs tenants.
- Smell will permeate into shops and hairdressers adjacent to the site.
- Several takeaways in the immediate vicinity; proposal amounts to overdevelopment.
- Concern of being a night time takeaway and would not add anything to economic development of Taunton.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
 T21 - TDBCLP - Secondary Shopping Areas,
 EN28 - TDBCLP - Development and Flood Risk,
 PPS4 - Planning for Sustainable Economic Growth,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are impact on residential amenity and the Secondary Shopping Area.

Secondary Shopping Area

The Secondary Shopping Area adjoins the Primary Shopping Area and offers a mix of buildings that complement the town centre. These uses, as well as retail, include cafes, takeaways, A2 uses (financial and professional) and leisure. Policy T21 (Secondary Shopping Area) identifies that such uses appropriate to the area include A2 and A3 (now A3, A4 and A5) uses. Whilst the end user is currently unknown, it is not known which use applied for will be implemented or the proposed opening hours of the building. Though there may be a possibility that the building could be closed during some part of the day, the proposal would provide employment and aid the night-time economy of the town to what is otherwise an empty unit.

Residential amenity

Environmental Health have been consulted on the application and their views are awaited. Notwithstanding these views, the building is located within a town centre

where a mix of uses, including residential, are encouraged. The agent has submitted additional details to identify that if a flue was required it could be sited somewhere within the roof of the single storey extension that projects to the rear. The owner of the building also owns land to the rear of other buildings within Bridge Street that could provide an outside storage area for rubbish, and if required, some parking spaces.

It is considered that a flue could be provided for any end user and conditions, if necessary, from Environmental Health, could help prevent any potential harm to occupiers in the future.

Given the existing restaurants, public house and takeaways within the immediate vicinity, it is considered that a further unit will not cause any further detrimental harm to residential amenity; and given the number of other similar uses within the area no opening hours condition will be imposed, this will be decided by Licensing.

Highways

The building is sited close to the town centre with a public car park sited to the rear of the building, at the beginning of Staplegrove Road and a car park at a nearby supermarket. As such, the building is accessible by foot and car users to the building have off road parking options within the immediate vicinity.

Double yellow lines are placed along both sides of the road within Bridge Street, preventing any parking to the front of the building.

Existing business units in Bridge Street, retail and non-retail, have deliveries made with some of these units having no direct rear access; the proposed uses for the building face no different issue than the previous occupiers.

Conclusion

The proposed uses are appropriate to the Secondary Shopping Area and accord with Local Plan policy T21 and provide benefit to the night time economy and vitality and viability of the town centre. The uses are also not considered to cause any detrimental harm to residential amenity beyond any existing uses within the vicinity. Permission is therefore recommended for approval.

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

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

HAUNCH LANE DEVELOPMENTS LTD & RAYGLOW SECURITIES LTD

**CONVERSION/ALTERATION/EXTENSION TO PROVIDE 4 SHOPS AND 6 APARTMENTS AT 2-6 CORNHILL, WELLINGTON.
OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES AND THE ERECTION OF 30 DWELLINGS ON LAND ADJOINING NORTH STREET CAR PARK, WELLINGTON**

Grid Reference: 313815.12059

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to

- A) the receipt of further information regarding the historic significance of some of the buildings to be demolished and agreement of the Heritage Lead that the demolition is justified and would preserve the character and appearance of the conservation area; and
- B) a section 106 agreement to secure the provision of £5750 towards improving children's play facilities in the area:

Conditional Approval

The proposed development is well designed in terms of its layout and scale and pays respect to the historic built environment of the centre of Wellington. It would not impact unreasonably upon the local highway network or the amenities of existing neighbouring property. The character and appearance of the conservation area would be preserved and, in some respects, enhanced and the listed buildings within and their settings would be preserved. The proposal is, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN23 (Areas of High Archaeological Potential), and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policies 9 (The Built Historic Environment), Policy 11 (Areas of High Archaeological Potential) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review; advice contained in Planning Policy Statement 5 (Planning for the Historic Environment) and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

1. Insofar as it relates to the works to no.s 2-6 Cornhill, the development hereby permitted shall be begun within three years of the date of this permission.

Insofar as it relates to the erection of 30 dwellings (new build plots 1-30),

approval of the details of the 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 S91 and S92 of the Town and Country Planning Act 1990 (as amended by S51 Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 09007-L.01.01 Rev A Location Plan
(A3) DrNo 09007-L.01.02 Rev A Existing site plan
(A1) DrNo 09007-L.01.03 Rev C Proposed Site Layout
(A3) DrNo 09007-L04.01 Proposed elevations
(A1) DrNo 09159-L04.02 Rev B Proposed Elevations
(A1) DrNo 09159-L04.01 Rev B Existing Elevations
(A3) DrNo 09159 L02.01 Existing floor plans
(A1) DrNo 09159-L04.02 Rev B Proposed Elevations
(A1) DrNo 09159-L02.02 Rev B Proposed Floor and Roof Plans

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

3. Full details of facilities for cycle parking shall be submitted to and approved in writing by the Local Planning Authority as part of the details submitted in respect of condition (1). The approved details shall be implemented prior to the occupation of the plot to which they relate and shall thereafter be retained as such.

Reason: In order to promote cycling amongst residents of the development in accordance with Policy M5 of the Taunton Deane Local Plan.

4. Full details of facilities bin storage shall be submitted to and approved in writing by the Local Planning Authority as part of the details submitted in respect of condition (1). The approved details shall be implemented prior to the occupation of the plot to which they relate and shall thereafter be retained as such.

Reason: In the interests of the character and appearance of the area and securing well designed facilities in accordance with Policies S1 and S2 of the Taunton Deane Local Plan.

5. 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.

6. No demolition or alteration to numbers 2-6 Cornhill shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to and agreed in writing with the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the demolition or alteration of the existing buildings.

Reason: To help record the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.

7. 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 Ecologic Environmental consultant's submitted reports; dated January 2011 and up to date bat 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, breeding birds and bats.

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 bird and bat 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 Policy EN3 of the Taunton Deane Local Plan and advice contained within Planning Policy Statement 9.

8. Prior to the occupation of the development hereby permitted, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be based upon the principles set out in the

‘Residential Travel Plan Statement’. The approved travel plan shall be implemented in accordance with the details agreed within the travel plan.

Reason: To encourage travel by means other than the private car in accordance with Policy 39 of the Somerset and Exmoor National Park Joint Structure Plan Review.

9. The proposed estate roads, footways, footpaths, cycleways, sewers, drains, vehicle overhang margins, junctions, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The approved details shall be implemented such that each dwelling is served by a properly consolidated surface, at least to base course level, prior to its occupation. The scheme shall be completed prior to occupation of 90% of the new build dwellings (plots 1-30) hereby permitted.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site and in the interests of the visual amenities of the area, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1 and S2 of the Taunton Deane Local Plan.

10. The works to 2-6 Cornhill hereby permitted shall be carried out such that the buildings are capable of occupation prior to the occupation of 50% of the new build dwellings (plots 1-30).

Reason: To ensure that the works to Cornhill are carried out to secure the enhancement and improvement of Cornhill, in the interests of preserving the character and appearance of the conservation area. The Council has accepted that the development is not capable of providing affordable housing or other community infrastructure contributions on the basis that the redevelopment of Cornhill is carried out, in accordance with Planning Policy Statement 3.

11. The ground floors of 2-6 Cornhill are hereby permitted for uses in the following Classes of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification): A1, A2, B1(a), D1.

Reason: To increase the likelihood that suitable uses can be found for the Cornhill buildings in the interests of securing the successful regeneration of Cornhill in the interests of the vitality and viability of the town centre, in accordance with Planning Policy Statement 4.

12. The ground floors of no.s 4 and 5 Cornhill may be used independently to each other or as one single unit in accordance with Condition 11.

Reason: To increase the likelihood that suitable uses can be found for the Cornhill buildings in the interests of securing the successful regeneration of Cornhill in the interests of the vitality and viability of the town centre, in accordance with Planning Policy Statement 4.

13. The applicant shall ensure that all construction vehicles leaving the site are in such a condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to construction commencing, and thereafter maintained until the use of the construction on-site discontinues.

Reason: To prevent the discharge of debris onto the highway, car parks and footpaths surrounding the development in the interests of pedestrian and highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

14. 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), The dwellings hereby permitted shall not be extended and no windows (other than those that may be approved under condition 1) shall be inserted into the rear elevations of plots 21-24, and there shall be no alteration or erection of any means of enclosure other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To preserve the amenities of neighbouring properties on North Street and to preserve the character and appearance of the conservation area in accordance with Policies S1, S2 and EN14 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes for compliance

PROPOSAL

This application seeks outline planning permission for the erection of 30 dwellings and full planning permission for the conversional, alteration and extension of 2-6 Cornhill to provide 4 shops and 6 apartments.

The proposed new build development would see a residential development organised in two broad areas. Towards the eastern end of the site, 18 dwellings would be arranged in groups of 6 terraced properties running back perpendicular to the existing buildings on Fore Street. 3 terraces of 6 dwellings would be sited in this way, two of which would have front, pedestrian accesses provided from an access running to between Fore Street and the North Street Car Park to the side of Lloyds bank (hereafter referred to as the 'Lloyds Bank access') and one of which would have front pedestrian accesses from an access running from Fore Street to the Wellington Silver Band building (the 'Silver Band access'). In both cases, the existing walls fronting these lanes would be punctuated to form access to the dwellings, the dwellings themselves sitting a short distance back from the access paths. Small private amenity areas would be provided to the rear and these would also include a parking space for each of these 18 dwellings. The site would be accessed by vehicular traffic from the North Street Car park via a shared surface roadway, with new private 'Mews' streets providing access to the rear of the dwellings and the associated parking spaces. At the end of the street between plots 7-12 and 13-18, there would also be a small residents' car park providing an additional 6 spaces.

Towards the western end of the site, the shared surface roadway from the north street car park would cross the Silver Band access and lead to 12 further dwellings in more of a courtyard arrangement. At this centre point in the site, it is proposed to form a new link on to North Street, such that a new pedestrian route is opened from Fore Street right through to North Street. At this 'cross roads' in the site, a 3 storey block of 6 flats would be constructed, to the north of the Silver Band building. Beyond that, an irregularly shaped courtyard area, resulting from some peculiar land ownership patterns, would have 4 dwellings sited along the northern side and two further dwellings in the centre to the south. Parking would be provided in front of the 4 dwellings to the north and in a car park area behind the Silver Band building. 3 further spaces would be provided to the rear of Cornhill. From here, a pedestrian link into Cornhill would be provided, via an arch under 6 Cornhill. Thus, a further new link from North Street car park to the west would be provided in a broadly straight line across the centre of the site to Cornhill.

The existing Cornhill properties, which are in varying states of repair would be altered to form new, small retail units with residential accommodation over. Numbers 4 and 5 are listed buildings and the required internal alterations to these properties are the subject of associated listed building consent application 43/11/0084.

To the rear of the Cornhill properties, this application also seeks permission for various alterations and small extensions intended to enhance the internal space. After discussion with the Council's Heritage Lead, the design approach to the rear of Cornhill intends largely to reflect their historic design and arrangement. The main new build residential scheme, however, presents a contemporary approach with a simple 21st Century architectural style. Although detailed design and external appearance is reserved for subsequent consideration in a reserved matters application, the proposal is shown to use traditional materials, such as brick and slate to form the terraced dwellings with slate hanging, timber boarding and render used in the courtyard area. The application suggests that a bespoke design would be required for the dwellings backing onto North Street in order to reduce the impact of these on neighbouring residents.

SITE DESCRIPTION AND HISTORY

The site comprises numbers 2-6 Cornhill at its western extent and an area of 'backland' in the centre of Wellington. That area is bordered by existing properties on Fore Street and North Street and to the east of the site, is the North Street car park. The site is currently unkempt and overgrown and contains a number of dilapidated structures. A large Willow Tree, subject to a Tree Preservation Order is a prominent feature when viewing the site from the North Street car park.

The site is currently accessed via a number of points: An existing pair of wooden gates forms the only vehicular access from the North Street car park. Adjacent to this is a passageway that leads from the car park to Fore Street, emerging alongside Lloyds Bank (the "Lloyds Bank access"). Further to the east, there is a further pedestrian access adjacent to 17 Fore Street that leads to a large stone building, currently owned and used by Wellington Silver Band (the "Silver Band Building" and "Silver Band access"). This access also provides access to the rear of properties on Fore Street, including a mews of terraced dwellings behind number 15. The ground floor of the Silver Band building and adjacent ground to the east, within the site, is in retail use. From North Street, access the site includes an area of land that currently appears to be used by a car valetting business and for low-key car sales – the main business is carried out in a building to the north. This land is accessed under an arch from North Street ("the North Street access"). Access into the remainder of the site is not currently possible from here due to the presence of a high wall. There is also a significant change in level between this yard area and the remaining part of the site. Finally, access is available between 1 and 2 Cornhill.

Three applications were submitted for the residential development of this land in 2007. Together they proposed the erection of 78 apartments in 5 blocks arranged across the site. Permission was refused for all 3 applications on the general grounds that the form of the development had poor regard for the existing townscape and conservation area; the proposals did not adequately provide for the comprehensive development of the area, including the properties in Cornhill; that there was no provision for affordable housing or contributions towards leisure facilities; the scale of the development was out of character with neighbouring properties and was, therefore, un-neighbourly and cramped; and that further ecological assessment was required.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – It appears from the information supplied, that vehicles will derive access to the site via North Street car park. According to highway records, the car park is not publicly maintained but the proposal does seem to indicate that a section of the car park is within the applicant's ownership and there may be scope for works to be carried out to provide an adoptable link between the application site and North Street. However, I have not seen any details to this effect and the access into the development should be clarified. Pedestrians should gain access to the development from North Street/Fore Street/Cornhill via pedestrian footways and across North Street Car

Park.

Somerset County Council would not wish to look at future adoption of the internal aspects of the development site, due to the fact that the proposed layout indicates vehicle routes that are not in accordance with current Somerset County Council adoption policy and adopted design standards.

Scaled from the Drawing, the internal arrangements propose a 3.7m wide access road that will extend from North Street Car Park and provide vehicular access to the proposed dwellings. The 3.7m access road will not allow for two-way traffic, but unobstructed visibility within the internal layout should allow motorists to see vehicles on the access road and wait until it is clear to proceed. I do have reservations that the 3.7m wide access road is intended for shared use, as pedestrians may feel intimidated by vehicles along this route due to its width.

The applicant should be made aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. As the Highway Authority would not wish to adopt the internal layout, I presume that a management Committee will be set up to look after all future maintenance liabilities, including internal footpath links, carriageways, planting, etc. Written confirmation of this will need to be supplied to SCC.

As part of a S106 obligation, it will be requirement that a condition survey of the existing public highway will need to be carried out jointly between the developer and the Area Highway Service Manager, and agreed prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer to the satisfaction of the Area Highway Service Manager prior to occupation of the development. It is recommended that contact be made with the Area Highway Service Manager (08453459155) to arrange for such a survey to be undertaken.

Following receipt of the vehicle track plots, the swept path of a refuse collection vehicle has been indicated on Drawing: 09007-L.01.03/B. It appears that the track plots are based upon a two-axle vehicle, whereas the Highway Authority would expect to see an 11.7m long, 4-axle refuse vehicle. It is recommended that the applicant considers providing further track plots, based upon the larger vehicle or contacting Somerset Waste Partnership to establish which type of vehicles may service the development.

Private parking bays that are located immediately adjacent to any form of structure, including planting, should be constructed to a minimum length of 5.5m still allowing for an unobstructed 6.0m aisle directly in front/behind of them. Where an outfall, drain or pipe will discharge into an existing drain or pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required, with a copy submitted to Somerset County Council. Private surface water from the application site will not be permitted to discharge onto any part of the existing publicly maintained highway network. It is noted that part of the site is located within a Conservation Area. As such, it will be a requirement for the applicant to liaise with the Somerset County Council's Heritage Lead in terms of proposed materials to be used. It should be noted that any retaining wall structure owned by others within 3.67m of the highway boundary and/or which has a retained height of 1.37m above

or below the highway boundary will need the design details checked and approved by the Somerset County Council Structures Section.

A Travel Plan statement has been provided as part of the application, which is generally in accordance with Somerset County Council's guidance. Due to the site's location, the development is already well provided for in terms of off-site infrastructure (location of bus stops, etc.). This means that the development should be able to support a strong package of soft measures to encourage the maximum level of use of existing facilities to reduce the need to travel and encourage a switch to alternative modes of transport to the car.

The Travel Plan suggests a range of financial obligations (residential travel vouchers, travel plan management fund, cycle signage) which should be secured through S106 agreement, as part of the final version of the Travel Plan.

The Travel Plan commits to providing cycle parking for dwellings. However, given the tight layout of the site it is recommended that the provision of cycle storage should be included on the site layout plans. This is of particular relevance, when associated with the proposed apartments, which will have no private curtilage and it does not appear that a communal facility has been provided.

Similarly, there appears to be no provision for motorcycle parking on site relating to both the dwellings and apartments. The applicant should consider providing an area for motorcycle parking, including a fixed secure element to which motorcycle can be secured.

I do have some concerns regarding some statements within the Travel Plan, which suggest agreement of a number of matters in the future, as the detailed design of the development is finalised. These paragraphs contain statements which could hinder enforcement of the Travel Plan, and it is recommended that these are removed.

Recommend that conditions are attached requiring that vehicles leaving the site are clean; full details of the estate road construction and layout are approved prior to their construction; the dwellings should not be occupied until the footpath links are constructed; a construction management plan should be agreed; cycle parking provision should be submitted and agreed; the travel plan should be implemented.

Section 106 obligations are required to secure sustainable travel vouchers for values between £100 and £250 depending on dwelling size; £50 to assist the County Council in providing information leaflets and bus timetables to new residents; £2500 to encourage smarter travel through events and initiatives; £700 fee for SCC to assist in the implementation and monitoring of the travel plan; a condition survey of the public highway to be undertaken.

WELLINGTON TOWN COUNCIL – Recommended that permission be granted in principle but that careful consideration be given to the height of the residential development so that there was no overlooking of neighbouring properties.

It was felt that the proposed shops should not be restricted to retail use.

The safe movement of vehicles into and out of the site need also to be considered.

SCC - RIGHTS OF WAY – No comments received.

LANDSCAPE LEAD – The site provides little opportunity for significant tree planting or landscaping generally as well as losing the TPO'd Willow. Any scheme should provide significant landscape mitigation.

HERITAGE LEAD – The submitted scheme has been arrived at following detailed discussions over a number of years.

I concur with the comments/observations, of English Heritage and the Historic Environment Service. As such, I assume that any positive report to Committee, will be "subject to" these elements being satisfactorily addressed.

I would recommend that a Condition is attached, requiring that before any demolition commences, detailed photographic and measured drawing records, of any structure to be demolished, must be submitted to and approved in writing by the LPA.

In terms of the Cornhill buildings, the buildings are in a poor state of repair and the principle of bringing them back to a beneficial use is fully supported. The proposals will have a significant impact on the plan-form and fabric of the buildings. This is beyond what would usually be permissible to listed buildings but the condition of the buildings and the opportunity to repair them and secure their long term future outweighs most of these concerns.

No.s 3 and 6 are vital to the setting of the listed 4-5 Cornhill. They are also within the Conservation Area and of sufficient interest to be identified as heritage assets, as defined in PPS5. Given the extent of the intervention I would suggest that building recording to include the interior is carried out prior to the works. This should concentrate on No 6 where there is more surviving fabric. There are some features such as the existing rooflight which it would be good to retain as they contribute to the character of the building and the wider Conservation Area. The shop front to No 3 certainly contributes to the street scene and must be repaired and retained.

SCC ARCHAEOLOGY – Initially requested that some archaeological investigations were undertaken prior to the determination of the application. Subsequently, it has been confirmed that the required monitoring can be condition, to be carried out during works.

HOUSING ENABLING – The housing enabling lead supports this application based on need and does not reflect the suitability of the site in terms of planning. The affordable housing requirement for this scheme is 25% of the total number of units. The tenure split is 50% social rented, 25% shared ownership and 25% low cost discounted open market (70%). The requirement is for houses rather than flats, predominantly 2 and 3 bed houses with some 4 bed houses. The houses should be built to Code for Sustainable Homes level 4 and HCA design and quality standards or meet equivalent standard at the time of development.

COMMUNITY LEISURE – In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings in the form of £2,688 for each 2 bed+ dwelling towards children's play, £1,454 towards active outdoor recreation, £194 per dwelling for allotment provision and £1,118 towards local community hall facilities. The contribution to children's play would be sent on additional facilities for the benefit of the new residents of the dwellings in Wellington Recreation Ground.

A public art contribution should be requested either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

WESSEX WATER – There will be separate foul and surface water sewers to serve the proposed development. There is adequate capacity within the foul network to accept the foul flows from the proposed development. There are a number of existing sewers that cross the site, private survey of these sewers should be undertaken as soon as possible to ensure adequate clearance and protection is observed. There is to be no building within 3 metres of these sewers. Alternatively diversion may be possible subject to engineering agreement and application.

It is noted that it is the applicant's intention to utilise SUDS for surface water which should be in accordance with PPS25.

In terms of supply, there is sufficient capacity within the local network to serve the proposed development. Connection can be made to the 160mm main in Fore Street.

BIODIVERSITY – The majority of the site was overgrown with vegetation, although site clearance had been carried out in recent months and years. An ecological survey in January 2011 found the following:

Bats – no evidence, but noted numerous opportunities on site including in the derelict buildings and ivy. Previous surveys in 2006 found evidence of pipistrelle and brown long eared bats used the site for foraging. A summer activity survey should be carried out.

Birds – some of the buildings on Cornhill were occupied by pigeons. Vegetation on site had the potential for nesting birds. Demolition or site clearance should take place outside the bird nesting season.

Badgers – No evidence.

Reptiles – the habitat was high quality for slow worms although it is isolated from other suitable habitat. As the survey was carried out during the hibernation period, no evidence was found. A reptile survey should be carried out or a destructive search undertaken during site clearance.

Recommends a condition requiring a further bat survey and a scheme for the protection of wildlife.

ENGLISH HERITAGE – The proposal will have both direct and indirect impacts upon a number of significant heritage assets within the main town centre, including the conservation area itself. As a result, we consider the need for these assets to be thoroughly assessed in terms of their impact upon the historic environment of Wellington.

We are aware that separate Conservation Area Consent applications have not been submitted for the proposed demolition of the backland buildings on these sites.

Summary

Wellington's Conservation Area is focussed on the main cross roads where the High Street and Fore Street meet at the junction of North and South Streets, with the Old Town Hall and Corn Exchange (Cornhill) being one of the key landmark buildings at this junction and in close proximity to the development site. The Cornhill is at the epicentre of the town and the site of the medieval market place that still represents a visual focus for the commercial activity in the town.

Wellington superficially portrays typical market townscape characteristics associated with commercial expansion of the 18th and 19th centuries, however, vestiges of linear medieval burgage plots can still be traced to the rear of properties, generally demarcated by High Walls. This is particularly salient to the area that is subject to this proposal.

Within the Conservation Area Character Appraisal 2007, there are some important references to the presence of backland buildings associated with the linear plots. "...minor side accesses including footways and lanes are frequent features, these often serving courts or linear strings of development built within or along the sides of backland plots. This pattern has thus far been unsuccessfully replicated in infill development", and "Within Zones 1 (Fore Street) and 2 development presents a solid face along the main streets while buildings in linear or courtyard arrangement are a frequent feature to the rear of properties".

We would, therefore, be supportive of the principle of redevelopment in the form and scale indicated, once the matter of overcoming the justification of demolition for some of the larger backland buildings has been demonstrated. We are of the view that more work is required to justify this aspect of the scheme and that this should be undertaken through the submission of Conservation Area Consent applications where appropriate. There are also some issues to be clarified or addressed in respect of the proposed design of the development.

In general, English Heritage supports a scheme for redevelopment of this entire site, subject to the issues detailed below being fully addressed.

Advice

Demolition – The issue of demolition is fundamental and needs to be addressed before determination of the application. PPS5 HE9.1-9.4 provides specific advice, and each building that falls within the size criteria (over 110 cubic metres) should be fully assessed in order to make a judgement about whether their demolition will be

significant or less than significant harm to the conservation area. Particular attention is drawn to the sentence that states, “Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact.”

The Heritage Statement Assessment submitted with the application has identified some of the buildings being of Moderate to High Significance but has not provided any justification for their loss from the conservation area. In other cases such as structure 2, there is not enough of an assessment for us to make a decision about its future. With the possibility of a chapel here this should justify further investigation before any decision should be made about its significance.

Conservation Area – This amalgam of buildings and structures are individually not necessarily architecturally important but as a whole make an historically interesting and relatively unique group of backland structures from the 19th/19th and 20th centuries. Whilst the presence of these structures remains somewhat elusive given the lack of analysis about their contribution to the conservation area and the way they are screened from public views, we can see that the current dilapidated state of this land and these structures is not ideal and to an extent is harmful to the character and appearance of the conservation area. Once it has been established whether the principles of demolition are acceptable or not, it will then be appropriate to judge the proposed redevelopment on its own merits pertaining to the town and context.

If the Council are minded to grant Consent for this scheme then we would anticipate that a full record of the land and buildings should be undertaken as a condition of any permission. In addition, the walls that form the characteristic linear plots should wherever possible be retained.

Listed Buildings – The group of listed buildings within this development are known to be ‘at risk’. Located in the very heart of Wellington, Cornhill and its associated group of buildings should form the heart of the market town but its current run-down state is detrimental to the conservation area. The potential to become a charming centre of specialist retail is recognized however much work needs to be undertaken to ensure that a quality scheme for these buildings is achieved. We urge the applicants to take on board the views of the conservation staff at TDBC particularly on this aspect of the scheme.

Proposed development – We believe that unlike the previous application for this site, the scheme does have some merit. It has picked up on the importance of working with the grain of this part of the town’s fabric and indicates groups of linear residential units that take their cues from the existing plot formation in this part of Fore Street. 2 Storey’s with occasional 3 storey elements will in our opinion be appropriate to the context allowing the taller more robust existing buildings fronting Fore Street to remain the dominant structures in the conservation area.

Permeability – The scheme appears to rely on existing pedestrian alleys and footpaths for access and linkages. We are not convinced that any of those shown will be implementable. For example the path from Fore Street along the side of Lloyds Bank is gated and another path shown from North Street does not appear to exist. There needs to be more certainty about these routes in order to ensure good permeability and an effective, sustainable development.

Archaeology – Under the terms of PPS5, there needs to be a comprehensive evaluation of the site as stated in policy HE6.1 and through guidance from the County Archaeologist.

ECONOMIC DEVELOPMENT – In relation to the four units proposed at Cornhill I am very supportive of the principle. It will encourage footfall down this currently unused street and, if successful, will be a huge enhancement to the current business offer, right in the heart of the town centre. I note however, that the application is limited to A1 shop units, which I would consider limits unnecessarily the range of businesses that might succeed in that sort of location. In general, shops require storage space, which is something that these properties will not have. Therefore I would recommend extending the range of uses to include A1 and A2 and B1 uses as well as health services, such as dentists, doctors and vets – the key criteria being that the property retains an operational shop frontage.

The business units as designed are tiny, which is determined by the existing properties. Therefore, I would also recommend that the middle two units be given permission to be joined into one should they prove to be commercially unviable in their current proportion.

Finally regarding the shop units, I note that the wider scheme includes 39 parking spaces. I would request that a reasonable proportion of those spaces are either dedicated to the shop units, or are formally shared between the residential and the business units. Businesses depend on having nearby parking, for unloading at least, and the allocation of parking spaces would enhance the commercial viability of the units significantly.

In relation to the residential aspects of the scheme, I would like to lend my support. Whilst the houses will not create long term jobs per se, they will bring people into the town centre and encourage spending on goods and services in the businesses surrounding them.

ENVIRONMENT AGENCY – Do not wish to comment.

DEVON & SOMERSET FIRE AND RESCUE SERVICE – Note that means of escape should comply with the Building Regulations. Access and facilities, which should include the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with the Building Regulations.

POLICE ARCHITECTURAL LIAISON OFFICER - makes the following comments:-

Crime Statistics - a check of the reported crime statistics for the area of this proposed development (within a 500 metre radius) during the period 01/10/2010 - 30/09/2011 reveals a total of 283 offences. The levels of reported crime in this area are classed as 'Average', the main concerns being Criminal Damage, Theft and Violence and this should be taken into account when considering the safety and security of this proposed development.

Layout - roads and footpaths appear to be direct and are likely to be well used which

is beneficial in assisting natural surveillance. The use of surface changes in the shared areas and private mews streets should help define defensible space and the private nature of these areas, which should in turn help deter crime and ASB. The two footpaths linking with Fore Street should, as far as possible, be straight, wide, well lit, devoid of potential hiding places and overlooked.

Dwelling Boundaries - the DAS indicates that boundaries between public and private areas, be they walls or fences, will be secure and clearly demarcate these areas but do not appear to indicate proposed heights. In this regard, dwelling frontages should be open to view and walls, fences etc. kept low i.e. below 1m in order to assist natural surveillance of the street/footpaths. More vulnerable side and rear boundaries should be minimum height 1.8m. Gates should be the same height as walls/fencing and lockable.

Dwelling Orientation - dwellings should be positioned to face one another to allow neighbours to watch over each other and create conditions which will make the potential offender feel vulnerable to detection. In general, this appears to be the case.

Car Parking - the majority appears to be 'in curtilage' or in small groups close and adjacent to owners' homes, which are the recommended options. The Visitor's Car Park does not appear to be particularly well overlooked but does appear to be at the end of a cul-de-sac, which should be beneficial in deterring vehicle crime.

Planting /Landscaping - where good visibility is needed to assist resident surveillance, shrubs should be selected to have a mature growth height of no more than 1m and trees should have no foliage below 2m, so allowing a 1m clear field of vision.

Street lighting - all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5489.

Physical Security - the applicant is advised to formulate all physical security specifications of the shops and dwellings i.e. doorsets, windows, security lighting, intruder alarm etc in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website - www.securedbydesign.com

Representations

Two letters of objection raising the following issues:

- The developers on their outline plans, do not seem to have realised (or have ignored) a height difference of some 20+ feet between the site and the level of the houses on North Street. This means that the dwellings would be much higher than indicated.
- 2-6 Cornhill were formally commercial premises, so any work should be limited to refurbishment, rather than wholesale alteration or 'modernisation' of a conservation area.
- Access will be problematic wherever they are provided. North Street is very narrow and dangerous where traffic is fast moving. There is a very blind bend by the Victoria pub and the pedestrian pavement on the side any access would emerge is extremely narrow, limited further by doorsteps and gullies.

The amount of traffic movement increase on this road would cause more delays and danger.

- Unable to assess whether there is sufficient parking. There should be at least 12 *[sic]* per household. Under provision of parking could jeopardise commercial uses in the town as a whole.

One letter has been received making no comments.

PLANNING POLICIES

EN14 - TDBCLP - Conservation Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,
EN15 - TDBCLP - Demolition Affecting Conservation Areas,
W1 - TDBCLP - Extent of Wellington,
STR2 - Towns,
STR4 - Development in Towns,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H9 - TDBCLP - Affordable Housing within General Market Housing,
S&ENPP9 - S&ENP - The Built Historic Environment,
S&ENPP39 - S&ENP - Transport and Development,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
M4 - TDBCLP - Residential Parking Provision,
PPS3 - Housing,
PPS 5 - PPS5 Planning for the Historic Environment,
PPS9 - Biodiversity and Geological Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

The site is in the centre of Wellington, with a number of existing links into the town centre. The principle of the development of this site is acceptable and it is clear that it is highly sustainable in transport terms. A good range of local facilities exist adjacent to the site as are bus stops providing regular links to Taunton and beyond.

The main issues in the consideration of this application are the impact on heritage assets; the detailed design and layout of the scheme; development viability and the impact on community facilities and infrastructure; the impact on the highway network; and impact on wildlife.

Impact on heritage assets; design and layout considerations

The site is centrally located within the conservation area. There are a number of existing structures on the site that would be demolished to allow the development to proceed. The response from English Heritage clearly states an opinion that the principle of demolition must be established before the principle of new build is considered. It is, therefore, crucial to assess the contribution that these structures make to the character and appearance of the conservation area and whether the loss of these facilities would result in a failure to preserve that character and appearance.

At the present time, neither English Heritage nor the Council's Heritage Lead is satisfied that the loss of the existing heritage assets has been properly justified. The

developer and Heritage Lead have agreed to meet on site to further discuss the significance of existing structures, notably a building marked as 'chapel' on the historic plans and the group of buildings around the Silver Band building. The Heritage Lead expects that a further assessment that is being undertaken by the applicant and the site visit will reveal that the buildings that are proposed to be demolished are of limited significance in terms of the historic evolution of Wellington. This being the case, their loss would be justifiable. Given that there is a reasonable likelihood that a little further information and site visit will overcome this concern, the report is put to Members 'subject to' the resolution of this matter. Of course, if the additional information ultimately reveals that the loss of historic structures cannot be justified, then this would form a reason for refusal of the application.

The site sits to the rear of a number of listed buildings on Fore Street. Indeed, the majority of the site, particularly the western end, is clearly part of the historic Burgage plots that formerly belonged to these properties. The detailed layout proposes, at the western end, to site buildings within the historic and well defined Burgage plots. The layout is such that the buildings would sit within the plots, extending in terraces perpendicular to the principle buildings on Fore Street. New access roads to the rear of the dwellings would be driven through on this orientation, reinforcing the north-south pattern of development. Where the plot boundaries are already in the public realm, such as the accesses at Lloyds Bank and to the Silver Band building, the historic walls would be retained, albeit punctuated by new pedestrian accesses to the new properties that would face these lanes. Thus, the existing, historic rights of way between the properties from Fore Street would become the principal pedestrian routes into the development. This arrangement is considered to pay good regard to the existing urban grain and character and appearance of the area. The fact that the historic features would be opened up, whereas, hitherto they have been retained in a rather unkempt condition can, in many ways, be seen to enhance the character and appearance of the conservation area.

The development would result in the historic plots being severed from their host buildings permanently, although, as noted above, the development does have respect for the buildings in terms of siting and scale. Also, this fragmentation is not unusual and has, over time, led to new uses growing up such as the group of buildings around what is now the Silver Band building. Despite the historic association with the backland, the settings of the listed buildings on Fore Street are mainly derived from their relationship with the street and adjoining buildings. It is considered that this setting would be preserved by the development and it is acceptable in this regard.

Numbers 4 and 5 Cornhill are listed buildings and form part of the scheme. As is being considered under the associated listed building consent application the physical changes to these buildings are generally considered to be acceptable. There is still some disagreement over the detailed fenestration for the rear of the buildings, but this is more the subject of the associated listed building consent application. In terms of their setting within the street of Cornhill, there would be very little change proposed by the application. Following discussions with the Heritage Lead, amended plans have been received in respect of this application in terms of the detailing of the rear of the other Cornhill properties. The rear of these properties would become much more important once the proposed new build was implemented as the space would become public realm. The amended plans indicate that the rear of Cornhill would be treated in a much more traditional way, largely retaining the

character and form of the existing buildings and a different aspect of the area to the new build. As such, the settings of the rear of 4 and 5 Cornhill would largely be retained and it is considered that they are preserved.

The large willow tree, subject of a Tree Preservation Order on the western part of the site is proposed to be removed as part of the development. This is regrettable given the high amenity value of the tree due to its scale and visibility from the North Street car park. However, your officers are satisfied that, following discussion with the applicants, there is no sensible way that the site can be developed, keeping the tree in situ. The tree is very close to the logical access route, and forcing the development to fit around the tree would result in the linear form, relating to the Burgage plots being compromised. In this instance, it is considered that the relationship of the site with the historic built environment is more important than the preservation of the single tree in this central area of Wellington's townscape. The opening up of new pedestrian and vehicular linkages through the town will significantly alter the way that this part of the town works, and the logic in the connectivity as proposed is considered to be important.

The new build residential element is in Outline. However, approval is sought for scale at this stage, with the two-storey building heights being fully detailed for the mews terraces and the three-storey block of flats being proposed centrally. Thus, it can be determined at this stage that the relationship of the buildings with neighbouring uses is acceptable. Concern has been received from the neighbouring residents on North Street due to the falling ground levels between the site and their dwellings. However, the proposed buildings would replace an existing high brick wall and, would have roofs sloping away from them. At their closest, the buildings themselves would be around 8m from the rear of these existing dwellings and the section drawings provided by the applicant indicate that the change in ground level is not so significant as the neighbours may fear, the applicants' having confirmed that the section drawing is based on an accurate measured level survey. In terms of scale, these new neighbouring dwellings would be low – it is envisaged that they would have a shallow mono-pitched roof, sloping down to the rear and the existing neighbouring dwellings, with a rear eaves level of 5.5m. As such, the relationship of the dwellings is considered to be acceptable. It can be ensured at the detailed stage that there would be no overlooking of the existing neighbouring residents and, as such, the relationship is considered to be acceptable.

The design and external appearance of the new development is reserved for subsequent approval. However, it has been suggested that the proposals would use 21st Century architectural styles mixed with a pallet of materials typical to Wellington, mainly slate roofs over brick elevations. The architecture is simple, yet clearly modern and is considered to be highly appropriate in this location, clearly helping to show the evolution of the townscape with the introduction of the new public space and buildings at this time.

With regard to the above, the proposal is considered to be acceptable in terms of its layout and impact on heritage assets.

Development viability, affordable Housing and impact on community facilities and infrastructure

The increased population will clearly have an impact upon existing community

facilities. Policy C4 of the Taunton Deane Local Plan requires that contributions are made towards the provision of children's play and active recreation facilities in the locality. There is no requirement for contributions towards education provision on a development of this scale. It is also a requirement of Policy H9 and Planning Policy Statement 3 that affordable housing is provided within the development. The applicant, however, claims that due to viability, the development cannot support the provision of affordable housing or contributions to leisure facilities.

The application is accompanied by a viability assessment that indicates that the development is barely viable. In part, this is based upon the high costs of regenerating and repairing the Cornhill properties. These properties at the present time are in a generally poor condition and the public realm within Cornhill is tired and uninviting. The situation is not helped by the fact that Cornhill has been closed since a fire in late 2008. This is regrettable in this central piece of Wellington's historic townscape and improvements are clearly desirable.

In light of the above, the wider residential development can be seen in some respects as providing an enabling development to allow the regeneration works to be undertaken. On the basis of the available information, your officers are prepared to accept that the development as a whole would not be viable and it is, therefore, recommended that no contributions are sought towards affordable housing. The applicant's had originally proposed to offer sustainable travel vouchers to promote travel by means other than the private car as part of a travel plan. However, in light of considerations detailed below, it is not considered that this is necessary to make the development acceptable. On balance, your officer's consider that this offered contribution should instead be spent on improving children's play facilities in the area.

There has been considerable debate between the applicant's agent and your officers regarding the requirement for the regeneration works to the Cornhill properties being done. The applicant's agent maintains that the new build scheme is acceptable as a development on its own merits and, therefore, no link to the Cornhill regeneration is justified. However, no detailed viability appraisal has been submitted for the new build element alone, and so, without a link to Cornhill, the lack of viability and provision of affordable housing or full leisure contributions of the wider new-build scheme cannot be justified. Therefore, a requirement to carry out the regeneration works to Cornhill is considered to be necessary and justified and, therefore, a condition is recommended.

Impact on highway network

The site would be accessed by vehicles via the North Street car park, which has entrances from both Fore Street and North Street. Egress is only available via North Street. The provision of 30 dwellings would create additional traffic loading on the junctions of the car park with the public highway, however, given the existing use as a town centre car park, with a high turnover of vehicles, it is not considered that the increased loading would have a significant impact on the local highway network.

The area of greatest impact is likely to be the junction between the site and the car park, at the corner of the Lloyds Bank access. Visibility here is restricted by the high brick walls and the pedestrian route is heavily used. However, the Highway Authority have raised no objection on this basis and, therefore, the arrangement is considered to be acceptable.

The development proposes 39 car parking spaces to serve the 36 dwellings (including those in the redeveloped Cornhill). Given the town centre location the provision is considered to be appropriate. If additional parking is required, then there is ample public parking provision nearby. Cycle parking has not been shown on the submitted layout plan, however this can be required to be provided with the detailed layout.

The Highway Authority have raised some concerns that the proposed estate road does not meet suitable standards for adoption. It is also not linked to the public highway (as access is required through the Taunton Deane BC owned car park). Therefore, they have confirmed that they do not wish to adopt the road. On that basis, their request for further information in terms of land ownership and full details of the highway construction is not considered to be justified. However, further details are required of the road construction and finishes in the interests of visual amenity and the impact on the character and appearance of the conservation area. For a development of this size and where there is no direct point of access to the public highway, it is not considered reasonable to insist upon condition surveys of the local highway network or a construction management plan.

In terms of the travel plan, the Highway Authority has commented that the draft proposals are generally sound. However, they have requested some clarification over the final wording and have requested financial contributions to travel vouchers and various other projects in line with the applicant's original offer in the travel plan statement. Given that the site is so well located in terms of public transport, and in light of the viability considerations detailed above, it is not considered necessary to insist upon travel vouchers to make this development acceptable in transport terms, so on balance, it is considered that the money would be better spent on improving children's play facilities in the area. It is, therefore, considered that agreeing a final travel plan can be dealt with prior to occupation of the dwellings, by condition.

Uses of Cornhill

The application originally proposed that the ground floor of the Cornhill properties would be used for retail. These are very small, and the applicant has some concern over their future viability. These concerns are understood in that the size of the properties does place a significant constraint on the uses that could be accommodated within. The Council's Economic Development Specialist has considered that it would be beneficial to allow the use of the properties to be as flexible as possible, extending the permitted uses to include financial and professional services (A2) as well as wider business premises in Class B1 and healthcare/dentistry clinics (D1). Whilst this may not create a 'boutique' shopping environment desired by some, it would mean that non-residential uses for the ground floors of the buildings would be more likely to be forthcoming, provided that the operational shop fronts detailed in the submitted plans are provided. Such an approach has the support of the Town Council.

The Economic Development Specialist has also indicated that the two smallest units should be given permission to be joined into 1 single unit. This would certainly allow more flexibility over the floor space and may further increase the likelihood of a use being found. Unfortunately, these two properties are the two listed buildings, numbers 4 and 5, so more care is required regarding intervention into the internal arrangement of these. However, they do appear to have been joined at some point

in the past, with the partition between the two properties being thin. This partition will need replacement as part of the wider upgrading works, so it would not cause further harm to the building to allow these two units to be linked. A condition could be imposed that would allow this to happen without the need for further permissions.

Impact on Wildlife

A wildlife survey carried out in January 2011 found that the site may be used for foraging by bats. It may also be used by nesting birds and provides good habitat for reptiles. The Biodiversity officer considers that a summer bat survey should be undertaken to ensure that there are no bat roosts present on the site. However, it seems unlikely that this is the case so there is no need to delay determination of the application. As the site appears to only be used for foraging, there would be no deliberate disturbance of the habitat caused by the development within the meaning of the Habitats Regulations 2010, and a licence from Natural England would not be required. Accordingly, it is appropriate to deal with the matter through the imposition of a planning condition. Further survey work is required in respect of reptiles, as the previous survey was carried out during the hibernation period. However, these impacts would be able to be mitigated provided that a suitable strategy was in place. This can also be required by condition.

Conclusions

The proposal is considered to be acceptable in terms of its design and impact on the character and appearance of the conservation area, provided that the additional information that is to be submitted confirms that the loss of the existing buildings is justified. Similarly, the listed buildings 4 and 5 Cornhill would be preserved together with their settings and the settings of other listed buildings surrounding the site. It is considered that the viability of the development is marginal at best and that, in this case, the desire to undertake remedial works to the properties on Cornhill, thereby improving the character and appearance of the town centre outweighs the need to provide affordable housing and contributions towards leisure and recreation facilities.

The impact on the highway network is acceptable as is the impact on wildlife, subject to conditions requiring further summer survey's of the site.

With regard to the above, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

EVEN BASE LTD

ERECTION OF 4 NO. TWO BEDROOM COTTAGES AND 3 NO. TWO BEDROOM COTTAGES TO THE REAR OF THE FORMER THREE CUPS, FORE STREET, WELLINGTON

Grid Reference: 313788.120435

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the applicant entering into a Section 106 agreement to secure contributions to recreation facilities,

Conditional Approval

The proposed development is acceptably designed and would not impact unreasonably upon other nearby residents, the highway network, the adjoining public footpath, archaeological remains or the character and appearance of the conservation area or adjoining listed buildings. It would, therefore, be in accordance with Policies S1 (General Requirements), S2 (Design) and EN23 (Areas of High Archaeological Potential) of the Taunton Deane Local Plan, Policies 9 (The Built Historic Environment), 11 (Areas of High Archaeological Potential) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 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:

(A3) DrNo 07/05/150 Floor Plans
(A3) DrNo 07/05/151 Floor Plans
(A3) DrNo 07/05/152 Elevations
(A3) DrNo 07/05/153 Elevations
(A3) DrNo 07/05/154 Elevations
(A3) DrNo 07/05/201C Proposed Site Plan
(A4) DrNo 07/05/2000 Location Plan

(A3) DrNo 201D proposed site plan
(A3)DrNo 51A floor plans
(A3) DrNo 153A elevations

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. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the development hereby permitted and shall thereafter be retained as such.

Reason: To ensure that adequate provision is made for the disposal of surface water to prevent discharge to the highway and off-site flooding in accordance with Planning Policy Statement 25.

5. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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 conservation area and the settings of nearby listed buildings in accordance with Policies S2 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to its construction, full details of the proposed boundaries between the dwellings and the access road/turning area shall be submitted to and approved in writing. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings in accordance with Policy S2 of the Taunton Deane Local Plan and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and to ensure that the front garden areas are retained as garden areas and are not used for the parking of motor vehicles, thereby reducing the amount of traffic likely to be attracted to the site in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. Prior to its construction, full details of the proposed boundaries between the public footpath and the access road/turning area shall be submitted to and approved in writing. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings in accordance with Policy S2 of the Taunton Deane Local Plan and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and to ensure that the public footpath remains segregated from the parking area, in accordance with Policy S1 of the Taunton Deane Local Plan.

8.
 - (i) Prior to its installation, 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.

9. Prior to the construction of the access/turning area, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied and shall thereafter be retained as

such.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings in accordance with Policy S2 of the Taunton Deane Local Plan and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Prior to the occupation of the dwellings hereby permitted, full details of the proposed bin and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to occupation of the dwellings 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; and to preserve the character and appearance of the conservation area and the settings of nearby listed buildings in accordance with Policy S2 of the Taunton Deane Local Plan and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

11. 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 extensions shall be added, no additional windows shall be installed, no gates fences, walls or other means of enclosure shall be constructed and no outbuildings shall be erected other than those expressly authorised by this permission without the further grant of planning permission.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings in accordance with Policy S2 of the Taunton Deane Local Plan and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and to protect the amenities of other nearby residents in accordance with Policy S1 of the Taunton Deane Local Plan.

Notes for compliance

SITE DESCRIPTION AND HISTORY

The site comprises a relatively flat area of land behind the former Three Cups public house (now converted to 3 dwellings) in the centre of Wellington. It is accessed from both sides by a footpath that runs through an arch under the former public house building from Fore Street to Bulford to the south and east. Vehicles can currently

access a garage/store building on the site, through the archway, where there is limited parking provision.

The site is surrounded by brick/block walls, which back onto neighbouring dwellings on all sides, with the exception of the northeast corner which backs onto the United Reformed Church. The footpath and the site are currently separated by a low wall and metal security fencing.

Planning permission was granted for the conversion of the former public house to three dwellings and erection of 3 further dwellings in 2006 (43/06/0012). The conversion element has been implemented, but the new build was not, however, that permission remains extant. Permission was also granted for the erection of 7 dwellings to the rear of the 3 cups in 2007 (43/07/0094). That permission has now lapsed.

PROPOSAL

This application seeks full planning permission for the erection of 7 dwellings in two terraces of 3 and 4. The longer terrace would be sited hard up against the western site boundary, built on the existing boundary wall. The rear elevations of these dwellings would be blank, with 'dummy windows' provided at first floor and high level rooflights provided to serve bathrooms at first floor. Garden areas would be provided to the front of the dwellings.

The shorter terrace would run east-west towards the southern end of the site and perpendicular to the other dwellings. Gardens would be provided to the rear with windows conventionally located in the front and rear elevations. Facing materials are not specified.

Vehicular access would be provided to the site insofar as it would allow vehicles to access to drop off and collect from the dwellings. However, no parking would be provided. As originally submitted, the access and turning area would have been shared with the public footpath for the length of the site. Amended plans have been submitted which show the footpath segregated from the access/turning area provided for the part of the site in front of the proposed dwellings. The surface would still be shared through the arch between Fore Street and the dwellings themselves. This amendment makes the proposal almost identical to that permitted in 2007, save for the turning head being moved slightly to the north, to allow for easier manoeuvring.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL – Recommend that permission be refused for the following reasons:

- The proposal would result in a danger caused by conflicting pedestrians and vehicular movements.
- There was a lack of adequate available on street parking to serve the development.
- Access onto Fore Street from the site was a safety concern.

SCC - TRANSPORT DEVELOPMENT GROUP - The site is accessed by using a small entrance/exit through (and under) the former Three Cups. The width of this entrance/exit is limited to 2m, and there are two private doorways that enter/exit this confined area. This route also forms part of a well-used footpath into the Town Centre (WG17/27A), and a combination of vehicular traffic and pedestrian use is likely to cause conflict.

Given it's location in Wellington Town Centre, consideration should be given by the Applicant to providing a car-free development. This in turn, would resolve the issues highlighted above from the highway authority.

However, further to this, reference is made to previous comments in respect of this development. In 2007, the Highway Authority made detailed comments concluding that the proposal was acceptable providing that conditions were imposed removing permitted development rights to prevent the front gardens being used for parking.

DRAINAGE ENGINEER – Notes that surface water is to be disposed of by means of a sustainable drainage system. However no details appear to have been included with this application. No approval should be given until such a scheme has been agreed.

WESSEX WATER – Note that new water supply and waste water connections will be required from Wessex Water.

A combined sewer runs along the public footpath to the side of the site, no building will be permitted within 3m of the pipeline without agreement from Wessex Water.

Note that uncharted, formerly private, sewers may cross the site and a full survey should be undertaken prior to the commencement of development.

HERITAGE – No comments received.

COMMUNITY LEISURE – There is an existing Section 106 Agreement in place for the development proposal, which I understand will still apply as this application is similar to the original application, planning reference 43/07/0094.

BIODIVERSITY – No wildlife survey has been submitted, so unable to comment fully. As the proposal appears to include the demolition of a structure and the felling of a tree, consider that a survey should be undertaken and submitted.

Representations

Three letters confirming no comments to make.

6 letters of OBJECTION, including one signed by 6 people, raising the following comments:

- The entrance is very narrow and there are two doors to flats that enter on to

the entrance.

- The footpath is of ancient origin and should not be compromised. The footpath is used regularly for older people who now have to attend the medical centre which is at the end of the town. There would be frequent conflict between vehicles and pedestrians, frequently elderly, and with limited mobility.
- Now that the footpath is to be shared with the turning head, people will parking in that turning space and obstruct the footpath. Cyclists and mobility scooters already compromise safety and this would become worse with cars.
- The access onto Fore Street is at a busy point in the road, opposite a doctor's surgery.
- The footpath may be obstructed by construction activities during works.
- There will be noise from cars trying to turn, car doors banging at night and people talking loudly on their return late at night. Noises are louder in a confined area.
- There will be pollution from all the cars turning in close proximity to neighbouring residents.
- Seven properties could easily mean 14 cars.
- Neighbouring dwellings will be overlooked.
- Others have been advised that new dwellings would not be permissible without at least 1 parking space for each property, this has not been provided here.
- Query how delivery vehicles and emergency services will access the site. The archway under the former 3 cups prevents access by large vehicles.

35 identical letters of objection have been submitted which is considered to constitute a petition. They raise the following points:

- A very much used public footpath is in the planning stages of becoming a road. This would be very dangerous for many pedestrians from Bulford and surrounding areas.
- There would be a lack of parking facilities. Query whether the residents would park in Bulford. At present the limited spaces provided for Bulford residents are quite inadequate, additional parking would cause safety and access problems.

A petition against the development of 198 names has been received. The covering letter states that many of the signatures were collected from users of the path from residents as far away as Ardwyn and Wellesley Park who access the town this way. Those signing did so under the following statement:

"We, Residents of Wellington, wish to express our opposition to the proposed widening and resurfacing of the footpath at the rear of the old Three Cups Inn in Fore Street in order for it to be suitable to be used by cars going to the new development of seven houses in that location. The footpath has been in existence for many years and has been used in that time by residents in the area on a regular basis as an easy access to the main shopping street in Wellington. The majority of the residents in the Bulford area are of older years and walk down this footpath pushing shopping trolleys and some riding on mobility scooters. The passage of motor cars over this same route is going to create a hazard".

PLANNING POLICIES

EN14 - TDBCLP - Conservation Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,
ROW - Rights of Way,
W1 - TDBCLP - Extent of Wellington,
STR2 - Towns,
STR4 - Development in Towns,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN14 - TDBCLP - Conservation Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,
S&ENPP9 - S&ENP - The Built Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the centre of Wellington, where new residential development is considered to be acceptable in principle. The main issues in the consideration of this application are the impact on the highway network – including the public footpath, and the impact on neighbouring residents. This must all be considered in the context of the previous planning permission in 2007.

Highways

There is no doubt that the access to the site is very restricted in terms of width and visibility at the egress onto Fore Street. Being shared with pedestrian traffic using the public footpath, there is also an inherent conflict with vehicle and pedestrian movements along the access.

As originally submitted it was proposed that the access/turning area would be shared with the public footpath. However, there is considerable local concern in this regard as it would be impossible to enforce that vehicles did not park in the area and such could cause obstruction to the public right of way. Such an obstruction would be a matter for the police, but it is clearly not desirable to permit a situation where such could occur. It would also not prevent the temporary obstruction that would occur when vehicles are accessing and manoeuvring at the site.

On this basis, an amended plan has been submitted that retains the footpath segregated from the site. The proposal only differs from the 2007 permission in that the turning head is in a slightly different location, to facilitate easier turning of vehicles and, thereby, reduce the likelihood that vehicles would reverse back out onto Fore Street.

Some local concern remains about the inadequacies of the local road network to accommodate the increased parking pressure that could be generated from this development that does not provide any dedicated parking facilities. However, being a town centre site, the level of car ownership should be lower. Given the proximity of nearby public car parks, it is considered that there is adequate parking provision locally.

In any case, there is not considered to be any material change in circumstance since the grant of the previous planning permission. Whilst the previous permission for 7 dwellings has lapsed and can no longer be implemented, it would be extremely difficult to argue that a situation that was acceptable 4 years ago, no longer is. The

previous permission included a condition to the effect that the front gardens could not be given over to parking, in order to maintain the access solely for the purpose of collection and dropping off. Such is considered essential in order to reduce the use of the access due to the restricted visibility onto Fore Street.

Residential amenity

The dwellings would be located right on the western boundary of the site, adjoining rear the rear garden of 2 Mantle Street. There are no windows proposed within the west elevation, save for high level rooflights, so this garden area would not be overlooked.

The other dwellings to the south of the site adjoin the site of two recently constructed bungalows. These dwellings were not built at the time of the previous application, although they were permitted and were, therefore, always intended to coexist. In any case, whilst windows are proposed only 5m from this boundary, they would face the gable end of the adjoining bungalow and the parking/turning area for that property. That gable end appears to contain only an obscure glazed bathroom window and, therefore, these neighbours would not be overlooked to an unacceptable degree.

There has been some concern raised by residents to the east of the site that they would be overlooked. Again, the situation is no different to that permitted in 2007 and in any case, the closest windows would be 14m from the boundary with these dwellings and over 23m from the dwellings themselves. Such a relationship is considered to be acceptable.

Other matters

The site is within the designated conservation area, area of high archaeological potential and adjoins a number of listed buildings – the closest being the former Three Cups itself, the United Reformed Church to the northeast and 2 Mantle Street to the northwest. In considering the previous permission it was considered that, subject to a condition requiring archaeological monitoring during works, there would be no adverse impact on these heritage assets. Nothing has changed since this time, so it is still considered that the character and appearance of the conservation area and settings of nearby listed buildings would be preserved.

The Biodiversity Officer has recommended that a wildlife survey is undertaken for the site. However, no survey was previously required and there is no evidence to suggest that the site is likely to be inhabited by wildlife. If protected species are present on the site, the applicant's responsibilities not to disturb them are not removed by the grant of permission. Given the history to the site and its town centre location, it is not considered reasonable to insist on a survey in this instance.

Access for the emergency services would be a matter for the Building Regulations.

The previous permission was subject to a Section 106 agreement requiring contributions towards children's play facilities and active recreation. The applicant has agreed to enter into a new agreement to secure these payments again.

Conclusions

The proposal would provide a residential development in the centre of Wellington, which is considered to be highly sustainable in transport terms. There has been no material change in circumstance since the previous grant of permission in 2007 and, although that permission has lapsed, there is no reason to arrive at a contrary decision. The proposal as amended would not impact unreasonably upon the public right of way, amenity of neighbouring residents, highway network, character and appearance of the conservation area or settings of nearby listed buildings. The amenity of neighbouring residents would be preserved.

With regard to the above, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

HESTERCOMBE GARDENS TRUST

**INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC PANELS IN GOTTEN
COPSE AT HESTERCOMBE GARDENS, CHEDDON FITZPAINE**

Grid Reference: 324396.128772

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to receipt of no adverse comments received from Natural England by 13 December 2011:

Recommended Decision:

The proposed photovoltaic panels, although visible in the landscape are not considered to appear prominent. The proposal is not considered to result in harm to the character and appearance of the countryside, the special historic interest of Hestercombe House and Gardens or its surrounding Conservation Area. As confirmed by the test of likely significant effect, there will be no significant effects on feeding habitat or flights lines of the protected lesser horseshoe bats and due to the location, the proposal is not considered to result in material harm to the amenities of nearby properties or to the setting of the adjacent listed buildings. Furthermore, the scheme would promote renewable energy. As such, the proposal is in accordance with Planning Policy Statement 22 (Renewable Energy), policy 5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S1 (General Requirements), S2 (Design), EN3 (Local Wildlife and Geological Interest), EN12 (Landscape Character Areas), EN14 (Conservation Areas), C12 (Renewable Energy) and EN20 (Parks and Gardens of Special Historic Interest) of the Taunton Deane Local Plan.

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 771.122 Location Plan
(A1) DrNo 771.120 Section & Elevation
(A1) DrNo 771.119A Site Plan

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

3. Prior to the installation of any part of the solar panels and mounting, details/specifications of the solar panels to be used on the development hereby permitted shall 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 Conservation Area and Garden of Special Historic Interest in accordance with Policies EN14 and EN20 of the Taunton Deane Local Plan.

4.
 - (i) Before any part of the permitted development is brought into use, further details of the planting, 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 the development being brought into use, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of the planting, 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 and maintains the character and appearance of the Conservation Area and Garden of Special Historic Interest in accordance with Policies S2, EN14 and EN20 of the Taunton Deane Local Plan.

5. Prior to the installation of any part of the solar panels and mounting, details of the precise route of the cable, along with a tree protection method statement, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details as above, unless otherwise agreed in writing by 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.

PROPOSAL

Hestercombe Gardens are situated to the north of Taunton, between Cheddon Fitzpaine and West Monkton. The main house is a Grade II* Listed Building, whilst the formal garden, landscape garden to the north and orangery are Grade I Listed. Hestercombe Gardens and Grounds fall within the Hestercombe Conservation Area and are also designated as a Park/Garden of Special Historic Interest.

This application seeks planning permission for the installation of ground mounted photovoltaic (PV) panels within a clearing in Gotton Copse, an established area of woodland to the east of the main house. To the south is Hestercombe Farm and a track, also a public footpath passes to the south-east of the site. The panels would extend to an area of 6 metres by 12 metres, but due to the angle at which they would lie, would be approximately 4.5 metres in height. The proposal would involve the removal of seven mature trees and the shrubbery surrounding the panels would be reinforced with laurel. The panels would be connected to the mill plant room by a trench along the centre of the existing woodland track.

In February 2010, consent was granted to fell 8 Ash Trees within the copse, to the south of West Combe and to thin the area of the east of the mill by 80%. A Woodland Management Plan for this woodland was formulated in January 2010.

Following queries raised from consultee responses, the agent clarified that no security fence is intended around the panels; the panels are surrounded by existing shrubbery that is to be supplemented with new laurel planting; only five larch trees and two beech trees are proposed to be removed (as marked on an attached plan) and the licence for this is in progress; photovoltaic panels have been sited in the existing opening to avoid being shaded; and access for construction and maintenance is to be from the path to the north. The agent also confirmed that Gotton Copse is being managed in accordance with the Mill and Barn Bank Woodland Management Plan 2010 and provided a progress update of work carried out to date.

An assessment of likely significant effect on the designated Special Area of Conservation has been undertaken by Somerset County Council's Ecology Officer and submitted to Natural England.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST MONKTON PARISH COUNCIL - Query future of copse if photovoltaic cells placed in it, query if plans to fell copse as trees would reduce light to PV cells, felling was subject of an earlier application, unable to support without proper provision of information.

CHEDDON FITZPAINE PARISH COUNCIL - Objects

- Will solar panels in the wood generate enough power to be worth the upheaval
- Will the "invasion" of panels drive out wildlife, etc? In the recent past, Hestercombe sought to reinstate natural woodland for the sake of wildlife, which

way does this work?

SCC - TRANSPORT DEVELOPMENT GROUP - No observations

HERITAGE - Discreet location for the photovoltaics. Would have no impact on the registered park and garden. No objection.

LANDSCAPE - The proposals are within a discreet part of the site that, with the additional laurel planting should reduce any possible landscape impact. My concerns are:

- Will there be a need to provide security fencing
- What is the route of the connection cabling as this may have impacts on tree roots
- The existing semi-mature oak to the south-west of the PV's has the potential to significantly reduce the efficiency of them. Is it planned/proposed to fell the oak?

BIODIVERSITY - The application is for the installation of twelve photovoltaic panels in a woodland glade at Gotton Copse Hestercombe, Taunton. Hestercombe House supports a maternity roost for Lesser horseshoe bats and is designated as a Special Area of Conservation. Adrian Coward of Country Contracts carried out a protected species survey, including bat dusk surveys, of the site in June 2011. Findings were as follows:

- Bats - At least 8 species of Bat (including Lesser Horseshoe bats) were detected commuting or foraging over the area of land proposed for solar panels. No bat roosts were found in the near vicinity of the proposed solar panel installation.
- Birds - The immature trees and shrubs in the glade provide nesting opportunities for breeding birds.
- Badgers - The surveyor was unable to ascertain if a badger sett was present, due to the presence of impenetrable vegetation. He did however note that badgers are active in the vicinity. Trenches excavated in connection with this application could prove a hazard for badgers.

I can appreciate why the applicant has chosen this location for the panels but consider that alternative locations would be preferable on ecological grounds. Woodland glades are valuable habitats as the woodland edge provides foraging opportunities for wildlife generally. This application involves the removal of scrub and undergrowth which will result in loss of insect biomass available for bats. The Design and Access statement notes that four trees will be felled to accommodate this development. (As Gotton Copse is a Conservation area the location of these trees should be marked on a plan). I am concerned that this application may impact on the lesser horseshoe bat maternity colony of at Hestercombe. I would welcome the County council and Natural England's opinion on this and consider that Larry Burrows may wish to carry out an Assessment of likely effect on a European site, on behalf of the Council.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - No comments received

SOMERSET GARDENS TRUST - Area is an agreed part of the original landscape garden at Hestercombe with historic and aesthetic significance. It was intended that Gotton Copse should be "revived" and "brought back into management" in approved application 08/09/0024. We have noted and support the concerns of Mr I Clark

(Landscape) regarding the potential damage to tree roots during the construction of cable trenches and the vulnerability of the semi-mature oak tree, to the south-west of the site. As other trees mature, might they be sacrificed to the efficiency of the photovoltaic panels?

ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND) - Site is included within the Register of Parks and Gardens of Special Historic interest at grade I. English Heritage supports government targets to increase the proportion of energy derived from renewables. However, this has to be balanced against the potential harm to nationally designated heritage assets. In this instance, no objection to proposals, intention to site PV panels in an existing clearing within Gotton Copse and augment existing vegetation with supplementary screen planting. Also mindful of the fact that PV panels are temporary structures that can be demounted and taken away, leaving little or no trace. Advice is simply to suggest you consult your landscape officer about effectiveness of proposed screen planting. As Gotton Copse is an ornamental woodland, we trust there would be no objection to a proportion of non-native evergreens being included in the mix. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

GARDEN HISTORY SOCIETY - Thank you for consulting The Garden History Society on the above application which affects Hestercombe, an historic designed landscape of international significance which is included by English Heritage on the Register of Parks and Gardens of Special Historic Interest at Grade I.

We have considered proposals and provided that the concerns of your landscape officer are addressed, do not wish to comment on the proposals. We emphasise that this does not in any way signify our approval or disapproval of the proposals.

NATURAL ENGLAND – Comments awaited

Representations

5 letters of objection were received from local residents (2 of which came from the same address) on the grounds of:

- It would be visible locally as well as across the Vale of Taunton from the Blackdown Hills, would loom large over Hestercombe Farm and surrounding countryside. Due to gradient of Gotton Copse, required height of screening would be very excessive, therefore proposition not feasible. Also proposed screening would not hide installation from eastern elevation of Hestercombe House (Grade II Listed).
- Would be a blot on the wooded landscape in the lower slopes of the Quantock Hills.
- Woods are not suitable site as within a Conservation Area, restrictions on installation of solar panels are likely to apply. Proposal will have negative impact upon Area of Outstanding Natural Beauty.
- Many trees felled under Management Plan, panels would be incompatible with previous agreement. Unclear how proposed screening will conform to previous planning consent concerning thinning Gotton Copse and Management Plan. Query whether work agreed under management plan has been carried out and

that not mentioned in Design and Access Statement.

- For solar panels to work efficiently, more trees would need to be felled and undergrowth cleared destroying natural habitat for flora and fauna, including rare lesser horseshoe bat. Trees and screening would always affect efficiency of panels. Due to steepness of site, proposed screening will inhibit efficiency of panels and not screen them from surrounding countryside. Query whether size and efficiency would make a significant or worthwhile difference to Hestercombe Gardens carbon footprint. Output of panels only ideal under sunny conditions and substantially reduced if cloudy or panels have deposits of airborne dust and debris.
- Panels would be better sited on HGT roofs. Wood is important background to Hestercombe Farm and shorter cable distance would mean higher electrical output. Proposal not as efficient as should be as long way along woodland track (approx 200m) to where electricity used would result in electrical power loss. Not clear why direct linear route to Mill not chosen as would reduce cable length to about 100m. Cable would need to be buried to approx. 600mm to avoid being damaged by any reasonably foreseeable disturbance of the ground.
- Will attract negative and possibly criminal activity (theft/vandalism) to normal quiet rural area, as photovoltaic panels in wood and easily accessible.
- Concerns that site notice not posted at bottom of Hestercombe Farm Drive or other end of Gotton Copse.

A small petition was also received, signed by five people (4 of which have also submitted letters of objection) stating "We object to the above proposal on the basis that serious objections to a similar project at a site in Wiltshire have been raised on ecological grounds". A newspaper article from Western Daily Press 7 September 2011 was attached referring to Guy Ritchie's application for a site which fell within a designated County Wildlife Site and grassland covered by the UK and Wiltshire Biodiversity Action Plan.

PLANNING POLICIES

EN20 - TDBCLP - Parks & Gardens of Special Historic Interest,
EN14 - TDBCLP - Conservation Areas,
PPS1 - Delivering Sustainable Development,
PPS 5 - PPS5 Planning for the Historic Environment,
PPS22 - Renewable Energy,
S&ENPP9 - S&ENP - The Built Historic Environment,
S&ENPP5 - S&ENP - Landscape Character,
EN1 - Landscape and Biodiversity,
EN6 - TDBCLP - Protection of Trees, Woodlands, Orchards & Hedgerows,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN20 - TDBCLP - Parks & Gardens of Special Historic Interest,
EN2 - TDBCLP - Sites of Special Scientific Interest,
EN7 - TDBCLP - Ancient Woodlands,
EN12 - TDBCLP - Landscape Character Areas,
EN14 - TDBCLP - Conservation Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The opening paragraphs of Planning Policy Statement (PPS) 1 indicate that sustainable development is the core objective of the planning system. The second

'key principle' outlined in the statement is that "local planning authorities should...promote the development of renewable energy resources". Paragraph 22 supplements this by stating that "local planning authorities should promote and encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy)".

Hestercombe House and Gardens form a historic designed landscape of international significance, listed at Grade I on the English Heritage Register of Parks and Gardens of Special Historic Interest and designated as a Conservation Area. Any proposed development should therefore respect the importance of these areas. Whilst objections have been raised regarding solar panels within such designations, it is important to note that the Conservation Officer regards the proposed site as a discreet location that would have no impact on the registered park and garden. The site is situated some distance from the main buildings and formal garden and would therefore have no impact upon their setting. Furthermore English Heritage do not object to the proposed siting of the panels within the existing clearing in the copse, provided that the Landscape Officer is satisfied with the proposed screening.

The Landscape Officer also regards the proposals to be within a discreet part of the site, that, with the additional laurel planting should reduce any possible landscape impact. The additional planting has been conditioned accordingly. The proposed photovoltaic panels due to the angle would be approximately 4.5 metres in height. An objector states that the panels would be visible across the Vale of Taunton. The appearance and level of prominence of photovoltaic panels has recently been demonstrated by a large photovoltaic park adjacent to Sandhill Park. The installation of 7000 panels has now been completed and the resulting development, whilst visible from the surrounding landscape, is by no means prominent from distant views, even from slopes within the Quantock Hills Area of Outstanding Natural Beauty. As such, it is important to note that photovoltaic panels, due to their dark colour, blend into the landscape surprisingly well and do not appear as prominent in the countryside as anticipated. This application is a significantly smaller development of 52 panels over an area of 12 metres by 6 metres. The new power cable would be sited underground hence would not add clutter or domesticate the appearance of the rural area. The proposal is not therefore considered to cause harm to the appearance of the rural landscape and would maintain the character of the Hestercombe Conservation Area.

In response to his queries, the agent has confirmed that no security fencing is proposed and has identified any trees to be removed on a plan. There are no concerns regarding the removal of the seven trees in close proximity to the site and some are in any case, in poor health. Concerns were raised regarding the route of the cable and the possible loss of efficiency due to it's length. This route has however been chosen as it follows the woodland track, in an attempt to minimise impact on the tree roots within the Copse. Subject to agreeing a suitable route and providing a method statement for the connection cabling, it is considered that the proposed panels can be installed without harm to the health of trees within Gotton Copse or a significant impact on the overall appearance within the landscape.

It is important to note that the scheme introduces a form of renewable energy, with a positive impact on the environment and this should be taken into account. The proposed additional landscaping, combined with the existing trees will reduce the visual impact, of the panels. Whilst glimpses of the photovoltaic panels will still be seen, this is not considered to result in excessive harm to the surrounding area. The

photovoltaic panels are situated some distance from nearby dwellings and they are not therefore considered to result in any glint or glare that would cause harm to the residential amenities of any properties.

The small petition and some objection letters raised concern on ecological grounds, following a recent article in the press regarding a solar panel application in Wiltshire. In addition, the Nature Conservation Officer raised initial concerns regarding the possible impact the removal of the scrub and undergrowth to allow for installation of the panels, may have on the biomass available for bats and suggested a Test of Likely Significant Effect to make a full assessment of this. The relevant test was undertaken by the Somerset County Council Ecology Officer, in order to assess the impact of the proposal on the Hestercombe House SAC and in particular any impact upon the habitats of the lesser horseshoe bats. This concluded that, on the basis that the earlier agreed Management Plan, which included the replanting of native species and shrubs following extensive thinning and understorey clearance is being carried out, which has been confirmed by the agent's update, there would be no significant effects on feeding habitat or flights lines. As such, a full assessment has been undertaken and it has been determined by the County Ecologist that the proposal would not result in harm to wildlife.

Queries were raised by objectors as to whether additional trees need to be felled. The agent has plotted all trees to be removed on a plan. The trees within Gotton Copse fall within the Hestercombe Conservation Area and any further work or removal would be protected under that designation and permission required. Concern was raised regarding the positioning of the site notice, not being near Hestercombe Farm. The site notice was posted at the main entrance to Hestercombe, which is usual for an application within Hestercombe Grounds. Queries were also raised regarding whether the proposal would make a worthwhile difference to Hestercombe Gardens carbon footprint. In light of the national encouragement to increase the proportion of energy derived from renewables, any quantity of photovoltaic panels are of benefit to the environment.

In conclusion, government policy, in the form of PPS1 and the 'Climate Change Supplement' gives a clear steer in favour of renewable energy development, subject to landscape impact. Whilst it is accepted that there will be some impact on the surrounding area, this is not considered to be intrusive in the landscape and any harm would reduce over time as the landscaping establishes. As such, the wider environmental benefits to be achieved from producing electricity from renewable sources, is considered to outweigh the limited harm to the landscape.

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

CONTACT OFFICER: Mrs K Walker (née Purchase) Tel: 01823 356468

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 30 November 2011

Proposal	Start Date	Application/Enforcement Number
DEMOLITION OF GARAGE AND ERECTION OF DWELLING WITHIN THE CURTILAGE OF 15 WILTSHIRE CLOSE, TAUNTON	14 NOVEMBER 2011	52/11/0020

APPEAL DECISION FOR COMMITTEE AGENDA – 30 NOVEMBER 2011

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/A/11/2156678/NWF	CHANGE OF USE OF LAND TO SITE LOG CABIN FOR HOLIDAY USE AT BRIMLEY PLANTATION, CROFORD, WIVELISCOMBE	Development plan policies and national planning guidance seek to direct new holiday accommodation to within or adjoining existing settlements, to secure sustainable benefits. The siting of the log cabin would be located in an isolated and remote countryside setting distant from local services, facilities, tourist attractions and public transport. This would result in holiday makers being wholly reliant upon the use of the private car contrary to the provisions of sustainable development policies which seek to reduce such reliance and promote alternative means of transport. In addition, insufficient information has been submitted to demonstrate the economic benefits arising from the scheme	49/10/0052	The Inspector considered the site location would indicate that the greater majority of occupants would be predominantly reliant on the motor car to access essential and discretionary services. He further considered the lack of detail in the financial information provided no justification for additional income and would not fulfil policy expectations. With regard to the site location, the Inspector found the lanes that form the approach to the site to be narrow and winding and, with visibility at the access restricted, increased use of the site would increase the risk to the safety of road users. For these reasons, and having taken account of local opinion supporting the proposal, the Inspector concluded the appeal should be DISMISSED.

		<p>and that the enterprise has been based on a sound financial basis – including market demand, payback projections, marketing etc. As such little weight can be given to the economic benefits of the proposal. The proposal is therefore contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 and S7, and guidance contained within PPS4, PPS7, PPG13 and The Good Practice Guide on Planning for Tourism and there are no material considerations that indicate otherwise.</p> <p>The approach roads by reason of their restricted width, poor alignment and limited passing places, are considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore</p>		
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		contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000).		
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TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park