

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 8 February 2012 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 11 January 2012 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 07/11/0023 – Outline application for the erection of a dwelling and shared garage in the garden of 1 Gardeners Close, Bradford on Tone
- 6 10/11/0049 – Erection of a permanent agricultural workers dwelling at Timberlands, Biscombe, Churchstanton
- 7 27/11/0018 – Change of use of land to site 3 no mobile homes, 3 no pitches for touring caravans, 3 no utility sheds, 1 no day room and the repositioning of stable block, for use by romany gypsy families at Altona Park, Hillfarrance
- 8 34/11/0040 – Erection of garage with ancillary accommodation above and erection of indoor swimming pool with gym and changing area in the grounds of Staplegrove House, Staplegrove (amended scheme of 34/11/0032)
- 9 38/11/0670 – Erection of single detached dwelling with on site parking at 58 Greenway Avenue, Taunton (amended scheme to 38/11/0145)
- 10 43/11/0080 – Erection of 84 no dwellings and associated works as enabling development in connection with the repair and restoration of listed buildings at Tone Mill, Milverton Road, Tonedale, Wellington
- 11 43/11/0116 – Demolition of southern dry house, demolition of single storey extensions to boiler house, demolition of single storey extension to steaming room, raising of ground floor level of dye house and store, construction of roof to dye house and store, alterations to tentering room/northern dry house, formation

of additional vehicular access and laying of hardstanding to serve tentering room/northern dry house and alterations at Tone Mill, Milverton Road, Wellington

- 12 43/11/0117/LB – Demolition of southern dry house, demolition of single storey extensions to boiler house, demolition of single storey extension to steaming room, raising of ground floor level of dye house and store, construction of roof to dye house and store, alterations to tentering room/northern dry house, formation of additional vehicular access and laying of hardstanding to serve tentering room/northern dry house and alterations at Tone Mill, Milverton Road, Wellington
- 13 E/0006/05/12 - Plots 41 and 54 not built in accordance with planning approval at residential development, Bishop's Hull
- 14 E/0394/48/06 - Siting of steel container at 154 Bridgwater Road, Taunton
- 15 Planning Appeals - The latest appeal decision received (attached)

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 16 Schedule of Alleged Contraventions up to 31 December 2011. Report of the Development Management Lead (attached). Clause 2 - Information which would reveal the identity of an individual

Tonya Meers
Legal and Democratic Services Manager

08 May 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.

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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 – 11 January 2012

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, C Hill, Mrs Hill,
Horsley, Morrell, Mrs Reed, Mrs Smith, Watson, Ms Webber and
A Wedderkopp

Officers:- Tim Burton (Growth and Development Manager), Bryn Kitching
(Development Management Lead), Matthew Bale (West Area
Co-ordinator), Gareth Clifford (East Area Co-ordinator), Judith Jackson
(Legal Services Manager) and Maria Casey (Planning and Litigation
Solicitor)

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

(The meeting commenced at 5.00 pm)

1. Apologies/Substitution

Apologies: Councillors Miss James, Mrs Messenger and Wren
Substitution: Councillor Horsley for Councillor Miss James
Councillor Ms Webber for Councillor Wren

2. Minutes

The minutes of the meetings of the Planning Committee held on 9 November, 30 November, 1 December and 14 December 2011 were taken as read and were signed.

3. Declarations of Interest

Councillors A Govier declared personal interests as a Member of Somerset County Council and as a user of the Mount Veterinary Hospital in Wellington. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillors Mrs Allgrove and Bishop declared personal interests as members of the Somerset Waterways Trust. Councillor Bishop also declared a personal interest as a user of the Mount Veterinary Hospital in Wellington. Councillors Bowrah, Govier and Mrs Reed all declared that they had attended a Town Council meeting where agenda item 6 (the Mount Veterinary Hospital) had been discussed. However, none of the Councillors considered that they had fettered their discretion.

4. Applications for Planning Permission

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

(1) That **the detailed plans be approved** for the under-mentioned

development:-

38/11/0596

Application for the approval of reserved matters following applications 38/99/0394 and 38/06/0135 for the erection of 204 No. 2, 3 and 4 bedroom dwellings with associated infrastructure and external works, Areas A, B, C and D, Firepool Lock, Taunton

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in Issue sheets 80130-JO Sheet No. P(0)_01 Rev A and 80130-JO Sheet No. P(0)_02 Rev A received on 20th December 2011;
- (b) 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;
- (c) No dwelling shall be occupied until the building hereby permitted is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the building and existing highway.

Reason for approving the detailed plans:-

The development represented a sustainable use of brown field land for residential purposes of design, layout and scale considered appropriate to the nature of the site and in accordance with development plan policies. The application comprised details pursuant to an outline consent for development and was considered to constitute an acceptable form of development in accordance with the requirements of Planning Policy Statement 3 and Policies S1, S2 and T3 of the Taunton Deane Local Plan.

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

14/11/0044

Erection of single storey extension to the side and rear at 10 Crown Lane, Creech Heathfield

Conditions

- (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:-
 - (A3) DrNo 04 Existing Elevations;
 - (A3) DrNo 07 Rev C Proposed Ground Floor and First Floor Plans;
 - (A3) DrNo 06 Rev C Proposed Elevations;
 - (A3) DrNo 05 Existing Ground Floor and First Floor Plans;

- (A4) DrNo 03A Proposed Block Plan Amended 11/01/12;
- (A4) DrNo 02 Block Plan; and
- (A4) DrNo 01 Location Plan;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the windows to be installed in the east elevation of the extension shall be obscure glazed and non-opening. The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason for granting planning permission:-

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

14/11/0048

Erection of detached combined covered car port/bin store/bike store and garages to serve Numbers 1 and 2 St Michael Cottages, Vicarage Lane, Creech St Michael

Conditions

- (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) Location Plan;
- (A4) DrNo 1199/P01 Site Plan;
- (A4) DrNo 1199/P02 Proposed Garage and Site Sections;
- (A4) DrNo 1199/P03 Proposed Garage Plan;
- (A4) DrNo 1199/P04 Proposed Roof Plan;
- (A4) DrNo 1199/P05 Proposed SW Elevation;
- (A4) DrNo 1199/P03 Rev A Proposed Garage Plan;
- (A4) DrNo 1199/P07 Rev A Proposed Northeast Elevation;
- (A4) DrNo 1199/P06 Rev A Proposed Southeast/Northwest Elevation; and
- (A4) DrNos 1199/P03A, P06A AND P07A;

- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the garage element hereby permitted shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation;
- (d) The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

(Note to applicant:- Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, applicant was advised that care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including

the foundations and roof overhang or any guttering will encroach on, under or over the adjoining property.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). The manoeuvring space was less than that normally sought, however the space was sufficient for smaller cars and should not have any detrimental impact on the neighbouring highway, in accordance with Taunton Deane Local Plan Policies S1 and M4.

43/11/0098

Relocation of the Mount Veterinary Hospital to include the erection of a two storey building with large animal procedure room, creation of new vehicle access, paddock and associated car parking with diversion of footpath at land to the south of Taunton Road, Wellington

Conditions

- (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:-
 - (A1) DrNo SPP.1583.6 Vegetation Appraisal;
 - (A1) DrNo R10036-SX Topographical Survey;
 - (A1) DrNo SPP.1583.5D Landscape Masterplan;
 - (A1) DrNo 2233/FP05 Site Plan;
 - (A1) DrNo 2233/FP 03C Elevations;
 - (A1) DrNo 2233/FP 02 C Ground and First Floor Plans; and
 - (A4) DrNo FMW0479/GA01 rev D Preliminary site access arrangement;
- (c) Prior to any other development occurring on site, the new junction detailed on drawing FMW0497/GA01 rev D shall be fully implemented in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (d) 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 implemented prior to the building hereby permitted coming into use and shall thereafter be maintained as such;
- (e) 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 Ambios Ecology's submitted report, dated September 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;

- (f) (i) The landscaping/planting scheme shown on drawing SPP.1383.5D 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;
- (g) The development shall not be commenced until an updated travel plan based on the travel plan submitted with the application has been submitted to, and approved in writing by, the Local Planning Authority; such travel plan to include a list of elements to promote sustainable travel including revised plans and specifications for cycle and motorcycle parking together with a timetable for the implementation of each such element. No part of the development shall be occupied prior to implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein. The Approved Travel Plan shall continue to be implemented as long as any part of the development is occupied.

(Note to applicant:- Applicant was advised that the Local Highway Authority require a Section 278 Agreement for works to the public highway.)

Reason for granting planning permission:-

The proposed development would allow an existing business and significant employer in Wellington to relocate to premises that allowed the business to continue to develop further. As such, there were significant economic benefits to the town in allowing the proposal to proceed, and this was considered to outweigh the impact on the proposed green wedge and landscape approach to Wellington. The impact upon highway safety, ecology and neighbouring residents was considered to be acceptable and accordingly, the proposal was considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and EN3 (Local wildlife and geological sites) of the Taunton Deane Local Plan; Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review; and advice contained in Planning Policy Statement 9 (Biodiversity and Ecological Conservation).

44/11/0020

Change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space at Beacon Lane Farm, Wellington (amended scheme to 44/11/0011)

Conditions

- (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:-
 - (A3) DrNo 201/G3 Elevations as Proposed Sheet 2;
 - (A3) DrNo 201/G2A Elevations as Proposed Sheet 1;
 - (A3) DrNo 201/G4A Courtyard Elevations as Proposed;
 - (A3) DrNo 201/G1B Floor Plans as Proposed;
 - (A3) DrNo 201/S3 Elevations as Existing;
 - (A3) DrNo 201/S2 Elevations as Existing sheet 1;
 - (A3) DrNo 201/S1 Ground Floor Plans as Existing;
 - (A3) DrNo 201/L3 Highways Plans;
 - (A3) DrNo 201/L1B Site Layout and Location Plans;
 - (A4) Block Plan;
 - (A4) Site Location Plan Dr No 201/L2; and
 - (A4) DrNo 201/SK2 Sketch Hedge Sections;
- (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;
- (d) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
- (e) The velux rooflights hereby permitted shall be flush fitting and of a conservation style only;
- (f) The residential floor space hereby permitted shall not be occupied until the associated business floor space to be used for the dog breeding centre has first been brought into use;
- (g) The occupation of the residential floor space identified as Range A on drawing 201/G1B shall be limited to a person solely or mainly working within the buildings identified as Range B and Range C on drawing 201/G1B at Beacon Lane Farm and to any resident dependants;
- (h) (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;
- (i) Prior to the use of any building hereby permitted first commencing, 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;
- (j) No part of the development hereby permitted shall be brought into use 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 and gates to be erected. The agreed boundary treatment shall be completed before any of the buildings are first occupied and thereafter be maintained as such;
- (k) The section of hedge to be translocated adjacent to Foxmoor Road shall be carried out in accordance with details on plan 201/SK2 and the Hedgerow Translocation Method Statement dated 19 December 2011. Following implementation of this permission, the hedge shall be moved within the first available planting season and once moved, the maintenance of this hedge and infilling with appropriate planting shall be carried out and maintained for a period of five years in accordance with the approved plans and method statement;
- (l) 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 David F Wills' submitted report, dated December 2010 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 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 nesting birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat enhancements and owl box and related accesses have been fully implemented;
- (m) 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 building shall not be extended or any addition made to it in any way (including dormer windows) unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (n) 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 building, structure, enclosure, gate, fence wall or other means of enclosure shall be erected, constructed or placed on the site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (o) There shall be no obstruction to visibility greater in height than 900mm above the adjoining road level forward of a line drawn 2.4 m back of the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 120 m to the east. Said visibility shall be fully provided prior to the use of any building hereby permitted first commencing.

(Notes to applicant:- (1) 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; (2) Applicant was advised that if the translocation of the hedge adjacent to Foxmoor Road is not undertaken prior to March 2012, you will need to satisfy yourself, through additional protected species survey work, that no species protected under UK or European Law are present within the hedgerow. If any protected species are subsequently found to be present within the affected hedgerow then you are advised to contact Natural England for further advice; (3) Applicant was advised that new water supply connections will be required from Wessex Water to serve this development. As from 1 October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from Wessex Water; (4) Applicant was advised that the Environment Agency should be consulted about a licence for the installation of the sewage treatment plant; (5) Applicant was advised that changes to the surface of Public Right of Way (PROW) WG13/23 will be made as a result of the proposed development. Authorisation for these works must be obtained from Somerset County Council's Rights of Way Group. If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use or create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided.)

Reason for granting planning permission:-

The proposed development would bring this group of former agricultural buildings back into an economic use within a rural location, which was supported by local plan policies and therefore the proposed dog breeding centre with ancillary residential accommodation was considered to be an appropriate re-use for the historic buildings at Beacon Lane Farm. The proposals would not harm visual or residential amenity and it was considered that any nuisance arising from the proposed use would be appropriately contained within the enclosed kennel buildings whilst the character and appearance of the surrounding landscape and Area of Outstanding Natural Beauty would be maintained. The proposed development was therefore considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EC6 (Conversion of Rural Buildings), EN10 Areas of Outstanding natural Beauty, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained within Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), 4 (Delivering Sustainable Economic Growth), 5 (Planning for the Historic Environment) and 7 (Sustainable Development in Rural Areas).

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

10/11/0042

Erection of a six bedroom holiday chalet with associated external garden, pond and parking areas at Pay Plantation, Stapley

Reasons

The proposed development is located in the countryside of the Blackdown Hills Area Of Outstanding Natural Beauty where new development is strictly controlled and there is no need for the proposed new building to be sited in an isolated, unsustainable rural location and the economic benefit is not considered to outweigh the policy objection contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Taunton Deane Local Plan Policies S1(B), S7, EC23 and EN10 and Core Strategy Policies CP1, CP6, SP1 and DM2.

(Note to applicant:- Applicant was advised that further wildlife survey work in respect of bats and reptiles will need to be carried out as recommended in your submitted survey and the Local Planning Authority retain the right to raise this as a material consideration should you decide to appeal any decision. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places. Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.)

(4) That **the following application be deferred:-**

38/11/0595

Application for the approval of reserved matters following applications 38/99/0394 and 38/06/0135 for the erection of 36 No. 2 bedroom apartments with associated infrastructure and external works, Area J, Firepool Lock, Taunton

Reason – For further negotiations on the design of the apartments.

5. Unauthorised display of illuminated fascia sign and projection sign and alterations to install shopfront at CEX Ltd, 21 East Street, Taunton

Reported that it had come to the Council's attention that a new shop front and an illuminated sign had been installed at premises at 21 East Street, Taunton without the necessary planning, listed building and advertisement consents being obtained.

The owners of the property had been contacted and applications had been submitted in an attempt to regularise the situation.

Noted that advertisement consent had been refused on 24 June 2011. The planning and listed building applications for the new shop front had not, up to now, been validated as both were incomplete, lacking national mandatory information.

Resolved that:-

- (1) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action against the owners of 21 East Street, Taunton in respect of the unauthorised works carried out to a listed building and the unauthorised display of advertisements;
- (2) Enforcement action be taken seeking the removal of the unauthorised shop front that had been installed at the premises;
- (3) The Solicitor to the Council be further authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- (4) The time period for compliance with the enforcement notice be six months.

6. Large gate erected across field entrance adjoining Copse Hill, Church Lane, West Hatch

Reported that it come to the Council's attention that a gate and gate piers over 1m in height had been erected without planning permission on land adjacent to the highway at Copse Hill, Church Lane, West Hatch.

The owners of the land had been contacted but, to date, an application for planning permission to regularise the situation had not been received.

Resolved that:-

- (1) Enforcement action be taken seeking either the removal of the unauthorised gate and gate piers that had been erected on land adjoining the highway at Copse Hill, Church Lane, West Hatch or their reduction in height to 1m;
- (2) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- (3) The time period for compliance with the enforcement notice be six months.

7. Appeals

Reported that one appeal had been lodged and two appeal decisions received, details of which were submitted.

(The meeting ended at 8.25 p.m.)

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

07/11/0023

MR HUGH PHILLIPS

OUTLINE APPLICATION FOR THE ERECTION OF A DWELLING AND SHARED GARAGE IN THE GARDEN OF 1 GARDENERS CLOSE, BRADFORD ON TONE

Grid Reference: 317414.122866

Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity, the character of the area or the local highway network and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design); or Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 (Transport Requirements of New Development).

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

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

(A4) DrNo 11-248/PA-001 Location Plan and Site Layout

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

3. Details of all boundary treatment shall be submitted to and approved by the Local Planning Authority as part of the details submitted pursuant to condition (1). The agreed details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

Reason: In the interests of protecting the amenities of neighbouring residents and the visual amenities of the area, in accordance with Policy S1 of the Taunton Deane Local Plan.

4. Details of the means of disposal of surface water shall be submitted to and approved by the Local Planning Authority as part of the details submitted pursuant to condition (1). The agreed details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

Reason: To ensure that the development makes adequate provision for the disposal of surface water, to prevent off site flooding in accordance with Planning Policy Statement 25.

5. The detailed layout submitted pursuant to condition (1) shall show parking sufficient facilities for the parking of two cars for the proposed dwelling and two cars for the existing dwelling. The parking facilities approved shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

Reason: To ensure that adequate facilities are available for the 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.

Notes for compliance

PROPOSAL

This application seeks outline planning permission for the erection of a dwelling on land to the side (north) of 1 Gardeners Close. Indicative plans have been submitted, which show that the dwelling could be sited set back behind the existing dwelling, with a parking area provided to the front. A new garage could be provided in the northeast corner of the site.

Access is shown as being shared with the existing 1 Gardeners Close, over a length of private drive (which is partly shared with Glenelg to the west) following the demolition of an existing garage to the north of the dwelling. A new parking area for 1 Gardeners Close would be provided alongside the existing dwelling.

SITE DESCRIPTION AND HISTORY

The site comprises part of the garden area and existing garage for 1 Gardeners

Close. The site is largely laid to lawn although there are some small trees and domestic planting/garden landscaping and hedges within the site.

The northern and eastern boundaries are formed of hedging with some post and rail fencing. To the north the site borders the neighbouring gardens of adjoining dwellings Lutleys on the eastern end and The Old School House on the western end. The western site boundary comprises trees and a post and rail fence which separates the site from the rear gardens of dwellings that front Back Lane.

The existing vehicular access to 1 Gardeners Close is from the corner of the cul-de-sac and partly over a private area shared with Glenelg (which fronts Back Lane) to the west. Glenelg has a garage accessed from Gardeners Close and uses this shared area alongside the northern edge of the turning head to facilitate manoeuvring into the garage.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BRADFORD ON TONE PARISH COUNCIL – Objects to the application for the following reasons:

- Unable to define boundary adjacent to The Old School House.
- Land is higher than the existing buildings which surround it.

The PC query whether there was a limit to the number of properties that could be built on the site when planning permission was given for the original development.

SCC - TRANSPORT DEVELOPMENT GROUP - Whilst I believe that the site does not present many difficulties from the highway perspective, I do have some concerns regarding the submitted detail.

In terms of detail, the main highway concern relates to vehicular access to the site and associated parking areas to prevent parking on the highway (in the turning area of the cul-de-sac). Vehicular access is to be provided through a narrow corridor between 1 Gardeners Close and the neighbouring boundary wall. Whilst this does raise some concern, the likely volume of traffic using this narrow access will be limited and therefore it may be unreasonable for the highway authority to refuse on these grounds.

However, the current County Parking Strategy recommends that 2-3 bedroom dwellings should provide 2 car parking spaces, it goes on to state that “... in areas without access to public transport and with little or no on-street parking, the maximum level should be implemented”.

The submitted proposal seeks to replace an existing double garage for the existing dwelling, with a shared double garage for both the new and existing dwellings. In terms of the double garage, this will result with the loss of at least one parking space for the existing dwelling, and an under provision of parking for the new dwelling.

It is also noted from the Site Layout Plan, that there is a possible location for a single garage for the existing dwelling to retain the existing levels of parking. However, as this does not form part of this current application it cannot be considered and there remains an under provision of parking for the existing dwelling.

The layout of the garages (both proposed double and potential single), against the car parking turning area appears confined and difficult at best. This could result in parking on the adjacent highway, which is a small cul-de-sac (and a turning head) and would be inappropriate.

Therefore, to consider the application further please could you request the Applicant confirms all of the proposed parking for the site (both in garages and any proposed on a drive for instance, to enable an assessment against the County Parking Strategy). Also, a plan depicting vehicle turning movements and access into the garages would prove useful, to ensure that these can be easily made.

HERITAGE LEAD – No observations to make on this application.

WESSEX WATER – new waste water and supply connections will be required to serve the development.

Representations

5 letters of OBJECTION have been received making the following points:

- There would be additional traffic between the neighbouring Glenelg and No1 which would restrict access to Glenelg's garage. The area is shared between these two properties.
- There would be too much additional traffic in Gardener's Close a near 20% increase.
- There would be a temporary loss and obstruction to around half of the area shared with Glenelg.
- The submitted details are basic, do not appear to be to scale and are misleading. None of the plans show the 2m wide retained strip between the northern boundary of the proposed dwelling and Lutleys and the Old School House.
- The Outline application makes it impossible to assess scale, massing, form, height, appearance or materials.
- The majority of the rear gardens of No's 1 and 2 are outside the settlement limit and, therefore, in the open countryside. It is beyond the existing building line and would overlook surrounding properties. Therefore, the proposed dwelling is contrary to policy. If the property were moved west into the Settlement limit, it would appear cramped and would be closer to neighbouring residents.
- No windows should be allowed on the north elevation to prevent overlooking of the Old School House or Lutleys.
- Surface water must be properly dealt with and not allowed to drain onto neighbouring property.
- There is no public access allowed over the shared driveway area.
- It does not appear that the narrow gap between the corner of the house and the garden wall of Shortlanesend would be wide enough to support the extra traffic for another house.
- Understand that the developer originally wanted to build 7 houses in Gardeners Close but this was reduced to 5 by the Local Planning Authority. Building another house would be overdevelopment of the close.

PLANNING POLICIES

S5 - TDBCLP - North Curry Settlement Limits,
AHAP - Areas of High Archaeological Potential,
EN12 - TDBCLP - Landscape Character Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,
EN14 - TDBCLP - Conservation Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the settlement limit for Bradford on Tone. The development is, therefore, considered to be acceptable in principle. The main issues in the consideration of this application are the impact on the character of the area, the impact on the local highway network and the impact on neighbouring residents.

Character of the area

The site is somewhat 'backland' in nature having no direct road frontage and being tucked into the corner of Gardeners Close. However, the construction of Gardner's Close in the 1990s, together with the loose positioning of the bungalows to the north and further backland development to the south has created a somewhat fragmented urban form in this part of the village. As such, the character of Back Lane and its immediate environs is no longer of a linear development or close relationship with the historic street. As such, it is considered that introducing further development of this style is compatible with the existing character of this part of Bradford on Tone. In addition, the proposed siting of the dwelling, effectively behind the existing dwelling would mean that it is barely visible from the public realm. It is outside the designated conservation area and, therefore, is not considered to cause undue harm to the area's character.

Highways

The Local Highway Authority have suggested that the site 'does not present many difficulties from the highway perspective'. They do not have any concern regarding the principle of a further dwelling in this location and, therefore, the impact on Gardener's Close itself and its junction with Back Lane is considered to be acceptable.

The Highway Authority has raised some concerns about a lack of parking provision and cramped nature of the site in terms of turning. However, the alleged lack of parking is not borne out by the submitted plans. The Taunton Deane Local Plan imposes a maximum parking standard of 1.5 spaces per dwelling across the development, which would indicate a need for three spaces. The Somerset Parking Strategy, a material consideration and referred to by the Highway Authority would require two spaces per dwelling. The application is in outline and the detailed layout is reserved for subsequent consideration. In any case, the layout indicates that a large garage would be provided within the application site – providing at least two parking spaces – together with a substantial forecourt area that could easily accommodate more. Further, additional areas of hardstanding and the potential for a future garage for the existing dwelling (providing at least two parking spaces) is also indicated.

The on-site turning facilities may be cramped, but the Highway Authority have verbally confirmed that they would not require on site turning to make the proposal acceptable in this cul-de-sac location. It is, therefore, considered that the proposal is acceptable in terms of its impact on the highway network and final details of layout would be provided with any reserved matters application.

Neighbours

Neighbouring dwellings to the north of the site – The Old School House and Lutleys are located some distance beyond the site boundaries, the Old School House being 10m off the northwest corner, with windows facing west along a plane parallel to the site boundary; and Lutleys around 30m to the north with windows facing south towards the site.

The proposed dwelling, however, would be close to the boundary with these two dwellings' amenity spaces. The concerns that these residents have about potential windows in the north elevation are, therefore, justified and control can be exercised over this at reserved matters stage. In the future, permitted development rights for new first floor windows in a side elevation could only be exercised if the window were obscure glazed and, therefore, there is no need to specifically withdraw these rights by condition.

On the basis of the indicative layout, and assuming a conventional approach where windows were provided in the east and west elevations of the proposed dwelling, windows in the new dwelling would be around 25m from the rear elevation of the Old School House. There is also a significant angle between the windows and, therefore, the separation is considered sufficient to prevent any unacceptable overlooking.

Given the size of the neighbouring amenity spaces to the north and the distance from the actual dwellings themselves, it is considered that that proposed dwelling would not be unreasonably overbearing upon the neighbouring dwellings.

To the west of the site are four further dwellings on Back Lane. It is not considered that Glenelg, the southernmost one would be unacceptably affected by the dwelling itself – its concerns are more with the access arrangements. Moving north, at its closest, Shortlanesend is around 20m from the site boundary. The two dwellings further to the north are in excess of 30m from the site boundary. It is suggested that the proposed dwelling would be in excess of 14m from the boundary with these dwellings and it is, therefore, considered that they would not be unacceptably overlooked by the proposal, nor would it be overbearing upon them. In any case, final details can be controlled at the reserved matters stage.

The existing 1 Gardeners Close would lose a substantial part of its amenity space as a result of the development. However, the area is large and it is considered that both it and the proposed dwelling would have adequate amenity space remaining. The proposed dwelling would be sited behind 1 Gardeners Close and would, therefore, form a dominant feature on its northern boundary. However, being to the north, it would not result in any overshadowing as such and the open outlook to the east and for the majority of the northern boundary would be retained. With some weight given to the fact that the proposal is advanced by the current owners/occupiers of this site, is considered that the impact on this existing dwelling is acceptable.

Other matters

One of the neighbouring residents has raised concern over surface water drainage. It is recommended that a condition is imposed to ensure that this is satisfactorily dealt with.

A number of comments have been raised about the original planning permission for Gardeners Hall having a restriction on the number of properties allowed to be built and it is suggested that the Local Planning Authority required the number to be reduced from 7 to 5. Gardeners Close was permitted under application 07/90/0007 and there does not appear to be any reference to reducing numbers on the application file. In any case, the terms of a previous permission cannot influence this proposal which must be determined on its own merits based upon the situation today.

There has been some concern raised that increasing the amount of traffic using the private drive area shared with Glenelg, together with the construction activity, may hamper access to Glenelg's garage. However, it has been shown that the proposal would not adversely affect highway safety and matters of obstruction of a private access are a civil matter between the two parties.

Conclusion

It has been shown that the development of the site is acceptable in principle and would not have any unacceptable impact upon the character of the area, local highway network or the amenities of neighbouring property. As such, it is considered to be acceptable and 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

10/11/0049

MR C PHILLIPS

**ERECTION OF A PERMANENT AGRICULTURAL WORKERS DWELLING AT
TIMBERLANDS, BISCOMBE, CHURCHSTANTON**

Grid Reference: 317625.113271

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to harm the landscape character of the Area of Outstanding Natural Beauty and would harm neither visual nor residential amenity. The building is proposed for an agricultural worker as an exception to normal policy and accordingly the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements) and EN10 (Areas of Outstanding Natural Beauty).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within one year of the date of this permission.

Reason: To ensure the need for an agriculture worker is provided on site and 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:

(A1) DrNo 200-01 Rev A Location and Site Plans
(A1) DrNo 200-02 Rev A Site Survey
(A1) DrNo 200-03 Rev A Plans & Elevations
(A1) DrNo 200-04 Rev A Block Plan

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

3. The occupation of the **dwelling** shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in area where new development is generally restricted

to that for which there is a proven need in accordance with Policy H13 of Taunton Deane Local Plan and Guidance in PPS7

4. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

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

5. The dwelling shall not be occupied until the sewage disposal works have been agreed and completed in accordance with the details to be submitted unless otherwise agreed in writing by the Local Planning Authority.

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

6.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

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

Reason: To protect the character of the area and limit the size of the dwelling

in accordance with Policy S1(D) of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

The proposal is the erection of a small agricultural worker's cottage on land at Biscombe to serve an existing stock business breeding pedigree cattle. The dwelling is two storey and rendered with a slate roof and with adequate on site parking. The business operates from a holding of 15ha of which 4ha are owned.

SITE DESCRIPTION AND HISTORY

The site consists of a triangle of land set off the road and used by the applicant in connection with his business. To the east of the red line site lies a pole barn which is unauthorised and is due to be removed to allow construction of the dwelling. On land to the east of the site lie the applicant's other farm buildings, including a stock building and the mobile home granted permission on a temporary basis in November 2008 (ref. 10/08/0028).

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHURCHSTANTON PARISH COUNCIL - The Council objects to the granting of permission for the following reasons;

- overdevelopment in a small area;
- questions exist about its economic viability with the outcome being a new build in the AONB in a rural setting;
- development in the countryside which conflicts with current policies;
- visual impact;
- felling of trees;
- movement of gateways to accommodate the development
- questions exist about ownership of the plot and whether any development can be allowed

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development site lies outside any development boundary limits and is therefore distant from adequate services and facilities, such as, education, health, retail and leisure. As a consequence, occupiers of the new development are likely to be dependant upon private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National

Park Joint Structure Plan review (Adopted April 2000), and Policy S7 of the Taunton Deane Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However, it is noted that the application is for an agricultural workers dwelling and therefore it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development at this location, which outweighs the transport policies that seek to reduce reliance on the private car.

In terms of detail, the existing access into the site provides adequate visibility. The proposal includes the provision of two parking spaces, which accord to the current County Council Parking strategy. As a result, I raise no objections to this proposal.

BLACKDOWN HILLS AONB SERVICE - The Blackdown Hills Area of Outstanding Natural Beauty is primarily a pastoral landscape that has retained a sense of remoteness. Consequently the AONB Partnership believes that the introduction of new buildings and associated development in isolated locations requires very careful consideration as to necessity and potential landscape impact. As a matter of principle it should be for the local planning authority to satisfy itself whether there is a genuine agricultural need, however taking a broader view, the AONB Partnership does have some concerns about the number of cases of relatively small parcels of farm land being sold or leased, and subsequent applications for agricultural workers accommodation. Indeed in this particular case in relation to seeking to establish a permanent dwelling, looking to the future I question the feasibility of maintaining a viable farm holding with just 4 hectares of owned land, which is seemingly landlocked.

If the local planning authority is minded to approve the application on agricultural grounds, the existing northern (rear) boundary is a crucial factor in terms of the proposal fitting into the landscape, and it is therefore unfortunate that the proposed siting of the house would result in such a loss of trees/mature hedge line. The proposed design of the dwelling on the whole reflects the local vernacular of the Blackdown Hills except for the chimney - external chimney stacks are not typical of the area. This feature would be very dominant approaching the site from the west. The formation of a domestic curtilage should also reflect the local tradition and be appropriate to a rural environment, particularly in respect of boundary treatment.

LANDSCAPE LEAD - My main concerns are the arboricultural report recommends the dwelling be moved 2m further south for root protection reasons. I agree with this given the importance of the hedgerow oak. I recommend tree and shrub planting to the west of the house to soften its impact looking from the west to the east.

Representations

4 letters of objection raising issues of

- land ownership as does not own land concerned
- the applicant does not work full time on the holding and does not need to be within site and sound of the animals

- there have been properties in the area for sale since 2008 which could have been purchased and two are still available
- there is claimed to be a private right of way across the property
- the trees and hedge are not owned by the applicant
- construction will damage tree roots
- discharge from treatment plant may impact on watercourse
- the dwelling will not be within sight and sound of grazing land
- the stock level is 25% below target of the 2008 appraisal
- the applicant does forestry work and is not full time involved with agriculture
- the applicant is often away from the holding so does not have a functional need to live there
- the applicant did not live within site and sound from 2000 to 2008
- the hay barn does not have permission

PLANNING POLICIES

PPS7 - Sustainable Development in Rural Areas,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 S7 - TDBCLP - Outside Settlement,
 EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
 EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the need and viability of the business and the siting and visual impact of the new dwelling to serve the site.

The applicant has run a livestock business in the area for a number of years and previously resided in an agricultural worker's property around 180m to the west which he had to vacate and is prevented from returning to. The applicant applied for a temporary mobile home in 2008 when it was recognised there was a functional need. The submitted agricultural appraisal recognises that there is a labour requirement equivalent to a full time worker. The submitted information with the current application also indicates the farm business has been profitable over the last 3 years and so is considered to be a viable one.

It is recognised that there have been properties for sale in the area and currently still are within a mile of the site, however the applicant's agent has looked at these and confirmed that none are affordable for the business or in a suitable location close to the livestock building.

The proposed dwelling is of traditional design and is on an area of land immediately to the west of the mobile home and while it would be visible from the road is considered to be well screened from any long distance views. The siting is set off the boundary hedge and trees to the north so the dwelling would fall outside the canopy spread of any major trees. There have been a number of comments received in

respect of the land ownership of the site and private rights of way. However land ownership is not a planning matter it is a private civil one. If it is proved that there is a separate owner of the site, the applicant could be prevented from implementing any permission that may be granted. These issues have been brought to the attention of the applicant and amended plans have been received that delete a lean-to off the end of the dwelling and allow access to the adjacent field to be maintained and so avoid the need to provide a new field access.

In summary the farming business is considered to be a viable one and the appraisal confirms the functional need to be within sight and sound of the livestock buildings and there is an appropriate labour requirement for the business. The design and impact of the dwelling are considered acceptable and the proposal is 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 G Clifford Tel: 01823 356398

27/11/0018

MRS S WOODBURY

CHANGE OF USE OF LAND TO SITE 3 NO. MOBILE HOMES, 3 NO. PITCHES FOR TOURING CARAVANS, 3 NO. UTILITY SHEDS, 1 NO. DAY ROOM AND THE REPOSITIONING OF STABLE BLOCK, FOR USE BY ROMANY GYPSY FAMILIES AT ALTONA PARK, HILLFARRANCE

Grid Reference: 317590.124751

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

The proposed development by reason of the large site area, visual appearance and prominent position in the landscape would have a detrimental impact on the rural setting and appearance of the area contrary to Taunton Deane Local Plan Policies H14 and EN12 and Core Strategy Policy DM3, in particular from local public footpaths and the nearby rail network. The site is not considered to be in a sustainable location and therefore the provision of further development (in particular due to its scale) outside of the existing site area would be contrary to the provisions of Core Strategy Policy DM3 which seeks to site gypsy and traveller sites in sustainable locations closer to services and facilities. The proposal would also comprise an inefficient use of land in an area where development should be strictly controlled and as such would be contrary to planning guidance contained in PPS1, PPS3 and PPS7.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

1. The applicant is advised to contact the Authority to discuss a re-submission for the relocation of the stable building and the provision of a day room to the existing mobile home as indicated on the submitted plans.

PROPOSAL

Planning permission is for the sought for the provision of the following:

- One day room to serve applicant's existing mobile home;
- Permanent pitch for one mobile home in lieu of an existing transit pitch (28 days) for touring caravans;
- Touring caravan to serve existing mobile home (to the south of the existing approved site area – adjacent to the stable block);

- A further two permanent pitches comprising a mobile home, touring caravan, shed, hardstanding and grassed areas (per pitch) to the south east (rear) of the existing site;
- The plans indicate proposed landscaping along the south east boundary in the form of a bund with native hedging;
- Re-positioning of the stable block.

In respect of drainage - foul drainage would be disposed of by way of a septic tank; surface water would be discharged to soakaways.

SITE DESCRIPTION AND HISTORY

Permission was granted in 2006, reference 27/2006/019, for the siting of one mobile home and one touring caravan for a single gypsy family and the erection of stables. A condition was imposed which restricted the consent to a personal permission for the benefit of the applicant. However, the applicant sought the removal of this condition as part of application 27/08/037, subsequently granted. In 2008, reference 27/08/0026, planning permission was granted for an additional mobile home for a gypsy family and a transit pitch (28 days) for touring caravans.

The existing site is reasonably well screened from the roadside due to the existing mature landscape belt, other than when viewing the site directly from the entrance point. There are trees and hedging along the side (north east and south west) boundaries with a hedge along the rear boundary of the existing site. Beyond the hedge is the applicants stable building and paddock, where two of the pitches are proposed to be located and is currently open to the south east. Public footpath WG 9/37 runs along the southern boundary of the site. The existing pitches are located at the top of the site, with the land sloping down from north west to south east. The site is outside of the Environment Agency's Flood Zone 2 or 3.

The immediate road network serving the site is representative of most country lanes, generally single track interspersed with passing places. There are no (lit) footways. The area is characterised by open countryside interspersed by individual properties and farms. The nearest settlements to the site are Hillfarrance (900 metres from the site), Oake (2.3km from the site) and Norton Fitzwarren (2.5km from the site). Hillfarrance has a Pub, Oake has a primary school and community centre, Norton Fitzwarren has a primary school, hall, regular bus service, convenience store, chemist, hairdresser, pub and takeaway.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL – While accepting that TDBC has a duty to find sites for travellers and that the applicant herself has been working cooperatively with TDBC on gypsy issues, Oake Parish Council has listened to the residents of the Parish and of the hamlet of Hillfarrance and therefore objects to the application for the following reasons:

1. The application does not meet all the criteria in the TDBC Core Strategy Policy DM 3. For example it is unsustainable in that it is not 'well-related to local services and facilities'. It is not within easy walking distance of shops, doctor's surgery, and buses.

2. It would involve further intrusion by residential units into the surrounding 'open countryside' in an area not designated for development. There is at present a 'mobile/permanent' pitch on site which looks more like a permanent housing unit than a temporary unit.
3. Access to the site is difficult due to narrow lanes, being only of single track width with few passing places. There are no pavements or street lighting in the area, making walking dangerous. There is already limited use of the lanes by lorries and additional use by articulated vehicles would exacerbate the problems.
4. Much of this site is already waterlogged and within the flood plain. Indeed a stable unit for which planning permission had been previously granted had to be moved to another part of the site because of flooding problems on the section where it is now intended to place 2 pitches. Sewage disposal problems are also likely to be problematic.
5. The site is next to a very busy rail line and could therefore be considered unsafe for children.
6. In the original planning application of four years ago, the applicant made her case by stressing that she only wanted a residential site for her own immediate family. The trust generated then in the 'nearest settled community' by this promise has now been lost and the 'scale' of the proposed development not considered 'appropriate' to that community...
7. Due regard should be paid to anticipated legislation from Government which recognises that current planning arrangements often treat travellers more favourably than the settled community and that green belts/open countryside should rarely be used.
8. There is already a nearby site for travellers at Otterford which currently has at least 6 empty pitches. This indicates a lack of need.

LANDSCAPE LEAD – My main concern is the impact of the proposals on the landscape character of the area (Policy EN12) and their visual impact as seen from public footpath WG9/37 and the mainline railway track within 150m. There is no landscape or visual impact assessment but my assessment is that the impact would be significant and contrary to Policy EN12.

HIGHWAY AUTHORITY – I would refer you to my colleague's letter dated 14 November 2006, in connection with planning application 27/06/0019. I would advise you that that the majority of these comments (highlighted in italic) apply equally.

Those comments specifically refer to:

The proposed development site is remote from any urban area and therefore distant from adequate services and facilities, such as education, employment, health, retail and leisure. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth

in the need to travel would be contrary to government advice.

The proposed site is located approximately 1km from the centre of Hillfarrance, however the nearest settlement in terms of services is Norton Fitzwarren which is approximately 3km away. There is one very limited bus service that operates for Hillfarrance, but such a limited service from the village, would make access to facilities and major centres of employment difficult except by car and would be outside of the recommended walking distances as set out in RPG10.

If the Local Planning Authority consider that this is an acceptable location in terms of meeting the criteria set out in Policy 36 of the Somerset and Exmoor National Park Joint Structure Plan Review and H14 of the Taunton Deane Local Plan in relation to Gypsy and Traveller Sites, it may be unreasonable to raise a Highway objection.

The access into the site has been created to an appropriate standard, and in accordance with the recommendations (conditions) previously made. However, it is noted that a small amount of vegetation is beginning to obstruct the visibility splay to the southwest.

The applicant should be reminded to keep the visibility splays clear at all times, and it is recommended that this obstruction is removed at their earliest convenience.

STRATEGY – Comments as follows:

In terms of the principle of this development:

The key policy of Taunton Deane Local Plan (TDLP) is policy H14. This allows for the location of gypsy sites outside the defined limits of settlements, provided that they meet a number of criteria that are set out in the policy.

Of significant consideration is the recently published Somerset Gypsy & Traveller Accommodation Assessment (GTAA). This assessment of need is a statutory requirement under the Section 225 of the Housing Act 2004 and Planning Policy 3: Housing. The GTAA forms part of the Strategic Market Housing Assessment (SHMA). The SHMA provides a comprehensive understanding of the Market Housing Area in order to provide a robust evidence for accommodation need.

The findings of the GTAA supersede the Secretary of States Proposed Changes to the Regional Spatial Strategy South West which set provision for 20 residential pitches and 5 transit pitches from 2006-2011. The 2011 GTAA, that forms part of the SMHA, took account of the RSS figures and the provision provided in the Borough. The calculation of need also considered, inter alia, the analysis of Central Government data in the bi-annual caravan count, natural migration and immigration patterns, authorised private and public pitches, unauthorised encampments, survey responses from the Gypsy & Travelling community and Central Government guidance on population growth. The 2011 GTAA set provision for 25 residential pitches and 5 transit pitches from 2010-2015.

Also of note is the emerging Taunton Deane Core Strategy, that was submitted to the Secretary of State in November 2011. Whilst not adopted it is of material consideration. Development Management Policy DM3: Gypsy and Traveller Site Selection Criteria sets out a sequential approach to site selection and criteria to be

satisfied for residential sites. It states that expansion of existing sites will be considered on its merits, taking into account the potential impacts of expansion in accordance with the provisions set out in criteria a) to f) of the policy.

- a. The proposal will help to meet a clear and evidenced need as demonstrated through a GTAA or other evidence submitted alongside the application; and
- b. The site is well-related to local services and facilities including retailing opportunities, schools and doctors surgeries as well as existing employment provision; and
- c. The environmental impacts of the proposal are minimised, this will include appropriate screening and siting of development taking into account landscape issues as well as any likely impacts upon wildlife, built heritage and flood risk; proposals should in particular avoid any adverse impact on the Natura 2000 sites in the Borough and comply with Habitats Regulations 2010. Details of habitats protection and mitigation including bat protection zones are covered under Environment Policy.
- d. The proposal would not unacceptably prejudice the amenity of adjoining or adjacent occupiers; and
- e. The site can be adequately served by the appropriate infrastructure to support the development including foul and surface water drainage;
- f. The impact of the proposal will not give rise to an unacceptable impact on traffic movements, noise and other potential disturbance arising out of the movement of vehicles on to and off of the site.

In addition, the emerging National Policy – Planning for Traveller Sites published for consultation in April 2011, which whilst not adopted is a consideration. It is proposed by the Coalition Government that this will replace the current Planning Circulars in due course. It states that planning policy should align more closely with that of settled housing (PPS3, PPS7). This would mean that in rural areas residential development should:

- be strictly controlled in the open countryside,
- isolated dwellings require special justification – i.e they meet identified local need, through the GTAA and SHMA
- ensure that the scale of such sites does not dominate the nearest settled community

The emerging National Policy – Planning for Traveller Sites makes clear that private Gypsy developments are a key component in meeting requirements.

Location - In terms of the location of Gypsy and Traveller sites, it has long been accepted in planning policy that rural locations outside settlements are one of the exceptions to the normal strict control of new development. This is re-affirmed at paragraph 54 of Circular 01/2006, which states that 'Rural settings, where not subject to special planning constraints, are acceptable in principle.' Policy H14 and criterion (B) and (H) of the TDLP relates specifically to proposals in such areas.

Criterion (B); safe and convenient access to schools and other community services, is supported by paragraph 54 of the Circular states that in assessing the suitability of sites '...local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services'. This policy is strengthened in the emerging Core Strategy to say '...well related to local services and facilities'. In this regard, the site is contrary to policy as it is situated some distance from the

villages of Hillfrance (900 metres from the site), Oake (2.3km from the site) and Norton Fitzwarren (2.5km from the site). Hillfrance has a Pub, Oake has a primary school and community centre, Norton Fitzwarren has a primary school, hall, regular bus service, convenience store, chemist, hairdresser, pub and takeaway.

As far as criterion (H) TDLP and (c) of the emerging Core Strategy is concerned, the site is not within an AONB or a SSSI. Nor, to my knowledge, would it harm the special environmental importance of any other protected area.

Need - The issue of need, which is addressed by criterion (A) of policy H14 in the Local Plan, and criterion (a) in the emerging Core Strategy is an area where advice and guidance in PPS3, Circular 01/2006, Gypsy and Traveller Accommodation Assessments, is of particular relevance.

The GTAA has identified the need for 25 residential pitches and 5 transit pitches in the Borough between 2010 and 2015. Since 2010 planning permission has been granted for 8 new residential pitches in the Borough. The remaining need can not be met solely through the plan-led process since need is to 2015 and the Site Allocations Development Plan Document will not be adopted till post April 2013.

Summary - This site is contrary to policy because it does not satisfy TDLP Policy H14 criterion (B). However, it needs to be born in mind that the Authority does not have an adequate supply of pitches to meet the need set out in the GTAA and the site is an existing established Gypsy site.

Other colleagues are best placed to provide comments on the landscape, transport, appropriate infrastructure and onsite amenities.

DRAINAGE OFFICER – No details of how this development is to be drained (foul and surface water). I note comments regarding this application being within the Environment Agency's Flood Plain.

Full drainage details should be forwarded for approval before any consent is given.

Revised Comments 02/01/12 – The recently submitted drainage information (7 December) is unclear as to what is proposed here. The following information is required and until such time I must object to this proposal.

In the recent information submitted it would appear that an existing septic tank is to be utilised to deal with all foul flows from the existing mobile home together with that from an additional 3 or 4 units. If this is the case then the capacity of the existing tank stated (3600 litres) is, I believe insufficient. TDBC Building Regulations should be consulted as to the adequacy of this proposal.

Also no details of the sub surface irrigation drainage serving this tank have been provided or any consent received from the Environment Agency regarding consent to discharge and location within the floodplain. Full details should therefore be submitted and agreed before any works commence on site.

Further response 26.01.12.

The standard condition regarding septic tank installation should be imposed. It

should include in its wording, that the septic tank and its associated sub surface irrigation drainage should be of a size to accommodate the flows from the maximum number of potential occupants plus appliances for this planning application.

ENVIRONMENT AGENCY – Comments as follows:

Non Mains Drainage - The applicant proposes the use of non-mains (private) drainage facilities. However, if the site is located within an area served by public sewer, according to Circular 3/99 (Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development), connection should be made to this sewer in preference to private drainage options, unless the applicant can provide good reason why this is not feasible. The advice of Circular 3/99 has, in this respect, been supported by the Planning Inspectorate.

Informative - If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, an Environmental Permit may be required. This must be obtained from us before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application.

Note to applicant - If the applicant wants to discharge treated sewage effluent to a river, stream, estuary or the sea, and the volume is 5 cubic metres per day or less, you might be eligible for an exemption rather than a permit. Similarly, if you want to discharge sewage effluent to groundwater via a drainage field or infiltration system, and the volume is 2 cubic metres per day or less, you might be eligible for an exemption rather than a permit.

NATURE CONSERVATION & RESERVES OFFICER – No observations to make.

Representations

21 letters of OBJECTION have been received. Summary of objections:

Sustainability

- Site is remote and distant from the main road network and access to services and community facilities;
- No safe access by bus, cycle or on foot to schools, medical facilities or shops;
- Occupiers dependant on the private motorcar;
- Increased demand on existing facilities;
- Increased pressure for business and industrial use;

Highways

- The lanes are very narrow with limited passing places unsuitable for touring caravans and additional traffic generated;
- Gypsy & Traveller sites should be located near main road network;
- Poor visibility at access;
- Additional traffic will result in conflict with cyclists using Sustrans Route 3;

Flooding / Drainage

- Not connected to mains drainage; concern where all sewerage, waste water and rainfall is going and potential impact on livestock;
- A large part of the site is subject to flooding and is unsuitable for development without associated flood alleviation works – potentially in conflict with the recent major Hillfarrance Flood Alleviation Scheme and associated additional downstream works;
- Increase risk of flooding; no sequential test.

Landscape

- Prominent rural site without adequate screening from the road and railway;
- Development (permanent structure with brick surrounds, paved areas and wrought iron gates) is incongruous and significant skyline feature in open countryside and would have a harmful impact upon the rural character and appearance of the landscape;
- Scale of development is excessive;
- Impact on setting of Grade II Listed Building;

Planning History

- Site purchased for paddock and stables;
- Contrary to original request for a personal permission for a single family unit;
- Having exploited the law concerning travellers – applicants do not travel; applicant's husband and children are not gypsies;
- How many more pitches? Why such an increase? – This is exactly what residents expected to happen; Business use;
- TDBC has disregarded the needs and concerns of the settled community in Hillfarrance unnecessarily and imposed this mobile home site on the village through misrepresentation by the applicant causing resentment in the community;
- When is a mobile home a bungalow? as brick built walls have been constructed around it and decking;
- Piecemeal applications; Precedent for further pitches;

Planning Policy

- There is no identified need for additional gypsy pitches in the Borough; Taunton Deane has a very high number of gypsy and traveller pitches compared to the rest of Somerset; it would appear to be much more lenient than other councils;
- National planning guidance indicates that the interests of the settled community (opposed to this scheme) should be respected; The settled community, unlike the applicant, have no right of appeal;
- Positive discrimination is not what Circular 01/06 set out to achieve;
- Government taking steps to address the unfairness of current policy and any consideration of further preferential treatment by Taunton Deane must be balanced accordingly;
- New draft advice published in May by the Government seeks to give greater control to local councils for provided new gypsy sites – but this must be based on a specific need;
- Provision is available at Culmhead and Sandpits;

- Scale of development is inappropriate (which comprises 50 dwellings) and constitutes successive development by stealth;
- Contrary to Taunton Deane Local Plan Policies: -

OK1 / OK2 as proposal is not identified within the plan for housing or constitute infilling within the settlement;

Policy S7 requires development outside defined settlement boundaries to be strictly controlled; proposal does not accord with the 'stringent tests' that must be applied to new development; it would not 'benefit the local economy or maintain or enhance the local environment';

Policy H14 – proposal does not set out a defined need for the additional pitches in this locality;

- Contrary to Core Strategy – Development Management Policies:

DM1 (General Requirements) – the development would harm highway safety;

DM2 (Development in the Countryside) – sets out the type of developments that might be acceptable outside settlements; this application is a very significant intensification of the current position and is excessive along this narrow road.

DM3 (Gypsy and Traveller Site Section Criteria) - states that '*expansion of existing sites will be considered on its merits, taking into account the potential impacts of expansion in accordance with 5 criteria, a-f*'; this application does not accord with those criteria, in particular (b)

(b) The site is well located to local services and facilities including retailing opportunities, schools and doctors surgeries as well as existing employment provision...this cannot be demonstrated given the location of this proposal as a consequence would result in a significant increase in transportation requirements.

f) traffic movements...the nature of this application will significantly increase traffic movement on a country lane and in addition is totally unsuited to touring caravans and the like.

Other matters raised:

- Delay in site notice being displayed.
- Have TDBC given their support to this scheme?
- Fear of crime;
- Are the plans correct?
- Horses escape from the paddock.
- No community engagement;
- Provision of a day room – are all residents able to use this? Have local residents been contacted to build further development for their family and friends?

7 letters of SUPPORT has been received. Summary of support:

- Applicants abiding by the planning laws and are well valued members of the community and contribute to all local events, including supporting the school and village hall;
- Ideal location; No visual impact; Site is very clean, presentable and well managed;
- Outside of Flood Zone;
- Do not consider highways to be unsuitable; changing the transit site to a permanent pitch would reduce the amount of traffic;
- Somerset Travellers Ltd – (as prospective owners of Somerset County Council Gypsy Sites) confirm that the current vacant pitches have a long waiting list;
- There are 4 vacant pitches at Otterford, however these need to be refurbished before any new tenant can be allocated;
- Planning permission was granted to Taunton Deane Council for 6 Transient (temporary stay) pitches on land adjacent to Otterford, known as Otterford B, this planning has now lapsed.

Friends, Families and Travellers (FFT) – a national charity supports the proposal for the following reasons:

- Planning Authority has a duty to assess and address 'need' for gypsy and traveller pitches;
- FFT are aware that Taunton Deane applied and were successful in obtaining a £100,000 grant for identifying gypsy and traveller sites; no land has been purchased to use these monies;
- To address outstanding need Taunton Deane looked at how they can fulfil their duty by allowing Gypsies and Travellers to develop plots on existing sites or privately owned plots; this included contacting the applicant to accommodate further pitches;
- The applicant is a great example on how Gypsies and Travellers can successfully live alongside and integrate with the settled community; applicant has lived at this site for 4 years without any issues;
- The applicant provides help and support, as well as advice on policy making, to both the Gypsy and Traveller community and the settled community;
- Gypsies and Travellers are still facing the worst prejudice of any ethnic minority;
- It is traditional for Gypsy families to live together and support each other;
- It is essential that Gypsy and Traveller children have a secure base to live on from which they can access education; Gypsy children have the lowest educational achievement out of any ethnic group in the UK;
- Gypsy and Traveller children are also the most at risk health group in the UK, according to the British Medical Association;
- A permanent address is essential for accessing adequate health care and follow on services, which are hard to access with no permanent address or living on unauthorised encampments;
- Figures published in the partial review of the RSS indicate a 'need' for 26 new permanent pitches in Taunton Deane by 2013.
- The draft guidance suggests that Taunton Deane's new approach to providing pitches, by recognising that the most efficient way in the current economic climate is to ask Gypsies and Travellers to provide these pitches where possible – this is a sensible approach.

PLANNING POLICIES

CIRC 1/06 - Planning for Gypsy and Traveller Caravan Sites,
PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPS7 - Sustainable Development in Rural Areas,
PPG13 - Transport,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP5 - S&ENP - Landscape Character,
S&ENPP36 - S&ENP - Sites for Gypsies and Travelling People,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EN12 - TDBCLP - Landscape Character Areas,
H14 - TDBCLP - Gypsy and Traveller Sites,
DM2 - TD CORE STRATEGY - DEV,
DM3 - TD CORE STRATEGY GYPSY AND TRAVELLER SELECTION CRITERIA,

DETERMINING ISSUES AND CONSIDERATIONS

The main determining issue revolves around weighing up the outstanding general 'need' for gypsy and traveller sites set against any identified harm or conflict with national and local planning guidance.

Case on behalf of the applicant

The supporting information states that the additional pitches are to meet the demand [or need] from family and friends. Furthermore, the applicant refers to a £100,000 government grant that the Council secured, two years ago, and its failure to identify suitable gypsy and traveller sites in that time. The applicant highlights the need for 26 gypsy and traveller pitches. Moreover, the proposal for this private site will provide an additional 3 pitches without any expense to the Council. The new government guidance requires Taunton Deane to identify a 5 year land supply for gypsy and travellers sites.

Policy

At the national level, Circular 1/2006 'Planning for Gypsy and Traveller Caravan Sites' remains in force and is a material consideration. The guidance is aimed at providing more authorised gypsy and traveller sites so that bona fide gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision. The Circular states, rural settings, where not subject to special planning constraints, are acceptable in principle.

The Government has published a draft Planning Policy Statement on Planning for Traveller Sites (April 2011). This would remove the housing and traveller sites targets as a result of the abolition of regional strategies. It will then be for the Local Planning Authority to determine the right level of site provision in their area [provided they have a robust evidence base], in consultation with the local community. The

guidance also seeks to 'amend policy so that it is consistent with policy on housing provision for the settled community'. Whilst the draft policy statement gives a clear steer of the governments intentions it is currently subject to amendment and therefore, whilst a material consideration, is of limited weight at this stage in proceedings.

It must be noted that future guidance will not, however, absolve the responsibility of Local Authorities to respond to the existing and future accommodation needs of gypsy and travellers. The guidance states that future assessments should reflect historic demand and need as opposed to the top down approach set by the Regional Spatial Strategy.

Need

There is no specific applicant for the proposed pitches or personal circumstances put forward as part of the submission. The assessment must therefore consider whether this site is suitable as a general gypsy and traveller site.

There is a statutory requirement for the Authority to carry out an assessment of Gypsy and Traveller Accommodation (GTAA) provision under Section 225 of the Housing Act 2004, PPS3 – Housing and Circular 01/06. The findings of the GTAA form the evidence base for gypsy and traveller provision within the Borough. The findings of the GTAA supersede the Secretary of States Proposed Changes to the RSS which set provision for 20 residential pitches and 5 transit pitches from 2006-2011. The findings of the GTAA identify the need for 25 residential pitches and 5 transit pitches in the Borough between 2010 and 2015. To date, the Authority has granted 8 new residential pitches in this period. The report also identifies that a further 19 residential pitches will be required for the period 2015-2020 together with an additional 5 transit pitches.

In addressing the identified need, as part of the previously referred to GTAA, the Strategy Unit are working on a 'Small Sites Allocation Development Plan Document' which will look at allocating suitable land for gypsy and traveller pitches. It should be noted, however, that 'need' can not be met solely through the plan-led process since the identified need is to 2015 and the Site Allocations Development Plan Document will not be adopted until post April 2013. There will therefore also be applications for new private pitches, as encouraged by paragraph 12 of Circular 01/06 – in appropriate locations.

Sustainability

The site is located outside of the defined settlement. However Local Plan and Structure Plan policies permit gypsy and traveller sites in rural locations as an exception to the normal strict control of new development. This is re-affirmed at paragraph 54 of Circular 01/06, which states that 'rural settings, where not subject to special planning constraints, are acceptable in principle'. The guidance continues that 'local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services'. This need for the Council to take a more flexible approach to the consideration of the issue was one of those agreed by the Executive in April 2006.

However, both the draft national guidance and the Core Strategy Policy DM3 reaffirm sustainability as an important factor in the location of gypsy and traveller sites.

Accessibility to local services is an important element (though not the only element) of sustainability. It is noted that the site is not within walking distance of facilities or services. The nature of the road, with no footway or lighting, is also not likely to be conducive to pedestrians or cyclists for regular shopping/work/school trips.

Whilst it has to be borne in mind that this site has previously been considered acceptable, it cannot be considered a sustainable location. The original decision took account of the applicant's individual circumstances and 'need'. However, since that point, the personal occupancy tie and a further mobile home has been approved. Notwithstanding the aforementioned, there is clearly no easy access to alternative means of transport, and there would clearly be a fostering in the use of the private car given the distance to services and amenities contrary to national and local plan policy.

Highways

One of the recurring themes raised by both the Parish Council and local residents is the suitability of the road network to accommodate further development from this site - in particular the use of touring caravans. However, the Highway Authority does not raise any formal objection on the technical suitability of either the access or highway to this proposal.

Drainage

It is considered that there is no technical reason why suitable drainage cannot be provided for the proposed additional pitches. As such it is considered that a suitably worded condition could be imposed requiring full details of the foul and surface water drainage regime, prior to any works commencing on site.

Amenity

National and local policy seeks to ensure that gypsy and traveller sites in rural areas do not dominate the nearest settled community. The proposal would increase the number of permanent pitches to five; However, I do not consider that this would be of a scale to be reasonably considered as dominating the local community. Furthermore, I do not consider that the proposal would give rise to any substantiated loss of residential amenity.

Regularising Development

This application also seeks retrospective planning permission for the relocation of the stable block and the provision of a day room. It is considered that both these elements are acceptable and would have no adverse impact upon the visual amenities of the area. As the Authority cannot issue a split decision the applicant is invited to resubmit a revised application for these elements in the event of the application being refused as per the recommendation.

Alternative Proposal

It is considered it would be difficult to substantiate the refusal of replacing the transit site with a permanent pitch, located within the existing defined site area and screening that is in place. However, whilst this alternative proposal has been put to the applicant at this stage the request is to consider the proposal in its entirety.

Character and appearance

The impact of the proposed development on the rural character and appearance of the area needs careful assessment due to its exposed position on rising ground, in particular from the south. The Landscape Officer considers that the visual impact of the development would have a significant adverse impact on the rural character and appearance of the area. In particular the development would be unduly prominent when viewed from nearby footpaths and, to a certain extent, from passengers passing on the nearby railway line.

In addition to this, officer have concern as to the scale (site area) of the development in terms of efficient use of land. The site effectively, including the existing site, measures 80m from the roadside to the rear of the proposed expansion and up to 75m in width. Having regard to the strict control of development in the open countryside, it is considered the proposal constitutes an inefficient use of land, and for this reason alone will have a demonstrable adverse impact on the character and appearance of the area such as to outweigh the need for additional pitches.

Other matters

During the publicity process there have been representations from the public that seek clarification to the applicant's statement that the Borough Council has actively encouraged this application, by writing to the applicant. In response, there are two aspects to this.

Firstly, as part of the Strategic Housing Land Availability Assessment (SHLAA) process the Council's Strategy Unit contacted, as part of the 'call for sites,' all existing gypsy and traveller sites as to whether any land would be suitable for further development.

Secondly, prior to the SHLAA exercise, which sought to identify suitable sites for gypsies, there was an informal Gypsy and Traveller Group (2005 until 2009) tasked with identifying potential sites or increasing provision within the area. Its purpose was to address the need for pitches and so reduce the potential for unauthorised development. The task group went through a process of "trawling" sites from various government and quasi government institutions which was essentially unsuccessful. At the end of 2009 it was agreed to approach existing gypsy sites to see whether there was potential to accommodate any further units on the existing sites. Four sites were visited and assessed for suitability. One of these sites was Altona Park, where following a site visit and an assessment by the previous planning officer the applicant was advised that 'one additional mobile unit and one additional tourer might attract officer support'.

The letter went on to say that any such development would need to be within the existing site and subject to detailed discussion of location. There was also the caveat that the view expressed was an informal view of the planning officer and would not bind the Council were an application to be made.

Conclusion

In conclusion, the development by reason of the site area and prominent location on

sloping land would cause substantial harm to the character and appearance of this rural landscape. In addition poor accessibility to services and amenities for additional pitches would weigh against the suitability of the site. Officers also have concern over the inefficient use of land (given the larger site area,) in a countryside location where development should be strictly controlled. Set against the aforementioned matters, the outstanding general need for gypsy and traveller accommodation should be accorded weight, although no specific personal circumstances have been put forward with this proposal. It is concluded that the harm to the character and appearance of the landscape and sustainability factors outweigh the general need in this instance.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

34/11/0040

MR A KIRKHAM

**ERECTION OF GARAGE WITH ANCILLARY ACCOMMODATION ABOVE, AND
ERECTION OF INDOOR SWIMMING POOL WITH GYM AND CHANGING AREA
IN THE GROUNDS OF STAPLEGROVE HOUSE, STAPLEGROVE (AMENDED
SCHEME OF 34/11/0032)**

Grid Reference: 320926.126356

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal would preserve the character and appearance of the Conservation Area and would not harm either visual nor residential amenity. The setting of the listed building is not harmed. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H17 (Extensions), H18 (Ancillary Accommodation) and EN14 (Conservation Areas), PPS 5 (Planning and Historic Environment) or Section 66 & 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:

(A1) DrNo 003 Rev A Block Plan

(A1) DrNo 005 Rev B Proposals Pool and Garage

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

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

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

4. Prior to commencement of trenching works within the canopy spread of the existing Horse Chestnut tree near the proposed coach house, all trenching works, foundation details and surfacing materials shall be agreed with the Local Planning Authority. Works shall thereafter be carried out in accordance with those agreed details. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

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.

Notes for compliance

PROPOSAL

The proposal comprises the erection of a garage and a building to house an indoor swimming pool.

The proposed garage provides space for two cars, a store and WC on the ground floor while providing ancillary accommodation above the garage. The building will be finished with a natural stone wall on the front elevation with all other elevations in render; a slate roof is proposed and timber doors. An external staircase is proposed on the side of the garage to gain access to the first floor that will be lit by four conservation rooflights.

The other proposed building will house a swimming pool, gym, changing room and plant room. The building has been designed with three components; a higher central building with two smaller wings to both sides. All components have a flat roof parapet with a timber glazed lantern proposed on the roof of the larger central element. The building will be finished in render with timber windows and doors.

This application is a resubmission of a recently withdrawn application for the same proposal. The amended scheme has relocated the garage and the position of the external staircase on the garage.

SITE DESCRIPTION AND HISTORY

Staplegrave House is a large render natural stone house with a hipped slate roof. The house has been divided into two dwellings with the neighbouring property known as Long Meadow House. Staplegrave House has extensive gardens with ample parking; a large area of garden is screened by a high boundary wall (4.3m high).

The house is Grade II listed and lies within the Staplegrave Conservation Area.

Planning history

34/11/0032 - Erection of coach house with garaging and ancillary accommodation and erection of indoor swimming pool with gym and changing area in the grounds of Staplegrove House, Staplegrove. Application withdrawn on 2nd December 2011.

Listed building consent has been granted for internal and external alterations to the house.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

STAPLEGROVE PARISH COUNCIL - Following observations: -

- Amended scheme has partly addressed previous objection and location of garage/coach house has been moved little further away from Long Meadow House.
- However, alteration does not meet approval of owners of Long meadow House and ourselves. Current location of garage will still be overpowering due to proximity to house and block out late afternoon/evening sun.
- All parties would be satisfied if garage/coach house were located a further 5m west and hope developers will accede to this request.

SCC - TRANSPORT DEVELOPMENT GROUP - No objection: -

- Location of proposed garage and swimming pool will not affect already ample vehicle parking and turning area.
- Ancillary accommodation above garage should be tied to main dwelling.
- As swimming pool ancillary and for private use, not likely to result in an increase in vehicle movements.

LANDSCAPE - Following observations: -

- Subject to details of surfacing within the root protection of the Horse Chestnut, and protection of the tree during construction, the proposals are acceptable.

HERITAGE - No objection.

Representations

FOUR LETTERS OF OBJECTION raising the following: -

Swimming pool

- Object to location; adjacent to lane beside the property wall, roof line of building higher than wall and visible from the garden of Wall House.
- Possible noise, particularly on summer evenings, with doors and windows open, spoiling enjoyment of local residents in their garden; noise from plant room.
- Height of pool building would be above northern boundary wall by 93.8cm; There is currently an unobstructed view from kitchen and dining room windows of 1 Staplegrove Cottages; do not want to look at any part of the

- building
- Concern of disposal of swimming pool water on existing old drains, new toilets on old sewers.

Coach House

- Now closer to 1 Staplegrove Cottages; windows above boundary wall will impose into our garden and cottage privacy
- Vista of Staplegrove House from our property will be blocked by very large building.
- The development would spoil, not enhance original design of Grade II listed building; close proximity is not in keeping with immediate area of fine listed building.
- Old coach house 20+ metres away from house.
- No justification for extra accommodation; 2 dwellings refused (34/88/0065 & 64.
- Higher than boundary wall; not in keeping, as large as modern two bedroom house
- Loss of light and privacy; 5 windows on the west elevation of Long Meadow House will look onto the proposed building.
- If moved 15m further back into garden, behind hedge, would be less intrusive and more in keeping with layout of grounds.
- Impact on roots of Horse Chestnut Tree

Other

- No need for parking and turning area when substantial parking already available.
- Concern that there may be an increase in vehicles using private drive; will create unacceptable noise and fumes.
- Concern that new build could be a business premises with leisure facilities for staff.
- Previous applications have been refused by Highway Committee on access of private lane to main highway.
- Object to felling of trees affected by this build.
- Buildings detrimental to back drop of rural and agricultural area.
- Permission would allow more applications to build in the conservation area.
- Concern that Staplegrove House has a right of way over the private lane to rear of the House, if so, lane narrow and difficult for large vehicles to safely manoeuvre; resident children use the lane to play and go to school – health and safety concern.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

H17 - TDBCLP - Extensions to Dwellings,

H18 - TDBCLP - Ancillary Accommodation,

EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,

EN8 - TDBCLP - Trees in and around Settlements,

EN14 - TDBCLP - Conservation Areas,

S&ENPP9 - S&ENP - The Built Historic Environment,

PPS 5 - PPS5 Planning for the Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are impact on visual and residential amenity and the setting of the listed building and conservation area.

Residential amenity

The proposed coach house is sited at the end of the existing drive, near an existing Horse Chestnut Tree. One of the gable ends, with external staircase, of the building will face towards the boundary wall, with the garage door elevation facing towards Long Meadow House. The roof lights on the west elevation face into the garden of Staplegrove House.

The corner of the proposed garage, at the closest point, would be 15.2m from Long Meadow House. The east elevation facing the neighbour contains no windows, only two solid garage doors and a solid door. As such, there is not considered to be any undue overlooking or loss of privacy to the adjoining neighbour. The proposed coach house is not considered to cause any undue loss of light, or considered to be overbearing, on Long Meadow House as the proposed coach house is not sited directly in front of the five windows of the neighbour, but to the side, with the corner of the coach house in line with only one window.

Though the height of the coach house would project higher than the boundary wall, this is not considered detrimental to the amenity of the adjoining neighbouring property. As the gable of the coach house is closest to the boundary, this allows for the minimal amount of building to be visible. Furthermore, the adjoining property is approximately 18m away. Given the proposed rooflights are within the elevation facing into the existing garden of Staplegrove House and the occasional use of the accommodation, the rooflights are not considered to cause any detrimental harm to residential amenity.

As the driveway in front of the side elevation of Long Meadow House is existing; vehicles can drive past and park in front now. Vehicles gaining access to the garages are not considered to cause any further detriment beyond the existing situation.

Whilst the top of the swimming pool building would be visible from certain points, the visual presence of the building would not harm the residential amenity of neighbouring properties.

Any possible noise generated from the swimming pool building is not considered detrimental beyond the use of the existing garden during the summer. Furthermore, enclosing the swimming pool within a building is considered to help reduce any noise from the users.

Visual amenity/Conservation Area

Only part of the timber glazed lantern on top of the swimming pool building would be visible above the existing boundary wall; this itself would have limited views from the adjoining road, the A358 and the private lane leading to the neighbouring properties.

The proposed coach house is set back further into the site, with tree planting screening the building. As such, the coach house would have limited or no views from the A358 and would only be partially visible to the adjoining neighbouring properties.

Regard must also be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that development proposals must be assessed to ensure that they preserve or enhance the character and appearance of the conservation area. There will not be any detrimental impact of views to and from the Conservation Area as the works are not visible, or are limited views to which are not detrimental.

Listed Building

The Conservation Officer has not raised an objection to the introduction of a new coach house, and the swimming pool building is set far enough away from the listed house as not to harm the setting of the listed building.

The swimming pool building has been designed to reflect an orangery, with the large timber glazed lantern and the coach house is of a simple traditional pitched roof design. The materials of both buildings have tried to reflect the main house.

As such, regard must be given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that development proposals must be assessed to ensure that they preserve the listed building, its setting or any features of special architectural or historic interest which it possess. The application is not considered to adversely affect the character and appearance of the listed building nor harm the historic fabric of the building.

The proposal is also considered to comply with PPS 5 (Planning for the Historic Environment) Development Management Policies HE7 and HE9.

Other Matters

The proposed coach house has been moved further away from the canopy of the Horse Chestnut Tree and the application raises no objection from the Landscape Officer. A condition will be attached to confirm the surface treatment within the Root Protection Area (RPA).

The proposed buildings are indicated to be accessed from the main driveway via the A358. The proposal has not included the use of a private lane that the owners may/may not have access over. If the owners/occupiers had a right of way over the private lane, the use would not be considered to be any greater than the existing dwelling. As such, no objection to the use of the private lane would have been raised.

There is no reason to suspect a business use is proposed. If such a business use was to take place an application would be requested and assessed.

New buildings are allowed within a conservation area, having regard to Section 72 (as mentioned above).

Conclusion

The new buildings are in keeping with character and appearance of the dwelling and are not considered to harm the listed building. There will be no overlooking/loss of light to neighbouring properties and the proposals would have limited views from the public. As such, there is no harm to visual or residential amenity, or the Conservation area.

With regard to these matters, the proposal is considered to be acceptable and it is, therefore, recommended that 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 D Addicott Tel: 01823 356463

38/11/0670

MR P OSBORNE

ERECTION OF SINGLE DETACHED DWELLING WITH ON SITE PARKING AT 58 GREENWAY AVENUE, TAUNTON (AMENDED SCHEME TO 38/11/0145)

Grid Reference: 322410.125677

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is 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 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

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 0511-01 location plan
(A4) DrNo 0511-02 site plan
(A1) DrNo 0511-03 Rev C proposed floor plans and site layout plan
(A1) DrNo 0511-04 Rev D proposed elevations and typical section
(A1) DrNo 0511-05 Rev C proposed street views

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

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

accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

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

4. 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, alterations, additional windows or dormer windows other than those expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent over-development in an area of housing at high density and to prevent overpowering impact on or overlooking to neighbours in accordance with Policy S1(D) and S1(E) of the Taunton Deane Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the **bathroom** window to be installed in the northern elevation of the dwelling shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

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

6. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

7. The proposed access (or drive) shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m. Such visibility shall be provided before the development is brought into use and shall be maintained at all times.

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

8. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 17m away from that point. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

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

Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office, Burton Place, Taunton, Tel Num 0845 3459155. Application for such a permit should be made at least four weeks before access works are intended to commence.
2. According to Wessex Water records, there is a public combined sewer crossing to the site. Wessex Water requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. There should be no planting within 6 metres of the sewer. The developer is required to protect the integrity of Wessex systems and must agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.
3. New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page at www.wessexwater.co.uk/developerservices. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

PROPOSAL

The proposal is to construct a detached dwelling in the former garden of No 58 Greenway. The rear garden of no 58 has been reduced to approx 1.5m in length, however there is a side garden as the property is an end terrace and its garden does splay towards the application site. The proposed dwelling will have three bedrooms, two facing Raymond Street, one facing Maxwell Street, with bathroom having obscured glass facing north. The ground floor comprises kitchen/diner, living room and a covered parking space within the building envelope. There is a garden space to the north of the property, and it is possible to drive under through the front car parking space into part of the garden. Cycle and bin storage is located in a timber

shed in the rear garden. The original proposal was for a part brick part rendered property with slated roof. This has been amended to brickwork only. The proposal has been orientated to overcome overlooking issues.

In relation to the former garage to No 58, the applicant confirms that whilst the garage building is no longer in the ownership of No 58 Greenway Avenue, it continues to be available as a garage / parking for either No 58, the possible new dwelling or by any other local residence by separate negotiation.

SITE DESCRIPTION AND HISTORY

The site, which is at the junction of Raymond Street and Maxwell Street, fronts Maxwell Street and is adjacent to a former garage building, which now appears to be a storage building. The other garages to properties in this section of Greenway Avenue have vehicular access to Raymond Street. The immediate area is largely characterised by terraced properties. The site is within the developed area of Taunton within walking distance of the town centre where the County Highway Authority has in the past considered a 'no car parking space' policy acceptable.

History

38/11/0145 erection of a pair of semi-detached dwellings, refused 29/06/11 on basis of the lack of parking for the two proposed properties, the overlooking to neighbours and the size and scale of the development on the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development is situated within a residential area of Taunton within development limits therefore the principle of development is acceptable in this location.

This site is located to the rear of 58 Greenway Avenue, however, access to the proposed dwelling is gained off of Raymond Street a designated unclassified highway, to which a 30mph speed limit applies. It was noted from my site visit that vehicle speeds are reduced along this section of highway given the abundance of vehicles parked on the public highway.

Historically the Highway Authority commented on planning application 38/11/0145 which was received on the 9th May 2011 and responded to on the 31st May 2011. It sought the erection of two semi detached dwellings, to which the Highway Authority recommended refusal due to the proposed development being likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users and that the development would result in the loss of vehicle parking facilities and would, therefore, encourage parking on the highway.

In detail, the new application seeks to erect a single detached dwelling with on site parking. Having made a site visit and studied the drawings accompanying the submitted application the proposal will only provide one vehicle parking space. The proposal shows one allocated vehicle parking space for the proposed property. Taking into account of the Local Transport Plan – Countywide Parking Strategy, the property should be providing two vehicle

parking spaces for this unit of this size.

However, given the proximity to the town centre a 50% reduction in parking can be applied, which would mean that the property must provide one parking space as a minimum. The Highway Authority is satisfied that one vehicle space for the property as shown on Drawing No. 0511_03 is acceptable.

Additionally it is noted that drawing No. 0511_03 seeks to provide extended dropped kerbing to allow a vehicle to safely enter and exit the parking space/highway. The Highway Authority would like to make the applicant aware that the appropriate licences need to be obtained from the Taunton Deane Area Highways Office for the installation of dropped kerbing along Raymond Street.

Whilst on site I observed that there was an abundance of vehicles parked along the highway, I would estimate that typical vehicle speeds are approximately 15mph. Therefore, in this case visibility splays of 2.4m x 17m to the nearside carriageway edge, with no obstruction to visibility greater than 900mm, to either side of the accesses should be provided as stated in the Manual for Streets. This will allow vehicles emerging from the access a clear line of site in both directions. The proposed accesses shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m. These visibility splays should be maintained at all times.

Taking into account the above information I raise no objection to this proposal and if planning permission were to be granted I would require conditions.

WESSEX WATER - there is a combined sewer crossing the site.

Representations

Six letters of objection

Repeat previous comments raised to the two dwellings;
Previous objections still apply in respect of traffic congestion and loss of parking;

Traffic/Parking/Access

- There are already serious parking problems;
- One more property will make the parking situation worse;
- Existing residents frequently cannot find parking spaces;
- Most properties will have two cars, there is no room for additional cars or visitor parking;
- There has already been road rage;
- Possible impact on access for emergency services;
- Cars are parked at dangerous locations such as street corners;
- This is already a free car park, there should be parking permits;
- The entrance to the garage is too close to the junction;
- No 58 has already lost its parking;
- The property will become a house in multiple occupation and may have three cars;
- Danger to children walking to primary school during construction;
- Children going to the open space from the primary school will be in danger from the additional coming and goings;

Character/Amenity

- External cladding and render is inappropriate to an Edwardian brick environment;
- overdevelopment;
- Detrimental impact on the community;
- Overlooking to front of property;
- Loss of privacy to Maxwell Street and Greenway Avenue properties;
- Loss of value of property;
- The new building will be out of character with the area;
- This is cheap design without the detail of existing houses;

Other

- Profit motive, the only benefit being to the owner of No 58;
- Issues when contractors/builders attend the site;
- If approved, this will be a precedent.

PLANNING POLICIES

PPS3 - Housing,

T1 - TDBCLP - Extent of Taunton,

STR2 - Towns,

STR4 - Development in Towns,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

Principle of Development

The site is located in Taunton, within easy reach of the railway station, schools and the town centre. It is within the developed area and in a sustainable location in PPS3 terms. The site is within a residential area, and thus residential use of the site is generally appropriate. There are various impacts to be assessed in order to consider whether this proposal is acceptable for this site.

Traffic, Access and Parking

The objectors cite a number of issues, summarised above. Traffic/access/parking issues predominate. There is an issue of existing on street parking in the area. This area is outside the residents' parking permit area, and thus anyone can park in the residential streets around the site, and whilst it is within reach of the town centre, it is an area where many people have cars. As there are hardly any properties with off street parking, there is significant pressure for on street parking in the area. This can cause people to park in awkward or 'dangerous' positions, however the Local Planning Authority cannot ensure that such situations do not occur. In older established areas such as this, there will often be insufficient parking space for all those who have cars. Those properties which do have rear access/garages, do not always use the space for parking purposes.

The proposal excludes the double length garage which was formerly part of the garden and curtilage of No 58 Greenway, this was considered capable of garaging two cars, but the garage door has been removed and two personnel doors been inserted. This is not part of the application site and work appears to have been

carried out prior to the submission of this application, and can be carried out as permitted development. According to the applicant, this building is still capable of providing parking.

The proposal includes one parking space shown with the possibility of a parking space within the garden area. This meets the County Highway Authority standards as having a 50% reduction in this location. With low traffic speeds in the area, visibility standards can be reduced. So whilst County Highway Authority is aware of the pressure of on-street parking in the area, the site is in such location that parking standards can be reduced.

There have been many applications in this part of Taunton where developments have been granted permission with no parking spaces provided or a reduced standard. There have also been appeal decisions which have identified this part of Taunton being suitable as no car developments. However, such 'no-car' schemes are based on accessibility of public transport and ability to walk/use cycles, and not based on legal agreements not to have or use a car.

Residential Amenity

Overlooking across roads is not considered to be an issue as this is a commonplace occurrence. There is a distance of approx. 11m to the rear garden of no 57 Greenway Avenue. Such situation is considered to be acceptable given the distance in between a bedroom window and the boundary wall of No 57. There is a distance of approx. 14m between this bedroom window and the nearest frontage in Maxwell Street. This distance is considered acceptable. It is not considered that there will be any overlooking to 27 Maxwell Street, to the south of the site from the upper floor bedroom windows. This again is on the opposite of the road at a distance of approx. 14m at the nearest point, and No 27 has a high boundary wall fronting Raymond Street. There will be no overlooking to the north, there only being a bathroom window with obscure glass. There are no upper floor windows facing east.

Noise and disruption from construction is always inevitable and is not considered to be of sufficient weight to warrant refusal as it will be temporary in nature. Affect on property prices is not planning matter. It is not considered that a precedent would be made if this site were to be developed as each application is treated on its own merits.

Character

The character of the area is dominated by 'traditional' Victorian terraces, although there are newer properties in Rupert Street to the south of Maxwell Street. Whilst the erection of a detached property may appear out of character, such buildings are sometime erected in the original layouts where space permitted. The overall design does reflect the general characteristics of these older properties. The submitted design of half render and half brick has been amended to all brickwork. This is more acceptable, as the predominance of the area is brickwork, although some properties have had render applied over brick work. The property will not have the same brick detailing as a traditional Victorian or Edwardian terrace, but it is a modern property and this is not a Conservation Area or adjacent to a Listed Building, and is considered to be acceptable. The proposal is not considered to be overdevelopment, as the proposal has both parking space and garden area.

Conclusion

In conclusion, the earlier scheme was unacceptable given the lack of parking for the two proposed properties, the overlooking to neighbours and the size and scale of the development on the site. The current proposal, as amended, however is considered to be acceptable. Whilst it is acknowledged that there is an on-street parking issue in this area, following Government advice to have sustainable developments in appropriate locations, the addition of one dwelling is not considered to exacerbate this situation to such an extent that would warrant refusal. There is parking for the proposed dwelling, there is no overlooking to neighbours, the design is acceptable, whilst being modern it is appropriate to the area, and the overall development will be satisfactory and meets the Local Planning Authority's standards.

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

CONTACT OFFICER: Ms K Marlow Tel: 01823 356460

MENDIP ESTATES LTD

ERECTION OF 84 NO. DWELLINGS AND ASSOCIATED WORKS AS ENABLING DEVELOPMENT IN CONNECTION WITH THE REPAIR AND RESTORATION OF LISTED BUILDINGS AT TONE MILL, MILVERTON ROAD, TONEDALE, WELLINGTON

Grid Reference: 312621.121791

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The application has required an amendment to the red line to incorporate a small area of land that is currently unregistered, in respect of the emergency access. The applicant has served a public notice which expires on the 15th February 2012.

Subject to no further representations being received in respect of the above, and resolution of the following matters:

- Schedule of Works [in respect of works to secure the external envelope of the Tone Works Mill buildings and the restoration/conversion works] to reflect the requirements of the Heritage Lead and English Heritage;
- Officers' and English Heritage being satisfied that the development viability for the enabling development and schedule of works is robust;
- Resolution of technical highway matters for the access and estate road layout where considered reasonable and necessary;
- Submission of a safety audit to be agreed with the Highway Authority and the Council's Contingency Planner - to demonstrate that a safe alternative emergency access and egress can be delivered and made available in perpetuity;
- Submission of further information and plans to demonstrate how the flood storage areas can be constructed and maintained satisfactorily to address the Environment Agency and Drainage Officer's concerns;
- The applicant has revised the red line at the point where the emergency access connects with the site. As this land is not registered a press advert has been placed on 25/01/12. This provides 21 days for any person to make comment with an interest in the land.
- Resolution of responsibilities for the long term maintenance and management of the flood relief channel, compensatory storage areas, and, ancillary infrastructure leading to the withdrawal of the Environment Agency and Highway Authority's holding objection;

- Imposition of additional planning conditions considered necessary in response to further information or technical responses received by consultees.
- No adverse impacts as a result of the above.

and the applicants entering into a legal agreement to secure:

1. Schedule of Works [including a timetable for the works to be completed] to the Heritage Asset - to be agreed with English Heritage and Heritage Lead;
2. Prior to the commencement of development the 'enabling monies' in the form of (i) Heritage Asset Contribution of £780,000 and (ii) Heritage Land Owner's Subsidy of £800,000 shall be paid and made available to draw down funds to carry out the agreed Schedule of Works;
3. An application shall be submitted for heritage grant funding as part of the conservation repairs works within an agreed timescale;
4. Submission of a business plan for the repair and re-use of the remaining elements of the heritage land within an agreed timescale;
5. Alterations to Lowmoor Road and its junction with Milverton Road being brought up to adoptable standard;
6. Provision of a new pedestrian and cycle link and upgrade of existing links to provide an offsite cycleway and pedestrian route from the site to Crosslands;
7. Prior to the occupation of the first residential unit an appropriate emergency pedestrian and vehicular access shall be provided. The emergency vehicular access shall be solely for the emergency services, in the event that Lowmoor is flooded; Such access shall thereafter be maintained in perpetuity for such purposes;
8. Provision of a new bus stop on Milverton Road to serve the development;
9. Securing an agreed Green Travel Plan for the development, this shall be supported by a schedule containing a full range of measures to assist with sustainable travel;
10. A management company shall be set up. The management company shall be limited by guarantee and procure that each freehold interest has a requirement that each transferee shall be apply for Membership of and in the Management Company.

The management company shall be solely responsible for the ongoing management and maintenance of the following [and identified on a plan], of which the specifications shall first be agreed in writing and by the Council:

- Highways - Lowmoor road and estate roads being maintained to adoptable standard;
- Flood relief channel, compensatory storage areas; and, ancillary infrastructure works (flood channel wall etc) be secured for their dedicated use [to be agreed with the Environment Agency], and

- maintained thereafter as such in perpetuity;
 - Specifications of the play equipment to be agreed with the Council, together with its long term management and maintenance;
 - Open space, planting and common areas to be managed in accordance with a maintenance schedule;
11. Adoption by the Highway Authority of the stone flood wall between the highway and flood channel to sustain the highway;
 12. Prior to the occupation of the first residential unit the flood mitigation strategy [once approved by the Council in conjunction with the Environment Agency] shall be fully implemented and capable of taking effect;
 13. Listed Building and Planning Permission being granted, (reference 43/11/0116 & 017LB and 43/11/0121 (or equivalent if withdrawn)) for the flood mitigation, restoration and adaption works to Tone Mill. This is to ensure that their impact on the Listed Buildings is fully considered.
 14. No development shall commence on the residential development until a Natural England license has been obtained for works to the remainder of the Tone Mill Buildings – see above [excluded from the current EPS license that has been obtained] unless any variation is agreed in writing by the Local Planning Authority.

Note for points 13 + 14: For the purposes of commencement this shall not include the demolition of existing structures, ground clearance, decontamination works, ecological translation works, archaeological survey and preservation work involving the diversion of services, site or soil investigations, the erection of hoardings or fences or other security measures the laying out of roads and the formation of a storage compound shall not be regarded as material operations.

The Growth and Development Manager be authorised in consultation with the Chair to grant condition Planning Permission.

In the event that no resolution can be agreed within 6 months [or extended with the authorisation of the Chair should a decision be pending] the application be referred back to Planning Committee.

REASON FOR APPROVAL

The proposed residential development will achieve important conservation works to secure the physical structure and restoration works to Tone Works, a grade II and II*, nationally important heritage asset. The physical repairs to the Mill and adaption measures would focus on and facilitate the long term viable re-use of these Mill buildings, with the greatest heritage value, for economic purposes. The impact on the setting of the listing building is considered to be acceptable having regard to the previous and potential alternative uses of that land. The heritage benefits are considered to be significant and represent an important public benefit that outweighs any identified conflict with planning policy. The scheme would give rise to

conservation-led regeneration that would provide important economic, social and cultural benefits. The proposed residential development provides an acceptable layout and design, drawing upon locally distinctive materials within the scheme. The proposed flood mitigation measures are considered acceptable.

RECOMMENDED CONDITION(S) (if applicable)

The following is a list of conditions that are expected to be imposed in the event that planning permission is granted:

- Time Limit
- Schedule of Plans
- Details/Samples of Materials
- Details/Samples of retaining wall
- Boundary Treatments
- Landscaping
- Hard Landscaping
- Contamination
- Noise Mitigation measures to Plots 19, 26-28, and 55-69
- Environment Agency / Drainage Conditions
- Highway Conditions
- Wildlife Management Plan
- Archaeology / Watching Brief
- Nynehead Parkland – Monitoring Condition
- Recording of Buildings on Grease works site

Notes for compliance

PROPOSAL

Planning permission is sought for the erection of 84 dwellings and associated highway works, to the east of Milverton Road, Wellington. The function of the proposal is to facilitate through residential development' to secure [in part] the external envelope and restoration works to the Tone Works. The Mill [an extensive cloth-finishing works] comprises a mixture of grade II and II* listed buildings of 'national significance' as identified by English Heritage. Significantly, the Mill retains, to a large extent, the traditional machinery and processes in situ, and provides a unique insight into the industrial past of this heritage asset. The application site is referred to as the 'Grease Works and is intrinsically linked historically to the processes carried out at Tone Mill.

Access into the application site would be gained from the Lowmoor Industrial Estate service road, which is currently unadopted. The submission identifies this road being brought up to adoptable standards. The proposal also includes an emergency access in the south east corner of the site. This would join an existing right of way [track] that connects the site via the industrial estate to Milverton Road. This would

solely serve as a secondary emergency access, controlled by collapsible bollards, for emergency vehicles in the event of a flood event. Provision is proposed for new and upgraded links from the site through to Crosslands, as an alternative to Milverton Road which is poorly served by footways.

The residential development would comprise a mixture of 2, 3 and 4 bedroom properties. The design of the dwellings, amended through the pre-application and applications processes feature traditional and simple façades drawing upon locally distinct vernacular materials. The proposed materials are generally brick or render under a slate roof. Due to existing and proposed changes in levels, the development would be up to 2.0m higher than Milverton Road and the impact of this requires careful consideration. The plans indicate the provision of a brick retaining wall with railings forming the frontage of the development. The dwellings will, however, be set back from the road due to the provision of an 8.0m wide flood relief channel and buffer area.

The scheme incorporates provision of formal and informal open space with children's play provision incorporated into the street scene. As referred to previously, the proposal also provides pedestrian links to provide access to nearby local play facilities at Tonedale Play Area, managed by the Town Council.

The site is currently designated as Flood Zone 3 – High Risk. The proposal therefore incorporates comprehensive on and off-site flood alleviation works. These works include raising the ground level by approximately 1.0 to 1.5m. In addition, the proposal includes the provision of a flood relief channel and compensatory storage areas, which will necessitate earth works and re-profiling of agricultural land to provide the additional storage capacity.

The application is accompanied by a Design & Access Statement (including update); Flood Risk Assessment; Planning Statement; Viability Report, Schedule & Costing of Works to the Listed Buildings; Environmental & Ecological Report; Contamination & Geotechnical Report; Noise Report; Transport Assessment; Travel Plan and, Statement of Community Involvement.

PLANNING HISTORY & BACKGROUND TO THE PROPOSAL

Over several years, considerable time and effort has been invested by the development team comprised of council officers, and a broad range of stakeholders. The objective has been to bring forward 'heritage led regeneration' in the form of a feasible and viable scheme that would facilitate the restoration of Tone Works Mill, whilst giving due regard to the planning constraints facing the site.

A previous attempt to bring forward the re-development of the site was a comprehensive proposal in 2007, reference 43/07/0059 (& 060LB), for a mixed use development. The scheme comprised:

The erection of 140 dwellings, in two sectors, either side of Milverton Road; new industrial units in the south east sector of the site; flood mitigation works; restoration and conversion of the Mill Buildings; renewable energy centre; creative industry/craft quarter; museum; café and bar.

The specific flood modelling for the site, however, identified that the western side of Milverton Road [the mill complex] was located within Flood Zone 3 (b) – functional

flood plain. This put a block on residential development to the west of Milverton Road due to the high risk of flooding. The viability of the wider project therefore needed to be re-visited. The costs of undertaking the restoration of the buildings are considerable, together with other constraints affecting the site such as flooding, significant ground contamination and asbestos within some of the buildings.

The historical significance of Tone Works and agreement on its value is firmly established, but their future remains far from secure unless a sympathetic and economically viable use for the site can be achieved. Tone Works Trust, a charitable building preservation trust, supported by the Princess Regeneration Trust (PRT) and English Heritage, took an active role in instigating a heritage-led regeneration of the site. The PRT considers the site to be of European Significance. The feasibility of the project, in the form of both the physical repairs and adaption of the Mill were, provisionally, assessed. The initial proposal required a 'dowry', provided as part of the residential enabling development, and the ability of the Trust to draw down sources of heritage funding that they could bid for. Unfortunately, whilst the efforts of the Tone Works Trust have been 'invaluable' to the process, they have been hampered by both resourcing and the timescales involved in securing the funding to take the project further.

In order to progress matters, Mendip Estates are now seeking to bring forward the scheme. The proposal focuses on the sectors of the site with the highest heritage value. This approach is supported by both the Council's Heritage Lead Di Hartnell and English Heritage. The aim is to bring back Fox Bros, who traditionally were the long standing operator of the Works. This would facilitate the long term security of the buildings for their original intended use. The application is accompanied by a Schedule of Works; further deliberations are ongoing and the agreed schedule will be secured by legal agreement.

In order to demonstrate that the principle of the proposed adaption works to the Mill buildings are acceptable and can be achieved, separate planning and listed building application(s) have been submitted, reference 43/11/0121, 43/11/0116 & 0117LB. These applications relate to demolition works, raising of the floor to the Dye House, adaption and conversion works, including a new roof to the Dye House, new internal vehicular access, and an internal block wall to the drying shed as part of the flood alleviation mitigation.

Significance and history of the Mill

Tone Works is the cloth-finishing part of Tonedale Mill, which, at the time of its listing in 2000, was one of the best-preserved historic textile manufacturing complexes in England. Fox Brothers and Co. were still continuing to use the works to dye and finish the woollen and worsted cloths woven at the company's mills using traditional machinery until late 1990. When the Works finally closed, a consequence of its long working life was the exceptionally good preservation of buildings and mechanical features. These included a complete set of traditional dyeing and finishing machinery, an extensive process-water system, intact late 19th Century line shafting and most of the water, steam and early DC electric power systems.

The site has a complex layout comprising a large number of attached and detached one and two-storey buildings. These include a wide variety of plan types and roof structures which reflect the developing range of functions carried out at the works.

Modifications to the course of the River Tone have influenced the development complex, which included the construction of a series of reservoirs and settling ponds to the west of the site. Ample water supplies are an important requirement for textile finishing sites, and this was probably the main reason for locating the works some distance from the manufacturing site at Tonedale Mills.

The complex of buildings is now derelict and in an increasingly perilous condition [the machinery and parts have also been prone to burglaries]. This application therefore seeks to reverse this situation and bring forward heritage led regeneration to secure the asset.

SITE DESCRIPTION

The application site lies on the eastern side of Milverton Road located on the northern fringes of Wellington, within the defined settlement limits. The site comprises previously development land and its appearance is of overgrown land, formerly associated with Tone Works. The site is heavily contaminated and remedial measures are required. The existing buildings on the site are not listed, in a poor state, and are earmarked for demolition.

Part of the southern sector of the site is allocated as an employment site - Policy W6 (Milverton Road Employment Allocation). The site is bounded by industrial development to the north and south. To the west is Tone Works Mill and further to the east of the site is the Wessex Water Treatment Works.

The River Tone is located to the north, and proposed compensatory storage areas are identified to the north east of the site. Part of the flood mitigation strategy falls within the designated Gardens of Special Historic Interest (Policy EN20) at Nynehead Court.

CONSULTATION AND REPRESENTATION RESPONSES

TOWN COUNCIL – Supports the granting of permission subject to no adverse impacts from the Environment Agency regarding flooding and the Highway Authority regarding transport links.

ECONOMIC DEVELOPMENT – Supports the application.

ENGLISH HERITAGE – Comments as follows:

Summary - Tone Works is the cloth-finishing part of Tonedale Mill, which, at the time of its listing in 2000, was one of the best-preserved historic textile manufacturing complexes in England. Its significance derives from the longevity of the original use persisting on the two sites from the late eighteenth century to the late twentieth century in the same family ownership, and from the full extent of textile manufacturing processes that are represented in an astonishing range of buildings and engineered water works.

Unfortunately, however, since the cessation of cloth production on site in the late

1990s the condition of buildings – some of which were already starting to fall into disrepair – has seriously deteriorated. Tone Works, in particular, has been subject to repeated break-in attempts and theft of metalwork which have started to erode the significance of the site. Whilst English Heritage has grant-aided Taunton Deane Council in undertaking urgent protection works to the buildings, the complex form of the roofs and presence of extensive asbestos contamination within certain buildings make their ongoing temporary protection very problematic.

Since the vacation of the buildings by Fox Bros. and the listing of the majority of them at grade II*, English Heritage has been trying to safeguard their future preservation. However, it quickly became evident that due to the physical constraints of the overall site and individual buildings and the costs of repair, their comprehensive restoration and reuse would not prove commercially viable. It would therefore be necessary for such scheme to be subsidised either by an ‘enabling’ form of development or by public funds. The site itself offers very limited opportunities for development since it is situated in functional floodplain land and two applications for residential development to the south of the principle listed buildings have failed.

A long-term objective of setting up a dedicate building preservation trust to save the site with public funding, which was heavily supported by the Prince’s Regeneration Trust, has made some progress towards establishing its eligibility for heritage lottery funding. However, due to the complexities of the project and the lead-in time needed to make the necessary funding applications it has not come to fruition so far, meanwhile the buildings continue to deteriorate. The degree of risk now faced by Tone Works and its significance to the industrial heritage means that it has been identified by English Heritage as one of our top ten most important heritage at risk sites within SW England, which makes finding a solution for it one of our highest regional priorities.

Listed industrial buildings are more at risk than almost any other kind of heritage, according to a major research project recently carried out by English Heritage. 10.6% of industrial grade 1 and II* listed buildings are at risk, making industrial buildings over three times more likely to be at risk than the national average for grade I and II* listed buildings. The average estimated conservation deficit (cost of repair in excess of end value of industrial buildings at risk is twice that of non-industrial buildings at risk. Resolving the very uncertain future of industrial sites which are on our Heritage at Risk Register is now one of the highest priorities for English Heritage and it can require the intensive application of both financial and staff resources to achieve lasting solutions. The problems facing such sites can be particularly intractable and often include high flood risk, extensive contamination and very constrained locations in addition to complex repair problems and the limited adaptability of individual buildings to economic uses. Finding an instant or ‘once and for all’ solution is a therefore rare occurrence with such sites and our experience nationally suggests that that it is often necessary to accept phased solutions, sometimes stretching over a number of years, as a more realistic delivery mechanism.

Therefore, the development of an adjacent site in the same ownership, which is likely to be developed at some point in the future anyway but which in this current scheme can be linked to the heritage site and provide a cross subsidy for it, is a crucial opportunity to secure pump-priming funds. These could act as a catalyst to achieving the long-term reuse and repair of the listed buildings whilst bringing significant

immediate benefits to the site. Should this opportunity not be taken, the prospects for Tone Works are very poor since a solution for it would be completely reliant on public funding at a time when competition is intense for dwindling resources. This could add years to the project coming to fruition and in the interim the buildings would remain highly vulnerable to unauthorised access and criminal damage and it is questionable whether all of them would survive.

Advice - This application (along with parallel planning and listed building applications for the Mill site itself) represents the culmination of several years' discussion, during which period a considerable amount of local authority and English Heritage staff time has been expended on trying to identify the most viable and deliverable solution for Tone Works. Whilst we would not define it as enabling development in the strictest sense of the term, this scheme could perform an essential facilitating role in securing the regeneration of Tone Works in a wider sense than the simple repair of listed buildings, since it could also enable the return of cloth production to its original premises, which would be a major step forward in providing it with a sustainable future.

To achieve that benefit, however, it will be necessary for a robust Section 106 Agreement to be produced as part of this application in order to 'ring fence' the heritage bond, provided by the development for expenditure only on agreed works to the listed buildings. That money should be safeguarded in the control of the local planning authority in the event of failure by the owner to deliver the agreed works, and a strict timescale should also be set for completion of the repairs and the conversion works. We are happy to continue our dialogue with the Council on the finalisation of this agreement.

English Heritage has looked at the costs and viability information provided in support of this application. We have not undertaken the full development appraisal analysis which would be required in a formal enabling development case, and our expertise has been applied specifically to the development costings, rather than sales revenue and valuations – on which we have previously advised the Council to seek its own valuation advice. However, in terms of the research we have done on the costings, we are satisfied that the constraints of developing the Greaseworks site are considerable and result in a very modest profit which caps the available funds for the listed buildings.

Although the sum of money provided will not be sufficient to complete the comprehensive repair of Tone Works in addition to the conversion of the dyeworks, it will achieve the refurbishment and economic reuse of a significant part of the heritage site and secure holding repairs to the areas which remain disused. Not only will the dyeworks element be completely refurbished and brought up to modern industrial standards, but the site will acquire a purpose which makes it much more likely to attract future investment and also to deter unwanted attention of vandals and thieves. In the meantime, elements of the building which are not in economic use will have holding repairs undertaken to arrest their deterioration and we are entering into discussions with the owner about the possibility of grant aid from English Heritage being provided to augment the remaining repair funds in the heritage bond.

Furthermore, for those areas of the building which are not fully repaired and brought into use in this first phase, there may still be a potential trust-based solution, of a more manageable size and achievable timescale, which could yet attract heritage funding and also provide a degree of public access and interpretation for the site.

The Council should consider how the S106 could assist in achieving that aspiration by setting a timescale for the owner to produce a business plan for bringing the remaining areas of the site into good repair and use.

In terms of the design of the scheme itself, it does not appear out of keeping with the general character of traditional housing in this part of Wellington, most of which was built to house the workers at Tonedale Mill. We have left the detailed design discussions to the Council's Conservation Officer, but given the constraints of the site and the former industrial development that occupied it, we do not consider that it would have a significant adverse impact on the setting of Tone Works although it will change its context. One aspect of the scheme which has received some adverse comment relates to the effect of the flood compensation works on an area of land to the north east of the site which forms part of the grade II* registered landscape of Nynehead Court. I have discussed this with our Landscape Architect and whilst he shares those concerns he advises that the area in question, whilst historically once part of Nynehead Park, it now presents the appearance of ordinary agricultural land rather than parkland. Ideally, he would wish to see some compensatory benefit such as tree planting to offset the impact of the engineering works on the land but he recognises the wider heritage benefits which this scheme is endeavouring to achieve and agrees that they would take precedence should that not be possible.

Recommendation - This site, like many brownfield sites, is undoubtedly a complex one to develop and there are several adverse factors which conspire against its residential development, not least of which is the flood category that it falls into. In seeking to overcome or mitigate those issues, the developer has already made a major investment in the site and shown commitment not just to facilitating the future repair and reuse of the listed buildings but to regenerating a historic area and making it an asset to the town as a whole. Without the subsidy provided by this development, the immediate future of Tone Works appears very bleak. Although a heritage grant solution might ultimately be forthcoming to repair the buildings, which might not be achievable within the next few years, by which time the opportunity to restore it to its original use is likely to have passed and some of the buildings may have gone beyond the point of economic repair.

We therefore urge the Council to give due regard to the need to preserve a nationally important and highly vulnerable heritage asset in its considerations of this application. Through its approval, with the necessary legal safeguards, the declining fortunes of Tone Works can be reversed and a restoration set in train which ultimately may not just save an important part of the nation's heritage but also bring wider economic benefits to Wellington as a whole.

HERITAGE LEAD - The revised designs, take on board my earlier comments. The cross section across Milverton Road, suggests that there would not be any undue detriment to the setting of the Tone Works site. I therefore support the scheme in principle.

ARCHAEOLOGY – The proposal will impact on historic industrial buildings therefore building recording and archaeological monitoring should be required by condition.

SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY (SIAS) – comments as

follows:

The SIAS have been involved for over a decade in trying to ensure that the various proposals for Fox Bros. sites in Wellington respect and conserve their considerable historical importance but are viable enough to come to fruition. The current planning application for the 'Greaseworks' site is part of that process.

SIAS accepts the principle of enabling development and welcomes the stated aim of the development to release funds for the sympathetic development of the listed Tone Mills Wet Works on the other side of Milverton Road. We do, however, have the following comments:

The Section 106 agreement must be completely watertight and rigorously enforced to ensure that all of the funds released by the development are, in fact, used for the Wet Works site.

We appreciate that in the current economic climate it is difficult to predict firm timescales for any development but we have not seen any overall programme that covers both sites. This is particularly important given the ongoing deterioration of the Wet Works site.

Whilst the remaining buildings on the 'Greaseworks' site do not have the historical and archaeological importance of those on the other Fox Bros. sites, they are not completely lacking in significance having been in existence since the early 1850s. We would, therefore, like to see a planning condition requiring full recording of buildings and structures before work commences and also a watching archaeological brief during construction.

HIGHWAY AUTHORITY – comments as follows:

The site is located approximately 1.5 km north west of Wellington Town Centre. It is a previously developed site and is accessed currently from Lowmoor Road which is a privately owned Cul-de-Sac.

The site lies within the development boundary of Wellington as defined in the Taunton Deane Local Plan and is therefore I understand deemed a suitable location for residential development.

The main concerns for the Highway Authority are set out below:-

- Is the local highway network suitable to deal with the traffic generated by the proposed development?
- Is the site in such a location where the sustainable transport options are readily available?
- Are the access arrangements acceptable bearing in mind flooding and drainage issues.
- Is the proposed internal highway network acceptable.

Highway Network - The Local Highway Network as a whole has sufficient capacity to accept the traffic generated by the development. There is, however, some junctions, particularly in the Town Centre and at Longforth Road, which are over capacity at

peak hours. It is however considered that the additional traffic generated by 84 dwellings at peak hours, approximately 50 movements, is not so great [provided suitable transport options are in place] as to warrant refusal on this ground alone.

Sustainability - From a sustainable transport and accessibility viewpoint the site is not well located in itself to encourage trips to be made other than by car. Bus services are available but infrequent and parts of Milverton Road lack footways, so in terms of sustainable travel accessibility is poor and the refusal of this development on sustainable transport grounds is recommended.

The applicants do however propose offsite works to provide a segregated footway/cycleway between the rear of the site and Crosslands. This will result in an off road footway from the site into Wellington Town Centre. The details of this link still need some modification to make them wholly acceptable.

An approved Travel Plan will be required. This should contain a full Travel Plan Schedule containing a full range of measures to assist with sustainable travel.

It has been pointed out that historically the site has generated traffic and pedestrian movements and this should be set against the current proposal. A new bus stop and shelter is also provided. It will be a matter for the Planning Officer to determine if there are other over-riding reasons which outweigh the sustainability issues to support the current development.

Access - Access to the development is proposed via an access onto Lowmoor Road and from there to Milverton Road. To facilitate this development, access must be designed and constructed to adoptable standards and Lowmoor Road itself brought up to adoptable standard. This is achievable subject to appropriate implementation.

There are significant issues of flooding and drainage which affect this site. Not the least is that if Lowmoor Road floods should it in principle be adopted. The potential flooding of Lowmoor Road also calls into question the detail and accessibility of the emergency access in terms of its width, junction with Milverton Road and potential for pedestrian vehicular conflict.

The issues around the flooding of the public highway (Milverton Road) and the privately owned development access (Lowmoor Road) have been fully discussed. It appears that only a very minor increase in flood level at the 1 in 1000 year event occurs and on that basis the County Highway Authority does not propose to object in principal to the development proposal.

However, the fact that Lowmoor Road currently floods, and the flood mitigation work proposed does not significantly change that circumstance, means the County Highway Authority will not be adopting Lowmoor Road as public highway. This means that the new development roads will in turn not be adopted. They roads, however, would be built to adoptable standards and a long term maintenance agreement would need to be set up.

Whilst this situation means that the County Highway Authority does not object on flooding issues, it must be for the Local Planning Authority to very carefully consider if it is appropriate to grant planning permission for a development which it knows will need to use an emergency access when flooding occurs.

Turning to the emergency access the County Highway Authority currently has concerns about its suitability and the legality of its use. Track plots for emergency vehicle access have been requested and received. These have now been checked and the County Highway Authority still has concerns. A Safety Audit has been sent to the Planning Officer and the Applicant. Revised information has since been received and has been considered. We contend that the emergency route proposed is unsuitable on the grounds that the developer has not been able to prove that legal rights to use the existing path for public vehicular traffic can be secured. The developer will also need to provide evidence that this emergency access can be managed and maintained for the proposed usage and to ensure access is available at all times. The highway authority will remain responsible for the public right of way on foot that exists along this path/track and will continue to manage/maintain same in accordance with this legal right. The highway authority cannot be expected to manage and maintain this path as an emergency route on behalf of the developer. In consequence, unless these concerns are overcome, a recommendation of refusal on a lack of emergency access is necessary.

The Highway Authority would need to adopt the raised stone flood wall between the footway and the flood channel as it acts to sustain the public highway. The design of the wall would be the subject of an AIP process and a commuted sum would be chargeable. It may be preferable for the railings above the raised stone flood wall to remain in the ownership of the management company and this would need to be the subject of further discussion.

Internal Layout - The Highway Authority has sought a number of technical amendments [and clarification regarding drainage discharge] to the internal layout. Revised plans have been submitted by the applicant and the further response of the Highway Authority is awaited.

The internal estate arrangements as indicated within the submitted engineering drawings are to remain within private ownership due to the fact that Lowmoor Road will not be adopted by Somerset County Council. Therefore, no continuous adoptable link will be able to be provided between the residential development site and Milverton Road. To ensure however that the internal aspects of the development are constructed to a standard acceptable to Somerset County Council, I would envisage that a 'Ghost' Section 38 Agreement will be explored. The internal aspects of the development site will result in the laying out of a private street. However, due to the fact that the development site is not likely within a reasonable time to become joined to a highway maintainable at the public expense, the site can be exempt from the Advance Payments Code by the issue of an Exemption Notice upon satisfactory completion of the development.

Recommendation - In the event that members grant permission for this development despite concerns over flooding and sustainability then the applicants should be required to enter into a Section 106 agreement to secure the following:

1. Alterations to Lowmoor Road and its junction with Milverton Road to bring it up to adoptable standard.
2. The provision of an appropriate emergency access should Lowmoor Road become flooded.
3. The provision of an offsite cycleway/pedestrian route from the rear of the site

to Crosslands.

4. Works to provide a bus stop on Milverton Road.
5. 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 s106 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.

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 for a period of five years from each occupation, to aid with uptake of smarter travel choices.

A contribution of £5,000 towards Somerset County Council's costs in providing a travel information website for Wellington and travel information leaflets as part of the travel plan.

Smarter travel management fund of £4,200 to aid with the provision by the developer of provisions to improve sustainable travel in light of residents annual survey feedback, on-site cycle servicing for residents, and other events/one-off promotions, and should targets not be met to provide further remedies.

Notwithstanding the measures to be covered in point 5, sufficient high quality cycle and motorcycle parking for both residents and visitors should be carefully integrated into the design of the development alongside any other hard on-site measures such as a travel information noticeboard, facilities for a car club vehicle and electric charging of vehicles and cool storage areas should be located and any licensing arrangements agreed in advance. Permeability into and through the development for pedestrians and cyclists should be maximised, and the design of the space on-site should prioritise such movements over other vehicles. Further physical detail should be included in a revised travel plan.

The following conditions would be sought - Submission of detailed drawings and specification for all accesses and implemented prior to occupation; provision of wheel cleaning facilities during construction; provision for disposal of surface water; proposed estate roads and associated works shall be constructed and laid out in accordance with details to be agreed prior to their construction; roads, footpaths and turning spaces shall be provided before each dwelling is occupied; development shall not be brought into use until that part of the service road which it provides access has been constructed in accordance with the approved plans; driveways shall not be steeper than 1 in 10; hardstanding of at least 6.0 where garage doors are of an up-and-over type.

SOMERSET COUNTY RIGHTS OF WAY

The development will impact on footpaths WG 17/35 & WG 17/16. The development needs to deliver access improvements for pedestrians to ensure that there are links with the local recreational footpath network as well as providing more direct safe

links to Wellington Town. The pink lines indicate where the applicant will need to provide an all-weather surfaced path for pedestrians, linking the site to WG 17/35 and linking WG 17/35 to WG 17/16. If these are to be adopted as footways, their final specification will need to be agreed with the Highway Authority.

The red lines indicate the sections of footpath that will/may require improvement. The walkable width of the short section of WG 17/16 will need to be maximised within the current boundaries and the surface improved to an all-weather sealed surface. Further detail with regard to vehicular movements along WG 17/35 is required to ascertain what conflict may arise between vehicles and pedestrian movements and whether this would necessitate improvement works in terms of width (passing bay areas) and signage over this section. Full details of proposed specification will be required before we can authorise these works. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

TDBC ENGINEER - I note that a new bus lay by is to be provided to the south of the Lowmoor Road junction. This would mean that two bus stops would be in close proximity to each other, as a stop and shelter is already present outside the Wellington Tile Centre showroom. This additional bus stop is to serve the revised traffic movements of the bus service in the area which will follow where buses turn in the amended junction of Lowmoor Road at Milverton Road. A manoeuvre that was stated was in agreement with Somerset County Council as the Bus Company. If these movements meet with their approval then it will be a requirement that the existing bus shelter is moved to the new bus stop and this should be made a condition of any approval.

Planning Officer Comment – The agent has submitted written confirmation from the County Council, who have been in touch with the bus operator, that there is no issue with the provision of a new bus stop providing the existing bus stop / shelter is retained in situ.

CIVIL CONTINGENCIES – The proposed emergency access and egress arrangements in the event of flooding are satisfactory.

Planning Officer Comment - The Environment Agency have been involved at all stages of the process. There have been a number of holding objections received. The following sets out the advice on the progress of discussions.

Maintenance of the Flood Compensation Area

The Environment Agency are concerned that by allowing an arable use within the flood compensation area, this will undermine its role to mitigate the raising of the development site which is located in the floodplain. Our main concerns relate to ensuring that the required volume of storage is retained in the future and that there will be no increased siltation of the River Tone and existing infrastructure from ploughing and debris.

Regarding the issue of retaining sufficient volume, we are still not convinced that the specific methods of arable farming can be adequately controlled through a Section 106 Agreement.

We also consider that it will be difficult to identify any changes in levels as a result of ploughing and rotation which may alter how effective the flood compensation area is in mitigating increased flood risk from ground-raising. As discussed, usually an approved plan and details would be on record to inform any enforcement case, however, in this instance the flood compensation area will change depending on the farming practices at that specific time.

Notwithstanding our position above, we accept that whether the land is laid to pasture or arable, the responsibility to enforce the provision of the flood compensation area in accordance with the approved details will lie with your LPA. On this basis, the ultimate decision on whether the current details are acceptable to meet the tests for planning obligations is a matter for your LPA. At our meeting, your colleague Tim Burton was generally in agreement with the applicant's agent that provisions under a Section 106 Agreement would be acceptable. Your position on this matter in writing would be useful.

What must be made clear in any Section 106 Agreement is that once the development commences, the primary purpose of the land designated as flood compensation will be to mitigate increased flood risk as a result of the development. It's use for agriculture will become secondary to it's flood risk function.

With regards to pollution control, the FRA agent has put forward proposals for grass filter strips, maintenance of the river banks and other design measures to alleviate this risk. We are generally happy with the principle of this. We will need to see plans and a commitment from the relevant party to carry out this maintenance.

Increased Flooding of Lowmoor Road

The FRA agent has provided an assessment of the impacts of increased flood depths and velocities on Lowmoor Road in accordance with FD2321. This has shown that there will be an increased risk to people and vehicles as a result of the development, although we would agree with the conclusion that flooding in Lowmoor Road poses a significant risk to people and vehicles in the pre-development scenario.

With regards to flooding at the junction of Milverton Road and Lowmoor Road, in general, flood levels will decrease as a result of the development, however, velocities increase by varying degrees. The result of this is that the flood hazard for people and vehicles remains at "danger for most" for both the pre and post development scenarios.

-In the 1 in 20 year event, parts of Lowmoor Road will be flooded to a depth of 250mm and, combined with the anticipated velocity, this will represent a "danger for most" i.e. to the general public. Using cross section 321 from the FD2321 assessment that there will be an unclassified (i.e. negligible) flood risk at the junction of Lowmoor Road and Milverton Road during the 1 in 20 year event. This changes to "danger for most" almost as soon as Lowmoor Road is entered. Cross section 321 appears to show an existing ground level of around 48m AOD, with land rising to the north along Milverton Road.

The decision over whether the existing and increase risks of flooding along Lowmoor Road will be a decision for Somerset County Council (as adopting authority) and

TDBC's contingencies planner (responsible for flood emergency plans and evacuation). We are happy to assist in providing technical advice on flooding matters and scenarios as required.

We still advocate the use of warning signs along Lowmoor Road (and potentially Milverton Road) to make people aware of the risks of flooding in the area.

Planning Officer Comment – A further meeting was undertaken with all parties in early January where the principle of resolving matters was agreed. The applicant's consultant has submitted further technical information to the Environment Agency and their response will be updated to Members.

DRAINAGE OFFICER – Summary of objections to date:

- Concerns that the flows that flow within the flood channel will discharge across a publicly adopted highway at a point whereas before street flow crosses an unadopted road. It is regrettable that the maintenance of this vertically sided channel will not be maintained by one of the local authorities;
- Regarding attenuation storage it needs to be clarified as to who will maintain this system and how long term maintenance will be achieved;
- It is stated in the Flood Risk Assessment that no soakaways tests were undertaken. A full explanation should be forwarded as to why this method of treatment has been ignored, especially as the existing ground level is to be raised;
- Concern to emergency access point;
- I note that safety rails are to be installed on both walls at the side of the flood channel. Who will maintain these rails and the walls they sit on?
- With regards to the flood storage areas I note the statement has been changed from 'the areas being returned to grazing' to 'returned to agricultural use'. This should be retained for grazing to avoid any increased risk of pollution, caused by silt as a contaminant;
- The area of flood plain storage compensation has been greatly reduced. Can it be explained as to how this has been achieved?
- It is proposed that the surface water system will discharge above road level and it will be necessary for manholes to have sealed covers. Are the adopting authorities happy with this arrangement and is information available as to where this contained water will transfer to (adjoining areas / property flooding etc).

WESSEX WATER – Comments as follows:

Water Supply - The existing distribution system has sufficient capacity to serve the proposed development. A suitable connection can be provided from local water mains in Milverton Road and Lowmoor Road.

Foul and Surface Water Drainage - Separate systems of drainage will be required to serve the proposed development. Sewers must be adopted by Wessex Water through a formal agreement. Surface water discharges must comply with PPS25, subject to approval from the Environment Agency.

Existing apparatus - Existing foul water rising main is located close to the eastern boundary of the site which transfers pumped flows to public sewers at the south. A diversion of this rising main will be necessary under S185 Water Industry Act 1991.

Odour - We are extremely concerned that this site will be affected by odour emissions from the existing Sewage Treatment Works at the eastern boundary. Residential development will be particularly sensitive to odour emissions and the poor air quality that occurs from the treatment processes at the works.

We believe that this will lead to unacceptable conditions and create a high risk of a statutory nuisance. The guidance provided in PPS23 Planning and Pollution Control requires the local planning authority to consider this matter and we recommend that you seek the views of the Environmental Health Officer before any decision is taken. We have advised the applicant of these circumstances and the need to undertake an appropriate assessment to support this planning submission. As far as we are aware appropriate assessment has not been undertaken.

Furthermore we must advise that the planned expansion of the works post 2015 to satisfy future catchment growth may be compromised by granting consent for a residential development in such close proximity. The prohibitive costs of future mitigation proposals may exceed cost benefit criteria and require substantial investment to provide satisfactory reductions in odour emissions.

In the circumstances we feel it is appropriate to lodge a formal OBJECTION to these proposals until these matters can be resolved. We recommend that the scope of the appropriate odour assessment is agreed with Wessex Water.

Further response – 05.01.12

Wessex Water has confirmed that they have had direct complaints, including from residents further away than the proposal. *[Planning Officer Comment] – In 8 of the 11 years there has been no more than 1 complaint, with the highest recorded 3 in 2003.* WW also consider that existing residents may be more accustomed to malodours. WW state that whilst the development is upwind of the sewage works for most of the time, the wind does blow in other directions. In the summer there is more likelihood of malodours and flies. An atmospheric dispersion model has not been provided to fully consider the level of risk to air quality for new residents, contrary to PPS23.

The existing treatment works serves a population of 13,000 and is an important facility for the community and further growth will be constrained by this development.

WW wish to register their concerns in the event that the proposed development leads to odour complaints which could lead to enforcement action for statutory nuisance. Should Members support the proposal WW seek assurances that provided

the sewage works are operated in accordance with our management plan the Council will not support the designation of a statutory nuisance and not take enforcement action? Furthermore, assurances are sought than when the sewage works has to be upgraded the residential development will not be used as a reason for prohibiting the expansion, provided it can be demonstrated there would not worsen of the environmental impact on the surrounding neighbourhood.

ENVIRONMENTAL HEALTH – Comments as follows:

Land Contamination - The submitted report does contain information on a desk study, site investigations and some risk assessment. However, it does make recommendations for additional assessment, for example, a human health risk assessment if the site is to have a residential use and a groundwater and ground gas assessment. It also recommends a further site investigation following demolition of the grease works buildings and water treatment works.

The applicant should provide a more detailed risk assessment linked to the proposed development for residential use and, if necessary, proposals for remedial work on the site. As the applicant has already provided a detailed site investigation, it would be acceptable for the applicant to submit the additional information as part of the requirement of a planning condition.

Noise - There is an Environmental Noise Assessment submitted with the application. The report states that the adjacent businesses operate during the day, and noise monitoring found that the loudest noise during the night time was from the dawn chorus. It concluded that no special measures would be necessary to mitigate noise. However, the proposed houses are close to the industrial units at Lowmoor, and although the report says that two closest businesses operate during the day I am not aware of any restrictions on the site that limits the hours of use. Therefore, it is possible that an adjacent business could change, or extend its hours of work so that it operates during the night. I would recommend that the applicant investigates whether there is the potential for adjacent businesses to operate at night and looks into any noise mitigation measure that may be required.

Further Comments – 26/10/11.

Odour - I can confirm that Environmental Health have no record of any complaints in respect of odour from the sewage treatment works at Tonedale, Wellington.

Noise - The Environmental Noise Assessment did mention that there are commercial businesses adjacent to the development site, and that they operate during the day. However, I understand that the adjacent industrial estate has industrial/transport uses with no restrictions on the hours of operation.

My concern is that if a business began to operate on the estate at night the noise could disturb residents on the new development. Environmental Health could investigate any complaints as a potential statutory nuisance, and could require the business to use best practice. However, it may not be possible to prohibit work at night if it is an essential part of the company's business, which could result in residents having to live with the noise.

Therefore, I would recommend that the applicant investigates whether there is the potential for night time noise from nearby industrial site to affect the proposed development. If there is a potential problem they should look at incorporating some mitigation measures in the layout and design of any properties that may be affected.

HEALTH & SAFETY EXECUTIVE

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Planning Officer Comment – HSE consulted due to Storage Unit for Swallowfield located to the north east.

LANDSCAPE OFFICER – Comments as follows:

It looks like an interesting scheme with some good landscape features. My main concern is the proximity of trees to buildings which may be overcome to some extent by having trees on the western side of the attenuation rather than next to the roadside houses.

The eastern and southern boundaries will need careful consideration if they are to be fully integrated with the adjoining industrial units.

Revised Comments – 14.11.11.

Subject to suitable landscape mitigation the proposed changes are acceptable in terms of landscape impact.

SOMERSET GARDENS TRUST – Object to the proposed re-profiling (Flood Risk Assessment document Appendix A, drawings 5.3 and 5.3.1) which would alter the landscape in the SW corner of Nynehead Court Historic Park. This Park is Grade II* listed and as such, should be vigorously protected from any unwarranted alteration. We have also seen the restoration work being carried out on land within the designated Park – now part of Hornshay Farm. This is restoring the Grade II listed Three Arch Bridge built by Thomas Lee in 1816/1817, and also defining the former entrance drive to Nynehead Court by an avenue of trees. The avenue to the south of the bridge is already planted. We are concerned that, should the flood attenuation scheme result in any additional flooding beyond the area currently under consideration, there is a possibility of die-back in the newly planted area.

In terms of amendments to the application – previous comments apply equally.

THE GARDEN HISTORY SOCIETY – The application affects Nynehead Court, an historic designed landscape of which is included by English Heritage on the Register of Parks and Gardens of Special Historic Interest at Grade II*.

We have visited Nynehead Court previously but not in response to this application. We have considered the information that you have provided on your web site. We sympathize with the concerns of the Somerset Gardens Trust.

If the Council is minded to approve the application we ask you to require the applicant to undertake some landscape works in mitigation. These might include the replacement of some lost parkland trees at Nynehead Court. We would also ask that a careful watching brief is kept on the ground modelling works to ensure the minimal visual impact on the historic landscape.

NATURAL ENGLAND – The ecological report dated March 2011 is an extended phase one survey that includes a walkover of the site detailing the habitat and the species most likely to be present on this site. Natural England would have expected to have seen more detailed surveys for bats, otters and reptiles. The River Tone is an important site for local biodiversity. Sites like this have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community.

Natural England has anecdotal records of bats, otters and great crested newts being in the locality. All three species have European Protection. The GCN assessment's conclusion is that the habitat is not suitable for the species, although as comprehensive GCNs surveys have not been undertaken at the correct time of the year it is possible the species is still present in the area. It is not clear from the information on your website if species records have been obtained from SERC, which is local to the development and species records may have been submitted to them.

TDBC as the planning authority has to have a due regard to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 9 (5) of the 2010 Habitats Regulations. In determining the application, the authority must be satisfied the proposed development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and the beneficial consequences of primary importance for the environment. In addition the authority must be satisfied that that, (a) 'that there is no satisfactory alternative' and (b) 'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'

If Taunton Deane feels there is enough protected species information to undertake the above assessment and grant planning permission then Natural England recommends that a Biodiversity Management Plan should be provided and should include details of habitat creation measures within the site, a specification for ecologically beneficial management over the lifetime of the development and a monitoring protocol to ensure the intended benefits are realised.

NATURE CONSERVATION & RESERVES OFFICER – Updated comments (10.10.11) as follows:

I have now seen the Great Crested Newt survey which concluded that there are no signs of GCN and that the ponds were poor to below average habitat. I therefore agree with the surveyor that it is unlikely that GCN are on the site.

The updated version of the Ecological Phase 1 Habitat Survey partly addresses other concerns. However, I am still of the opinion that a more detailed report would

be more appropriate for a development of this size. The surveyor states that there is evidence of slow worms on site but does not provide survey detail.

This lack of detail should be addressed in a wildlife strategy for the development. This strategy should include an assessment of the impact of the development on wildlife, information on how wildlife and the river will be protected throughout the development phase and provide details of proposed enhancement.

Recommend condition be imposed requiring a strategy to protect and enhance the development for wildlife. Notes re: method statement / mitigation strategy / protection afforded to species under UK and EU legislation separate to planning regulations.

Planning Officer Comment - Confirmation from Nature Conservation Officer that on the basis of the submitted surveys identify that the proposals would not result in any deliberate disturbance to European protected species the derogation tests do not need to be applied.

HOUSING ENABLING OFFICER – The housing enabler support this application on the basis of need and not the suitability of the site.

The requirement is for 35% of the units to be for affordable housing with a mix of 2 and 3 bedroom houses and some 4 bedroom houses, provided through a mix of 50% intermediate housing.

COMMUNITY SERVICES – In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings.

1640 square metres of equipped play space required for a LEAP & NEAP (based on 20sqm per dwelling x 84).

Concern has been raised to the proximity of proposed landscaping and public open space which has been cut in two by the main estate road.

Landscaping and public open space should be in accordance with the Home Zone or DIY Streets principles and include physical traffic calming measures to slow traffic. This can also be achieved by psychological traffic calming by way of trees, plants and art works to reduce forward visibility and features to give the message to drivers that they are entering a unique residential area where pedestrians have priority.

Contributions sought (per dwelling):

- £1454 active outdoor recreation;
- £194 allotment provision;
- £1033 community hall provision;
- Public Art contribution – commissioning or integrating public art into the scheme or commuted sum of 1% of the development costs.

Revised Comments – 07/12/11

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

While the concept of a Home Zone for children's play is welcome this should not be located on either side of the main entrance road. Preferably the children's play should be located together and not as proposed on four separate sites within the development proposal.

The play value of static sheep is limited and I would prefer not to see the hopscotch which has very limited use. I would rather the on-site children's play consisted of more natural play with the use of balance beams and stepping stones to the existing play standard found in the Council's Play Policy adopted August 2007. Parks should be asked to comment on the eventual layout proposal for children's play. Previous comments should also be taken into account.

PARKS

The proposed provision of open space is unacceptable.

POLICE – Comments as follows:

Design & Access Statement – PPS1 makes clear that a key objective for new developments should be they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion. Design & Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in 'Safer Places – The Planning System & Crime Prevention.'

The Design & Access Statement submitted in support of this application at para 15, entitled 'Are Public Spaces & Pedestrian Routes Overlooked and do they Feel Safe?' States that 'following engagement with the secured by design officer, the layout and placement of buildings have been proposed to ensure ALL spaces, public and private etc. I regret to say that this is incorrect and that I have had no contact with the architect or developer with regard to this proposal. I would welcome the opportunity to do so as, in my view, the DAS does not fully reflect the above requirement.

Crime Statistics - There have been 25 reported offences for the period 01/01/11 – 31/08/11 within 500m of the site.

Burglary – 8 Offences

Criminal Damage – 4 Offences

Drugs – 2 Offences

Sexual Offences – 1

Theft & Handling Stolen Goods – 6 Offences

Violence against the Person – 4 Offences

Whilst these are average crime levels which are reflected across much of the district, it does indicate that these types of crimes do occur in this particular area.

Access and Movement - Judging by the Planning Layout drawing, this development does appear to have well defined routes, spaces and entrances that provide for

convenient movement without compromising security. Wherever possible, routes for pedestrians, cyclists and vehicles should not be segregated.

Structure

The proposed 'perimeter block' structure does provide 'active frontages' of overlooked streets. Car parking is a mixture of garages, on plot, on-street and courtyard. Garages are the preferred option and, failing that, on-plot. On-street parking should be in small groups, close and adjacent to homes and within view of 'active' rooms in owners' premises. Courtyard parking is discouraged as this allows unauthorised access to the rear of dwellings and parked vehicles. In this regard, I have some concerns regarding a lack of surveillance of some of the proposed parking spaces e.g. Plots 50-53, which could leave vehicles parked there vulnerable to crime.

Surveillance - As mentioned above, it is important that all publically accessible spaces are overlooked. This is particularly important in respect of the Play Street and Play Spaces. All play equipment and street furniture used in these locations should be securely fixed and vandal resistant.

Where visibility is important, planting should have a mature growth height no higher than 1m and trees should have no foliage below 2m, thereby a 1m field of vision in order to assist resident surveillance. All street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5489-1:2003.

Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community can help reduce crime and disorder. The general layout and proposed Play Street and Play Spaces should help do so. However, it is important that there is a clear distinction between public and private space. The proposed boundary treatments appear appropriate for crime risk and the surface changes can also reinforce the private nature of certain parts of the development. Rear garden access alleys appear to be gated at the entrances, which is beneficial to deter unauthorised access to the rear of dwellings where the majority of burglaries occur.

Physical Protection - The police approved 'Secured by Design' initiative offers in-depth advice on physical protection of buildings i.e. doorsets, windows, security, lighting etc. Full details can be found on the SBD website – www.securedbydesign.com

Activity - An appropriate level of human activity can help create a reduced risk of crime and sense of safety. The proposed access routes, play spaces, renovated listed buildings etc should all assist in this respect.

Maintenance & Management - A place that is properly managed and maintained can help reduce crime and anti social behaviour. This is particularly important in respect of any communal areas, play spaces etc which can otherwise become subject to vandalism, graffiti, fly-tipping etc.

DEVON & SOMERSET FIRE & RESCUE

Means of Escape - Means of escape in case of fire should comply with the Building

Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

Access and Facilities for the Fire & Rescue Service - Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.

Representations

5 letters of OBJECTION received. Summary of objections: -

Principle

- There is a five year land supply;
- Is it wise to erect houses amongst industrial units?
- The viability assessment refers to significant technical issues that need to be resolved including taking the site out of the flood plain and extensive contamination costs. These costs (in addition to the heritage contributions) mean that no affordable housing, play provision or public transport is provided. Whilst the restoration of the listed Mill buildings is admirable, it does not out way the cost to local rate payers of providing additional school, play provision or public transport;
- This would give rise to further pedestrian and cycle safety problems on Milverton Road and further congestion and pollution in the centre of Wellington;
- If the highway, planning and sustainability concerns expressed in the refusal reasons for application 21/11/0004 are not repeated for this application then the authority could be challenged at judicial review;
- There must be consistency;
- As this site is zoned for employment, and if the Mill buildings are as important and unique as stated, then the restoration of the buildings and their opening as a museum and visitor centre would achieve both aspirations. The traffic would be equivalent to the previous industrial use class of the buildings and a scheme could accommodate any future By-Pass junction proposals and car parking.

Highways

- Prejudice a future junction of the Wellington Northern By-Pass and Milverton Road (if a northern route is to come forward);
- Visibility from the existing industrial access (proposed for residential access) onto Milverton Road to the north is substantially substandard, as Milverton Road is subject to 60mph speed limit;
- The previous provision to reduce the limit to 30mph has been dropped – why?
- Bus stop should be set back in a lay-by behind the sightlines;
- Highway network is at capacity; road width is 5m in places;
- No footway at Tone into Wellington;
- The Infrastructure is not suited to this volume of extra traffic generated by this volume of housing;
- Council have recently refused consent for 244 houses, reference 21/11/0004,

which uses the same road therefore the objections to that scheme remain applicable;

- Proposal is premature pending full consideration to the potential of a by-pass route (north of the railway) via Longforth Farm;
- Traffic assessment is out of date – and does not include additional development that has occurred;
- The signal controlled junctions in the centre of Wellington are at capacity thus this development will increase congestion;
- Inadequate measures for accommodating pedestrians and cyclists;
- Foster a growth in the use of the car;
- Without any contributions to public transport measures existing bus routes will not be extended or increased in frequency to serve the site; County Council support funding for bus services is being cut back and the services (22, 9, 603 and 623) could be withdrawn);
- In the 2007 Transport Assessment for this site the following works were to be secured by legal agreement and consisted of:
 - A pelican crossing, across Milverton Road;
 - Provision of footways on the western site of Milverton Road;
 - Widening of Milverton Road in the vicinity of the site;
 - Extend the existing 30mph speed limit to the north of the proposed development; and,
 - Removal of the old Tone Bridge;

Why were these works considered essential for safety in the previous 2007 application but not now necessary for inclusion?

Wildlife _

- 3 European Protected Species found on land to the north as part of 21/11/0004;
- TDBC needs to make an assessment of the favourable Conservation Status of dormice, bats and otters on this site and whether Natural England would grant a license;
- Reference to Mr Bristow letter dated 29 June 2011, in relation to application 21/11/0004, which provides details of bat surveys carried out in the area of Tone Mill and in particular the considerable number of Lesser Horseshoe bats along the Tone Mill site adjacent to Milverton Road and up to the end of the hedgerow opposite the Lowmoor Road junction;
- Bats have also been seen foraging and passing under both of the river Tone bridges crossing the Milverton Road and adjacent to the Tone Mill site;
- Ecological Surveys must be carried out prior to the demolition of the bridge to determine what mitigation measures are required – it is now too late for surveys;
- Neither Milverton Road nor Lowmoor are currently lit. Any artificial light pollution would have a detrimental impact on light sensitive bat species known to be in the area of Milverton Road alongside Tone Mill and the river Tone;

Heritage _

- Part of site (field east of sewage works) is Grade 2* in National Register of Parks and Gardens of Special Historic Interest in England i.e. Nynehead

Court;

- Shouldn't the Parkland be protected and re-profiled for flood alleviation? – we are concerned at the amount of re-profiling i.e. several metres (5m) in depth in places;
- Will this soil be removed? Where will it go? Suspect re-profiling may affect drainage in our field which is adjacent (Hornshay Farm);

Flooding

- Site is subject to significant flooding – in 2000 the site was under 5 feet of flood water;
- Where is the 'Back Stream' to which the applicant refers?
- Is this the stream which runs north side of Stedhams Wood and down to the Nynehead Road? – This already contributes to flooding on the Nynehead Road;
- High house insurance premiums due to flood zone classification;

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,

PPS3 - Housing,

PPS4 - Planning for Sustainable Economic Growth,

PPS 5 - PPS5 Planning for the Historic Environment,

PPS9 - Biodiversity and Geological Conservation,

PPG13 - Transport,

PPG17 - Sport and Recreation,

PPS22 - Renewable Energy,

PPS23 - Planning and Pollution Control,

PPS22 - Renewable Energy,

PPS25 - Development and Flood Risk,

STR1 - Sustainable Development,

STR2 - Towns,

STR4 - Development in Towns,

STR7 - Implementation of the Strategy,

S&ENPP9 - S&ENP - The Built Historic Environment,

S&ENPP1 - S&ENP - Nature Conservation,

S&ENPP35 - S&ENP - Affordable Housing,

S&ENPP37 - S&ENP - Facilities for Sport and Recreation,

S&ENPP42 - S&ENP - Walking,

S&ENPP44 - S&ENP - Cycling,

S&ENPP48 - S&ENP - Access and Parking,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

H9 - TDBCLP - Affordable Housing within General Market Housing,

EC9 - TDBCLP - Loss of Employment Land,

M4 - TDBCLP - Residential Parking Provision,

M5 - TDBCLP - Cycling,

C1 - TDBCLP - Education Provision for New Housing,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,

EN12 - TDBCLP - Landscape Character Areas,

EN20 - TDBCLP - Parks & Gardens of Special Historic Interest,

EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,

EN25 - TDBCLP - The Water Environment,
EN26 - TDBCLP - Water Resources,
EN28 - TDBCLP - Development and Flood Risk,
W1 - TDBCLP - Extent of Wellington,
W6 - TDBCLP - Milverton Road Employment Allocation,
W14 - TDBCLP - Landscape Setting of Approach Roads,

English Heritage's document - Enabling Development and the Conservation of significant places

DETERMINING ISSUES AND CONSIDERATIONS

The primary consideration relates to whether the proposed residential development will secure public benefits that would outweigh any identified conflict with planning policy.

Heritage Asset

Tone Works comprise a mixture of grade II and II* listed buildings which are of exceptional heritage significance, as has been set out in the planning history. However, the Mill has been derelict now for a number of years and has suffered deterioration to both the external fabric of the building and the machinery. Furthermore, the machinery [and its parts] which play a role in its significance, have been subject to theft.

The Mill is identified on English Heritage's 'Heritage at Risk Register 2011' as a priority case. English Heritage rank structures on the register according to their urgency and threat and whether a solution has been agreed or is being implemented. Tone Mill is identified as 'A' – 'Immediate risk of further rapid deterioration or loss of fabric if no solution agreed' in a sliding scale of A-F.

The concept of 'enabling development' is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long-term future. This scheme is considered to represent, at present, the only viable solution to facilitate the restoration and economic re-use of the heritage asset. It is equally important to act before the state of the buildings becomes even more critical, when action would be more expensive and may be more destructive. The proposed schedule of works to the heritage asset will have a demonstrable benefit to the heritage asset, securing both the external envelope of the buildings and adapting part of the site to accommodate a viable use. This phased approach will help to safeguard the long term future of the buildings and is strongly supported by English Heritage.

Officers recognise that the best way of securing the upkeep of historic buildings and areas is to keep them in active use, which generally means an economically viable use that *may* necessitate a degree of adaption. The aspiration is for Fox Bros. to re-use part of the site [subject to timescales and being fit for function]. The parallel planning and listed building consent applications have been submitted detailing the works required.

The Heritage Lead and English Heritage advise that, in principle, whilst some of the

works may have a negative impact on the listed building, the overall benefits of the enabling gains should be given significant weight. The Tone Works site is a high priority for English Heritage and they have indicated that the scheme may well meet the requirements for grant aid. This does not represent a total solution for the Mill site but would be a significant step, with the aim of securing Fox Bros. as an anchor tenant and consequently attracting further investment to the heritage site.

The proposed flood alleviation works, in the form of the compensatory flood storage area, require the re-modelling of agricultural land. Part of this falls within the designated Gardens of Special Historic Interest at Nynehead Court. The landscape officer does not raise an objection to the works. It is not considered that the proposed re-modelling would not unduly harm the heritage asset of the Parkland, especially when having regard to its particular function, as agricultural land rather than parkland, and the overall aims of the project which will secure an overriding benefit in the public interest.

To conclude, the proposal would offer a solution which, whilst inevitably involving a degree of compromise to the character of the Mill, would overall represent the most realistic and feasible solution to facilitate the restoration of the heritage asset.

Highways and Sustainability

The application is accompanied by a Transport Assessment (TA) and Travel Plan. The Highway Authority consider, subject to the provision of suitable transport options, that the site would not generate the level of traffic movements to warrant a refusal solely on the capacity of the highway infrastructure in the town centre.

The heritage benefits of this scheme are highlighted throughout this report; however, consideration must also be given to the suitability of the site for residential development. Indeed, there have been representations objecting to this application on the grounds referred to within the reasons for refusing development to the north of Wellington, reference 21/10/0004, namely sustainability and highways.

The site is located on the northern fringes of Wellington and therefore distance to amenities and facilities is a valid planning consideration. Indeed, the Highway Authority has raised the poor accessibility of the site as a potential reason for refusal. However, there are clear differences between the two schemes. Fundamentally, the development site constitutes previously developed land and is located within the existing settlement boundary of Wellington, where the principle of development is accepted. The site would also be closer to the town centre, and would not extend beyond the River Tone which has been identified within the Core Strategy 'Spatial Vision for Wellington' as the natural barrier for the containment of the town to the North. Moreover, there are other planning considerations notably that this development will facilitate heritage led regeneration, which needs to be balanced in the decision-making process and makes this a very different case to that previously considered to the north.

In terms of assessing the impact of the scheme on the existing highway network, it must be recognised that the site is in part allocated for employment. It is accepted, from its historic use and activities, as having a B1/B2 & B8 use. Therefore the site has the ability to generate a significant number of movements without the need for further planning permission and it is not therefore a wholly new form of development. The development provides a new bus stop to serve the development and alternative

pedestrian/cycle provision is provided as an alternative to Milverton Road, joining the existing public footpaths to the east. A condition will be imposed to ensure that an agreed Travel Plan is implemented.

On balance, it is therefore considered that there are overriding reasons to support the principle of residential development in this location and there are clear and distinguishable differences between this site and the refused scheme to the North.

The Highway Authority, however, do express their concern to the level of surface water flooding that would result from the development on highway land. In addition, they may not wish to adopt the access road (Lowmoor) on the grounds that it is known to flood. Officers are in discussions with the Environment Agency to ensure that the impact of the flood levels on the existing road network is minimised. This issue together with questions over the maintenance of the flood alleviation works where they impact on the highway, will need to be resolved.

In addition to the requirements set out in the S106 recommendation, the Highway Authority are also seeking the following:

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 for a period of five years from each occupation, to aid with uptake of smarter travel choices.

A contribution of £5,000 towards Somerset County Council's costs in providing a travel information website for Wellington and travel information leaflets as part of the travel plan.

Smarter travel management fund of £4,200 to aid with the provision by the developer of provisions to improve sustainable travel in light of residents annual survey feedback, on-site cycle servicing for residents, and other events/one-off promotions, and should targets not be met to provide further remedies.

Whilst these requirements are understood, any further contributions will impact scheme viability and therefore the ability to maximise on the heritage fund for the Mill buildings. As such officers consider that, in these circumstances, the priority must be to direct contributions to the heritage asset.

Flooding - Sequential Test

The site is currently identified as Flood Zone 3. The proposed residential development forms part of the wider re-development plans for the Tone Works Mill complex. The 'function' of the Strongvox residential scheme is as an 'enabling development' for the repair and restoration of the Mill complex into a viable long term use. A previous, undetermined, scheme, reference 43/07/0059, proposed a much larger development for the comprehensive redevelopment of the site. However, due to the Mill Buildings being classified as Functional Floodplain 3(b), thus preventing residential development to the West of Milverton Road, the scope of the enabling works has been revisited and focuses on the area that has the most heritage value.

The search area, in terms of the sequential test, rightly comprises the area around the existing Mill Buildings and the Greaseworks site. These sites are historically and serve the purposes and 'functional requirements' of the application as an 'enabling

development' within the settlement limit. Land to the north was rejected on the basis it was outside the settlement and would constitute unsustainable development. In order to direct development to the lowest flood zone, residential development is now only proposed to the east of Milverton Road.

Subject to the scheme delivering the heritage benefits, secured through the planning agreement, the sequential test is considered to be passed.

Turning to the Exception Test, the development will provide wider sustainability benefits. The site is previously developed 'brownfield' land with no reasonable expectation of being developed for employment use due to viability constraints (both locationally and viability due to remedial works for contamination). The re-development of this land provides an opportunity to regenerate the northern sector and gateway of Wellington whilst enabling the restoration of a nationally important heritage asset and facilitating a sympathetic viable economic use for the building. The development therefore passes points (a) and (b) of the Exception Test.

In respect of (c) the Flood Risk Assessment - the Environment Agency are satisfied that the development will be safe, however they have raised a holding objection on the grounds they are not satisfied that the proposal will not lead to increased flood risk elsewhere. These concerns relate to the need to secure the compensation storage area for its dedicated purposes and not to be used for arable land. The Agency have also expressed concern to the long term management of the flood mitigation measures, both the flood relief channel and storage areas.

Further dialogue has taken place to resolve these matters and it is expected that subject to submission of further information, the Environment Agency will withdraw their objection.

Flood Mitigation/Flooding

The application site was previously identified on the Environment Agency's Flood Map, as of January 2009, as Flood Zone 2 and partly 1. However, as part of the Hydraulic Study and a revised Flood Zone Map, the majority of the site is now shown in Flood Zone 3 – High Risk. Residential development is classified as 'More Vulnerable' in Table D.2 of PPS25. Paragraph 5 of PPS25 states the aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. It continues...Where new development is, *exceptionally*, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

In respect of this proviso, the Mill is of 'exceptional significance'; the proposal provides the only feasible option to achieving its restoration and economic re-use. It is important to act while the structure is still vulnerable and not critical, when action is more expensive and may be more destructive. It is therefore considered the proviso to paragraph 5 of PPS25 is triggered.

The Flood Risk Assessment (FRA) identifies 3 possible sources of flooding that could affect the site. The primary one is fluvial flooding from the River Tone that runs to the north; the second is fluvial flooding from the ditch on the eastern boundary; the third is surface water run off from the site. The site is currently prone to flood events.

The FRA sets out the extent to which mitigation measures can address those sources of flooding.

The FRA states that the design requirements are to protect the development against flooding to an acceptable standard during a 1 in 100 year event plus 20% climate change allowance without increasing flood risk elsewhere. This is to be achieved by, inter alia:

- Raising ground levels over the site to ensure that the development is at a safe level.
- Carrying out works to ensure that flood levels at and upstream are not increased due to the filling of the site. This includes the provision of a flood channel along the east side of Milverton Road and the south side of Lowmoor Road. The channel, 8.0m wide and laid to grass, will have vertical sides formed by stone faced retaining walls. There will be a raised stone flood wall (approximately 600mm) with a 1.1m handrail between the channel and the back of the footpath along Milverton Road and the western end of Lowmoor Road. Increasing the height of the existing river bank separating Lowmoor Road and the River Tone. Provision of flood storage area adjacent to the River Tone floodplain downstream of the site - this would provide a route for flood water to flow into the storage area and to drain away when the flood level in the river falls.
- Ensuring that safe access and egress to and from the development site at all times. This would be provided for in the south east corner of the site.

Surface water drainage will be dealt with through attenuation storage beneath roads and paved areas due to the limited space available within the proposed scheme.

The FRA has been revised during the process and amendments have been made to address the holding objection of the Environment Agency. The further comments of the Environment Agency in respect of the latest amendments are awaited.

Design & Layout

The character of the surrounding area is predominantly industrial with employment land to the north, west and south west. Further to the south is residential development at Tone Hill. The proposed development is based upon a high density development to maximise the 'enabling gain' from the scheme. Other associated costs also affect the viability of the development, including flooding and contamination mitigation measures. The development has been designed to front onto Milverton Road and will introduce an active street scene.

As part of the flood mitigation measures, the site will be raised by up to 1.5m. This has the effect of raising the development 2.0m higher than Milverton Road. The development would be set back due to the provision of a flood relief channel. Nevertheless, the proposal will have some impact upon the street scene due to its artificially elevated position. The alternative would be to grade the land more gently, but this would have the result of pushing the development further back and reducing the amount of developable land, and thus enabling development, that can be accommodated. Officers therefore consider that if a viable scheme is to come forward there will inevitably be compromises that need to be balanced within the decision-making process. The Heritage Lead (Di Hartnell) does not raise any

objection in terms of the setting of the listed building.

The layout features mainly terraced blocks and semi-detached dwellings that provide a strong built form. Dwellings have been orientated to face onto the open flood relief channel which will create a more pleasant frontage than it were to directly front the highway. The introduction of play spaces within an associated theme to the Mill origins will enhance the area and contribute, in a positive manner, to the final sense of place.

The proposed scheme provides a mix of house types and styles, generally of two storey scale. The exception is that of a three storey block in the centre of the site, referred to as the landmark building. The overarching design ethos is of simple traditional facades and materials predominantly brick or render under a slate roof to draw upon the local distinctiveness of the area. Parking is provided either through garages to the side of properties; allocated street parking; or courtyard parking. It is considered that the scheme, which has been amended to take account of officers' comments e.g. articulation of elevations, detailing, provides an acceptable layout and range of house types that draw upon on the local distinctiveness of Wellington.

The Landscape Officer previously requested provision of tree planting be provided along the western edge of the development to help soften the impact of development. However, the Flood Relief Channel must remain clear of any features that can inhibit surface water flows. There is therefore little scope to introduce tree planting on the northern edge of the development.

The routes into the site are designed around reducing traffic speeds. This is reflected in the primary route due to its horizontal geometry and integrated play street areas. The route once within the core of the site are designed as 'shared surfaced streets' where there is no dedicated footway or formal kerbing to give people the feeling of a shared space. The scheme also includes a detailed landscaping scheme to soften the development and to enhance the public realm. Native Tree planting will be provided throughout the scheme.

The scheme scored 10.5 out of 20 by the Council's Building for Life Assessor. The score is effected by, in part, some of the constraints and functions of the enabling development such as the lack of affordable housing; play provision; investment in sustainable technologies as funds directed to the heritage asset; and, context of the site. Further evidence has been submitted by the developer in response.

Play provision and open space

This scheme does not provide the amount of informal open space and play provision in accordance with Local Plan Policy C4 for reasons already explained. However, in this respect the development does secure new footpath links and the upgrading of existing pedestrian links to existing play facilities known as Tonedale Play Area, which is maintained by Wellington Town Council. The distance is circa 300m and within walking distance.

The issue of requiring play provision on site was identified early in the process as part of the constraints on achieving a viable and acceptable development. It was agreed that an alternative solution would be considered based on the 'play streets' concept. This would seek to integrate onsite play, especially for younger children (5-10), within the site. The Highway Authority agreed in principle and the ethos was

to reduce car speeds down and introduce a concept of play and informal areas that formed part of the wider street scene. This has been amended, to a degree, during the application as the Community Services Officer requested that the play area (to the rear of main landmark building in the centre of the site) be provided on one side of the highway. In design terms the alternative siting still works as it provides a green setting and communal areas to the apartments. The facility is however open to all.

Officers' are satisfied that the scheme makes a genuine attempt to provide interesting and creative alternatives to providing play equipment on site, working within the constraints of the viability of the scheme to provide a high density development. In combination with existing play facilities in the locality it is considered that the proposed provision is acceptable.

Amenity

The location of the site means that there is potential for odour and noise nuisance.

Wessex Water formally objects to the proposed development on the grounds of potential odour and poor air quality adversely affecting residential amenity. In evaluating the risk, the Council's Environmental Health Officer has confirmed that there are no recorded complaints in the locality of odour from the works - there are dwellings closer to the works than the proposed development. Furthermore, the site is upwind [of the prevailing south west wind] in respect of the location of the treatment works which would reduce any potential odour nuisance. Therefore, and in light of no objection from the Environmental Health Officer, it is considered that the proposed siting of residential development would not unduly harm the amenity of residents. In the event of any future complaints in terms of odour nuisance there would be a requirement on Wessex Water to implement best practice which *may* include mitigation and managing odour emissions in respect of the works.

The site is flanked on the north and southern boundary by industrial development in the form of B1, B2 and B8 uses. A noise report accompanies the application. The Environmental Health Officer has flagged up concern to the close proximity of the units in relation to the proposed residential scheme, in the event of changes in operators, activities or hours of operation. It has subsequently been agreed that those plots most sensitive to noise will incorporate future proofing acoustic mitigation measures, in the form of acoustic glazing and ensuring suitable means of ventilation.

Community Infrastructure

The primary purpose of this application is to enable the restoration of the Tone Works Mill. It has been widely accepted, including from English Heritage, that enabling development is necessary to secure the long term future of the most significant heritage assets of the Mill. The scheme does not therefore provide any affordable housing, education, public art, village hall or playing field contributions. Officers consider that the value from the site (after undertaking extensive contamination and flood mitigation measures) should be directed towards the heritage works, for securing the long term physical repairs to the buildings.

Loss of Employment

The site (southern sector) forms part of an employment allocation identified on Inset Map 3 – Wellington Area. Policy W6 – Milverton Road is applicable. The Policy

allocates the land as an extension to the Lowmoor Industrial Estate for business, warehousing and industrial use, provided that: measures are taken to investigate any land contamination and remedial work undertaken as required; and, development does not harm the residential amenity of nearby residential properties.

The proposed development will result in the loss of this employment land to residential development. Policy EC9 of the Local Plan advises, inter alia, that loss of employment land will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site. In this respect there are material considerations that support this loss. The site is heavily contaminated and it is unlikely to be viable to bring forward this site for employment land, particularly in competition with sites such as Chelston Business Park and West Park 26, which are better served by infrastructure. Moreover, the loss of employment land needs to be balanced against the heritage and economic benefits associated with the restoration of the Mill. The aim of the works is to secure the external envelope of the buildings, to enable their adaption for a viable economic use. The Economic Development Specialist supports the proposal.

It is therefore considered the proposal would facilitate economic development within the Tone Works Mill complex, where it is currently unlikely to come forward, and the heritage benefits are sufficient to outweigh any conflict with policy. The proposal would constitute the most effective use of land by re-using land that has previously been developed.

Ecology

The site is located to the south of the River Tone, a County Wildlife Site. The site is currently overgrown by grassland and scrub vegetation; there are also buildings previously associated with the Mill on site, albeit in poor condition.

In respect of bats, the old road bridge on the Mill side of Milverton Road does not now form part of the flood mitigation works and will remain in situ, thus avoiding any potential impact on bats or otters. The Nature Conservation Officer does not therefore raise an objection subject to further work, as part of an ecological mitigation strategy which would be secured by condition. The strategy shall include further detailed assessment of the impacts of the development on ecology, including how wildlife and the river will be protected throughout the development phase. The strategy shall also include details of proposed ecological enhancement.

The Nature Conservation Officer is satisfied, on the basis of the information submitted, that the proposal would not result in 'deliberate disturbance' of European protected species. An ecological management plan will be secured by condition.

Conclusion

The re-development of Tone Works Mill complex has been under discussion for a number of years and previous attempts have been unsuccessful due to the various constraints facing the site. This proposal represents the most feasible option of bringing forward heritage led regeneration and safeguarding this important heritage asset. The aspiration is for Fox Brothers to return to the facility a company who is intrinsically associated with the Mill and Wellington for economic purposes. The best way to secure the long term future of the Mill is for a viable use to be found. This scheme will help to facilitate this through the conservation and conversion works. It is

accepted that the re-development of the Greaseworks site for housing does require some compromises to be made. However, significant weight should be given in the balance of decision making to the combination of the cultural, economic and heritage benefits which will outweigh any identified conflict with policy.

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

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43/11/0116

MENDIP ESTATES

DEMOLITION OF SOUTHERN DRY HOUSE, DEMOLITION OF SINGLE STOREY EXTENSIONS TO BOILER HOUSE, DEMOLITION OF SINGLE STOREY EXTENSION TO STEAMING ROOM, RAISING OF GROUND FLOOR LEVEL OF DYE HOUSE AND STORE, CONSTRUCTION OF ROOF TO DYE HOUSE AND STORE, ALTERATIONS TO TENTERING ROOM/NORTHERN DRY HOUSE, FORMATION OF ADDITIONAL VEHICULAR ACCESS AND LAYING OF HARDSTANDING TO SERVE TENTERING ROOM/NORTHERN DRY HOUSE AND ALTERATIONS AT TONE MILL, MILVERTON ROAD, WELLINGTON

Grid Reference: 312606.121843

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to:

- The views of the Highway Authority;
- Resolution to grant 43/11/0080 [and the applicant entering into a S106 that no works will commence until the heritage funds are available under the terms of 43/11/0080];
- Receipt of amended plans to satisfy the Heritage Lead and English Heritage,

Planning Permission be granted.

Recommended Decision: Conditional Approval

Whilst it is accepted that the proposals would cause some harm the significance of this historic asset, the proposed alterations will be a continuation of the way in which the buildings have previously been adapted to serve the original purpose of the Mill. [Any harm will be outweighed by the heritage benefits delivered from achieving a reuse of this site which is highly sympathetic to its original function and giving it the prospect of a viable future. The proposals would therefore be in line with Policy HE9 of PPS5 and due regard has been paid to the statutory duty imposed by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

Conditions will be imposed to cover the following matters:

Time limit; schedule of plans; archaeology / building reporting and monitoring; contamination monitoring; heritage; contract let for the approved refurbishment and conversion work; detailed schedule, including specified materials, for repairs and alterations, cross - referenced to scaled drawings, no machinery or artefacts, shall be removed, relocated or destroyed, until they have been fully recorded, in accordance with a brief, which shall first be agreed in writing by the Local Planning

Authority; contamination.

Note: re flood defence consent / pollution control.

Notes for compliance

PROPOSAL

Planning permission is sought for the following works:

- Demolition of Southern Dry House;
- Demolition of Single Storey Extensions to Boiler House;
- Demolition of Single Storey Extension to Steaming Room;
- Raising of ground floor level of Dye House and Store;
- Construction of roof to Dye House and Store;
- Alterations to tentering room/northern dry house
- Hardstanding for car parking and new vehicular access

The works are sought to facilitate the re-use of the buildings and site to meet modern standards for use i.e. fit for purpose by Fox. Bros. The proposal provides a modern weaving shed within the existing buildings which will be adapted. The floor of the weaving shed will be raised to take the development out of the 1:100 flood event. This has necessitated the provision of a new roof because of the minimum internal heights required for the weaving shed area. The roof will be marginally higher than the existing.

SITE DESCRIPTION AND HISTORY

Tone Works is the cloth-finishing part of Tonedale Mill, which, at the time of its listing in 2000, was one of the best-preserved historic textile manufacturing complexes in England. Fox Brothers and Co. were still continuing to use the works to dye and finish the woollen and worsted cloths woven at the company's mills using traditional machinery until late 1990's. When the Works finally closed, a consequence of its long working life was the exceptionally good preservation of buildings and mechanical features. These included a complete set of traditional dyeing and finishing machinery, an extensive process-water system, intact late 19th Century line shafting and most of the water, steam and early DC electric power systems.

The site has a complex layout comprising a large number of attached and detached one and two-storey buildings. These include a wide variety of plan types and roof structures which reflect the developing range of functions carried out at the works. Modifications to the course of the River Tone have influenced the development complex, which included the construction of a series of reservoirs and settling ponds to the west of the site. Ample water supplies are an important requirement for textile finishing sites, and this was probably the main reason for locating the works some distance from the manufacturing site at Tonedale Mills.

History

The previous attempt to bring forward the re-development of the site was a comprehensive proposal in 2007, reference 43/07/0059 (& 060LB), for a mixed use development. The scheme comprised:

The erection of 140 dwellings, in two sectors, either side of Milverton Road; new industrial units in the south east sector of the site; flood mitigation works; restoration and conversion of the Mill Buildings; renewable energy centre; creative industry/craft quarter; museum; café and bar.

The specific flood modelling for the site, however, identified that the western side of Milverton Road [the mill complex] was located within Flood Zone 3 (b) – functional flood plain. This put a block on residential development to the west of Milverton Road due to the high risk of flooding. The viability of the wider project needed to be re-visited. The costs of undertaking the restoration of the buildings are considerable, together with other constraints affecting the site such as flooding, significant ground contamination and asbestos within some of the buildings.

The historical significance of Tone Works and agreement on its value is firmly established, but the future remains far from secure unless a sympathetic and economically viable use for the site can be achieved. Tone Works Trust, a charitable building preservation trust, supported by the Princess Regeneration Trust (PRT) and English Heritage, took an active role in seeking to initiate heritage-led regeneration of the site. The PRT considers the site to be of European Significance.

The complex of buildings is now derelict and in an increasingly perilous condition [the machinery and parts have also been prone to burglaries]. This application therefore seeks to reverse this situation and forms part of the wider package of applications to secure the asset.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TOWN COUNCIL - Supports the application subject to the Conservation Officer being happy with the proposals.

HERITAGE LEAD – Comments as follows:

1. Subject to 43/11/0080 being approved first;
2. the receipt of further amending plans, which delete the hydro-electric turbine and archimedes screw from the wheel pit in the wet finishing works and the works shown to the north drying sheds;
3. the receipt of cross sections for the emergency exit walkway (proving that such will not result in any damage to fixtures within the wet finishing works).

In addition to standard conditions, the following should also be included:

A) no demolition shall take place until a contract has been let for the approved refurbishment and conversion works.

B) prior to works commencing, a detailed schedule, including specified materials, for repairs and alterations, cross - referenced to scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority, with such approved schedule, being strictly adhered to the execution of the repairs/ alterations, unless any variation thereto is first agreed in writing by the Local Planning Authority.

C) the buildings for which demolition is hereby granted, shall not be removed, in whole or in part, until they have been fully recorded, in accordance with a brief, which shall first be agreed in writing by the Local Planning Authority.

D) no machinery or artefacts, shall be removed, relocated or destroyed, until they have been fully recorded, in accordance with a brief, which shall first be agreed in writing by the Local Planning Authority.

ENGLISH HERITAGE - Tone Works is the cloth-finishing part of Tonedale Mill, which, at the time of its listing in 2000, was one of the best-preserved historic textile manufacturing complexes in England. Its significance derives from the longevity of the original use persisting on the two sites from the late eighteenth century to the late twentieth century in the same family ownership, and from the full extent of textile manufacturing processes that are represented in an astonishing range of buildings and engineered water works.

Unfortunately, however, since the cessation of cloth production on site in the late 1990s the condition of buildings – some of which were already starting to fall into disrepair – has seriously deteriorated. Tone Works, in particular, has been subject to repeated break-in attempts and theft of metalwork which have started to erode the significance of the site. Whilst English Heritage has grant-aided Taunton Deane Council in undertaking urgent protection works to the buildings, the complex form of the roofs and presence of extensive asbestos contamination within certain buildings make their ongoing temporary protection very problematic.

Since the vacation of the buildings by Fox Bros. and the listing of the majority of them at grade II*, English Heritage has been trying to safeguard their future preservation. However, it quickly became evident that due to the physical constraints of the overall site and individual buildings and the costs of repair, their comprehensive restoration and reuse would not prove commercially viable. It would therefore be necessary for such scheme to be subsidised either by an 'enabling' form of development or by public funds. The site itself offers very limited opportunities for development since it is situated in functional floodplain land and two applications for residential development to the south of the principle listed buildings have failed.

A long-term objective of setting up a dedicate building preservation trust to save the site with public funding, which was heavily supported by the Prince's Regeneration Trust, has made some progress towards establishing its eligibility for heritage lottery funding. However, due to the complexities of the project and the lead-in time needed to make the necessary funding applications it has not come to fruition so far, meanwhile the buildings continue to deteriorate. The degree of risk now faced by Tone Works and its significance to the industrial heritage means that it has been identified by English Heritage as one of our top ten most important heritage at risk sites within SW England, which makes finding a solution for it one of our highest

regional priorities.

Listed industrial buildings are more at risk than almost any other kind of heritage, according to a major research project recently carried out by English Heritage. 10.6% of industrial grade 1 and II* listed buildings are at risk, making industrial buildings over three times more likely to be at risk than the national average for grade I and II* listed buildings. The average estimated conservation deficit (cost of repair in excess of end value of industrial buildings at risk) is twice that of non-industrial buildings at risk. Resolving the very uncertain future of industrial sites which are on our Heritage at Risk Register is now one of the highest priorities for English Heritage and it can require the intensive application of both financial and staff resources to achieve lasting solutions. The problems facing such sites can be particularly intractable and often include high flood risk, extensive contamination and very constrained locations in addition to complex repair problems and the limited adaptability of individual buildings to economic uses.

Finding an instant or 'once and for all' solution is a therefore rare occurrence with such sites and our experience nationally suggests that it is often necessary to accept phased solutions, sometimes stretching over a number of years, as a more realistic delivery mechanism. When such solutions involve a commercial use of the site rather than a purely heritage solution it is sometimes necessary to accept compromises in order to make a site operationally viable and give it a sustainable future. This is the situation currently being faced at Tone Mill, where consent is being sought for some quite drastic works to some of the listed buildings in order to make the site suitable for re-use by Fox Bros. and provide flood-resistant buildings. The issues are very finely balanced as to whether the demolition of certain elements of the listed structures can be justified on that basis. However, given the extreme level of risk that the buildings currently face, the absence of any other viable solution after several years of investigating options, and the commitment shown by the owner to develop the scheme with Fox Bros. to this point, we believe that the proposals should be supported – with a few amendments and certain safeguards.

Advice - The proposed reuse of Tone Works involves a number of alterations to adapt the buildings for textile production by Fox Bros. These alterations have been the subject of extensive negotiations at pre-application stage and during the life-time of this application to try to minimise the harm to the historic significance of the site. The most extensive areas of alteration are to a large part of the Dyeworks buildings which would be substantially reconstructed as a modern structure and covering. In negotiations we have sought to minimise the impact of this work on the externally visible areas of the building. The structures on the east of the Dyeworks, alongside the river, have been specifically excluded from this conversion because of the significance of their roof form and the fact that they are likely to date from an earlier phase of industrial operation. Equally, the gable ended buildings that face into the courtyard and incorporate a reused C18th datestone, will be retained largely in their existing form externally, with only the upper floors in office use. We have requested the applicant to also retain the slate roof-covering on these ranges and omit the rooflights which would be visible externally.

We understand that the hydro-electric turbine and Archimedes screw proposed for the wheelpit is now not proposed and this should be clearly withdrawn from the application. If the opportunity arises for such an installation in the future then we suggest that locations outside of the building should be investigated since the wheelpit is highly sensitive in historic terms as one of the earliest survivals on site.

Cross-section drawings will need to be provided of the emergency exit walkway between the dyeworks and the drying sheds to the north to ensure it will not cause damage to any internal fixtures within the wet-finishing works building. We have also suggested that any other physical alterations to the northern drying sheds should be omitted until the necessity for those works have been proven, which is unlikely to be in the first phase of the reuse of the site. We have sought to minimise demolition elsewhere on the site and within the II* listed buildings it is now limited to lean to/single storey additions rather than principal buildings, in order to provide necessary on-site parking. The boiler house – which was previously proposed for demolition – is now being retained for that purpose.

Where demolition is taking place there should be a requirement for archaeological recording to be undertaken to an agreed Brief, since, within the Dye Works in particular, contamination of buildings has previously prevented full access and there are known to be structural elements which may relate to earlier phases of the site and require recording and interpretation. We have had to accept the extensive loss of wooden elements of machinery and artefacts within the Dyeworks will occur during the process of asbestos removal. All removal or relocation of historic machinery/artefacts should be covered by a specific condition controlling the level of recording and the ultimate fate or destination of such elements once that process commences. A detailed specification of works to cover both repairs and alterations to buildings should also be required for prior approval before work commences and no demolition should be permitted before a contract for refurbishment works and conversion has been let. This would be to ensure that the demolition works could not be undertaken in isolation from the refurbishment works.

Recommendation - Overall, whilst it has to be accepted that this application will result in harm to the significance of the historic asset at Tone Works, we consider that the nature of the alterations is a continuation of the way in which buildings here have been previously adapted to continue serving their original purpose. The harm to the significance would be outweighed by the heritage benefits delivered in achieving the reuse of the site highly sympathetic to its original function and giving it the prospect of a viable future. It would therefore be in line with Policy HE9 of PPS5.

It is vital, however, that that as well as the provisos including in the preceding paragraph, consent for the reuse of, and alterations to, Tone Works is not granted unless planning permission for the related Greaseworks development on which we have previously commented is first granted. This is because it is that scheme which would provide the funding being secured for the necessary refurbishment works to accompany the conversion. Without that funding being secured there is a risk that damaging alterations could be undertaken without the resources being available to complete this phase of works intended to safeguard the listed buildings, which would be disastrous for the long-term survival of this important site.

SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY

We fully support the principle of re-using the Wet Works and Dye Works for Fox Bros continuing manufacturing process and recognise that a certain amount of adaption of existing buildings is necessary for this to happen. We also fully support the principle of enabling development on the Greaseworks site providing funds to conserve the historic listed buildings at the Wet Works and Dye works. There are certain elements

of the scheme

which we think are particularly good including the combined 'flooding escape route'/viewing platform, the retention of existing equipment in situ in the wet works, and the use of the boiler house building for parking.

However we do have a number of comments as follow:

We do not accept that a good case has been made for demolition of building B to improve access. There appears to be sufficient room between buildings B and C for a two-lane access. We would like to see more detailed analysis of options including vehicle tracking diagrams and plans of safe pedestrian routes to show what is or is not possible. If demolition of a building is shown to be necessary we believe it should be building C which has less architectural and historical interest than building B –see the English Heritage report of 2007 which shows that building C is early 20th century whereas building B originated prior to 1886 and shows a number of modifications and extensions

- It is not clear which elements of the proposals are being funded through the enabling development. We appreciate this may well be covered in confidential papers submitted with the Planning Application but a descriptive overview would be useful. If everything goes according to plan this point may not be important but in the event of encountering unexpected conditions during the works it would be essential to know precisely what was being funded
- The need to provide a new roof is driven by the floor levels calculated from the Flood Risk Assessment (FRA). We are not clear if the proposed compliance with floor 2 levels from the FRA is a requirement of Fox Bros or their insurers, in which case the proposals are understandable. However if the floor levels are solely an Environment Agency requirement we wondered whether some sort of derogation might be available for continuing use of historic listed buildings for the same industry. If that was the case a lower roof may be possible involving less visible alteration to the listed buildings
- We are unclear as to timescales for the development and its relationship to the programme for the enabling works on the Greaseworks site. How much do these proposals depend on construction progress on the Greaseworks site?
- Timescales within this development are also unclear. This uncertainty is compounded by the difference in dates quoted in the Design and Access statement in paras 2.03.1 and 2.03.3 (11). Also reference is made to the advantages of conversion of building P (improved security etc) but the conversion will not apparently take place until uses are found for buildings Q, M and N. This may be some time and negates the advantages postulated
- What is to happen to the tenting machine referred to in the D&S statement at 2.03.5.10?
- The Works schedules refer to an archaeological watching brief (2.05.1). We would like this to include full recording of any features discovered that have not already been recorded. This is particularly important for some buildings where full access has not been possible previously due to asbestos or unsafe structures
- Whilst we follow the logic of the areas chosen for continuing manufacturing we do

have concerns about the future for building V. This would appear to be completely landlocked and consequently to have no conceivable future use. In those circumstances, sooner or later, it will cease to be maintained and the integrity of the eastern facade will be lost. Has this aspect been thought about?

- We are not entirely convinced that building J needs to be demolished. There appears to be adequate room for access to the remainder of the parking area without loss of this building.

We are supportive of these proposals and believe that both applications should be approved. Our comments are not intended to be major criticisms of the proposals but suggestions for minor amendments or clarifications and we trust that you will find our comments constructive.

ENVIRONMENT AGENCY - We understand that planning permission is only required for the works set out in the agent's email of 20 December 2011 and that no planning permission is sought for any change of use or to raise the floor levels of the buildings.

On this basis, we have no objections subject to the imposition of a condition relating to contamination and an extensive note re flood defence consent / pollution control.

NATURAL ENGLAND - There are records of bats including Lesser Horseshoes and Pipistrelle bats in the area: All species of bat are fully protected under the Habitats and Species Regulations 2010. Any works to the buildings they occupy requires a European Protected Species Licence from Natural England. Natural England would expect a robust mitigation strategy. However, we note that the buildings have not been surveyed for Health and Safety Reasons. We advise that activity bat surveys where the surveyors do not need to enter the building should be undertaken before the application is determined.

Taunton Deane Council as the planning authority has to have a due regard to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 9(5) of the 2010 Habitats Regulations. In determining the application, the authority must be satisfied that the derogation tests are met. There is currently not enough information and we are not comfortable with the surveys being conditioned.

NATURE CONSERVATION OFFICER - I confirm that the proposed mitigation identified in the recently granted bat licence for buildings R,S,T,W and X is satisfactory. Subject to full implementation of proposed mitigation, Favourable Conservation status for bats can be achieved.

Please note however that this licence only covers five of the twenty five buildings on site. Further surveys taken at the correct time of year are needed to determine the use of the remaining buildings on site.

ARCHAEOLOGY OFFICER - This proposal will impact on historic industrial buildings.

For this reason I recommend that the applicant be required to provide a building record and archaeological monitoring as well as a report, as laid out in PPS5 (Policy HE12.3). This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of work involving building recording and archaeological monitoring in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

Representations

None

PLANNING POLICIES

The statutory background for the protection of listed buildings is found within the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the Act states the key responsibility of the LPA is to have 'special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses'.

PPS1 - Delivering Sustainable Development,
PPS 5 - PPS5 Planning for the Historic Environment,
STR1 - Sustainable Development,
S&ENPP9 - S&ENP - The Built Historic Environment,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
PPS9 - Biodiversity and Geological Conservation,
PPS25 - Development and Flood Risk,

DETERMINING ISSUES AND CONSIDERATIONS

The principle issues for determination relates to the impact of the works on the listed building and ecology.

Heritage Asset

The proposed conversion works are sought to secure a viable reuse of the heritage asset for economic purposes. The Best Practice Guide to PPS5 acknowledges that 'sometimes change will be desirable to facilitate viable uses that can provide for their long term conservation'. The response of English Heritage sets out the position clearly.

In essence, both English Heritage and the Heritage Lead accept that the proposed works would, in isolation, have a negative impact on the listed building. Policy HE9 of PPS5 – Planning for the Historic Environment, states the decision-maker should have regard to:

- Weighing the public benefit of the proposal (for example, that it helps to secure

the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and

- Recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

Officers believe (with the support of English Heritage) that whilst it has to be accepted that the application would result in harm to the significance of the historic asset at Tone Works, the nature of the alterations represent a continuation of the way in which the buildings there have previously been adapted to continue serving their original purpose. The harm to the significance would be clearly outweighed by the heritage benefits delivered in achieving a reuse of the site highly sympathetic to its original function and giving it the prospect of a viable future. It therefore accord with the provisions of Policy HE9 of PPS5.

It is therefore concluded that the proposed development would accord with the aims of national and local plan policy.

Ecology

The applicant has secured a European Protected Species License for those buildings that are currently subject to asbestos. However, the proposed works will impact on other buildings within the heritage site where no survey work has been undertaken. In order to fulfil the duty imposed on the Local Planning Authority under the Habitats Directive [having regard to the reasonable likelihood of Bats', it is recommended that further survey work is undertaken in order to carryout the derogation tests, prior to determination.

Flooding

The Environment Agency does not raise any objection to the proposed works.

Conclusion

Subject to the receipt of further ecological surveys [and passing the derogation tests] it is recommended that permission be granted to facilitate a long term viable use for the heritage asset. It is recommended that a S106 be required to ensure that no works are commenced until the wider benefits [heritage monies] derived from the enabling development, 43/11/0080, have been secured. This is because the proposed works are viewed as part of the wider restoration package.

Bringing forward the restoration of the Mill to economic use will also generate additional employment opportunities for the town and help regenerate this part of Wellington.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

43/11/0117/LB

MENDIP ESTATES

DEMOLITION OF SOUTHERN DRY HOUSE, DEMOLITION OF SINGLE STOREY EXTENSIONS TO BOILER HOUSE, DEMOLITION OF SINGLE STOREY EXTENSION TO STEAMING ROOM, RAISING OF GROUND FLOOR LEVEL OF DYE HOUSE AND STORE, CONSTRUCTION OF ROOF TO DYE HOUSE AND STORE, ALTERATIONS TO TENTERING ROOM/NORTHERN DRY HOUSE, FORMATION OF ADDITIONAL VEHICULAR ACCESS AND LAYING OF HARDSTANDING TO SERVE TENTERING ROOM/NORTHERN DRY HOUSE AND ALTERATIONS AT TONE MILL, MILVERTON ROAD, WELLINGTON

Grid Reference: 312606.121843

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Subject to a resolution to grant 43/11/0080 and the receipt of amended plans to satisfy the Heritage Lead and English Heritage, together with imposition of necessary heritage conditions, Listed Building Consent be granted.

Recommended Decision: Conditional Approval

Whilst it is accepted that the proposals would cause some harm the significance of this historic asset, the proposed alterations will be a continuation of the way in which the buildings have previously been adapted to serve the original purpose of the Mill. Any harm will be outweighed by the heritage benefits delivered from achieving a reuse of this site which is highly sympathetic to its original function and giving it the prospect of a viable future. The proposals would therefore be in line with Policy HE9 of PPS5 and due regard has been paid to the statutory duty imposed by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

Listed Building Consent is sought for the following works:

- Demolition of Southern Dry House;
- Demolition of Single Storey Extensions to Boiler House;
- Demolition of Single Storey Extension to Steaming Room;
- Raising of ground floor level of Dye House and Store;

- Construction of roof to Dye House and Store;
- Alterations to tentering room/northern dry house
- Hardstanding and revised internal vehicular access.

SITE DESCRIPTION AND HISTORY

Tone Works is the cloth-finishing part of Tonedale Mill, which, at the time of its listing in 2000, was one of the best-preserved historic textile manufacturing complexes in England. Fox Brothers and Co. were still continuing to use the works to dye and finish the woollen and worsted cloths woven at the company's mills using traditional machinery until late 1990's. When the Works finally closed, a consequence of its long working life was the exceptionally good preservation of buildings and mechanical features. These included a complete set of traditional dyeing and finishing machinery, an extensive process-water system, intact late 19th Century line shafting and most of the water, steam and early DC electric power systems.

The site has a complex layout comprising a large number of attached and detached one and two-storey buildings. These include a wide variety of plan types and roof structures which reflect the developing range of functions carried out at the works. Modifications to the course of the River Tone have influenced the development complex, which included the construction of a series of reservoirs and settling ponds to the west of the site. Ample water supplies are an important requirement for textile finishing sites, and this was probably the main reason for locating the works some distance from the manufacturing site at Tonedale Mills.

History

The previous attempt to bring forward the re-development of the site was a comprehensive proposal in 2007, reference 43/07/0059 (& 060LB), for a mixed use development. The scheme comprised:

The erection of 140 dwellings, in two sectors, either side of Milverton Road; new industrial units in the south east sector of the site; flood mitigation works; restoration and conversion of the Mill Buildings; renewable energy centre; creative industry/craft quarter; museum; café and bar.

The specific flood modelling for the site, however, identified that the western side of Milverton Road [the mill complex] was located within Flood Zone 3 (b) – functional flood plain. This put a block on residential development to the west of Milverton Road due to the high risk of flooding. The viability of the wider project needed to be re-visited. The costs of undertaking the restoration of the buildings are considerable, together with other constraints affecting the site such as flooding, significant ground contamination and asbestos within some of the buildings.

The historical significance of Tone Works and agreement on its value is firmly established, but the future remains far from secure unless a sympathetic and economically viable use for the site can be achieved. Tone Works Trust, a charitable building preservation trust, supported by the Princess Regeneration Trust (PRT) and English Heritage, took an active role in seeking to initiate heritage-led regeneration of the site. The PRT considers the site to be of European Significance.

The complex of buildings is now derelict and in an increasingly perilous condition [the

machinery and parts have also been prone to burglaries]. This application therefore seeks to reverse this situation and forms part of the wider package of applications to secure the asset.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TOWN COUNCIL - Supports the application subject to the Conservation Officer being happy with the proposals.

HERITAGE LEAD – Comments as follows:

1. Subject to 43/11/0080 being approved first;
2. the receipt of further amending plans, which delete the hydro-electric turbine and archimedes screw from the wheel pit in the wet finishing works and the works shown to the north drying sheds;
3. the receipt of cross sections for the emergency exit walkway (proving that such will not result in any damage to fixtures within the wet finishing works).

In addition to standard conditions, the following should also be included:

- A) no demolition shall take place until a contract has been let for the approved refurbishment and conversion works.
- B) prior to works commencing, a detailed schedule, including specified materials, for repairs and alterations, cross - referenced to scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority, with such approved schedule, being strictly adhered to the execution of the repairs/ alterations, unless any variation thereto is first agreed in writing by the Local Planning Authority.
- C) the buildings for which demolition is hereby granted, shall not be removed, in whole or in part, until they have been fully recorded, in accordance with a brief, which shall first be agreed in writing by the Local Planning Authority.
- D) no machinery or artefacts, shall be removed, relocated or destroyed, until they have been fully recorded, in accordance with a brief, which shall first be agreed in writing by the Local Planning Authority.

ENGLISH HERITAGE - Tone Works is the cloth-finishing part of Tonedale Mill, which, at the time of its listing in 2000, was one of the best-preserved historic textile manufacturing complexes in England. Its significance derives from the longevity of the original use persisting on the two sites from the late eighteenth century to the late twentieth century in the same family ownership, and from the full extent of textile manufacturing processes that are represented in an astonishing range of buildings and engineered water works.

Unfortunately, however, since the cessation of cloth production on site in the late 1990s the condition of buildings – some of which were already starting to fall into

disrepair – has seriously deteriorated. Tone Works, in particular, has been subject to repeated break-in attempts and theft of metalwork which have started to erode the significance of the site. Whilst English Heritage has grant-aided Taunton Deane Council in undertaking urgent protection works to the buildings, the complex form of the roofs and presence of extensive asbestos contamination within certain buildings make their ongoing temporary protection very problematic.

Since the vacation of the buildings by Fox Bros. and the listing of the majority of them at grade II*, English Heritage has been trying to safeguard their future preservation. However, it quickly became evident that due to the physical constraints of the overall site and individual buildings and the costs of repair, their comprehensive restoration and reuse would not prove commercially viable. It would therefore be necessary for such scheme to be subsidised either by an ‘enabling’ form of development or by public funds. The site itself offers very limited opportunities for development since it is situated in functional floodplain land and two applications for residential development to the south of the principle listed buildings have failed.

A long-term objective of setting up a dedicate building preservation trust to save the site with public funding, which was heavily supported by the Prince’s Regeneration Trust, has made some progress towards establishing its eligibility for heritage lottery funding. However, due to the complexities of the project and the lead-in time needed to make the necessary funding applications it has not come to fruition so far, meanwhile the buildings continue to deteriorate. The degree of risk now faced by Tone Works and its significance to the industrial heritage means that it has been identified by English Heritage as one of our top ten most important heritage at risk sites within SW England, which makes finding a solution for it one of our highest regional priorities.

Listed industrial buildings are more at risk than almost any other kind of heritage, according to a major research project recently carried out by English Heritage. 10.6% of industrial grade 1 and II* listed buildings are at risk, making industrial buildings over three times more likely to be at risk than the national average for grade I and II* listed buildings. The average estimated conservation deficit (cost of repair in excess of end value of industrial buildings at risk is twice that of non-industrial buildings at risk. Resolving the very uncertain future of industrial sites which are on our Heritage at Risk Register is now one of the highest priorities for English Heritage and it can require the intensive application of both financial and staff resources to achieve lasting solutions. The problems facing such sites can be particularly intractable and often include high flood risk, extensive contamination and very constrained locations in addition to complex repair problems and the limited adaptability of individual buildings to economic uses.

Finding an instant or ‘once and for all’ solution is a therefore rare occurrence with such sites and our experience nationally suggests that that it is often necessary to accept phased solutions, sometimes stretching over a number of years, as a more realistic delivery mechanism. When such solutions involve a commercial use of the site than a purely heritage solution it is sometimes necessary to accept compromises in order to make a site operationally viable and give it a sustainable future. This is the situation currently being faced at Tone Mill, where consent is being sought for some quite drastic works to some of the listed buildings in order to make the site suitable for re-use by Fox Bros. and provide flood-resistant buildings. The issues are very finely balanced as to whether the demolition of certain elements of the listed

structures can be justified on that basis. However, given the extreme level of risk that the buildings currently face, the absence of any other viable solution after several years of investigating options, and the commitment shown by the owner to develop the scheme with Fox. Bros. to this point, we believe that the proposals should be supported – with a few amendments and certain safeguards.

Advice - The proposed reuse of Tone Works involves a number of alterations to adapt the buildings for textile production by Fox Bros. These alterations have been the subject of extensive negotiations at pre-application stage and during the life-time of this application to try to minimise the harm to the historic significance of the site. The most extensive areas of alteration are to a large part of the Dyeworks buildings which would be substantially reconstructed as a modern structure and covering. In negotiations we have sought to minimise the impact of this work on the externally visible areas of the building. The structures on the east of the Dyeworks, alongside the river, have been specifically excluded from this conversion because of the significance of their roof form and the fact that they are likely to date from an earlier phase of industrial operation. Equally, the gable ended buildings that face into the courtyard and incorporate a reused C18th datestone, will be retained largely in their existing form externally, with only the upper floors in office use. We have requested the applicant to also retain the slate roof-covering on these ranges and omit the rooflights which would be visible externally.

We understand that the hydro-electric turbine and Archimedes screw proposed for the wheelpit is now not proposed and this should be clearly withdrawn from the application. If the opportunity arises for such an installation in the future then we suggest that locations outside of the building should be investigated since the wheelpit is highly sensitive in historic terms as one of the earliest survivals on site.

Cross-section drawings will need to be provided of the emergency exit walkway between the dyeworks and the drying sheds to the north to ensure it will not cause damage to any internal fixtures within the wet-finishing works building. We have also suggested that any other physical alterations to the northern drying sheds should be omitted until the necessity for those works have been proven, which is unlikely to be in the first phase of the reuse of the site. We have sought to minimise demolition elsewhere on the site and within the II* listed buildings it is now limited to lean to/single storey additions rather than principal buildings, in order to provide necessary on-site parking. The boiler house – which was previously proposed for demolition – is now being retained for that purpose.

Where demolition is taking place there should be a requirement for archaeological recording to be undertaken to an agreed Brief, since, within the Dye Works in particular, contamination of buildings has previously prevented full access and there are known to be structural elements which may relate to earlier phases of the site and require recording and interpretation. We have had to accept the extensive loss of wooden elements of machinery and artefacts within the Dyeworks will occur during the process of asbestos removal. All removal or relocation of historic machinery/artefacts should be covered by a specific condition controlling the level of recording and the ultimate fate or destination of such elements once that process commences. A detailed specification of works to cover both repairs and alterations to buildings should also be required for prior approval before work commences and no demolition should be permitted before a contract for refurbishment works and conversion has been let. This would be to ensure that the demolition works could not be undertaken in isolation from the refurbishment works.

Recommendation - Overall, whilst it has to be accepted that this application will result in harm to the significance of the historic asset at Tone Works, we consider that the nature of the alterations is a continuation of the way in which buildings here have been previously adapted to continue serving their original purpose. The harm to the significance would be outweighed by the heritage benefits delivered in achieving the reuse of the site highly sympathetic to its original function and giving it the prospect of a viable future. It would therefore be in line with Policy HE9 of PPS5.

It is vital, however, that that as well as the provisos including in the preceding paragraph, consent for the reuse of, and alterations to, Tone Works is not granted unless planning permission for the related Greaseworks development on which we have previously commented is first granted. This is because it is that scheme which would provide the funding being secured for the necessary refurbishment works to accompany the conversion. Without that funding being secured there is a risk that damaging alterations could be undertaken without the resources being available to complete this phase of works intended to safeguard the listed buildings, which would be disastrous for the long-term survival of this important site.

SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY

We fully support the principle of re-using the Wet Works and Dye Works for Fox Bros continuing manufacturing process and recognise that a certain amount of adaption of existing buildings is necessary for this to happen. We also fully support the principle of enabling development on the Greaseworks site providing funds to conserve the historic listed buildings at the Wet Works and Dye works. There are certain elements of the scheme

which we think are particularly good including the combined 'flooding escape route'/viewing platform, the retention of existing equipment in situ in the wet works, and the use of the boiler house building for parking.

However we do have a number of comments as follow:

We do not accept that a good case has been made for demolition of building B to improve access. There appears to be sufficient room between buildings B and C for a two-lane access. We would like to see more detailed analysis of options including vehicle tracking diagrams and plans of safe pedestrian routes to show what is or is not possible. If demolition of a building is shown to be necessary we believe it should be building C which has less architectural and historical interest than building B –see the English Heritage report of 2007 which shows that building C is early 20th century whereas building B originated prior to 1886 and shows a number of modifications and extensions

- It is not clear which elements of the proposals are being funded through the enabling development. We appreciate this may well be covered in confidential papers submitted with the Planning Application but a descriptive overview would be useful. If everything goes according to plan this point may not be important but in the event of encountering unexpected conditions during the works it would be essential to know precisely what was being funded

- The need to provide a new roof is driven by the floor levels calculated from the Flood Risk Assessment (FRA). We are not clear if the proposed compliance with

floor 2 levels from the FRA is a requirement of Fox Bros or their insurers, in which case the proposals are understandable. However if the floor levels are solely an Environment Agency requirement we wondered whether some sort of derogation might be available for continuing use of historic listed buildings for the same industry. If that was the case a lower roof may be possible involving less visible alteration to the listed buildings

- We are unclear as to timescales for the development and its relationship to the programme for the enabling works on the Greaseworks site. How much do these proposals depend on construction progress on the Greaseworks site?
- Timescales within this development are also unclear. This uncertainty is compounded by the difference in dates quoted in the Design and Access statement in paras 2.03.1 and 2.03.3 (11). Also reference is made to the advantages of conversion of building P (improved security etc) but the conversion will not apparently take place until uses are found for buildings Q, M and N. This may be some time and negates the advantages postulated
- What is to happen to the tenting machine referred to in the D&S statement at 2.03.5.10?
- The Works schedules refer to an archaeological watching brief (2.05.1). We would like this to include full recording of any features discovered that have not already been recorded. This is particularly important for some buildings where full access has not been possible previously due to asbestos or unsafe structures
- Whilst we follow the logic of the areas chosen for continuing manufacturing we do have concerns about the future for building V. This would appear to be completely landlocked and consequently to have no conceivable future use. In those circumstances, sooner or later, it will cease to be maintained and the integrity of the eastern facade will be lost. Has this aspect been thought about?
- We are not entirely convinced that building J needs to be demolished. There appears to be adequate room for access to the remainder of the parking area without loss of this building.

We are supportive of these proposals and believe that both applications should be approved. Our comments are not intended to be major criticisms of the proposals but suggestions for minor amendments or clarifications and we trust that you will find our comments constructive.

Representations

None

PLANNING POLICIES

The statutory background for the protection of listed buildings is found within the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16 of the Act states the key responsibility of the LPA is to have 'special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses'.

PPS1 - Delivering Sustainable Development,
PPS 5 - PPS5 Planning for the Historic Environment,
STR1 - Sustainable Development,
S&ENPP9 - S&ENP - The Built Historic Environment,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,

DETERMINING ISSUES AND CONSIDERATIONS

The principal issues for determination relate to the impact of the works on the listed building.

The proposed conversion works are sought to secure a viable reuse of the heritage asset for economic purposes. The Best Practice Guide to PPS5 acknowledges that 'sometimes change will be desirable to facilitate viable uses that can provide for their long term conservation'. The response of English Heritage sets out the position clearly.

In essence, both English Heritage and the Heritage Lead accept that the proposed works would, in isolation, have a negative impact on the listed building. Policy HE9 of PPS5 – Planning for the Historic Environment, states the decision-maker should have regard to:

- Weighing the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
- Recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

Overall, English Heritage consider that the nature of the alterations constitute a continuation of the way in which the buildings there have previously been adapted to continue serving their original purpose. Any harm to the significance will be outweighed by the heritage benefits delivered in securing a reuse of the site highly sympathetic to its original function and giving it the prospect of a viable future. It would therefore accord with the provisions of Policy HE9 of PPS5.

It is therefore considered that the proposed development accords with the aims of national and local plan policy.

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

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

Taunton Deane Borough Council

Planning Committee - 8th February 2012

E/0006/05/12

**PLOTS 41 AND 54 NOT BUILT IN ACCORDANCE WITH PLANNING APPROVAL
AT BISHOPS HULL RESIDENTIAL DEVELOPMENT, BISHOPS HULL, TAUNTON**

OCCUPIER: PERSIMMON HOMES (SW) LTD

**OWNER: PERSIMMON HOMES (SW) LTD BISHOPS HULL
RESIDENTIAL DEVELOPMENT**

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action following the unauthorised changes to the approved materials on plots 41 and 54, Kinglake, Bishops Hull.

AND

To consider whether it is expedient to take prosecution action should the existing enforcement notice on Plots 1 and 3 not be complied with.

RECOMMENDATION

The Solicitor of the Council be authorised to serve an Enforcement Notice and to take prosecution action, subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice Shall require:

- In respect of Plot 41 remove the half timbered/herringbone brick finish to the front of the dwelling and replace with the red brick finish approved pursuant to 05/11/0016 and
- In respect of Plot 54 remove the tile hanging to the front of the dwelling and replace with the red brick finish approved pursuant to 05/11/0016

Compliance time – Two months from the date on which the Notice takes effect.

AND

The Solicitor of the Council be authorised to take Prosecution action should the Enforcement Notice served on 8th August 2011, in respect of Plot 1 and 3, not be complied with.

SITE DESCRIPTION

The site lies on the western side of Bishops Hull village and is bounded by residential development to the north and south and Bishops Hull Road and housing to the east with fields to the west.

BACKGROUND

05/07/0057 - Outline permission was approved subject to a Section 106 legal agreement in May 2010. The access into the site from Bishops Hull Road was not a reserved matter and was approved as part of the outline.

05/10/0014 - Reserved matters was approved by Members in February 2011 and was for the erection of 171 dwellings and included details of the materials for the plots.

05/11/0016 - A revision to the materials for Phase 1 was considered by Members in May 2011 and was approved following deletion of plots with half-hips, half timber and tile hanging.

05/11/0026 - Planning permission was refused on 25th July 2011 for a further revision to the materials on 7 plots to include:

- Plots 1, 20, 24 and 54 - Rustic red hanging tiles with rustic red roof
- Plots 3,13 and 41 – Half timber/herringbone detailing with slate roof

When this application was considered by the Planning Committee, both plots 1 and 3 had been constructed as proposed in the application and not in accordance with the approved plans pursuant to 05/11/0016.

Therefore Members also resolved to serve an Enforcement Notice with regard to Plots 1 and 3 requiring both plots to be finished in accordance with the approved plans. An Enforcement Notice was served on 8th August 2011 with a two month compliance time.

Appeals were submitted against both the decision to refuse planning permission and the Enforcement Notice which were considered together by the Planning Inspectorate. Both appeals were dismissed on 23rd December 2011.

The Enforcement Notice on Plots 1 and 3 has now come into effect with a two month compliance time expiring on 23rd February 2012.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

Plot 41 has been constructed with a facing brick ground floor and part half timbered first floor. Plot 54 has been constructed with facing brick ground floor with part tile hung first floor. This is not in accordance with the approved plans and materials and is not permitted development under the Town and Country Planning (General Permitted Development) Order 1995.

RELEVANT PLANNING POLICIES

National Planning Guidance

PPS1 – Delivering Sustainable Development,
PPS 1 SUPP – Planning and Climate Change,
PPS3 – Housing,
PPG18 – Enforcing Planning Control

Somerset & Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development,

Taunton Deane Local Plan

S1 - General Requirements,
S2 - Design,

DETERMINING ISSUES AND CONSIDERATIONS

The issue is one of design and the appeal Inspector considered it important that new housing on the estate reflects local distinctiveness and harmonises with existing residential development at Bishops Hull. The tile hanging and half timbered designed properties are not regarded as a characteristic feature of the vernacular architecture of the village. The half timber and tile hung properties would not add to local distinctiveness and would detract from the cohesive identifiable character of the permitted scheme recognised by the Planning Inspector and so would be contrary to policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy S2(A) of the Taunton Deane Local Plan.

In order to ensure reinstatement of the approved red brick finish to the 4 properties concerned it is considered necessary to recommend enforcement action for the two plots not yet authorised and for prosecution action should the reinstatement work not be carried out as required by the enforcement notices.

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

CONTACT OFFICER: Mr J A W Hardy 01823 698247

Taunton Deane Borough Council

Planning Committee – 8th February 2012

E/0394/48/06

SITING OF STEEL CONTAINER AT 154 BRIDGWATER ROAD. TAUNTON

OCCUPIER: UNKNOWN

OWNER: MR & MRS CHMIEWLISKI

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of a steel container situated within the curtilage of 154 Bridgwater Road, Taunton.

RECOMMENDATION

That no further action be taken

SITE DESCRIPTION

The site is located to the east of the A38 and the front and side of the property can be seen from that location. The 5m wide access into the plot runs along the south of the property and serves both 154 Bridgwater Road and 154A Bridgwater Road which lies to the rear of the subject property. There are other residential properties to the north and east of the site with agricultural fields to the south and the roadway to the west.

BACKGROUND

In March 2006 the property was granted permission to operate as a Bed and Breakfast establishment. Further applications have been received and subsequently refused for the operation of a Mini Bus business and the erection of a separate dwelling at the rear of the property. There is evidence that the steel container was on site at the time of the application in 2006.

The owner was informed that the container was causing concern and he offered to move the container away from the boundary and clad the container in timber to give the appearance of a shed. Due to the owner moving out of the property this has not taken place.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The container is sited at the rear of the property in what was originally the garden of the property. During the time when the Mini bus business was operating the garden area was reduced in size which now places the container outside the garden area but still within the curtilage of the property. It is sited against the boundary fence of 156 Bridgwater Road and is approx 2m x 4.5m x 2.7m high

RELEVANT PLANNING HISTORY

2006 - Change of use to Bed and Breakfast – permission granted
2007 - Erection of garage/utility building – permission refused
2007 - Operation of a Mini Bus business – permission refused
2008 - Erection of a bungalow at the rear – permission refused
2009 - Resubmission of Mini bus business – permission refused

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control

Taunton Deane Local Plan 2004

S2 – Design

DETERMINING ISSUES AND CONSIDERATIONS

The container is located 11m from the neighbouring dwelling house to the east of the site and 19m from the neighbouring dwelling house to the north of the site and the impact of the container on living conditions within the dwellings is not material. The container immediately abuts the boundaries of 154a and 156 Bridgwater Road and, with a height of 2.7m, is clearly visible from both the neighbouring gardens and in addition would have a shading effect on the garden lying to the north and to a much lesser effect the east. In my opinion, whilst the container would have an impact on both gardens, I do not consider, given the distances to the actual dwellings, that the impact is severe enough to warrant significant harm being caused to justify enforcement action to secure the removal of the container from the site.

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

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APPEAL DECISION FOR COMMITTEE AGENDA – 08 FEBRUARY 2012

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/A/11/2156194/NWF	CHANGE OF USE OF AGRICULTURAL BARN TO FORM SINGLE DWELLING WITH ASSOCIATED ACCESS AND PARKING AT WHITMORE FARM, STAPLEGROVE	<p>The proposed development, by reason of its location outside any defined settlement limit is considered to be an inappropriate use in the rural area. Despite its proximity to the urban edge of Taunton, it would result in sporadic residential development in the open countryside and result in a dwelling whose occupiers are likely to be dependent on private cars for most of their daily needs. It is, therefore, contrary to policy S7 of the Taunton Deane Local Plan.</p> <p>The proposed barn conversion would require a significant amount of rebuilding to bring it into residential use. It, therefore, is contrary to Policy H7 of the Taunton Deane Local Plan.</p>	34/11/0002	<p>The Inspector considered the proposal constitutes a sustainable form of development. Permission was given to convert the barns to office use in 2009. Although the use of the private car would be likely, the proposed residential use would generate fewer vehicle trips compared with the permitted office use. He further considered all criteria would be met and appropriate conditions can be attached to ensure that the proposed residential curtilage would have no adverse impact on the rural character of the area. After consultation with Natural England, the Inspector concluded that, subject to appropriate conditions, the development proposed would not be likely to have an adverse effect on protected species. Conditions would also be attached regarding landscaping and no obstruction within the visibility splays. For these reasons the appeal was ALLOWED and planning permission will be granted.</p>

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