

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 7 November 2012 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 5 September 2012 (to follow)
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 49/12/0052 -Erection of 20 no. dwellings on land to the north of Style Road, Wiveliscombe.
- 6 43/12/0084 - Redevelopment to form 42 later living apartments with communal facilities and associated landscaping and parking at the former Wellington medical centre, Bulford, Wellington.
- 7 38/12/0380 - Erection of two storey side extension and re-alignment of boundary wall at 27 Buckland Road, Taunton.
- 8 38/12/0365 - Change of use from private dwelling (C3) to 6 bedroom residential care home (C2) for adults with learning disabilities, demolition of rear extensions, erection of replacement rear extension and the raising of roof pitch for the creation of rooms in roof with alterations to driveway and parking at 75 Bridgwater Road, Taunton (resubmission of 38/12/0267).
- 9 36/12/0011 - Erection of a fodder and machinery storage building (building B) at Matchams Farm, Stoke St Gregory (retention of works already undertaken) (resubmission of 36/11/0035)
- 10 36/12/0010 - Erection of a general purpose agricultural building and alteration to access arrangements at Matchams Farm, Stoke St Gregory (retention of works already undertaken)
- 11 Planning Appeals - the latest appeals lodged and appeal decisions received (details attached)

Tonya Meers
Legal and Democratic Services Manager

04 March 2013

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 B Nottrodt (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor C Bishop
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 F Smith
Councillor P Tooze
Councillor P Watson
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor G Wren

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
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

ERECTION OF 20 NO. DWELLINGS ON LAND TO THE NORTH OF STYLE ROAD, WIVELISCOMBE

Grid Reference: 308333.128208

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to –

A: The receipt of additional information regarding the likely impact of odour from the sewage treatment works on the proposed development and, if required, an acceptable mitigation strategy;

B: An amended design for Plot 1;

C: The submission of a plan detailing acceptable finished floor levels; and

D: The applicant entering into a Section 106 agreement to secure the following:

- (a) Affordable Housing – Provision of 5 units (2 bed dwellings) including 3 units for Social Rent.
- (b) Education – Payment of £51,720 to expand pupil capacity at Kingsmead School.
- (c) Public Open Space – Provision for ongoing maintenance/transfer to TDBC/Parish Council of public open space, play facilities and SUDS scheme.
- (d) Style Flats parking area – Transfer of Provision for ongoing maintenance/transfer to TDBC/Parish Council of parking facilities for Style Flats.
- (e) Payment of £1,118 per dwelling towards improving community hall facilities in Wiveliscombe.
- (f) Travel Plan - The submission and implementation of a travel plan.
- (g) Payment of 1% of development costs towards public art.

Conditional Approval

The proposed development will form part of a wider residential development on land allocated for such purposes. The development will provide affordable housing and public open space in accordance with the requirements of Policy WV1 (Land North of Style Road) of the Taunton

Deane Local Plan and Policy CP4 of the Taunton Deane Core Strategy. Whilst the highway improvements to Style Road and the junction of Burges Lane and Ford Road required by policy WV1 will not be delivered by the current application, a development of the scale hereby permitted can be accommodated within the existing highway network and will not cause harm to highway safety. The proposed development is acceptably designed and does not impact unreasonably upon any other nearby property. It does not give rise to flooding and does cause harm to wildlife. It is, therefore, considered to be acceptable in accordance with Policies DM1 (General Requirements) and CP8 (Environment) 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 guidance contained in the National Planning Policy Framework.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

- (A3) DrNo 4195/12 Location Plan
- (A3) DrNo 13093/6055 Boundary Treatments
- (A3) DrNo 13093/6040 Garages Floor Plans & Elevations
- (A2) DrNo 13000/5000D Phase 1 Planning Layout
- (A2) DrNo 13000/5001A Materials Layout
- (A2) DrNo 13000/5002 Open Space Concept Plan
- (A3) DrNo 13093/6000.1 P341 - Plot 7 Floor Plans & Elevations
- (A3) DrNo 13093/6002.1 H408 Elevations
- (A3) DrNo 13093/6002.2 H408 Floor Plans
- (A3) DrNo 13093/6003 H469 - Plots 8 & 13 Floor Plans & Elevations
- (A3) DrNo 13093/6004.1A H536 - Plots 9 & 14 Elevations
- (A3) DrNo 13093/6004.2 H536 - Plots 9 & 14 Elevations
- (A3) DrNo 13093/6001.1 H433 - Plot 15 Floor Plans & Elevations
- (A3) DrNo 13093/6006C SH17 - Plots 16 to 18 Elevations
- (A3) DrNo 13093/6005 P232 & P233 - Plots 19 & 20 Floor Plans & Elevations
- (A3) DrNo 13093/6050A Street Scenes
- (A1) DrNo SPP.1735.1 Vegetation Appraisal
- (A3) DrNo AQ1 Predicted Odour Impact

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

3. Prior to the commencement of the development hereby permitted a surface

water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, together with a timetable for its implementation and details of how the scheme shall be maintained and managed after completion shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policy CP8 of the Taunton Deane Core Strategy and the National Planning Policy Framework.

4. 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 JH Ecology's submitted report, dated July 2012 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.
- Confirmation of the appointment of a suitably qualified Ecological clerk of works; and
- A Landscape and Ecological Management Plan.

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 tubes, accesses and boxes; and bird boxes and related accesses has been implemented.

Reason: To protect wildlife and their habitats from damage in accordance with Policy CP8 of the Taunton Deane Core Strategy and advice contained in the National Planning Policy Framework.

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

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

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

b) Submission of Remediation Scheme

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

c) Implementation of Approved Remediation Scheme

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

notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

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

e) Verification of remedial works

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

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

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

f) Long Term Monitoring and Maintenance

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM1 of the Taunton Deane Core Strategy and the National Planning Policy Framework.

6. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in

accordance with Policy DM1 of the Taunton Deane Core Strategy.

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

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy Policy DM1.

8. Prior to the occupation of the 15th Dwelling hereby permitted, the public open space indicated on drawing 19093/5000 rev D, including the Local Equipped Area for Play, allotments and access roads/footpaths including an access from the public footpath off the south eastern boundary, shall be constructed in accordance with full details that shall have been submitted to and approved in writing by the Local Planning Authority beforehand.

Reason: To ensure that the public open space facilities required for the residents of the development hereby permitted is provided in accordance with Policy CP4 of the Taunton Deane Local Plan.

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

The agreed details shall be implemented such that each dwelling shall be accessed by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

Reason: To ensure that the dwellings are provided with an acceptable means

of access and to ensure that the detailed design of the proposed estate roads is acceptable and contributes to a well designed estate in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10. Details of any external lighting, including street lighting and lighting within the Public Open Space, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Such lighting shall be designed in accordance with the wildlife mitigation strategy approved pursuant to condition 4 above.

Reason: To ensure that bat activity is not harmed by lighting installed at the proposed development in accordance with Policy CP8 of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

This application seeks full planning permission for the erection of 20 dwellings. The development is proposed as a first phase of a larger residential development, outline details of which are indicated on the drawings, but are not subject to this application.

The proposals include the realignment of Style Road to enter the site, with the old narrow section of style road becoming a T junction from the new road alignment. This application proposes to terminate the new length of Style Road within the site, just short of the eastern site boundary. From this new length of road, a spur would be formed into the remainder of the estate and two shared surface cul-de-sacs would be formed at the eastern end.

To the northeast of the proposed residential area would be an area of public open space comprising formal and informal play, allotments and a permanently wet attenuation pond. Vehicular access would be gained from the existing track to the north with a parking area to serve the allotments; and pedestrian access would be gained from the new residential estate, via the two cul-de-sacs.

The proposed dwellings would be mainly detached providing a minimum of two parking spaces (many with 3, including a garage). The exception would be a pair of semi-detached and a 3 terraced dwellings, which are proposed as the affordable housing on the site. These would have bay parking off the estate road. 7 parking spaces to the south are also proposed for the existing Style Flats.

SITE DESCRIPTION AND HISTORY

The site comprises agricultural land to the north of Wiveliscombe. It is currently accessed via a field gate through an otherwise strong hedge/tree boundary on the south side of the site from Style Road.

The site is broadly flat, enclosed by hedges and trees on all boundaries with the

exception of a brick wall to the boundary of one of the closest residential properties (Lamplighters) off the southeast corner of the site. In the southwest corner, 53 Style Road has a side elevation first floor window facing the site. Other dwellings to the north along the western boundary are set further back from the site boundary.

To the north, trees/hedges separate the site from a track that gives access to the Rugby Club's training ground (also to the north of the site) and the sewage treatment works which is situated off the north eastern site boundary. A public footpath runs to the east, beyond a tree line and stone wall.

The development of the site for 110 dwellings was refused in the 1990s as being contrary to policy and prejudicing the development of the Taunton Deane Local Plan. The site was subsequently allocated for development.

The site is part of the WV1 Local Plan allocation for residential development of no less than 50 dwellings and public open space (including children's play). The allocation also specifies a requirement for improvements to the local road network, pedestrian access from plain pond to the public open space, landscaping along the northern and eastern site boundaries and education contributions.

An application was submitted in 2008 (49/08/0017) by Gadd Homes Ltd for the development of 80 dwellings on this site. The Planning Committee resolved to grant planning permission subject to a Section 106 agreement. However, the S106 agreement has never been completed and the permission never issued.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE TOWN COUNCIL – Object for the following reasons:

The application proposes 20 dwellings upon the developable land incorporated in the previous application for 80 dwellings. The submitted drawing show that the 20 dwellings will take up 40% of the site, not 25%. With fewer dwellings on the land, there is lesser chance that a new access road to service these properties will be built, and therefore creating more parking problems and traffic congestion in the area. The Wiveliscombe Town Council note that the planning inspector will allow 20 houses to be built as a fall back option, but since that report, times have changed with increased traffic due to home deliveries and more cars on the road and without any guarantee of a new road it is concerned about traffic flow, parking, access and health and safety issues.

If TDBC decide to grant permission, then there should be no alterations to the traffic flow in Style Road until the second stage of the development has been agreed. There is no road giving access to the green area in phase one at the rear of the development. This area needs to be redesigned in order to consider new allotments and the children's play area needs to be redesigned. There would be a loss of parking at Style Road where the houses do not have gardens and parking spaces. Time restrictions should be imposed on the construction traffic particularly at school times. Construction traffic should not use Style Road or Burges Lane at any time.

SCC - TRANSPORT DEVELOPMENT GROUP – No objection.

The land is allocated within the Taunton Deane Local Plan for residential development and one of the requirements is for the new road to replace the existing sub-standard carriageway and an improvement of the junction of Burges Lane and Ford Road.

The application seeks to provide, what could be called the 1st phase, of this aspiration of the Local Plan. Therefore, I am content that the proposals are in line with the Taunton Deane Local Plan and I have no objection in principle to the development.

As mentioned above, the new road forms the first section of a larger aspiration, and will need to be secured under a Section 106 agreement. No development should take place until design and timing issues have been agreed.

The Transport Statement has been the subject of detailed scrutiny by Somerset County Council officers, who concluded that whilst there are some minor details with which one could take issue with, the Transport Statement is a fair representation of current and future traffic conditions.

The plans submitted with the original application depicted a level of parking below the current standards Somerset County Council Parking Strategy, adopted March 2012. However, this issue has been resolved through the submission of a revised plan (13093/5000D), which now indicates correctly sized parking areas together with an appropriate level of parking (61 spaces in total).

However, it should be noted that the garages are the minimum standard dimensions and do not appear to provide cycle parking. In addition, the Travel Plan does not indicate the level and location of cycle parking and therefore there appears to be an under-provision of cycle parking, which is contrary to the Somerset County Council Parking Strategy. There is sufficient room within the proposals to accommodate adequate provision, and this point will need further clarification.

The Transport Statement also includes details of a proposed Travel Plan, which is not considered acceptable in its current form. The Travel Plan should be viewed in the context of the larger proposals for the site & it should take the form of a separate document to the Transport Statement clarifying / expanding elements such as:

- Travel Pack. Detail should be provide on when these will be provided and how they will be administered
- Green Travel Vouchers. There should be further detail, including the amounts proposed together with the administration process
- Cycle Parking. There should be a commitment to the number of cycle parking spaces being provided.
- Welcome Packs. This should include details regarding their content and how they will be administered.

In addition to the above points, it is suggested that the Travel Plan should also consider/include:

- Travel Information Notice boards
- Website

- Detailed parking provision for all modes (car, motorcycle, cycle, etc)

Whilst the current Travel Plan requires further work to receive approval from the highway Authority, it is considered that this can be achieved through an appropriate condition.

Colleagues have been consulted upon the Flood Risk Assessment and drainage issues, but as yet their comments are unavailable. As soon as I receive these, I will pass these comments on as soon as they have been received.

In addition to the S106 Agreement mentioned previously, the Highway Authority would require the applicant to enter into a Section 278 agreement to design, fund, construct and implement the highway works as well as implement an monitor and agreed Travel Plan as described above.

It is essential that the internal development layout is acceptable from a highway viewpoint to appropriately cater for vehicles and pedestrians. The layout has been the subject of discussion with the Highway Authority & that currently proposed is generally acceptable. However, minor changes will be picked up through Section 38 and Section 106 approval.

One objection has been received relating to the Transport Statement and its content. The highway authority considers that the Transport Statement is sufficient and that the remaining issue surrounds safety of the local highway network against the additional traffic. Accident records have been checked as part of the evaluation process, and whilst there are a small number of accidents in the local area these do not appear to be attributable to specific highway design issues. Therefore, whilst there will be a small increase in traffic using the local network it is considered to be acceptable.

Recommends conditions that the gradient of the proposed access is less than 1 in 10; provision is made for the disposal of surface water; estate roads are constructed in accordance with further details submitted for approval; each dwelling should be served by a properly consolidated footpath and carriageway; drive gradients should not exceed 1 in 10; hardstandings should be at least 6m in length where up and over garage doors are used.

ENVIRONMENT AGENCY – No objection, subject to conditions.

We are pleased to see that surface water run-off from the site will be limited to the 1 in 2 year storm event for all return periods, particularly since the capacity of the receiving watercourse is unknown. The surface water strategy reflects the principles of Taunton Deane Core Strategy Policy CP8. We agree with the FRA that further consideration should be given to infiltration which is the preferred option when considered against the advice in the CIRIA SuDs Manual.

The FRA states that surface water infrastructure will be maintained by a management company. Provision for this should be included within the Section 106 Agreement attached to any permission granted.

It is important that the ecological value of the watercourse to the north east of the site is protected, and where possible, enhanced. For this reason we agree with the

recommendation of your Biodiversity Officer (dated 04 September 2012) to impose a condition securing an Ecological Management Plan within any permission granted.

Any works which will impede or alter the flow within the watercourse to the north east of the site will be subject to the prior written consent of the Lead Local Flood Authority (Somerset County Council).

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

Recommend a condition that a surface water drainage scheme is submitted prior to the commencement of the development.

NATURAL ENGLAND – Enhancements should be made to habitat for bats. Appropriate conditions, including a detailed mitigation and monitoring strategy should be required for Dormice. Biodiversity enhancements for great crested newts should be considered.

DRAINAGE ENGINEER – No objection subject to a condition that development should not commence until a surface water run-off limitation scheme has been submitted and agreed by the LPA. Special attention should be focussed on the proposed location for the attenuation pond and its outfall to the adjoining receiving watercourse as the proposed location is very shallow.

DIVERSIONS ORDER OFFICER – The development itself will not interfere with the public right of way, footpath WG15/5 (part of the West Deane Way) which runs to the east of the site, but the health and safety of walkers must be safeguarded during development.

ENVIRONMENTAL PROTECTION CONTAMINATED LAND – Due to the previous uses of the site and adjacent land, recommends a condition regarding contaminated land.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – Comments awaited pending receipt of odour report.

STRATEGY AND COMMUNICATIONS – No comments received.

HOUSING ENABLING – Supports the application based on need. The affordable housing requirement for this scheme is 25% of the total number of units. The tenure split is 60% social rented, 40% intermediate housing. The requirement is for house rather than flats. The houses should be predominantly 2 and 3 bedrooms.

The affordable housing should meet the HCA design and quality standards 2007, including at least Code for Sustainable Homes level 3, or any subsequent standard

at the commencement of development.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead.

LANDSCAPE LEAD – My main concerns are

- Loss of roadside hedgerow and no replacement planting.
- Loss of landscape character to residential character.

Other initial comments regarding the proximity of buildings to hedges have been superseded by amended plans.

COMMUNITY LEISURE – Provision for play and active recreation should be made for the residents of these dwellings.

Phase 1 of this development should provide 400 sq. metres of play, which is the equivalent of a LEAP. Problems were identified with the initially submitted layout, but this has since been addressed.

A contribution of £194 per dwelling should be sought for allotment provision along with a contribution of 1, 118 per dwelling towards local community hall facilities. Contributions should be index linked.

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

BIODIVERSITY – The site comprises intensively managed pasture field, considered to be of limited ecological value. The site is enclosed by hedgerows with occasional trees and stone walls. Access to the development is proposed from Style Road and would result in the loss of a 92m length of species poor hedgerow. A balancing pond is planned in the proposed Public Open Space. An ecological impact assessment has been carried out and found the following:

Bats – Hedgerows and trees bordering the site provide potential foraging and commuting habitat. Lighting should be designed to minimise any impact on bats.

Dormice – Dormice are known to occur in the local area. Overall the hedgerows to the south and west are considered to be of low value to dormice. The northern and eastern hedgerows, which are to be retained are considered to be of value to dormice due to their mature overgrown nature and presence of trees.

Badgers – No evidence was found.

Reptiles – Suitable habitat was restricted to hedgerows and watercourse corridor. Since these will be largely retained and provided the site continues to be managed, no further survey work is required.

Otter – No holts or other lying up sites were identified on the site.

Amphibians – No suitable breeding habitat was found within the site.

Birds – Starlings and swallows were recorded. The site is likely to support nesting birds.

Hedgehogs – The site provides potential.

The mitigation measures proposed are supported with regards to hedgerows, badgers, bats, dormice, nesting birds and reptiles. There is potential for biodiversity gain as a consequence of development and a condition is recommended to mitigate impacts.

PARKS – No comments received.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE – No comments received.

POLICE ARCHITECTURAL LIAISON OFFICER – The design and access statement makes no reference to how crime prevention measures have been considered in the design of the proposal.

- Layout of roads and footpaths appear to be open, direct and likely to be well used. Physical features such as rumble strips can help to define the defensible space of the development. The cul-de-sac nature can also help to frustrate the search and escape pattern of the potential criminal.
- The majority of dwellings face each other which is recommended.
- Communal areas have the potential to generate crime, the fear of crime and anti-social behaviour. [Comments were made about the layout of the Public Open Space, but this has subsequently been amended to reflect the concerns].
- Dwelling boundaries appear to be clearly indicated. Dwelling frontages should be open; the more vulnerable rear and side boundaries should have a minimum height of 1.8m.
- Most parking spaces are in-curtilage. The parking facilities for the affordable housing give some cause for concern as they appear to be subject to limited surveillance from owners' dwellings. Communal parking spaces should be within view of 'active' rooms.
- Landscaping should not impede natural surveillance.
- The applicant should formulate all physical security measures with the police approved 'Secured by Design' award scheme.

SCC - ECOLOGY – No comments received.

SCC - CHIEF EDUCATION OFFICER - Although the application proposes just 20 dwellings, this would form only the first phase of a development of a total of 50 dwellings. I think it is therefore appropriate to consider the impact of these 50 dwellings and any financial contributions generated by the first phase should be levied on a pro-rata basis to this element.

A development of 50 dwellings would create the requirement for seven secondary school places. The net capacity of Kingsmead school is currently 735, with 789 actually on roll. The new science block will, we understand, increase the capacity to 800, but forecast rolls exceed this from next year, rising to 830 by 2016, without taking into account any new development. The school will therefore be unable to cater for the additional pupils from this development without further enhancing its accommodation. The capital cost of a secondary school place is £18,469, so the total contribution would amount to £129,283; or about £2,586 per dwelling. A development of 20 dwellings will therefore generate a financial contribution of £51,720.

The whole development of 50 dwellings would require the availability of ten primary school places. The local Wiveliscombe Primary school is, however, forecast to have sufficient capacity for most of the foreseeable future and no financial contributions will be required in this respect.

SCC - FLOOD RISK MANAGER – The information in the FRA demonstrates that it will be possible to drain the site in a sustainable manner and not increase flood risk to others. Not enough information is provided to enable a detailed check of the calculations to be carried out so the final design will need to be approved before construction commences. The volume of the storage pond especially will need to be checked as it has been sized to accept runoff from the developed part of the site only and the fall of the land means that the open space will also drain into it.

The FRA states the pond will be maintained by a management company. The long term viability of this needs to be assessed by TDBC.

Schedule 3 of the Flood & Water Management Act is due to commence next year and if construction has not commenced within one year of the commencement, the surface water drainage system may require approval of the County Council.

SCC - RIGHTS OF WAY – Note that there is a public right of way (PROW) recorded on the definitive map that abuts the site (footpath WG 15/5). Raise no objections to the proposal, but request that a pedestrian link to definitive footpath WG 15/5 is built to adoptable standard to provide access to the rights of way network.

Note that health and safety of the public must be taken into account and indicate when further approval from SCC is required.

SOMERSET WILDLIFE TRUST – No comments received.

WIVELISCOMBE CIVIC SOCIETY – The Local Plan inspector and subsequent policy envisaged access being provided from Ford Road, via a new length of road. However, that is no longer proposed and delivery is uncertain. Therefore, this application should be judged without reference to previous discussions.

The application should be refused because it will bring far too much traffic onto already substandard roads. General traffic has increased since previous decisions

were taken, especially delivery traffic. Most of the houses to the west have no off-street parking and a diversion to the Taunton Road via this direction involves going through the often congested Town Centre and a further pinch point in North Street.

WESTERN POWER DISTRIBUTION – WPD have an 11kV underground cable in the south west corner of the site. We would like the design to reflect this. Alternatively a route should be provided within the confines of the development.

WESSEX WATER – In terms of water supply, there is adequate capacity available to serve the needs of the development and no off-site reinforcement is required. A new connection with on site mains can be requisitioned from Wessex Water to serve the site.

In terms of foul drainage, there is limited capacity available within the public foul sewer and engineering appraisal will be carried out by Wessex Water to confirm the point of connection and the scope of any improvements required to the system. The public sewer suffers from surcharging during storm conditions and further checks may be required to confirm any risk of sewer flooding to the proposed dwellings.

Public sewers cross the site and no buildings will be permitted within the statutory easement under Building Regulations. No surface water connections will be permitted to the foul sewer. No public surface water sewers are available.

The sewage treatment works (STW) and terminal pumping station has sufficient capacity to accept the extra flow this development will generate.

The proposed development site may be affected by odour from the adjoining STW. Wessex Water will need to confirm the risk of odour to the proposed development and the impact that may occur during adverse conditions. A study will inform any potential need for mitigation and the scope and extent of improvement works. The developer will be expected to contribute to this study and the cost of any improvements. Conditions should be imposed that prevent commencement until this matter has been resolved to avoid a statutory nuisance and the council's EHO should be consulted to confirm the risk and necessity for mitigation.

Representations

One letter has been received confirming that the resident has NO COMMENTS to make.

One letter COMMENTS that proposals for 50 are preferable to the initial plans for 80 as they would lead to a better quality of life. However, still notes concerns, included in those detailed below.

5 letters of OBJECTION and 12 letters of CONCERN have been received raising the following points

- The development will lead to traffic and car parking chaos. Any new dwellings built in Wiveliscombe should be nearer the main road without having to pass

through already congested roads. The access roads are narrow, with tight bends and poor visibility. A significant amount of delivery lorries etc. use the access roads outside the surveyed peak rush-hour periods. The mainly elderly residents of Spring Gardens also use the road mainly outside the peak times. These are not accounted for in the transport statement, which deals with peak flow. Also, if the traffic surveys were conducted in school holidays, this would be misleading.

- Car parking is already a problem nearby. Any development will displace at least 24 cars. If parking for the Council flats on Style Road is removed to facilitate access, then parking in Spring Gardens will become a nightmare. The original proposals showed replacement parking provision for Style Flats. Higher parking provision (zone C of the SCC Parking Strategy) should be applied as this is a rural commuting community.
- The transport statement is incorrect in its statement that the narrow section of Burges Lane/Style Road is not heavily congested. It also overlooks the use of the road for pedestrians. There is no pavement from the bottom of Golden Hill to Style Flats for pedestrians – mainly children going to and from the primary school. It suggests that a bypass would be provided in the future, but does not undertake to provide it.
- If these dwellings are permitted, a new road is required and Style Road should become a cul-de-sac.
- The Doctor's surgery is about to move to a location outside the recommended walking distance.
- The fields are close to the sewage works causing smells.
- The site is too close to the rugby training ground which generates a lot of noise.
- There is no need for a further 20 dwellings. There is no employment in the town.
- Policy WV1 identified a number of benefits from the development of the site, which the current proposal is silent on:
 - Improvements to Style Road/Burges Road and the junction with Ford Road.
 - Provision of Public Open Space.
 - Affordable housing.
 - Pedestrian access from Plain Pond to the area of Public Open Space.
 - Landscaping along the northern and eastern boundaries of the site.
 - Education contributions.
- The previous heads of terms of the S106 agreement for the previous application allowed the provision of 20 dwellings ahead of completing the improvements to Style Road, but completion ultimately within 5 years. It did not obviate the need for the developer to construct the road even if they only built 20 dwellings. The current proposal makes no commitment to complete the road.
- The developer appears to be attempting to avoid the financial implications associated with improvements to Style Road/Burgess Lane and its junction with Ford Road by reducing development to a level that they perceive it is not required. However, the traffic issues associated with the current use of Style Road are such that no development should be permitted without these improvements. The previous agreement that 20 dwellings could be constructed prior to the completion of the road was not acceptance that 20 dwellings was acceptable, rather it was a phasing compromise on the basis that the 80 dwellings would come forward within a reasonable time scale, in

order to allow development to proceed. It was to be required that the improvements to Style Road/Burgess Lane and the Ford Road junction would be delivered within 5 years – specifically to prevent the developer only building out the first 20 units and not delivering the highway improvements.

- The submitted transport statement does not discuss the standard of the existing highway network and appears to assume that it is adequate to accommodate the proposed development. This is an oversight and it is believed that the existing highway infrastructure is not acceptable.
- The current proposal is for significantly fewer dwellings than the Council previously resolved to permit.
- Permitting these dwellings without guaranteeing the necessary road improvements may mean that the remaining development cannot fund the required highway works. This application seems to be avoiding to deliver the requirements of Policy WV1.
- The development will lead to the diminution of all green space on the north side of Wiveliscombe's current boundary, which is what makes the town a special place.
- Local schools and medical facilities are already at capacity.
- The proposal looks exactly the same as any development anywhere in the country. This Greenfield site is a golden opportunity to incorporate fresh ideas and thinking on housing with special emphasis on sustainability, visual and environmental impact.
- The sewage treatment works need expanding to accommodate the development.
- With global issues of food production, it does not seem morally right to take food producing land out of production.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
C1 - TDBCLP - Education Provision for New Housing (HISTORIC),
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, access and the impact on the highway network, the layout and design of the development, and the impact on community facilities and infrastructure. Matters such as drainage and the impact on wildlife must also be considered, but they are not considered to be decisive in this case.

Principle

The site is allocated for development under Policy WV1 of the Taunton Deane Local Plan, which is saved by the newly adopted Core Strategy. The broad principle of the

development is therefore considered to be established, despite the concerns of the Landscape Lead and representations that development in Wiveliscombe should be situated to the south rather than the north of the town.

Policy WV11 specifies that the development should be for no less than 50 dwellings. This application proposes 20, although an indicative layout for the remainder of the site (not subject to this application) indicates that 50 dwellings could be delivered. Whilst this application does not propose to deliver the entire allocation, it has been shown that full delivery is not prejudiced by this application and as such, it is considered that the development is in accordance with the core thrust of the policy.

The application proposes that 5 of the dwellings (25%) would be affordable, in line with Core Strategy Policy CP4. 3 of these would be Social Rented, in line with the Housing Enabling Lead's requirements.

The allocation policy requires the provision of public open space and it is proposed to deliver all of this as part of the proposed development, including a NEAP, LEAP and allotments. In accordance with the policy, access is proposed to this area from the existing track from Plain Pond to the sewage treatment works and this would include provision for vehicular access to the allotments.

The site allocation requires 'improvements to the local road network including the provision of a traffic calming scheme along the new length of road'. The supporting text to the policy indicates that this requires the realignment of Style Road and improvements to the junction of Burges Lane with Ford Road. The Local Plan proposals map indicates that Style Road should be realigned to pass through the development site, effectively bypassing the narrow section to the north of Style Flats. This application does not propose these works, and the need for them is discussed in the following section of the report. This conflict with the allocation policy is considered to be the most important issue in the consideration of this application.

Site access and impact on the highway network

As noted above, Policy WV1 requires improvements to the highway network and does not specify a timing for these works. In negotiating the S106 agreement for the previous application it was agreed that 20 dwellings could be occupied prior to the completion of the new length of Style Road and the Ford Road junction. This is broadly in accordance with comments made by the Local Plan Inspector when considering the site. The Inspector did not disagree with the Highway Authority's advice that "20 dwellings...could in principle be accommodated without the need for the access road. This background is used as justification by the applicant that the local highway network can accommodate an additional 20 dwellings without a significant impact and accordingly this smaller development should be allowed to proceed without first undertaking those wider highway improvements.

On the contrary, it is argued by others, that the acceptance to delaying the road widening works was purely on development viability grounds rather than the ability of the highway network to satisfactorily absorb the increase in traffic. As such, it is suggested that this was a compromise to allow some development to proceed in order to finance the construction of the road and junction improvements, the works being within 5 years in any case and that the existing highway infrastructure is inadequate to accommodate the increase in traffic resulting from any development.

It is true that the current proposal, being for only partial development of the site, cannot guarantee the ultimate delivery of the road (if the remaining part of the site never comes forward). The application must, therefore, be assessed on the basis of the ability of the existing highway network to accommodate the increase in traffic likely to result from the proposed development.

The Local Highway Authority have assessed the application, taking account of the representations received, and have concluded that the existing highway network is capable of accommodating the likely increase in traffic. It is, therefore, considered appropriate to allow this partial development of the site without requiring the wider highway works detailed in Policy WV1.

The Highway Authority have recommended a number of conditions and a Section 106 obligation. It is clear that they intend the travel plan to include financial obligations, so this is more appropriately included in the Section 106 agreement than dealt with by a planning condition. Their requirement for agreeing the timing and delivery of the first phase of the link road by S106 agreement seems rather meaningless since this road is physically required in order to access the development. It is, therefore, considered necessary only to require detailed approval of these matters. Their requirement for conditions that gradients should be less than 1 in 10 is not necessary given the relatively level nature of the site and similarly the hardstandings of over 6 metres are already indicated on the plans.

The application proposes a total of 56 parking spaces (including garages) for the 20 dwellings and a further 7 spaces for the existing, off-site, Style Flats, which addresses some of the Town Council's concerns. The other concerns of the Town Council and some local residents regarding the timing for the realignment of the Style Road and timings/routes for construction traffic. However, given the proposed road layout, and gently curved alignment into the site it is not considered possible to delay the new junction works until a later phase of development. Controlling construction traffic is not considered to be enforceable.

Layout and Design

The layout is largely driven by the ultimate line of the realigned Style Road, which is proposed to broadly follow the course previously agreed in the 2008 application. Frontage development is proposed along the length of the road; at the western end private drives would provide in-curtilage parking accessed directly off Style Road. At the new junction with the existing narrow section of Style Road, a large, well designed dwelling would provide good road frontage to both roads. This dwelling is also proposed at the eastern end of the site on a junction with one of the shared surface estate roads and pays good attention to both street scenes.

Having been designed along standard highway design principles, the new length of Style Road has the potential to have an engineered appearance, with gentle curves, uniform footways and widened footways to provide good forward visibility around the bends. However, the dwellings are proposed to follow the curves in the road and it is considered that this aspect of the layout is acceptable. Within the development, there is scope to move away from this standard approach, but the majority of this area does not form part of the current application; the exception being the eastern end of the site, which is proposed to be built around two shared surface roads the

each give access to the adjoining public open space.

The proposed development would continue the existing frontage development along style road and this is considered to be appropriate here. However, at the time of writing, the dwelling proposed for plot 1 would overlook 53 Style Road and an amendment has been sought. Other dwellings are sufficiently distanced from the proposed development so as not to be unacceptably affected by the proposals.

The urban design in the shared surface spaces is considered to be weaker, with no clear ethos influencing the design. The submitted design and access statement adds nothing to explain why the site has been conceived as it has. The dwellings are rather haphazardly arranged and provide a substantial amount of 'dead' side elevation and garden wall within the public realm. However, two of the 4 dwellings in each of the areas would front the road and the arrangement provides for two to front the public open space which, along with two that are side-on to the open space provide good surveillance of the area. There is a danger that the detailing in this area will lead to some rather incongruous junctions of materials where the adoptable highway and private drive surfaces join and, therefore, further details should be sought by condition. Given that this area carries the pedestrian routes to the public open space, this is considered to be important.

In terms of detailed design, the dwellings are proposed in a semi-Georgian style, although clearly influenced in terms of their scale by more recent housing development. Georgian-style porch canopies on top of pilasters would accompany windows of a proportion typical of the sliding sashes of this era. The windows, however, would be top-hung casements which is considered to significantly weaken the design and overall finished appearance, with the result that it is neither a true historic pastiche or modern designed and detailed dwelling. The proportions of the dwellings, however, are considered to be well balanced and, overall, are well conceived. Amendments have been sought to remove some slightly odd window detailing to the affordable housing and the new designs are now considered to be acceptable. The use of recon. slate to the roofs is considered to be appropriate for the area and, subject to final details, should achieve an acceptably designed development.

Community facilities and infrastructure

In accordance with Policy WV1, public open space is provided on site in the form of formal and informal recreation facilities and allotments. An initial proposal for a sports pitch on the site has been dropped following discussions that the applicant had with the Town Council, who suggested that additional such facilities were not required in the town. The site itself, therefore, provides adequate outdoor recreation facilities and the delivery of these can be secured by condition, with ongoing maintenance secured via a S106 agreement. Although the applicant has indicated that a LEAP and NEAP will probably be provided in association with this phase of development, the quantum of development proposed only requires a LEAP. Full NEAP facilities can be secured when the later phase is permitted. In addition, contributions have been requested towards community hall improvement in the town.

Wiveliscombe Primary School has sufficient capacity to be able to accommodate the increased number of pupils likely to be generated by the development, however,

there is insufficient capacity for additional pupils at Kingsmead School, so contributions have been secured for the County Council based on the likely number of additional secondary aged pupils.

Other matters

The site adjoins Wessex Water's sewage treatment works, which lie just off the northeast boundary. They have raised concern that the development may be subject to odour nuisance from the works and mitigation may be required. An odour assessment has therefore been carried out. At the time of writing, the report has not been submitted, but the consultant has verbally indicated that odour nuisance is unlikely to be a constraint on the development.

The site proposes to drain to a Sustainable Urban Drainage System (SUDS) incorporating a permanent wet pond in the northeast corner of the site. Neither the EA nor Drainage Officer raise any objection to the proposal, subject to the submission and approval of a detailed surface water drainage scheme and appropriate long-term management. It is considered, therefore, that the development would not give rise to off-site flooding.

The submitted wildlife report indicates that whilst wildlife, including European Protected Bats and Dormouse, use site and vicinity as habitat, this is limited to the site boundaries which, with the exception of the southern site boundary, will not be disturbed by the development. The southern boundary is considered to be low value to wildlife, so its removal is unlikely to have an unacceptable ecological impact. The Biodiversity Officer is satisfied that, subject to the imposition of conditions, the development can be carried out without harming wildlife.

Summary and Conclusions

The proposed development is on part of a site allocated for residential development. Although not delivering the entire allocation, it does not prejudice full delivery and proposes to deliver the full quantum of public open space required by Policy WV1.

The proposal does not deliver the realignment of Style Road or junction improvements at Ford Road required to bring the entire allocation forward. However, the Highway Authority is satisfied that the existing highway network can accommodate the likely increase in traffic from 20 dwellings and on this basis, the development is considered to be acceptable. Subject to some minor tweaks to the layout, the design is considered to be acceptable and, through financial contributions, the development can mitigate its impact on community infrastructure.

In accordance with NPPF guidance that development that accords with the development plan should be permitted without delay, there is no sound planning reason to resist this partial development of the allocated site. It is, therefore, recommended that planning permission should be 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

MCCARTHY AND STONE RETIREMENT LIFESTYLES LTD

REDEVELOPMENT TO FORM 42 LATER LIVING APARTMENTS WITH COMMUNAL FACILITIES AND ASSOCIATED LANDSCAPING AND PARKING AT THE FORMER WELLINGTON MEDICAL CENTRE, BULFORD, WELLINGTON

Grid Reference: 313927.120411

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposal would result in residential development on a site allocated for town centre uses to such a degree that it would prejudice the development of the site for the allocated uses. The proposal is, therefore, contrary to retained policy W11 (Town Centre Uses) of the Taunton Deane Local Plan.

There is an identified need for additional floor space for town centre uses in Wellington and the site provides the only opportunity in the town centre to meet such needs. The loss of the allocated site to residential use would leave the Local Planning Authority incapable of meeting the town's predicted retail needs on sites that would preserve the vitality and viability of the town centre. Accordingly, if the development were to proceed, future retail expansion could not be provided in a sustainable manner in accordance with the sequential approaches advocated by the National Planning Policy Framework and Policy CP3 (Town and Other Centres) of the Taunton Deane Core Strategy. Therefore, the proposal would not provide sustainable development, failing to comply with Strategic Objective 3 (Town and other Centres) of the Taunton Deane Core Strategy. The development would not improve the economic, social and environmental conditions in the area and, therefore, conflicts with Policy SD1 (Presumption in favour of Sustainable Development) of the Taunton Deane Core Strategy and the National Planning Policy Framework.

- 2 There is no mechanism in place to secure an appropriate contribution towards the delivery of affordable housing or community facilities in the locality. The proposal is, therefore, contrary to Policy CP4 (Housing) of the Taunton Deane Core Strategy and retained Policy C4 (Standards of Provision) of the Taunton Deane Local Plan. Accordingly, it does not cater for the needs of the residents of the proposed development and does not improve social conditions in the area, contrary to Policy SD1 (Presumption in favour of Sustainable Development) of the Taunton Deane Core Strategy.

PROPOSAL

This application seeks full planning permission for the erection of 42 'Later Living'

apartments and communal facilities. The apartments would be arranged over 2-3 storeys. The applicant, McCarthy & Stone, requires that the building format comprises a number of self-contained apartments specifically designed for the frail elderly, linked by heated corridors from a secure entrance. Communal facilities include a residents' lounge, guest suite, battery car store, laundry room and refuse store, all accessible without leaving the building. They require, therefore, that the building is of a singular mass and footprint with level access.

The proposed design splits this 'singular mass' into various component sections on a stepped building line, seeking to break up the form of the building. Projecting and recessed gables, together with some dormer windows would be provided to the 2nd floor apartments such that some were partly contained within the roof structure, reducing the eaves level. A large glazed section would mark the main entrance to the property in the centre of the north-east elevation, whilst a large corner window would emphasise the eastern corner of the site adjacent to the site entrance.

The building would primarily be finished in red brick under a slate roof, with UPVC windows.

SITE DESCRIPTION AND HISTORY

The site comprises the former Wellington Medical Centre, which has been disused since the facility relocated to a new building in Mantle Street. The site is broadly flat, although it is raised slightly in the centre. Otherwise, the site drops gently to the north towards the rear of the existing properties on Fore Street.

To the east, a low brick wall – around 1.5m in height – separates the site from the South Street car park, and beyond that, the Baptist Church and other buildings on South Street. To the north, the site widens to an existing parking area, which also contains a number of accesses to the rear of properties on Fore Street. To the West, an overgrown wall and some fencing separates the site from the rear of existing dwellings on Bulford. These properties have fairly short gardens and the boundary wall is generally low. There are a number of large trees within the site along this boundary.

The southern boundary of the site is open to Bulford and it is here that the site access is provided – at the eastern end of the southern boundary, adjacent to the car park. There is also a strong tree presence along this boundary, with mature trees protected by Tree Preservation Orders. Other trees sit between the medical centre building and the access drive.

There have been various applications for extensions and alterations to the medical centre and its car park. Planning permission was granted in 2004 and 'renewed' in 2008 for the redevelopment of this site and the adjoining car park to provide a supermarket and car park. The permissions were not implemented.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – Formal comments awaited. Verbally have commented that the development is unlikely to have a significant impact on the local highway network; subject to minor alterations to the access boundary wall, sufficient visibility is provided at the access; the level of parking is appropriate and a travel plan should be submitted.

WELLINGTON TOWN COUNCIL – Supports the granting of planning permission.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – As far as we are aware, there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

BIODIVERSITY – A wildlife survey found the following:

Birds – The site contains a number of trees and shrubs for nesting birds. Clearance works should take place outside the bird nesting season and the development should include some bird boxes.

Reptiles – The site is isolated, but there are small patches of suitable reptile habitat. The site should be checked for reptiles immediately prior to clearance.

Bats – None of the trees on site had potential for roosting bats but they do provide foraging potential. The subsequent survey of the building found no evidence of bats using the building. There is, therefore, no objection to the demolition of the building, although it should be dismantled with caution as a precautionary measure.

LANDSCAPE LEAD – Tree survey and proposed management works acceptable. Tree protection during construction fine.

My main concern is the loss of mature trees 2-7. These trees especially 2 and 4 have considerable amenity value. If they have to be removed for planning reasons, I recommend that they are replaced with semi-mature trees in the car parking island to the north-east of the proposed building. Details of landscaping not submitted.

HOUSING ENABLING – The affordable housing requirement for this scheme is 25% of the total number of units. In lieu of on site affordable housing provision the commuted sum is £623,970.

The commuted sum money is ring fenced and must be used to provide affordable housing in the locality. The commuted sum money should be paid upon completion of the sale of the land.

DRAINAGE ENGINEER – Notes that the drainage survey indicates that surface water from the roof area goes to soakaways. In their recommendations, they propose that porosity tests are carried out to ascertain if the underlying strata would accept infiltration flows.

However, in the application form, it seems to indicate that the preferred method of

disposing of surface water flows is to public sewers. This is not ideal and the developer should consider SUDS techniques to deal with surface water especially as the impermeable areas have increased.

Therefore, a condition should be applied to any planning permission given that details for discharge of surface water should be submitted.

PLANNING POLICY LEAD – The site forms part of the Bulford allocation (Town Centre Uses) under policy W11 of the adopted Taunton Deane Local Plan (2004). Permitted uses will include retailing, food and drink, offices, leisure, entertainment and healthcare facilities. Residential uses may be acceptable as part of a mixed use scheme.

Whilst the status of the Local Plan may be regarded as of limited weight due to its age, the Bulford site falls within the boundary of Wellington town centre, as defined on the Proposals (Inset 3) Map accompanying the adopted Taunton Deane Core Strategy (2012).

Policy CP3 of the Core Strategy advocates the promotion and enhancement of (Wellington) town centre(s) including retail, leisure, cultural and office development and reiterates a sequential approach for such town centre uses.

Over the Plan period the Roger Tym Retail and Leisure Study (2010) requires provision for an additional 7,550 sq.m. (gross) comparison and 700 sq.m. (gross) Class A3,4 and 5 retail space. Whilst there is no additional requirement for convenience floorspace the site lies within the town centre boundary, adjoins the primary frontage and would thus be a sequentially preferable site if proposals arose.

The site has had the benefit of planning permission for retail use in the recent past (most recently in 2008) for 2,580 sq.m. gross convenience foodstore. To my mind the Bulford site is suitable for comparison or convenience retail use, the previous consents not being implemented due to the inferred end user eventually utilising a new unit already under construction. The site falls within the town centre, retail would be consistent with policy CP3 of the Core Strategy and is an allocation for such a use in an adopted Plan. However, I consider that to remain viable the allocation would require consideration in a comprehensive manner, especially as the Local Plan policy/text requires retention of existing car parking in full.

The NPPF reaffirms that the development plan remains the starting point for decision making. Paragraph 17 states that every effort should be made to objectively identify and meet the housing and other development needs of an area, promote mixed use developments and meet local service needs. Paragraph 23 states that town centres should be defined whilst the needs for retail and other main town centre uses are met in full and are not compromised by site availability.

The Core Strategy is an up to date plan. Housing requirements for the Wellington area have been exceeded. This site (or part of) is not required for housing although as part of a mixed use proposal it could afford an acceptable design solution.

The Bulford Local Plan allocation is an obvious site to assist in meeting the projected retail requirement over the Plan period and should thus be retained for this purpose, consistent with local and national policy. Piecemeal loss of this allocation

would not only reduce the retail capacity of this site, it could also result in the remainder of the allocation being unviable for such a use. Loss to residential would not assist vitality or viability of Wellington town centre. The consequence would be out of town retail proposals, impacting on town centre trade and attraction, resulting in transport movement in conflict with the principles of sustainable development whilst impacting on the town centres vitality and viability.

In conclusion, the site is not required to meet a residential need nor would residential use promote vitality and viability of the town centre. However, I would support a comprehensive (including flexibility in accommodating a mixed retail/residential use) development of the Local Plan Bulford W11 site for primarily retail use, consistent with policy. This proposal does not achieve this.

Moreover, in its present form the proposal would prejudice the Councils ability in meeting the NPPF's requirements to identify and not prejudice availability of town centre sites to assist in meeting identified retail need over the Plan period. This would thus be contrary to Core Strategy policy CP3 and SP3/Vision 3 which seeks to promote limited expansion within the town centre to widen its attraction as a place to shop (ie vitality and viability).

Consequently it would not meet the 'presumption in favour of sustainable development' in relation to plan-making or decision-taking set out in the NPPF and therefore also run contrary to policy SD1 of the Core Strategy.

To meet identified retail need, the loss of this site would thus result in out of centre proposals which would result in an increased need to travel, contrary to policy CP1 and CP6 of the Core Strategy and generally, national policy.

HERITAGE LEAD - The Design and Access Statement, clearly states that the design, is a response to the functional requirements of the applicant and hence is one of a "singular mass and footprint" and goes on to say that "the proposals should be designed to respect the overall architectural style and heritage of the surrounding area, whilst optimising the development potential...". As such, the proposal has not drawn any reference from the historic or local distinctiveness of the surrounding buildings, other than the occasional inclusion of certain details. The form takes no account of burgage plots and does not step down from the buildings on Fore Street. The roofscape is complex and includes hips, neither of which are characteristic of the town. Proposed corner features, visually implies that the building is not adequately supported. NW elevation particularly poor - predominantly roof! Square openings largely shown, which contradicts the submission in the D and AS.

The submission needs updating to correctly reflect current policies.

Concern re. proposed use of concrete tiles, plastic windows, Trespa panels and possibly choice of brick.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – No comments received.

WESSEX WATER – There are no issues with the foul drainage proposals.

In terms of surface water, there is a need for attenuation as detailed in the site proposals plan and would accept the proposal of 10l/s for a 30 year storm event. However, would also wish to see the storm flow directed the short distance from the edge of the site to the existing 525mm dedicated storm water system in South Street. This would limit flow rates in the existing foul sewerage system and alleviate existing flooding issues in South Street rather than increasing them.

Provide guidance on new water connections.

ECONOMIC DEVELOPMENT – I would wish to resist the loss of retail space in Wellington town centre and in this location in particular, especially if it were to compromise the comprehensive redevelopment of the site – i.e. for a larger foodstore.

I acknowledge, however, that the development proposed will have economic benefits to the town centre, notably by providing accommodation for people able to spend locally.

Representations

1 letter confirming NO COMMENT to make.

9 letters raising NO OBJECTION, making the following observations:

- This will be a great improvement.
- The outlook from the rear of 54 Bulford would be a great improvement.
- School children will have to find somewhere else to congregate.
- The proposal seems sensible and proportionate in design and scale.
- The development should be named after Hope Terrace, a row of 16 back to back dwellings that occupied the site for around 100 years until the 1960s.
- There should be a one-way system around the site with lay by's and a slope to the town shops, busses and banks.
- It makes good sense to develop the site for local people.
- The site is in an ideal location, with shops and transport so close.
- The site is presently an eyesore and the proposals would be an enhancement.
- If the development proceeds, the South Street car park should be enhanced, so that the residents have a better outlook. A nice garden could be laid out for the Bulford residents to enjoy. Trees could be planted within the car park.

- Hope that most of the mature trees, including the two walnut trees at the front of the site on Bulford can be retained.
- There is inadequate parking in Bulford and more elderly residents are now driving, so sufficient facilities must be provided.
- Access to the rear of properties on Fore Street must be maintained.
- There must be sufficient parking provided for the residents.

7 letters of SUPPORT have been received, making the following comments:

- The development should be completed sooner rather than later.
- The adjoining South Street Car park should not be developed as it is a vital resource in an ideal location.
- There is nothing in Wellington that is purpose built to meet the needs of the elderly who are desperate for assisted living.
- The level of support offered to residents by McCarthy & Stone is excellent.
- McCarthy & Stone have agreed to plan another Red Oak to replace an existing 'in memory' tree that will be felled.

PLANNING POLICIES

EN14 - TDBCLP - Conservation Areas,
 EN23 - TDBCLP - Areas of High Archaeological Potential,
 W11 - TDBCLP - Town Centre Redevelopment Sites,
 W1 - TDBCLP - Extent of Wellington,
 STR2 - Towns,
 STR4 - Development in Towns,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the design of the proposal and the provision of affordable housing and contributions to community facilities. The impact on the local highway network, neighbouring property and wildlife must also be considered.

Principle

Located in the centre of Wellington, the site forms part of land (along with the South Street car park) allocated for 'Town Centre Uses' under policy W11 of the Taunton Deane Local Plan. The policy indicates that permitted uses will include "retailing, food and drink, offices, leisure, entertainment and health care facilities". The following criteria suggest that residential will only be permitted as part of a mixed-use scheme. Policy W11 is retained by the Core Strategy.

This proposal is for a purely residential development on part of the allocation, leaving the remainder of the allocation (the public car park) unaffected. However, without the medical centre site included, it is considered that the remaining car-park is incapable of any meaningful development for the allocated purposes, both due to the constraints that development of the medical centre site would place on the remaining site in terms of built form and developable area; and because the car parking facilities (which the policy intends to retain) would be lost as a consequence. It is, therefore, considered that the proposed development is in direct conflict with Policy W11. Permission should, therefore be refused unless material considerations indicate otherwise that the development is acceptable.

The material considerations suggested by the applicant revolve around the requirement for the allocation, its likely deliverability, and the public aspirations for the site. These are discussed below.

Requirement for the allocation

It is suggested by the applicant that the retail allocation is out of date, having been conceived based upon the Local Plan evidence base and not yet updated by the forthcoming site allocations development plan document. They say that the site has now been allocated for town centre uses for 10 years and has had two planning permission's for retail use, yet any development has failed to materialise. It is also suggested that in allocating the site, the Council were, essentially, envisaging that a food store would be constructed on the site, but that this need has subsequently been accommodated elsewhere – i.e. Waitrose on the High Street allocated site.

The most recent retail capacity study, conducted by Roger Tym and Partners in 2010 accepts that Wellington no longer has any need for additional convenience retail floor space. However, it indicates that, over the plan period, there will be a requirement for an additional 7,550 square metres of comparison retail floor space in the period up to 2028 – as indicated by Policy CP3 of the Core Strategy. The study confirms that 1,500 square metres are required in the period up to 2016. Even if the applicant is correct that this need may be overstated, there will still be some need in the short and medium term.

The applicant draws support for the lack of need for further retail development from the number of vacant units within the Town Centre (6 at the time of their survey). It is suggested that whilst this floorspace is available, there is clearly no need for any additional retail development in new locations. Your officers accept that there may not be a need for additional retail capacity today and in the current market. However, the Core Strategy seeks to plan for the needs of the town over the entire plan period, including increased demand in future times of economic growth and accommodating the needs of the significant additional numbers of residents that will live in the town as a consequence of the large housing growth proposed. Although the NPPF strongly encourages providing for development *now*, it is fundamentally bad planning to fail to plan for the identified need for additional capacity within the plan period, especially where there simply is no obvious alternative site.

Given the current, up-to-date assessment of need, it is not accepted that the retail allocation is out of date because the most recent studies confirm that the need still exists. Even if it were accepted that the policy was out of date (presumably on the basis that the site allocations DPD has not yet been prepared) then the NPPF confirms that the site should be considered in accordance with the policies within the NPPF taken as a whole and the 'presumption in favour of sustainable development' whereby development should be allowed to proceed unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In terms of NPPF guidance, there may arguably be a tension between two consecutive paragraphs in relation to this proposal. Paragraph 22 indicates that "planning policies should avoid the long term protection for sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for

alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”. It could be argued that this guidance applies to ‘employment’ uses rather than retail uses. Indeed, allocations for main town centre uses are not mentioned in the paragraph, but are clearly referred to in paragraph 23 requiring positive planning and site allocation for such uses. At this point, it should be noted that the site has not remained undeveloped for 10 years as suggested by the applicant. Although it has been allocated since 2004, it housed the medical centre until 2010. Despite the 2004 permission, therefore, development simply could not be implemented.

On the contrary, paragraph 23 clearly states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. “Local Planning Authorities should ... allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. *It is important that the needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.* Local Planning Authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites” (my emphasis). In retaining the W11 allocation, the Council is fully complying with this guidance, having regard to the recent evidence from the retail capacity study.

In terms of taking the NPPF as a whole, it is clear that ensuring the vitality of town centres is of key importance in the policy. Although the spirit of paragraph 22 could be extended to other (non-employment) uses, it is considered that, given the lack of direct reference in paragraph 22 to town centre uses, and the specific requirements to plan positively and ensure adequate land for such uses in paragraph 23, the NPPF as a whole indicates that greater weight should be placed on securing the vitality of town centres through the provision of sufficient sites for town centre uses. Indeed, paragraph 22 itself, does clarify the need to have regard to “relative need for different land uses to support sustainable local communities”. As the population of Wellington expands, through the delivery of additional housing in accordance with the Core Strategy, the retail demands would grow and the site will be required. The NPPF makes clear that sustainable development is achieved through a plan-led system that allocated sites based upon the need to provide a mix of uses for communities. The loss of the site for town centre uses would mean that such demands could not be accommodated and the development is, therefore, not sustainable. It is, therefore, considered that there is a need for the allocation.

Deliverability of the allocation

The applicant suggests that the site is not suitable for development for comparison shopping due to its backland nature without any frontage on the main shopping streets and without good links to the High Street. As such, it is argued that the site could not form a viable comparison retail location.

It is true that the site may have been envisaged as suitable for convenience retailing in the form of an additional supermarket and that such need has been met through the provision of the new Waitrose supermarket on the High Street site. The retail capacity study demonstrates that there is no need for further convenience retail floorspace and this is borne out through the non-implementation of planning

permission for such a use on this site.

It may also be true that the site is not in an 'ideal' location for certain forms of retail development, having no street frontage in the main shopping areas. It does, however, contain one of the main town centre car parks and, therefore, footfall at the site is high and may also be attractive in its own right for larger, bulkier goods retailers. In addition, such car parking facilities will necessarily be retained as part of any development, contributing to the attractiveness of the location. Thus, whilst the site may not be attractive to a speculative developer for an arcade of small shops (for example) there is no reason or evidence to suggest that it may not be attractive to a single comparison floorspace user as the retail demand in the town expands over the plan period.

Public opinion and aspiration

The applicant claims that there is no public desire for additional retail provision in Wellington, whilst there being support for supported living accommodation and objection to development of the South Street car park. This conclusion is reached following a survey conducted in the town over the summer. However, your officers consider that the questions in the survey were biased and its conclusions are unsurprising and not relevant to consideration of the purpose of the retail allocation as a whole. In particular, it asked for opinion on the redevelopment of the medical centre site for supported housing and the redevelopment of the South Street car park as two discrete developments, rather than giving anybody the opportunity to comment on a comprehensive development of the site as a whole.

It cannot be denied that there is public support for the proposed development and this is clarified by the striking level of support/lack of objection to the proposed development. However, this is considered to be influenced by a general liking for the McCarthy and Stone brand/product and a dislike for the current state of the medical centre site, rather than a rigorous consideration of the contribution that the site and allocation may or may not make to the town in the medium term, which is the fundamental issue for consideration here. Given the number of vacant units in the town centre at the present time and over recent years, it is unsurprising that the public at large do not consider there to be a need for additional retail development but again this is not influenced by the need for comprehensive town planning to ensure that the future needs of the town are met over the plan period. It is considered, therefore, that little weight should be attributed to the public opinion and level of support for the scheme.

Conclusions surrounding the principle of the development

Despite the present non-delivery of any retail scheme on the allocated site, this was not considered to be due to the lack of need, rather an alternative being readily available at that particular time. It is considered necessary to preserve the allocation in order to meet the projected retail demand for Wellington over the plan period. Failure to maintain the allocated site would mean that there simply are no town centre, or even edge-of-centre, sites available for retail in Wellington, with the consequent pressure that could then arise for out of town retail development.

Your officers are not suggesting that this site is not suitable for residential

development. Indeed, it is in a well accessible location where residents would have convenient access to facilities for most of their day to day needs. However, loss of the site for retail would prejudice the long term viability and vitality of the town centre and would mean that Wellington is incapable of expanding its town centre retail offer in order to meet the predicted demand over the plan period. Such is not sustainable development as defined in the National Planning Policy Framework.

Design and impact on the character of the area

The design and access statement is based on a thorough assessment of the character of the area. It notes a varied townscape that has developed broadly in line with the prevailing architectural trends of the time. As such, the townscape is easy to read and date from a historic perspective and contributes to the rich architectural heritage of Wellington. In particular, it is noted that the Wellington School site – adjoining the site to the south – represents an excellent representation of architectural history, with both its large and small buildings being true reflections of the architectural style prevailing at the time of their construction.

It is of great surprise, then, that the design solution arrived at for the site is not representative of today's trends in architecture. Rather, in its original submission, the approach taken was to take the functional 'singular mass and footprint' requirements of the developer and add to it architectural features from all buildings surrounding the site. In its original form, therefore, the proposed building showed a stepped building line (influenced by the 1960s Bulford development); gabled roof features (from the Wellington Community Hospital); hipped roofs (from the Wellington School 'Northside' building opposite); feature corner window detailing (also from Northside); arched windows and a large central glazed section (from the Baptist chapel). None of the features chosen were copies as such (the arched windows for example were much shallower than on the Baptist chapel and some spanned two window openings) and the result was a confusing mix of styles and details that lead to a rather incoherently designed building that lacked its own identity. One major problem of this initial design ethos is that, in seeking to replicate architectural features found in the locality, the building was drawing influence from much smaller buildings. Some design features such as horizontal string courses in a different brick, can work on smaller buildings, but when translated to a large building fight against the bulk and draw attention to its width and scale.

Following discussions with the architect, things have moved on, and whilst the fundamental design principles have not changed, the architectural detailing is being simplified with concentration instead on key features of the local vernacular – principally a red brick facade under a slate roof, with gabled detailing – both to the main roof sections and projecting elements. At the time of writing the report, fully revised designs are not available, but it is expected that by the time of the committee meeting, the design will have moved on sufficiently to a point where an acceptable solution is reached that does not detract from the character or appearance of the adjoining conservation area or the settings of nearby listed buildings.

The development of the site will result in a reduction in the number of trees along the western boundary and the removal of trees on the eastern side, between the existing building and site access. Whilst those on the western side are in need of significant management, those on the east are better specimens, some protected. The trees on the site frontage to Bulford will be retained by the development and the Landscape

Lead is satisfied that those on the eastern boundary can be felled, provided there is a replacement planting scheme including semi-mature trees.

Provision of affordable housing and other contributions

The Housing Enabling Lead has confirmed that the development should provide for affordable housing on the basis of 25% of the development. The applicant proposes to deal with this requirement through a financial contribution to off-site provision rather than provision of units within the site. Your officers accept that, in this type of development, it is particularly difficult to provide the affordable housing provision on site. The nature of the housing, with supported living services and communal lounges and facilities carry a service charge that Registered Providers of affordable housing are unwilling to pay for. This means that, either, occupiers of the affordable units must be prohibited from accessing certain facilities or parts of the building; or open market residents must subsidise the affordable housing occupiers from their own pockets. The conflicts that could arise as a consequence are appreciable and, therefore, it is considered that an off-site contribution is acceptable.

The required affordable housing commuted sum has been calculated as £623,970. The applicant does not dispute this, but instead is arguing that the development cannot afford to pay such a large contribution without making the development unviable. The applicant has offered to pay £328,994 – around half the required contribution. In addition, contributions should also be made towards the provision of outdoor recreation facilities (excluding children's play) and community hall facilities in the area. Such would total around a further £93,000.

At the time of writing this report the applicant's viability assessment is not accepted by your officers. Independent viability assessment has been commissioned and the initial findings will be available for members at the committee meeting, however, at the time of writing it is considered that the development is unacceptable for these reasons.

Highways

The Highway Authority have verbally confirmed that the site access roads are capable of accommodating the increase in traffic from the proposed development. Limited on-site parking has been proposed on the basis that occupiers of the proposed development tend to be in the later stages of life and few of them drive, particularly in highly accessible locations such as this. It is accepted that the applicant has sufficient experience to know the likely traffic demand from its own developments and the level of parking provision is, therefore, acceptable. In any case, in this particular location, any additional demand for visitor or residents parking can easily be taken up by the directly adjoining South Street car park. Accordingly, the impact on the local highway network is considered to be acceptable.

Neighbouring property

The site adjoins two-storey residential development to the west. The closest of these fronts the main Bulford road to the south of the site, but it is side on to the site and is not considered to be adversely affected by the two-storey element that would

adjoin it at approximately 7.5 metres away.

Backing onto the site along the western boundary – getting progressively closer moving north, the closest dwelling would also be around 7.5m from the new building. This, however, would be a single storey section, side on to the existing dwelling, which would not result in an unacceptably overbearing impact. The main rear elevation of the 3-storey building, would be around 22m from the site boundary and approximately 30m from the rear elevation of closest dwelling. This distance is considered to be sufficient to prevent any unacceptable overbearing/overlooking concerns.

The ability to maintain access to the rear of the properties on Fore Street is a civil matter between these parties and the developer. These properties themselves are also of a sufficient distance from the application building to avoid any unacceptable overlooking, the sections closest to the development mainly being service yards/workshops and a beer garden. No other surrounding property is considered to be unduly affected by the proposal and, therefore, the impact on neighbouring property is considered to be acceptable.

Wildlife

A wildlife survey has been submitted, which indicates that wildlife will not be unacceptably harmed as a consequence of the development. Further survey work to establish the potential for bats to roost in the existing building concluded that there would be no adverse impact on bats. The impact on wildlife is, therefore, considered to be acceptable.

Conclusion

It has been shown that the site could be developed for housing without any adverse impact on neighbouring property or the highway network. It is likely that an acceptable design solution will be found by the time that the application is considered by Members, so this has not been shown as a reason for refusal at the time of writing. However, the development would result in the loss of land allocated for retail development in retained policy W11 of the Taunton Deane Local Plan, and leave Wellington incapable of meeting its forecast retail needs. As there simply does not appear to be any other town centre or edge of centre site available to meet such needs it is considered imperative that it is retained for such purposes. The failure and inability to plan positively for such needs, coupled with the fact that sufficient land has been allocated for residential development elsewhere in the town, means that the proposed residential development of the site is not sustainable development.

In addition, the development does not propose to provide sufficient contributions to affordable housing or community facilities, a further reason that the development is not sustainable.

With regard to these matters, the proposal is considered to be unacceptable. It is, therefore, recommended that planning permission is refused.

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

38/12/0380

MR M SALTER

ERECTION OF TWO STOREY SIDE EXTENSION AND RE-ALIGNMENT OF BOUNDARY WALL AT 27 BUCKLAND ROAD, TAUNTON

Grid Reference: 323673.126503

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

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 does not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A4) DrNo 1612-04 Site Plan
(A4) DrNo 1612-03 Location Plan
(A2) DrNo 1612-02 Existing and Proposed Elevations
(A1) DrNo 1612-01 Existing and Proposed Floor Plans

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

3. 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 window to be installed in the **east** elevation of the extension shall be obscured glazed. 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 DM1 (General Requirements) of the Taunton Deane Core Strategy.

Notes for compliance

PROPOSAL

Permission is sought to erect a two storey extension along the side (east) elevation of the property, this will replace a brick outhouse. It will project 4.1m and run the length of the property. The design of the extension is that the front is stepped in 300mm from the existing front elevation of the property and the roof of the extension is stepped down. The dwelling is finished in render under a tiled roof and materials to be used on the external surfaces of the extension will match the existing dwelling.

An existing brick wall will need to be realigned from its current position alongside the property. Visually there will be no change although it is proposed to raise its height to approximately 3 metres. A 1.8 metre fence encloses the side and rear garden.

The application is before Members due to the agent being related to a member of staff.

SITE DESCRIPTION AND HISTORY

The property is set higher than Buckland Road with the pavement and grass verge leading to the road. The 2.5m brick wall runs at right angles to the property towards number 29 Buckland Road.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - This proposal represents no significant increase in the occupancy of the site so the principle of development is acceptable.

The site is situated along Buckland Road a designated unclassified highway to which a 30mph speed limit applies past the site frontage.

In detail, the application seeks to erect a two storey side extension and re-align an existing boundary wall. Having carried out a site visit on the 1st October 2012 and studied the supporting drawings the proposal would not appear likely to result in an increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network there is no objection to this proposal from the Highway Authority.

Representations

1 letter of NO OBSERVATIONS received

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

The proposed two storey extension will be subservient to the main property in terms of scale and design and will have no adverse impact on the street scene. In addition, there will be no overlooking issues with regards to the adjacent neighbours as the only window on the east elevation will serve the stairs. Therefore the proposal is considered to be acceptable.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

38/12/0365

MR & MRS P & W STEVENS

CHANGE OF USE FROM PRIVATE DWELLING (C3) TO 6 BEDROOM RESIDENTIAL CARE HOME (C2) FOR ADULTS WITH LEARNING DISABILITIES, DEMOLITION OF REAR EXTENSIONS, ERECTION OF REPLACEMENT REAR EXTENSION AND THE RAISING OF ROOF PITCH FOR THE CREATION OF ROOMS IN ROOF WITH ALTERATIONS TO DRIVEWAY AND PARKING AT 75 BRIDGWATER ROAD, TAUNTON (RESUBMISSION OF 38/12/0267)

Grid Reference: 324806.125247

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed care home is considered to be in an appropriate location, where sustainable transport methods are available and would not result in detriment to highway safety. The resulting building has been designed to reflect the style and design of the existing and nearby properties along Bridgwater Road and would not result in harm to the character of the street scene. Although the proposal would change the nature of the site, it is not deemed to result in material detriment to the residential amenities of the occupiers of nearby properties or to wildlife. As such, the proposal is in accordance with Taunton Deane Core Strategy Policy DM1 (General Requirements) and SP1 (Sustainable Development Locations).

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 3415/01 Existing Plans and Elevations
(A1) DrNo 3415/02 Rev A Propsoed Plans and Elevations
(A1) DrNo 3415/03 Rev A Proposed Location and Roof Plans
(A2) DrNo 3415/04 Rev A Proposed Block Plan

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

3. Before the development hereby approved is occupied, the area allocated for the storage of cycles, as shown on the submitted site plan shall be made available for this purpose, in accordance with details that shall have been submitted and approved by the Local Planning Authority, and shall thereafter remain available and not be used for any purpose, other than for the storage of refuse and cycles in connection with the development hereby permitted. The cycle storage shall be fully lockable.

Reason: To ensure that adequate cycle and bin storage is provided, in order to promote sustainable travel and prevent harm to the street scene or neighbouring amenities, in accordance with Taunton Deane Local Plan retained Policy M4 and Policy DM2 of the Taunton Deane Core Strategy.

4. The area allocated for parking and turning on the submitted plan drawing number 3415/04 Rev A, shall be made available prior to the development hereby permitted being brought into use and shall be kept clear of obstruction and not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

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

5. All recommendations made in Harcombe Environmental Services protected species report, dated September 2012, shall be undertaken by the applicant. 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.

Reason: To protect and accommodate protected species and their habitats from damage, which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), in accordance with Taunton Deane Core Strategy Policy CP8 and relevant guidance in Section 11 of the NPPF.

Notes for compliance

1. Notes at request of Nature Conservation Officer:
 1. Badgers are protected by UK law under the protection of Badgers Act 1992.
 2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

PROPOSAL

75 Bridgwater Road is a render and tile bungalow set on the end of a row of dwellings of varying size and design, two storey and bungalows, with a strong

emphasis of hipped roofs. To the north is a childrens nursery, with the car park to the Premier Inn to the east of it and the car park to the Hydrographic office to the west. Opposite and to the rear of the site are further residential properties. The property is set back from the road with an area of hardstanding to the front and a footway runs to the front of this separated from the road by a grassed area, in which trees are planted.

An application for planning permission for the change of use from private dwelling to a 6 bedroom residential care home for adults with learning disabilities was submitted earlier this year. This also sought planning permission for a rear extension in place of the existing rear extensions and the raising of the roof pitch to enable rooms within the roof. This application was withdrawn prior to a decision.

This application now seeks permission for the change of use from private dwelling to a 6 bedroom residential care home for adults with learning disabilities, a replacement rear extension and the raising of the roof pitch to enable rooms within the roof. This would provide four en-suite bedrooms, sitting room, dining room, kitchen and WC on the ground floor, with two en-suite bedrooms, office and staff bedroom at first floor level. The design now incorporates a hipped roof with a traditional style dormer window to the front, rooflights and sun pipes to the northern side and a gabled roof to the rear. It is proposed to create three car parking spaces to the front of the property, utilise the existing car port for parking and use the garage as a cycle store.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CLLR SLATTERY – I have the following objections from local residents expressing concerns about the application, which I would wish to be addressed:

- Application for C2 use is in the wrong location.
- Proposed extension size, 4.5m is overdevelopment of the site.
- Proximity of application and suitability to long established nursery next door.
- Conflicting traffic use and safety concerns.

SCC - TRANSPORT DEVELOPMENT GROUP - The site is located along Bridgwater Road a Classified Unnumbered highway to which a 30mph speed limit applies past the site. Following my site visit I observed that Bridgwater Road is a well utilised route.

The proposal seeks a change of use from a dwelling (C3) to a residential care home (C2) with alterations to the property, driveway and parking. Having made a site visit and studied the information supporting the planning application I have the following observations on the scheme.

According to TRICS database a residential dwelling currently generates approximately 6-8 vehicle movements per day. It is likely that the proposed development will see a slight increase in the amount of vehicle movements associated with the development and trip patterns are likely to be different. However, given the scale of the development this is considered acceptable.

In detail submitted drawing No. 3415/04 shows no alterations to the existing site

access which will be retained. Given the level of vehicles using the site it is not considered necessary to implement any alterations to the existing access. It was observed whilst on site that the access, which is set back from the carriageway edge, is shared with the neighbouring property No. 73. The access for No. 75 is estimated at approximately 2.5m to 3.0m in width.

In terms of visibility, the site is located within a 30mph speed limit, therefore Manual for Streets x and y co-ordinates of 2.4m x 43m can be applied. However, the Highway Authority feel that the sites existing access which will be retained provides suitable visibility in either direction.

In my initial comments the Highway Authority raised concerns over the parking on site, as it was considered an over provision. The Somerset County Council – Parking Strategy (Adopted March 2012) states that for care homes parking provision should be based on 1 space per 8 bedrooms as the site is located in Taunton, which is classed as a Zone A region. Additionally as the development is a new premise of employment, 5% of the overall parking should be made available for employees and visitors.

The recently submitted drawing (No. 3415/04) received in my department on the 13th August 2012 provides an appropriate level of vehicle parking for the proposed development. The site will provide vehicle parking for a maximum of five vehicles, including vehicle turning. I am satisfied that the level of vehicle parking is in line with the Somerset County Council – Parking Strategy. Additionally, the site will now provide suitable cycle storage facilities to accommodate sustainable modes of transport. No objection, suggest condition.

Subsequent comments -

The proposal seeks a change of use from a dwelling (C3) to a residential care home (C2) with alterations to the property, driveway and parking. In light of your email dated 5th October 2012 relating to a concern raised by a local resident, the Highway Authority has the following response to the query.

The Highway Authority is aware of the congestion that occurs in the vicinity to the site at peak times. However, it is considered that the development will not have a material impact. This is due to this small scale nature of the proposed development and the fact that, the overall amount of vehicle movements associated with the site will not be dissimilar to that of the existing residential dwelling.

SCC - COMMUNITY CONTRACTS - National good practice, government policy and Somerset County Councils Learning Disability Commissioning Strategy is to promote independence, ensure choice and deliver wherever possible, housing options that meet need. We do not have a need in this location or across Somerset for more residential care for people with a learning disability. We would not be placing in the home, therefore the company would be seeking business and people with a learning disability would be placed in Somerset from other counties. This increases the work for already stretched health services. We are therefore not supportive of this application.

CARE QUALITY COMMISSION - No comments received

ECONOMIC DEVELOPMENT - Happy to support the application – there is huge potential for business growth in this sector in Taunton Deane, increasingly driven by outsourcing trends.

NATURE CONSERVATION – The application is the change of use from a private dwelling at 75 Bridgwater Road to a Care home. To the rear of the building is a domestic garden with a timber shed which has recently been cleared of tall grasses and rank weeds. Harcombe Environmental Services carried out a protected Species Survey in September 2012. Findings were as follows:

Badgers - A faint mammal (probably badger) path was evident in the garden. The surveyor also noted footprints, and shallow scrapes leading to the underside of a shed. On closer inspection he noted that a lie up had been constructed under the shed. The sticks I placed in front of the scrapes had not been disturbed, weeds had grown in front of one of the gaps and cobwebs were found in spaces beneath the shed. This suggests that the lie up was currently not being used. The sheds removal will not result in disturbance. It should however be checked prior to removal. I agree with the surveyor that badgers occasionally use the transit route across the garden to reach the feeding site in the adjacent garden. The construction site will not restrict this route and so there will be no disturbance to badgers. No setts were found on or within 20 m of the site.

Bats and Birds - The surveyor found no evidence of roosting bats or nesting birds in the shed. I agree with the findings of the survey and support the surveyor's recommendations. Suggest condition.

Representations

At the time of writing, 27 letters of OBJECTION (from 25 households) have been received from local residents on the grounds of:

- Why is Bridgwater Road so popular for adults with learning disabilities? Already 10 care homes across Roman Road, Bridgwater Road, Illminster Road, Moorland Close and Hamilton Road. Change of use would create 11th such business in the neighbourhood, area being turned into a district of care homes, most within walking distance, some guarded 24/7. Development not warranted, surely there are sufficient care homes in this residential area already, no consideration is given to residents and disruption it would cause. Whilst it's good to have young adults integrating into the community, too many in one area. Other residential areas do not have such a concentration. Another care home would lead to intensification and create an undesirable precedent, unsuitable in family orientated area. More may trigger a general downgrading for the remaining community. Reached saturation point, don't want to change nature of the street, or have a care home every other house. Concentration of care homes needs consideration or Halcon Parish could become an area full of care homes. Area already has considerable provision for people with additional needs. Residents shouldn't have to live with so many care homes around them. Query whether care homes are built next to people who own or run them. Why can't they be built on new housing developments already destroying the countryside.

- Suitability of location next to a nursery. Bridgwater Road is an attractive road, with unusual houses with period features. Bungalow at no.75 is a character property, shame to change it. Development would create a business, out of keeping with current private residential area. Six residents and three staff represents far more than a small 'family unit' care home. The Economic Development Section regard it as commercial business development. Site next to White Lodge Hotel and Hydrographic office but represents commercial encroachment into residential area.
- Concerns over appearance of extension, extension too large, doubts about placing such a massive physical development on foundations having to be totally underpinned due to subsidence. Would transform from a small three bed bungalow to overbearing, purpose built modern seven bedroom commercial building. Loss of 50% of garden, significant change to building to garden ratio. A major expansion of the premises beyond its original purpose and place in community, out of character and scale with current property and atypical of most Bridgwater Road premises. Development is too large for three bed bungalow, takes away spaciousness that we bought our homes for. Supporting papers to application indicate that by permitting application, property will improve and look more acceptable – not considered justification for allowing business in a residential area. People bought houses as it was a residential area. Surely other open spaces could be used for commercial use.
- Concerns at how much work has already been undertaken to underpin and develop garden prior to consent.
- Proposed parking areas would destroy an attractive front garden and arrangement for 5 spaces would identify premises as a commercial venture rather than a private residence.
- Very busy road as main commuter route, also part of "safer route to schools". Site on constricted bend. Difficult enough at present to get in and out of driveways due to busy road, especially at rush hour, increased traffic would be unbearable. Would be significantly increased volume of traffic from when it was a 3 bedroom bungalow due to staff, visitors and deliveries, making it more congested and inhibit access to emergency services. Detrimental to highway safety on Class A Road and safety of schoolchildren. Suggestion that further survey should be undertaken at commuter times to establish how dangerous road can be. Despite assurance of staff walking to work, once permission granted, can do what they wish. Concerns regarding operational parking issues and pressure on on-street parking. Comment that property is within easy distance of park and ride is misleading as it is nearly at Henlade and buses only stop on the park and ride site or in the town centre. Property is not closely related to town centre, it is 1.5 – 2 miles away. Highlights problems of 2 Bridgwater Road including congestions on site resulting in on-street parking and deliveries off loaded on main road, constituting an unacceptable risk to road safety. No.75 is near to a far busier junction and would present a high risk to motorists and pedestrians.
- Back gardens are peaceful, especially during summer. Excessive noise may be heard from garden of no.75, could be violation of Human Rights – right to respect for private and family life.
- Concerns that one adult responsible for 6 adults at night. Staff increase in day with further 2 – 3. Very few families with 10 adults living under same roof. Repetitive reassurances that minimum staffing and supervision standards should be met, but these are legal and regulatory requirements that have to be met anyway. Whilst adults with learning difficulties can be quiet and happy go lucky, they can also be noisy, disruptive and very occasionally dangerous. Query

whether staffing levels proposed are adequate as adults with learning difficulties need 1 to 1 attention. It is stated that residents have mild learning difficulties but who is to say that is what it will always be. Concerns that a class C2 care home could take in first offenders.

- Reference to small family homes of 2 to 3 residents being a true family environment rather than assertions contained in this application for a unit of 6 residents, with employed staff in a managed commercial enterprise.
- Siting in close proximity to pre-school/nursery playground and for children walking/cycling to and from school is a concern. Voices from gardens (and possible bad language) could be audible from nursery playground, where there are impressionable and vulnerable children of infant age. Anti-social behaviour (physical or verbal) is totally unacceptable in such close proximity to a nursery. Some windows will overlook nursery and playground. Applicant states that no people posing a risk would be placed there but difficult to control this once planning permission granted. People with autism, etc are attracted to young children and cannot be supervised 24 hours a day. Comments also apply to young children at neighbouring residential properties.
- Increase in noise levels and disturbance 24 hours a day as visitors, staff, deliveries, etc come and go which could be at unsociable hours, bells ringing as residents need attention. Also privacy issues. Local residents have to put up with extreme noise levels (shouting, screaming and swearing), excess traffic, quite vocal distressing sounds and foul vocabulary from existing care homes. As a result, cannot sit outside or have windows open when it is hot. Large extension would cause potential overshadowing and dominating impact, affecting level of daylight to adjacent properties. Loss of privacy arising from the perception of being continually overlooked from development affects privacy and residential amenity in and around home. Comings and goings at night could cause distress and disruption to adjacent residential property.
- As Halcon Parish is one of poorest areas, concerns that people can just move in and build business as they please with no consideration for local residents or their welfare. Query council tax discount for care homes and the impact of the shortfall.
- Proposal represents 'garden grabbing', loss of front garden to parking and extension will take up lot of back garden.
- The existing dwelling has stood proud for many years as a private dwelling and given home to many retired people. Another bungalow would be lost.
- Care home would devalue houses in immediate vicinity, up to 20% of today's sale price individuals cannot afford this. Future difficulties in selling houses.
- Reference made to Cllr Slattery's objection to 6 Bridgwater Road "As Ward Councillor, I am aware of complaints about similar establishments in the locality, regarding the behaviour of the occupants and the noise arising from activities."
- Badgers visit neighbouring garden every night, visits now less frequent due to excavations and demolition of shed. Now shed has been removed, they no longer have a resting place within easy reach. They are a protected species and should not be disturbed. Concerns that shed was removed within 3 weeks of protected species survey.
- A desirable community would have a balance of interests and a perception by existing residents of fair treatment, a further care home strikes at both of these fundamentals. Leader of Somerset County Council gave a commitment in Autumn 2012 to offer more opportunities for Somerset residents to influence important decisions. Large number of representations (approx 20 households, possible equating to 40 individuals), many with personal and professional experience, should provide clear basis for rejection of application.

1 letter received from a local resident stating NO OBJECTION on the grounds of:

- Where do objectors want these unfortunate people to go, other people doorsteps who will fear devaluing of their property? Several houses in area cater for them, never heard a bad word about them, often see them going out for walks with escorts. Nice to know that we are not too busy to care. Alternative neighbours could be undesirables, etc.

2 letters of SUPPORT received on the grounds of:

- Proposed development would not look considerably different to neighbouring properties in road. Several businesses are run from Bridgwater Road adding to character of road. Extensions designed to create minimum impact for neighbours. Garden area designed to be attractive and oasis of calm, vast improvement on untidy garden.
- Ample off road parking and cycle-storage for staff. Comings and goings would be no different to school run or commuter traffic that all residential areas experience.
- Increasing need for residential care homes in all areas and 'not in my back yard' mentality is not helpful for people in need of care. Better to integrate care homes within communities so that residents may have as normal life as possible.
- Mrs Stevens has considerable experience in working with care providers and has provided guidance and support to many individuals, helping them achieve care qualifications so would be well-placed to provide training for local people to pursue a career in care. She is fully aware of regulations and professional standards of Care Quality Commission. Confident that standards will be achieved and exceeded. Applicants are honest and trustworthy and have held many voluntary posts with commitment.
- This is an opportunity for applicants to provide supportive and caring living arrangements for individuals with learning disabilities giving opportunities for improved quality of life and provide much needed local employment.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development; the design and impact on the street scene; the impact on highway safety; and the impact on the amenities and living conditions of neighbouring residents.

Principle

The site is located within Taunton, within easy reach of public transport, along with other services and facilities and cycle storage is provided to encourage sustainable modes of travel. It is, therefore, a location in which planning policy generally supports the provision of new care homes, subject to meeting other planning criteria.

Several concerns have been raised regarding the intensification of care homes in the area. It is acknowledged that there is evidence of other care homes in close proximity to the site, although it is important to note that there is no specific policy within the Taunton Deane Core Strategy pertaining to care homes and their concentration, or their location. It is therefore a matter for the local planning authority to assess whether a care home in this location is acceptable in planning terms. The applicants are not required to demonstrate any need for the development in order to gain planning permission

Design and impact on the street scene

The street scene along Bridgwater Road is characterised by a mix of size and style of properties, although with a strong emphasis of hipped roofs along this stretch. The existing property is of hipped roof design and the resulting property, although with an increased ridge level, would remain hipped in design, which would reflect that of the neighbouring property. The proposed dormer would be of traditional pitched roof design and would sit well within the roof. As such, it would not appear dominating to the character of the building.

Although, by virtue of the increased ridge level, the property would appear larger than at present, there are a mix of two storey and single storey properties along Bridgwater Road. In addition, although the rear extension is large, the 4.5 metre extension would partially replace existing flat roof extensions to the property and would not therefore result in a significant loss of garden. It is acknowledged that the proposal would significantly increase the size of the property, however it is not considered to appear out of character with adjacent properties or dominating to the street scene.

Concerns have been raised regarding the proposed car parking area to the front. This is similar to the existing situation at other properties along Bridgwater Road, hence there is evidence of this in close proximity. Furthermore, as the property is set back from the road, with trees planted in the grass verge, it would not appear unduly prominent in the street scene.

Impact on Highway Safety

Concerns have been raised regarding the level of car parking. The County Highways Authority have been consulted on this application and are of the opinion that the level of car parking is adequate for the proposal. The layout of the site and space within it would enable vehicles to turn within the site and therefore not require vehicles to reverse out on to the busy road. A condition is therefore attached to ensure that this parking area remains available for this purpose.

It is acknowledged that there is likely to be a slight increase in vehicle movements and that the trip patterns of these movements would be different. However, due to the scale of the development, this is considered acceptable and by virtue of it's location, it is envisaged that some staff will travel to the site by methods other than the private car.

The County Highways Authority are satisfied that the visibility splays of the existing access are capable of accommodating the level of traffic generated by the proposed

use without any alterations. Accordingly, the impact on the local highway network is considered to be acceptable.

Impact upon neighbouring amenities

The proposed extension would be a continuation of the existing property to the rear. The extension would partially replace former extensions, some of which are flat roofed. Whilst the extension would be considerably higher and longer than that it would replace, it is separated from the boundary with no.73 by the garage and car port, with the roof, albeit higher, hipped away. As such, although the proposal would change the outlook from no.73, the extension is not considered to result in an overbearing impact or loss of light to the adjacent property. There are no windows proposed in the side elevation above ground floor level and therefore no concerns regarding overlooking.

Over the boundary to the north is the car parking area to the adjacent Premier Inn and Hydrographic Office, along with a childrens nursery. The dormer windows on the previous scheme have been removed and replaced with rooflights. These rooflights would be set some distance away from the nursery and playground and reasonably high within the roof, whilst trees along the side boundary would also provide partial screening. Taking these points into consideration, the rooflights are not considered to result in material overlooking to the detriment of the neighbouring land use. It is also important to note that the nursery has raised no objection to the proposal.

In terms of comings and goings of vehicles, it is important to note that the car parking being to the front, will minimise the impact upon the neighbouring properties as there will be no option for vehicles to access the rear, which would result in vehicles passing in close proximity to the neighbouring properties. Whilst the car port abuts the boundary with no.73, this is as per the existing situation and would only enable one car to park in such close proximity. The garage is shown to be made available for cycle storage rather than car parking.

In the case of noise and disturbance, it is generally customary to regard these issues as a matter for the managers of the care home. It follows that, generally, a well managed facility should not cause significant noise and disturbance and consequent detriment to the amenities of nearby residents. The way in which this type of care home is managed would be a matter for The Care Quality Commission, the regulating body. It would therefore appear that The Care Quality Commission, rather than the Local Planning Authority, are the correct body to regulate and control the premises. Accordingly, it is considered that these matters cannot be given sufficient weight to justify the refusal of planning permission.

Other matters

Concerns have been raised regarding the level of works that have already been undertaken prior to planning permission being granted. A pertinent point is that some alterations, such as alterations to foundations can be undertaken without the need for planning permission, but are governed by Building Regulations instead. In addition, certain alterations to the garden can be undertaken without planning permission. However, if an applicant chooses to carry out any works that do require planning permission, this is entirely at their own risk and could result in them having to return the site/property to it's former condition.

It is also queried whether the foundations and recent underpinning works would be capable of accommodating such a large building. This would be a matter dealt with under Building Regulations if the extension is constructed in the future and is not a planning matter.

Objections have also been made on the basis of the devaluation of neighbouring properties and the disturbance to residents during construction. These matters are not matters that can be considered as part of the planning process and as such, very limited weight can be attributed to them.

The issue was also raised as to whether there were badgers present on site. This application was accompanied by a Protected Species Survey, which highlighted that whilst there was evidence that badgers occasionally use a transit route across the garden to reach the feeding site in the adjacent garden, the shed removal will not result in disturbance and the construction site will not restrict this route. As such, the proposal would not result in harm to any protected species.

Conclusion

The resulting property is considered to be of a suitable design that would not result in detriment to the appearance of the surrounding area and would not impact unreasonably upon the highway network.

The use of the property as a care home is not considered to result in material harm to neighbouring properties that would outweigh the need for such accommodation for adults with multiple disabilities and it is important to note that the points raised regarding noise and disturbance would be attributable to the management of the premises, and as such would be a matter for the regulatory body.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

36/12/0011

MR D CHORLEY

ERECTION OF A FODDER AND MACHINERY STORAGE BUILDING (BUILDING B) AT MATCHAMS FARM, STOKE ST GREGORY (RETENTION OF WORKS ALREADY UNDERTAKEN) (RESUBMISSION OF 36/11/0035)

Grid Reference: 334140.128197

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly does not conflict with Taunton Deane Core Strategy Policies DM1 and CP8.

RECOMMENDED CONDITION(S) (if applicable)

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

(A3) DrNo 3170-03B Rev B Building B elevations
(A4) DrNo 3170-04B landscaping plan
(A4) DrNo 3170-01B location plan
(A4) DrNo 3170-02B site plan
(A4) Drainage Plan
(A4) Holding Tank

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

2. The building, hereby approved, shall not be used to house livestock.

Reason: To ensure the protection of the amenities of surrounding residential properties, in accordance with Policy DM1 of Taunton Deane Core Strategy.

3. The first 5 metres of the access to the west, as measured from the edge of the adjoining carriageway, shall be properly consolidated hard surfaced (not loose stone or gravel) in material to be agreed in writing by the Local Planning Authority and thereafter carried out within 3 months of the date of the permission hereby granted.

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

Notes for compliance

1. Land Drainage Consent will be required to be concluded for any connection to or any modification of any water course other than the Main River. Those details must be submitted and approved by the Parrett Internal Drainage Board.

PROPOSAL

Planning permission is sought for the erection of an agricultural building sited within the curtilage of Matchams Farm, Curload. The building is partially erected and scales 14.5m x 9m with a maximum height of 3.94m. It will be open fronted with closed timber boarding on the other three sides and dark green box profile steel sheet mono-pitch roof. The building is to be used for storage of agricultural machinery. The building is sited to the north east of the dwelling in a central part of the curtilage.

SITE DESCRIPTION AND HISTORY

The site comprises a single storey dwellinghouse (formerly known as The bungalow) and its garden area. Within the site a second agricultural building has been erected along the south east boundary of the site. This is the subject of a separate planning application 36/12/0010. Two new access's and drives have been formed, one leading to the dwelling and one leading to the farm buildings. The drive leading to the farm buildings is outside of the applicants ownership.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

STOKE ST GREGORY PARISH COUNCIL - Support

The Parish Council wishes to impose a condition that this barn is not used for housing livestock. The Council wish to make a general comment expressing concerns re the possibility of pollution and would ask TDBC to seek appropriate advice from the relevant authorities.

SCC - TRANSPORT DEVELOPMENT GROUP - The Highway Authority has commented on the site previously relating to retention of works, to which the two applications were subsequently withdrawn. The current applications seek to address the issues which the Highway Authority raised with planning applications 36/12/0034 and 36/12/0035.

The proposal is situated along Curload Road a designated classified unnumbered highway which a 30mph speed limit applies. It was observed from my site visit that vehicle movements in this location were low.

Firstly planning application 36/12/0010, seeks the erection of a general purpose agricultural building and alterations to the gravel access. As highlighted in my letter dated 6th March 2012 to the Local Planning Authority and email to the applicant on the 26th April 2012, the Highway Authority have no record of a consultation relating to the access which was shown on the withdrawn planning applications 36/12/0034 and 36/12/0035.

The access itself was not included as part of the red line drawing on the originally submitted applications, which meant that technically the proposed buildings did not have a permitted means of access to the highway. It is noted from the submitted drawing No. 3170-02B that the access track is now included as part of both applications and therefore provides vehicles a permitted means of access to the publicly adopted highway.

Again as advise in my letter to the Local Planning Authority (6th March 2012), it is likely that agricultural machinery will be using this access. Therefore, it is recommended that the first 5.0m of the access is properly consolidated and hard surfaced, (not loose stone or gravel) as this is to prevent any debris from being carried onto the adopted highway. The amended applications now show this on drawing No. 3170-02B.

The access itself is provided with an acceptable level of visibility in either direction, however at the time of my most recent site visit 21st May 2012, it is suggested to maintain the vegetation along the site frontage in a Northerly direction, to improve visibility for vehicles emerging from the access.

Additionally the site is subject to planning application 36/12/0011, which is again retention of works that seeks to erect a fodder and machinery storage building. It should be noted that the proposed development is located outside defined development limits. However due to the proposed use the application would be more suited to a rural location. The Highway Authority has no objection the proposed storage buildings.

Finally, the Design and Access states, "*Mrs F Wadsley, Planning Officer, also wished us to show a second access into the site which the Applicant has a personal right to use. This is not in our client's ownership nor does he have a legal right to use it, however he has a verbal agreement with the owner of the track to use it*". The Highway Authority questions the use of this access, when the applicant has no ownership or legitimate legal right of access over. Planning application 36/12/0010 seeks alterations to the access, this should be the sole means of access into the site.

As a result, the Highway Authority raises no objection to this proposal subject to the following conditions:-

The proposed access over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Somerset Drainage Boards Consortium - surface water drainage details required; land drainage consent may be required for any connection or modification to any water course other than the Main River.

Representations

1 letter of no comment

Two letters of OBJECTION on grounds;

- the site is small for the accommodation of two agricultural buildings
- too close to domestic dwellings
- will cause noise, smell and disturbance and attract vermin
- risk of water to nearby rhyne.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
F1 - TTCAAP - Developments within the Floodplain,
NPPF - National Planning Policy Framework,
S&ENPP49 - S&ENP - Transport Requirements of New Development,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are; the use of the building for agricultural purposes, the impact upon the amenities of the adjoining properties, visual impacts of the proposals, the formation of the two new access's and drainage

Agricultural use and Visual Impact - The site is located within a very rural area where there are clusters of houses surrounded by agricultural land. The traditional character of the area is of low lying farmland. The design of the agricultural building is in keeping with what would normally be expected in a rural area and there is no adverse visual impact. The application is in accordance with Policy CP8 of the Core Strategy. If approved, the buildings would be used for agricultural purposes and any other use would require the benefit of planning permission.

Residential amenity - The surrounding properties are sufficient distance away to not be affected in terms of loss of light or overbearing impact. There will be no loss of privacy and there will be minimal disturbance from the proposed use of the barn for agricultural purposes. A suitable condition may ensure livestock are not kept in the barn which may intensify the activity on the site and result in greater impacts on the surrounding properties.

Access - There are two access's to the site. The second access was not created following advice of the Planning Officer, as suggested in the Design and Access Statement. Following the withdrawal of the previous applications a meeting was held with the Agent and the Applicant. At this meeting the Applicant confirmed that the track to the north west of the site was what he used as access to the site for agricultural purposes. Officer advice was that if the Applicant was using this track for access to the barns then the access needed to be included in the red line boundary on the site location plans. This has been done and the correct notice served on the land owner of the access. There is no adverse visual impact from the two access's and there is considered to be no impact on highway safety.

Drainage - The site is located within flood zones 2 and 3. Following comments from the Drainage Board the agent has submitted drainage details direct to the Drainage Board, which the agent has forwarded via e-mail. The Drainage Board are satisfied with the surface water disposal strategy and the use of the existing land drain. An informative is still relevant regarding any connection or modification to any water

course other than the Main River.

Subject to conditions restricting the use of the barn for livestock and improvements to the south west access, the application is considered acceptable.

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

CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313

ERECTION OF A GENERAL PURPOSE AGRICULTURAL BUILDING AND ALTERATION TO ACCESS ARRANGEMENTS AT MATCHAMS FARM, STOKE ST GREGORY (RETENTION OF WORKS ALREADY UNDERTAKEN)

Grid Reference: 334140.128197

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly does not conflict with Taunton Deane Core Strategy Policies DM1 and CP8.

RECOMMENDED CONDITION(S) (if applicable)

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

- (A4) DrNo 3170-06A proposed floor plan
- (A3) DrNo 3170-03A Rev B building A elevations
- (A4) DrNo 3170-04A landscaping plan
- (A4) DrNo 3170-02A site plan
- (A4) DrNo 3170-01A location plan
- (A4) Drainage Plan
- (A4) Holding Tank

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

2. Only up to one third of the building, as indicated on the plan hereby approved, may be used to house livestock.

Reason: To limit livestock kept and ensure the protection of the amenities of surrounding residential properties, in accordance with Policy DM1 of Taunton Deane Core Strategy.

3. The **first 5 meters of the access to the west, as measured from the edge of the adjoining carriageway**, shall be properly consolidated hard surfaced (not loose stone or gravel) in material to be agreed in writing by the Local Planning Authority and thereafter carried out within 3 months of the date of the permission hereby granted.

Reason: In the interests of highway safety in accordance with Somerset and

Notes for compliance

1. Land Drainage Consent will be required to be concluded for any connection to or any modification of any water course other than the Main River. Those details must be submitted and approved by the Parrett Internal Drainage Board.

PROPOSAL

Retrospective planning permission is sought for the erection of an agricultural building sited within the curtilage of Matchams Farm, Curload. The building scales 14.5m x 9m with a maximum height of 3.94m. It is open fronted with closed timber boarding on the other three sides and dark green box profile steel sheet mono-pitch roof. One third of the building is used as a calf rearing area and the remainder as a fodder and machinery store. The building is sited along the south east boundary of the site, facing north west.

SITE DESCRIPTION AND HISTORY

The site comprises a single storey dwellinghouse (formerly known as The bungalow) and its garden area. Within the site a second agricultural building has been partially erected to the north of the dwelling. This is the subject of a separate planning application 36/12/0011. Two new access's and drives have been formed, one leading to the dwelling and one leading to the farm buildings. The drive leading to the farm buildings is outside of the applicants ownership.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

STOKE ST GREGORY PARISH COUNCIL - The Parish Council wishes to impose a condition that only one third of this barn is used for housing livestock. The Council wish to make a general comment expressing concerns regarding the possibility of pollution and would ask TDBC to seek appropriate advice from the relevant authorities.

SCC - TRANSPORT DEVELOPMENT GROUP - The Highway Authority has commented on the site previously relating to retention of works, to which the two applications were subsequently withdrawn. The current applications seek to address the issues which the Highway Authority raised with planning applications 36/12/0034 and 36/12/0035.

The proposal is situated along Curload Road a designated classified unnumbered highway which a 30mph speed limit applies. It was observed from my site visit that vehicle movements in this location were low.

Firstly planning application 36/12/0010, seeks the erection of a general purpose agricultural building and alterations to the gravel access. As highlighted in my letter dated 6th March 2012 to the Local Planning Authority and email to the applicant on the 26th April 2012, the Highway Authority have no record of a consultation relating to the access which was shown on the withdrawn planning applications 36/12/0034 and 36/12/0035.

The access itself was not included as part of the red line drawing on the originally submitted applications, which meant that technically the proposed buildings did not have a permitted means of access to the highway. It is noted from the submitted drawing No. 3170-02B that the access track is now included as part of both applications and therefore provides vehicles a permitted means of access to the publicly adopted highway.

Again as advise in my letter to the Local Planning Authority (6th March 2012), it is likely that agricultural machinery will be using this access. Therefore, it is recommended that the first 5.0m of the access is properly consolidated and hard surfaced, (not loose stone or gravel) as this is to prevent any debris from being carried onto the adopted highway. The amended applications now show this on drawing No. 3170-02B.

The access itself is provided with an acceptable level of visibility in either direction, however at the time of my most recent site visit 21st May 2012, it is suggested to maintain the vegetation along the site frontage in a Northerly direction, to improve visibility for vehicles emerging from the access.

Additionally the site is subject to planning application 36/12/0011, which is again retention of works that seeks to erect a fodder and machinery storage building. It should be noted that the proposed development is located outside defined development limits. However due to the proposed use the application would be more suited to a rural location. The Highway Authority has no objection the proposed storage buildings.

Finally, the Design and Access states, "*Mrs F Wadsley, Planning Officer, also wished us to show a second access into the site which the Applicant has a personal right to use. This is not in our client's ownership nor does he have a legal right to use it, however he has a verbal agreement with the owner of the track to use it*". The Highway Authority questions the use of this access, when the applicant has no ownership or legitimate legal right of access over. Planning application 36/12/0010 seeks alterations to the access, this should be the sole means of access into the site.

As a result, the Highway Authority raises no objection to this proposal subject to the following conditions:-

The proposed access over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

required; land drainage consent may be required for any connection or modification to any water course other than the Main River.

Representations

1 letter of no objection.

Two letters of OBJECTION on grounds;

- the site is small for the accommodation of two agricultural buildings
- too close to domestic dwellings
- will cause noise, smell and disturbance and attract vermin
- risk of water to nearby rhyne

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
F1 - TTCAAP - Developments within the Floodplain,
NPPF - National Planning Policy Framework,
S&ENPP49 - S&ENP - Transport Requirements of New Development,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are the use of the building for agricultural purposes, the impact upon the amenities of the adjoining properties, visual impacts of the proposals, the formation of the two new access's and drainage.

Agricultural use and Visual Impact - The site is located within a very rural area where there are clusters of houses surrounded by agricultural land. The traditional character of the area is of low lying farmland. The design of the agricultural building is in keeping with what would normally be expected in a rural area and there is no adverse visual impact. The application is in accordance with policy CP8 of the Core Strategy. If approved, the buildings would be used for agricultural purposes and any other use would require the benefit of planning permission.

Residential amenity - The surrounding properties are sufficient distance away to not be affected in terms of loss of light or overbearing impact. There will be no loss of privacy and there will be minimal disturbance from the proposed use of the barn for agricultural purposes, including the keeping of livestock in one third of the building. A suitable condition may ensure livestock are only kept in one third of the barn to prevent intensification of the activity on the site and result in greater impacts on the surrounding properties.

Access - There are two access's to the site. The second access was not created following advice of the Planning Officer, as suggested in the Design and Access Statement. Following the withdrawal of the previous applications a meeting was held with the Agent and the Applicant. At this meeting the Applicant confirmed that the track to the north west of the site was what he used as access to the site for agricultural purposes. Officer advice was that if the Applicant was using this track

for access to the barns then the access needed to be included in the red line boundary on the site location plans. This has been done and the correct notice served on the land owner of the access. There is no adverse visual impact from the two access's and there is considered to be no impact on highway safety.

Drainage - The site is located within flood zones 2 and 3. Following comments from the Drainage Board the agent has submitted drainage details direct to the Drainage Board, which the agent has forwarded via e-mail. The Drainage Board are satisfied with the surface water disposal strategy and the use of the existing land drain. An informative is still relevant regarding any connection or modification to any water course other than the Main River.

Subject to conditions restricting the use of the barn for livestock to a maximum of one third of the building and improvements to the south west access, the application is considered acceptable.

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

CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 07 November 2012

| Proposal | Start Date | Application/Enforcement Number |
|--|-------------------|---------------------------------------|
| ERECTION OF TIMBER CHALET IN THE COURTYARD OF THE OLD STONE BARN, LANGS FARM, BRADFORD ON TONE (RETENTION OF WORKS ALREADY UNDERTAKEN) | 10 OCTOBER 2012 | 07/12/0006 |

APPEAL DECISION FOR COMMITTEE AGENDA – 07 NOVEMBER 2012

| APPEAL | PROPOSAL | REASON(S) FOR INITIAL DECISION | APPLICATION NUMBER | |
|------------------------|---|---|---------------------------|---|
| APP/D3315/A/12/2174734 | SINGLE STOREY EXTENSIONS AND ALTERATIONS TO THE STAFF ACCOMMODATION AT THORNCOMBE ANNEXE, WEST BAGBOROUGH | <p>The proposed improved accommodation is of a scale and design, which is considered tantamount to a new dwelling in the countryside, in a location remote from adequate services, employment, education, public transport, etc, and would therefore increase the need for journeys to be made by private vehicles. As such, the proposal is unsustainable and in conflict with advice given in Planning Policy Guidance 13, Policies STR1 and STR6 of Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 and policy S7 (Outside settlements) of the Taunton Deane Local Plan.</p> | 45/11/0022 | T e c th a e la a s r r li f e c th n th |