

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 1 February 2017 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 23 November, 7 December and 4 January 2017 (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 38/16/0345 Demolition of office block and erection of care led facility inclusive of 62 No. ensuite bedroom care home, 58 No. assisted living extra care apartments, ground floor retail space (Class A1, A3, D1 & D2), car parking, mobility scooter parking, cycle stores, ancillary buildings with public and private landscaping at Quantock House, Paul Street, Taunton as amended.
- 6 E/0154/24/12 Untidy Site at 12 Town Close, North Curry
- 7 48/16/0066 Replacement of garage and greenhouse with erection of 1 No. detached dwelling with parking and alterations to access in garden to the side of Woodlands, Yallands Hill, Monkton Heathfield
- 8 Latest Appeals and Decisions received.

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

- 9 E/0154/24/12 Untidy Site at 12 Town Close, North Curry

02 March 2017

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.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

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

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

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

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



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

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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## **Planning Committee Members:-**

Councillor R Bowrah, BEM (Chairman)  
Councillor M Hill (Vice-Chairman)  
Councillor M Adkins  
Councillor C Booth  
Councillor W Brown  
Councillor J Gage  
Councillor C Hill  
Councillor S Martin-Scott  
Councillor I Morrell  
Councillor S Nicholls  
Councillor J Reed  
Councillor N Townsend  
Councillor P Watson  
Councillor D Wedderkopp  
Councillor G Wren

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors, D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Bishop Fox's Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls
- Trustee of Hestercombe House and Gardens, Trustee of the Somerset Building Preservation Trust, Director of Apple FM – Councillor Marcia Hill

38/16/0345

QUANTUM TAUNTON LLP

**Demolition of office block and erection of care led facility inclusive of 62 No. ensuite bedroom care home, 58 No. assisted living extra care apartments, ground floor retail space (Class A1, A3, D1 & D2), car parking, mobility scooter parking, cycle stores, ancillary buildings with public and private landscaping at Quantock House, Paul Street, Taunton as amended.**

Location: QUANTOCK HOUSE, PAUL STREET, TAUNTON, TA1 3PB

Grid Reference: 322825.124299

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

**Subject to:**

1. The applicant entering into a Section 106 agreement to secure:

- Improvements to the pedestrian crossing facilities at the signalised Paul Street/Mary Street junction.
- A travel plan
- The inclusion of public art within the development

2. The expiration of the public consultation period on amended plans (Friday 3<sup>rd</sup> February 2017) and the receipt of no further representations raising new issues. In the event that further representations are received, the application should be referred to the Chairman of the Planning Committee to decide whether the decision should be delegated to the Assistant Director, Planning and Environment or whether the matter should be referred back to Committee.

### **Recommended Conditions (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 903-100 Existing Location Plan
- (A1) DrNo 903-200 Proposed Location Plan
- (A1) DrNo 903-201 Rev B Site Plan - LGF Level
- (A1) DrNo 903-202 Rev B Site Plan - UGF Level

- (A1) DrNo 903-203 Rev B Site Plan - LGF Level Delivery Entrance
- (A1) DrNo 903-204 Rev A Site Plan - Pedestrian Routing Plan
- (A1) DrNo 903-205 Rev A Site Plan - Parking Arrangement Plan
- (A1) DrNo 903-300 Proposed Level 00 Floor Plan (car park)
- (A1) DrNo 903-301 Proposed Level 01 Floor Plan (retail/care home)
- (A1) DrNo 903-302 Proposed Level 02 Floor Plan (care home)
- (A1) DrNo 903-303 Proposed Level 03 Floor Plan (care home)
- (A1) DrNo 903-304 Proposed Level 04 Floor Plan (Assisted living)
- (A1) DrNo 903-305 Proposed Level 05 Floor Plan (Assisted Living)
- (A1) DrNo 903-306 Proposed Level 06 Floor Plan (Assisted Living)
- (A1) DrNo 903-307 Proposed Level 07 Floor Plan (Assisted Living)
- (A1) DrNo 903-308 Rev B Proposed Level 08 Floor Plan (Assisted Living)
- (A1) DrNo 903-400 Rev E Proposed South & East Elevations
- (A1) DrNo 903-401 Rev E Proposed North & West Elevations
- (A1) DrNo 903-500 Rev C Section A-A & B-B
- (A1) DrNo 903-600 Proposed Refuse & Cycle Stores

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

3. No development including demolition and site clearance works shall commence unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety.

4. Before development commences (including demolition and site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities

whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

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

Reason: To ensure the preservation of archaeological remains.

6. Other than the demolition of the existing building, site clearance and any highway works, no development shall be commenced until the detailed design for the surface water drainage scheme, based on submitted proposed drainage strategy, together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume which provides a minimum of 30% betterment over existing runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development.

7. Prior to their installation, samples panels of the materials to be used in the construction of the external surfaces of the development measuring at least 1m x 1m shall be built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such.

Reason: To ensure that the proposed development is compatible with the character and appearance of the area and the settings of listed buildings.

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



commencement of development and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety.

9. Other than the demolition of the existing building and other site preparatory works, no work shall commence on the development hereby permitted until the details of the access junctions generally in accordance with drawing number 903-201 Rev A Site Plan LGF Level, 903-202 Rev A Site Plan UGF Level, 903-203 Rev A Site Plan LGF Level Delivery Entrance have been submitted to and approved in writing by the Local Planning Authority. The access shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site in the interests of highway safety.

10. Prior to its installation, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

11.
  - (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 first occupation of the development.
  - (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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

12. The applicant shall undertake all the recommendations made in Peach Ecology's Ecological assessment report dated September 2016, and provide mitigation for bats and birds as recommended.

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

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

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and accommodate wildlife.

13. Prior to first occupation a servicing statement detailing measures to ensure that deliveries and refuse collection vehicles can safely move into the delivery area and avoid any conflict in entering and exiting vehicles shall be submitted to and approved in writing by the Local Planning Authority. Following occupation of the building, the measures detailed in the approved statement shall thereafter be fully complied with.

Reason: In the interests of highway safety.

14. Taxi and ambulance bays as detailed by drawing number 903-205 shall be formed at the point of access in accordance with the detailed plan and specifications. Such bay shall be completed before the development hereby permitted are first occupied and shall be available for the parking and checking of vehicles at all times. The bay shall at no time be used other than for the parking of vehicles on a short-stay basis.

Reason: In the interests of highway safety.

15. The access, parking and turning spaces detailed on the drawings hereby permitted shall be properly consolidated and surfaced in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site, in the interest of highway safety.

16. The access on the east boundary of the site hereby permitted shall be used for the purpose of "Entry Only" and physical measures to ensure compliance with this arrangement, including the erection of appropriate signs, shall be approved in writing by the Local Planning Authority prior to their installation. Such arrangements shall be implemented before the new access is brought into use and shall thereafter be maintained at all times.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site in the interests of highway safety.

17. The access on the north boundary of the site hereby permitted shall be used for the purpose of "Exit only" for general traffic and physical measures to ensure compliance with this arrangement, including the erection of appropriate signs, shall be approved in writing by the Local Planning Authority. Such arrangements shall be implemented before the new access is brought into use

and shall thereafter be maintained at all times.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site in the interests of highway safety.

18. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access/egress and extending to points on the nearside carriageway edge 33 metres either side of the delivery and exit access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interest of highway safety.

19. The Restaurant/Bistro/Community Meeting Room space (shown coloured light pink) on Level 01 (drawing 903-301) may be used for any purpose within classes A1, A3, D1 or D2 of the Schedule to the Use Classes Order 1987 as amended.

Reason: To allow flexibility of the uses in order to ensure a viable and usable floorspace is provided.

Notes to Applicant

## Proposal

This application, as amended, seeks full planning permission for the demolition of Quantock House and the erection of a new 8 storey building containing a 62 bedroom care home and 51 extra care apartments. Space would be provided on the ground floor for flexible 'retail' space, which could be provided for A1, A3, D1 or D2 purposes. The care home would occupy the next three floors and the apartments would be provided above that.

The site would be laid out with the new building sitting to the north side of the site, allowing the existing trees along the Mary/Paul street frontage to be retained. The lower (care home) floors would be finished with brick, surrounding large windows all set above a sandstone plinth. The upper (apartment) floors would be designed in two projecting wings, with a deep recess on the southern side, designed to allow light into the building. Most of the building would be glazed, with each apartment having glass balconies. Dark clad panels would be provided between the two projecting wings to give the appearance of two separate structures. The top floor would be clad in black facing material, designed to appear as a roof structure on top of the otherwise glazed tower.

Parking would be provided in an undercroft, accessible from Paul Street, with an exit onto the Old Pig Market (car park and service yard access) in the northwest corner. Cycle and bin storage would be provided.

During the consideration of the application, the proposal has been reduced from 9 storeys to 8 and the storey heights have been reduced. This has resulted in the building being 4m lower than originally proposed. Various amendments have also

been made to the external appearance of the building.

## **Site Description**

The site is located on the corner of Mary Street and Paul Street, to the south of the library and multi-storey car park. It is currently the site of Quantock House, an 8 storey 1960s tower block of utilitarian design. There is a two-storey 'wing' to the south of the building, closest to Mary Street and the whole site is set behind mature trees on the corner of Mary/Paul Streets. An open parking area is provided to the north of the building, accessed from Paul Street on the east site boundary.

The building was former Government offices, but has been unused for some time and is now in a very poor condition.

## **Relevant Planning History**

None.

## **Consultation Responses**

The following consultation responses and representations relate to the scheme as originally submitted and do not reflect the latest amended plans. Members will be advised of any updates at the meeting.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comment as follows:

I refer to the above planning application, received in my Department on 20 September 2016 and additional information received in my department in November and December 2016, a site visit was undertaken on the 21st September 2016 to which I have the following observations on the highway and transportation aspects of this proposal:-

The development site is located at the Junction of Paul Street and Mary Street, in the eastern part of Taunton Town Centre. Access to the site will be gained via Paul Street an adopted D Class Highway. Paul Street connects with Mary Street and Billet Street a Class A adopted Highway, the roads connect by a signal controlled junction.

Road Records held by SCC identify that three Slight Personal Injury Accidents (PIA'S) have occurred within the vicinity of the Paul Street / Mary Street Junction in the last five years. The proposed development is not considered to adversely impact on highway safety at this junction.

## **Development Proposal**

The Transport Assessment (TA) and Design and Access Statement supporting this application have been reviewed and comments are made within this response. Having reviewed the Transport Assessment it is understood that the proposed development will consist of a 60 bed care home and 58 extra care apartments (use class C2).

The former office block, currently on site will be demolished to accommodate the above proposal.

A detailed Construction Environmental Management Plan (CEMP) will be required subject to planning consent to ensure the impact on the Highway Network is minimised during both demolition and construction.

### **Access\_ \_**

The proposed access of an 'In Only' from Paul Street and 'Out Only' onto Old Pig Market, for general traffic, with the exception of delivery and waste collection which will utilise the Old Pig Market access for entry and Exit. This arrangement will enable traffic to access the site and maintain existing movements of vehicles without increasing the risk vehicular conflicts.

The proposed access and exit points should be delivered generally in accordance with the following plans 903-201 Rev A Site Plan LGF Level, 903-202 Rev A Site Plan UGF Level, 903-203 Rev A Site Plan LGF Level Delivery Entrance. To ensure vehicles only move through the site in one direction the existing entrance will form an "in only" arrangement, vehicles will be required to stop prior to the "out only" junction onto Old Pig Market. As detailed, a servicing statement and Banksman will be required to ensure that deliveries and refuse collection vehicles can safely move into the delivery area and avoid any conflict in entering and exiting vehicles, a restriction on delivery times will also be required.

### **Pedestrian Movements\_ \_**

It is noted that the development will facilitate the implementation of tactile paving and bollards at the crossing point into the town centre on Paul Street as shown in Drawing 902-202 Rev A Pedestrian Routing Plan. This improvement of pedestrian facilities will need to be secured and delivered through a s106 agreement.

The Plan indicates that the second desire line is likely to be across Paul Street towards Billetfield. It is also considered that due to the nature of the proposed development the pedestrian movement is likely to increase across Mary Street from the signal controlled crossing, there are a number of uses including a social club, several churches, as well as Vivary Park that are considered to be destinations for proposed residents. The crossing point in its current form is below standard for pedestrians, particularly for those who are mobility or visually impaired. The junction in its current form will not accommodate more than one wheel chair or mobility scooter at a time.

Given the change in use from an office to use to a residential care home and assisted living units, it is considered that the nature of the development and area will significantly change. The vehicular route into Paul Street is heavily trafficked by vehicles, the pedestrian facilities as they stand are not considered adequate to support the current proposal.

An improvement scheme to upgrade the pedestrian facilities in this location would be required. Given the form of the existing junction it is considered that the pedestrian facilities could not be retrofitted. A scheme or funding for such work, for

the re-configuration of the Paul Street/Mary Street signalised junction and its associated pedestrian crossing facilities will be required to be secured via s106. At this stage as a GIA scheme has not been provided a cost cannot be associated.

## **Parking Provision**

Supplementary information indicates that 26 parking spaces will be provided on site. In line with Somerset County Councils Parking Standards, dated September 2013 the residential element of the development, including both the Care Home and Assisted living units would require a total of 20 spaces, the site is located within Zone A.

The level of parking has been calculated assuming that the 58 assisted living units are 'Sheltered Accommodation' rather than open market retirement units [which would require 1 space per 8 bedrooms]. If the restriction of use was to differ from that detailed within the supplementary information provided, and was to become open market retirement units the level of parking would not be adequate and would likely to result in an objection due to lack of parking, and contrary to SCC Standards.

In terms of the retail element given the town centre location, parking spaces for these propose A1, A2, A3, and A4 use are not considered essential in relation to this application.

It is noted that a parking permit scheme at the adjacent car park for care home parking spaces, will be appropriately managed to be used by the care home for staff promoting car share schemes, ride to work schemes and the use of sustainable transport by our staff, all of which should be detailed and secured in the Travel Plan.

## **Trip generation**

Trip rates for the proposed uses on site have been calculated using the TRICS trip rate database. Analysis of the data extracted identifies that the proposed generation is robust. The proposed development is expected to generate in the region of 26 AM peak 60 PM peak trips, this is assuming that retail trips on the network are new, which in reality trips are likely to be linked with the existing town centre services. The combined site is expected to generate in the region of 400 daily trips.

Given that the extant 4,330 m<sup>2</sup> office use on site could generate in the region of 600 daily trips the current proposal is not considered in impact adversely on the existing highway network in terms of both safety and capacity.

## **Travel Plan**

Comments with regard to the Travel Plan have been issued to the applicant. The Highway Authority are awaiting amendments. It should be noted that the Travel Plan will be required to be secured within the S106 agreement.

## **Summary**

In summary the Highway Authority has no objection to the above application subject to conditions, providing the pedestrian facilities at Paul Street to the town centre and the Paul Street, Billet Field, Mary Street signalised crossing point.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* – No comments received.

*LANDSCAPE* – I consider the proposed building to be very high and out of scale with surrounding buildings.

It is positive that the existing trees along Mary Street are to be retained. Could the applicant also consider some tree planting to the north of the new building along Paul Street?

*BIODIVERSITY* - Peach Ecology carried out an Ecological assessment of the site in September 2016. Findings were as follows

### **Bats**

The surveyor carried out a detailed inspection of the building. One feature on the building (a crack in a concrete beam) was considered to have bat roosting potential. On closer inspection this did not show any signs of roosting bats. There is a small chance that the feature could be used by hibernating bats so demolition should avoid this time of year. If this is not possible then a detailed inspection of the crevice will need to be undertaken prior to demolition.

A single emergence survey was undertaken during the maternity season. A single common pipistrelle bat was recorded foraging nearby and a single noctule bat flew overhead. No bats emerged from the building.

The building generally has low value to bats. I support the introduction of four bat tubes in the new build. Trees near the building, which are to be retained, are suitable for foraging bats as well as nesting birds. These trees need to be protected from light spill.

### **Nesting birds**

The surveyor recorded three herring gull chicks on the roof of the building and two nests.

Feral pigeons were noted nearby and swifts were noted flying above the building.

The interior of the building showed no signs of nesting birds but as so many windows are broken this can change. The building will need to be checked for birds prior to demolition.

I support the introduction of a range of bird nest boxes within the new build such as four swift boxes and a peregrine nest box.

*WESSEX WATER* - Sewerage infrastructure and Surface Water Drainage  
The existing office block on the site has an established foul and surface water connection into our combined sewer.

Wessex Water have confirmed previously to the applicant that the foul flows can be accommodated. No further comments.

Wessex Water typically resist the discharge of surface water into foul or combined sewer. However in this circumstance as there is an existing connection and the applicant proposes to control flow rates we do not object to the proposal.

Water Infrastructure Developments over two storeys should be provided with internally boosted supply and storage.

*SCC – LEAD LOCAL FLOOD AUTHORITY* - The proposed development is a redevelopment of an existing office building site and therefore is classed as a brownfield site, therefore, the LLFA would expect to see a minimum 30% reduction in existing runoff rates and volumes post development.

The applicant has provided outline details within the submitted Flood Risk Assessment of the proposed drainage designs for the capture and removal of surface water from the development. These indicate that the reduction in runoff rates and volumes post development meet the required 30% reduction. The proposed drainage strategy includes the use of buried attenuation tanks within the development area and the use of a hydrobrake to control flow rates at the outfall to the existing surface water drainage system on Paul Street. However, It is not clear within the application as to whether the existing system on Paul Street is a combined foul and surface water system or a separate system, this will need to be established and confirmation received from Wessex Water that they are satisfied with the proposed drainage strategy for the redevelopment.

The LLFA supports the proposed drainage strategy in principle and has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

Condition recommended to secure detailed design.

*ENVIRONMENTAL PROTECTION CONTAMINATED LAND* – No comments received.

*HISTORIC ENGLAND* - Thank you for your letter of 23 September 2016 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation: The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

It is not necessary for us to be consulted again on this application.

*SOMERSET WASTE PARTNERSHIP* – Comments as follows:

I believe this will be classed as commercial waste and as such collections will need



to be arranged with a contractor.

## **58 Assisted Living Apartments**

I believe this will be classed as domestic refuse and the local authority will provide a collection service for these properties. Refuse and Recycling for the assisted living part of the development will be provided by the local authority in a Communal collection facility. I would suggest 12 communal refuse bins should be provided of 1100L in size (H 1335mm x W 1360mm x D 1030mm) and at least six recycling bins (At least 2 for each of the following materials: paper, glass bottles and jars and food and drinks cans) these bins are 240L in size (H 1065mm x W 575mm x D 735mm). The communal recycling service is likely to be expanded in the future to include plastic bottles and cardboard and consideration should be given to accommodating extra bins for this. There will need to be segregation between the commercial and domestic waste elements at this property and I would suggest each storage area for the care home and assisted living apartments is secured so waste cannot be placed in the wrong waste stream. Further details on the requirements of bin stores (for example gradients and acceptable distances between the access road and the bin store) can be gained via the developers' guidance document on the Somerset Waste Partnership website.

*SW HERITAGE TRUST (ARCHAEOLOGY)* - The applicant has submitted a desk based assessment (DbA) and a settings appraisal to support the application. I agree with the conclusions within the DbA that only limited archaeological remains are likely to be encountered during development.

For this reason, I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of a condition.

*ECONOMIC DEVELOPMENT OFFICER* - We are supportive of this application as the proposition will create a new facility which could employ 55 people full time and 48 people part time (24 FTEs). These jobs are predominantly in the health and care sector which is an element of the council's adopted growth prospectus. The building will offer a new start for the area and of course will create jobs through the construction period. We support the creation of 1,065 sqm of retail space which should give an opportunity for a range of businesses to locate within the building and support not only the community of individuals within the building but also the wider retail environment in Paul Street. This will create an additional job creation opportunity. We would expect the residents to add spend to the Town centre businesses through general usage.

*POLICE – ARCHITECTURAL LIAISON OFFICER* - Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

*"Safe and accessible environments where crime and disorder, and the fear of crime,*

*do not undermine quality of life or community cohesion."*

Guidance is given considering 'Crime Prevention through Environmental Design', 'Secured by Design' principles and 'Safer Places'.

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:- "*Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."*

Guidance is given considering 'Crime Prevention through Environmental Design', 'Secured by Design' principles and 'Safer Places'.

## **Comments**

**1. Crime Statistics** – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/10/2015-30/09/2016 is as follows:-

*Arson - 1 Offence*

*Burglary - 14 Offences (all non-dwelling).*

*Criminal Damage - 49 Offences (incl. 4 criminal damage to dwellings, 16 criminal damage to buildings other than dwellings & 19 criminal damage to vehicles)*

*Drug Offences - 7*

*Robbery - 3 Offences*

*Sexual Offences - 4*

*Other Offences - 7*

*Theft & Handling Stolen Goods - 267 Offences (incl. 194 shoplifting, 14 theft of pedal cycles & 8 theft of or from motor vehicles)*

*Violence Against the Person - 129 Offences (incl. 13 assault ABH, 40 common assault & battery, 54 causing harassment, alarm distress 7 threatening behaviour).*

*Total - 482 Offences*

This averages 40 offences per month, over 9 per week which are considered to be 'high' reported crime levels, partly due to the proximity to the town centre. Offences are spread fairly evenly throughout the week with peak offending times being afternoons and either side of midnight. Although a large proportion of these offences relate to retail premises and the night time economy, a proportion could easily be displaced to this development e.g. criminal damage and theft.

**2. Defensible Space** – it is important that boundaries between public and private space are clearly defined and the open nature of this development, with public gardens fronting Mary Street and to a lesser extent Paul Street, has disadvantages from a crime prevention perspective in that it enables easy access by the potential criminal to the shell of the building and associated areas including formal gardens, cycle storage areas and undercroft car park.

Bearing in mind the nature of this development, additional attention should therefore be paid to the security of these areas, including any street furniture or fittings which should be vandal-resistant and securely fixed to prevent removal or

vandalism.

**3. Natural Surveillance** – optimum natural surveillance should be incorporated whereby residents and staff can see and be seen, this should include unobstructed views from the development of all external spaces, including footpaths, roadways, communal areas and landscaping. Any recesses, blind corners or potential hiding places should be eliminated. Consideration could also be given to providing a monitored CCTV system covering the site area with particular focus on key access points and the undercroft car park.

**4. Public Access** – the security of the Care and Assisted Living areas of the development is enhanced by discouraging casual intrusion by non-residents, so public access should be restricted, either by Reception staff or a suitable electronic access control system or a combination of both. There should be no unnecessary paths which could be used to gain unobtrusive access and escape. Good signage should be displayed to deter unauthorised access and assist emergency services.

**5. Lighting** – appropriate lighting should be designed to cover potential high risk areas including main site access points, undercroft car park, footpaths associated to main building, cycle stores, bin stores and any other secluded areas around the site. Also main entrance doors, secondary access doors and fire exit doors. All lighting should be vandal-resistant and automatically controlled by photo-electric cell or time switch with manual override. There is existing street lighting around the site.

**6. Landscaping/Planting** – should not impede opportunities for natural surveillance and must not create potential hiding places for intruders, especially adjacent to footpaths and buildings where it may obscure doors and windows. In areas where visibility is important shrubs should be selected which have a mature growth height of no more than 1 metre and mature trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. Defensive planting (prickly shrubs) could be used in appropriate locations to deter unauthorised access.

**7. Car Parking** – for residents is in the undercroft car park, however, there does not appear to be any indication in the DAS or on the plans that an access control system will be applied to all vehicular and pedestrian entrances to prevent unauthorised access into the car park, which I consider essential. Normally, such system is in the form of a roller grille or similar which can be remotely operated by the driver whilst sitting in the vehicle. In addition, lighting to BS 5489 standard should be installed in the car park, walls and ceilings should have a light coloured finish to maximise the effectiveness of the lighting and any internal door giving access to the Mobility Scooter Store and residential floors should also be part of the access control system.

**8. Cycle and Bin Stores** – appear to be of substantial construction and lockable, which should assist in deterring theft of cycles and mis-use of wheelie bins for climbing or arson.

**9. Doorsets & Windows** – bearing in mind the large areas of glazing, all external ground floor doorsets and windows (including any easily accessible windows) should comply with PAS 24:2012 standard.

**10. Internal Security Issues** – I note from the DAS that the Care Home element

will be staffed 24/7, which should assist the personal safety and security of all residents. The Extra Care Apartments will be fitted with burglar alarms which can double up as personal alarms should the need arise which is also beneficial.

**11. Secured by Design(SBD)** – if planning permission is granted, the applicant is advised to refer to the additional comprehensive information available in the ‘**SBD Homes 2016**’ design guide available on the on the police approved SBD website – [www.securedbydesign.com](http://www.securedbydesign.com).

## Representations Received

The representations detailed below pre-date the latest amendments which reduce the height of the proposed building. At the time of writing, your officers are consulting on the recent amendments and members will be updated at the meeting as to any further comments received.

**Somerset Wildlife Trust:** “We have noted the above mentioned Planning Application submitted on behalf of the Quantum Group as well as the supporting Ecological Assessment provided by Peach Ecology. In general we would agree with the findings of that Assessment. We would fully support the proposals for Mitigation and Enhancement as set out in Section 5.0 of the report and we would request that they are implemented in full, particularly as regards the bird and bat box provision if it should be decided to grant planning permission”.

**Arts Taunton:** “I have high regard for the developers, Quantum Group, who are top quality operators in the field of care homes and retirement living. The scheme they have produced for Quantock House is distinctive, attractive and sensitively landscaped. It will make a worthy and striking new addition to the urban environment of Somerset’s County town.

I am also particularly pleased that Qantum has confirmed its full support for the delivery of exciting public art for Taunton and *ArtsTaunton* is already engaged in discussions with the Company in this regard”.

9 letters of **objection** raising the following comments:

- There is an excessive amount of retail provided, disproportionate to the care home, which cannot be considered ancillary.
- Taunton’s retail pitch will be further elongated without proper integration into the existing provision.
- The building is totally out of scale with its surroundings.
- The scheme would be more appropriate at an airport.
- The building is too high for its surroundings.
- Any building should be restricted to 6 storeys to avoid it dominating the skyline.
- The proposed salon may detract from existing businesses.
- The care provision could be better designed for dementia sufferers.
- The design is lumpish and uninteresting.
- The town centre is gradually being taken over with old people’s accommodation.

9 letters of **concern** raising the following points:

- Nearby businesses will be disturbed during construction.
- There were H&S malpractices during the stripping out process.
- The developer has unrealistic expectations for parking. The Orchard Centre car park is closed overnight, there is local parking congestion in the area.
- Public transport facilities are insufficient to meet the needs of staff.
- Visiting professionals (doctors etc.) would need dedicated parking spaces.
- The whole highway network around the site needs reconsideration as part of the development.
- The pedestrian crossing facilities in the vicinity are unsafe; footways need to be widened; there are particular problems for mobility scooters.
- The building does not respect the local vernacular.
- The view onto the car park is poor.
- No need for more upmarket OAP accommodation.

81 letters of **support** raising the following comments:

- This part of Taunton needs to have people living here and committed to it.
- The application will provide an inclusive caring community.
- The proposal will benefit the NHS and one would hope have some impact on local bed blocking at Musgrove Park.
- The location is good, close to the town centre and accessible.
- The local church may benefit from its proximity to its well designed and well-resourced community.
- The development will have a positive effect on the town centre and revitalise an area which is currently standing derelict.
- The proposal will create much needed employment and have a positive impact on the local economy.
- The proposal will bring residents, visitors and workers into the town centre and benefit surrounding traders.
- The applicants have experience of delivery this type of quality development and should be supported.
- The design and planning process has been very well managed with sensitivity to local residents.
- The development reflects the future interests of public and private sector needs in the locality.
- The proposed dementia friendly environment and facilities to support people living with dementia will be beneficial.
- We should embrace this and build a Taunton of the future.
- The design is suitable to this type of build and will enhance the area.
- The building would be an icon piece for Taunton.
- The proposal will allow the Paul Street area to grown and create a community of 'quality of life' and help us create a strong and vibrant community.
- S106 or CIL contributions could be used to enhance Paul Street.
- The glass should not be see-through from the outside, to prevent curtains detracting from the visual appearance.
- The cycle store is in a sensible location, but the mobility scooter store location should be more accessible.
- The development should not have a significant impact on the local highway network.

- Proposal would provide an excellent opportunity for local businesses to provide services.
- Taunton has evolved over the centuries. This is an appropriate site for a restrained modern development such as this.

15 letters of general support but raising **comments**

- Inadequate parking provision
- There is no need for any further retail provision in Taunton
- Cyclist needs need to be better understood
- A more traditional design may be more appropriate.
- The building may make the street between the building and the car park very dark and shady
- There is a need for better pedestrian crossing facilities around the site.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

EN23 - TDBCLP - Areas of High Archaeological Potential,

## **Local finance considerations**

The proposed development falls within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and, therefore, would not be CIL liable nor result in the payment of the New Homes Bonus.

## **Determining issues and considerations**

The main issues in the consideration of this application are the principle of the development and the design of the proposal, connected to its impact upon heritage assets. The impact on highways, ecology and surface water drainage must also be considered.

### **Principle of development**

The site is allocated within the Taunton Town Centre Area Action Plan (TTCAAP) for retail development. It is part of a larger allocation east of the High Street which seeks to deliver substantial additional retail floor space for the town. Policy Hs1 indicates that the 'East of High Street' allocation should deliver a minimum of 20,000

sq. m gross of additional comparison and convenience retail space, 120 dwellings, 440 parking spaces and the relocation of the Taunton library. Policy Hs2 sets out design principles and indicates that buildings should be a maximum of 5-7 storeys high with good permeability and active frontages at ground level. There should be a new public square and public realm improvements to (*inter alia*) Mary Street and Paul Street and the provision of public art.

The proposal aims to provide some retail space. However, this would be accessed from the Mary Street side of the building and poorly connected to the surrounding retail offer. Therefore, whilst the provision of ground floor retail might, strictly speaking, be policy compliant it is unlikely to contribute towards delivering the aims of the policy.

In this context, your officers have commissioned independent advice from Savills in respect of the impact of the proposal on the retail allocation. Savills' advice is that the development of the Quantock House site in isolation will render the remainder of the East of the High Street Allocation undeliverable. This is because there would no longer be sufficient critical site area remaining for a commercially viable scheme. In granting permission, therefore, the Council would have to accept that the long proposed retail expansion on land East of the High Street would not take place. The TTCAAP allocation policies make clear that a comprehensive development of the area is intended. It is clear that the proposals would conflict with Hs1 in a number of ways and the proposal is, therefore contrary to policy.

Savills' advice goes on to assess the impact of such a decision. Based upon up to date assessments of retail capacity and spending forecasts, there is no longer a need to deliver the quantum of retail floorspace proposed by the TTCAPP. In light of the retail allocations at Firepool and Coal Orchard, Savills consider that there is sufficient retail capacity in the short to medium term to deliver the town's retail needs and avoid a threat from any out of town proposals. In this context, Savills advise that the Council would not be able to demonstrate the need to retain the retail allocation east of the High Street and accordingly its loss would not cause significant harm to the vitality and viability of the town centre. Given the lack of harm, the social and economic benefits stemming from the delivery of care facilities and associated accommodation in the town centre, on a highly accessible brownfield site can be afforded sufficient weight to outweigh the policy conflict and this makes the development acceptable in principle.

The proposed use itself is a mixed care home and assisted living/close care apartments. This use is considered to be appropriate in a town centre location. The applicant has submitted substantial arguments around the types of tenancy agreements that residents of the apartments would receive and the facilities that would be available to them. These facilities include mandatory care packages, which means that any residents must be in need of some type of care in order to occupy the apartments. The level of care can increase as the needs of the occupants change and this, along with the scale of ancillary facilities provided within the building is considered to bring the use firmly into the C2 use class. Such means that the development does not trigger affordable housing or children's play contributions.

### **Design of the building, its visual impact and the impact on the setting of heritage assets**

These matters, in this case, are inextricably linked and are therefore considered here as one main issue. There are numerous listed buildings in the vicinity of the site and some further afield likely to be affected due the scale of the building proposed.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving a listed building, its setting and any features of historic or architectural interest when deciding whether to grant planning permission. The site is also visible from the Vivary Park conservation area and the Crescent Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area when deciding whether to grant planning permission.

The design of the building has undergone significant evolution from initial pre-application discussions, following consideration by Devon and Somerset Design Review Panel. Substantial amendments have been made to the design of the building and the Panel have accepted that this is all positive, however, they have remained consistent in raising concerns over the bulk and mass of the proposed building. Since the latest Design Review, further amendments have been made to the scheme, with the input of your conservation officer, and most recently a significant reduction in height following concerns expressed by your officers. These amendments have also resulted in the top most storey being clad in a dark, recessive material, reducing its prominence; and the introduction of dark cladding down the centre of the upper floors between the projecting wings, both of which serve to reduce the bulky appearance of the building to a degree. Amendments have also been made to improve the proportions of the lower floors. The design of the building, in itself, is now considered to be acceptable, although the design review panel have not been invited to comment any further.

The settings of the affected listed buildings are considered below. With regard to the NPPF, the impact on a heritage asset can be considered to result in no harm, less than substantial harm, or substantial harm. The NPPF explains that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...*

*Where a development proposal will lead to less than substantial harm to the*



*significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.*

In drawing the conclusions below, then, it should be noted that a conclusion that any harm is ‘less than substantial’, this does not mean that the harm is unimportant, it merely means that in NPPF terms, that harm can be legitimately weighed against the public benefit of the proposal in the planning balance.

### *Buildings on Paul Street*

In terms of the immediate street scene and setting of the closest listed buildings on the opposite side of Paul Street, it is considered that the impact will be mostly influenced by the lower floors – the ‘plinth’ section of the building. Here, the latest amendments to the scheme have resulted in a well-proportioned building in well landscaped grounds. Compared to the existing building, both the quality of the building and the landscaping of the grounds is not considered to result in a significant change to the setting of these buildings closest to the site, which is already dominated by the existing Quantock House, and in some respects may provide a slight improvement in the amenity of the area.

### *Buildings on Mary Street and Billetfield*

The impact on the setting of the buildings to the south on Mary Street is likely to be greater. The existing building, whilst considered by many to be unattractive, is a slender building that, at close range, is largely masked by the trees from street level during the summer months. The proposed new building will be significantly bulkier and around 4.5m taller. Whilst the top floor is set in from the building and will not have a significant presence at close range, the trees will have less effect on masking the building as a whole and it will be much more present in any views. Given that the settings of the buildings are mainly defined by the row in which they sit, however, it is considered that any harm to the setting will be less than substantial.

Greater impacts will start to be felt from slightly further afield in the views along Mary Street towards the site (from both directions). To the west, the tree cover is good and in the summer months will help to assimilate the building into the townscape. There are further listed buildings to the west along Mary Street, Upper High Street and the southern end of High Street, although their settings are largely derived from the immediately surrounding townscape. Part of that is formed by views along the street and the new building, being deeper than the existing, will have a greater presence in the street, which will cause an impact. However, given the attributes that define the setting of these buildings, this is considered to result in less than substantial harm in NPPF terms. Opposite Temple Methodist Church, these views are also within the Vivary Park Conservation Area, although its setting is unlikely to be harmed by the proposal.

The same can be said in respect of views from the east along Billetfield, where the building can be seen in glimpsed views between other buildings. The increased bulk and height of the proposed building will make it more present in views where the current building blends into the background. However, the townscape is relatively dense in these locations and it is considered any additional harm would be less than substantial.

### *Mount Street/Vivary Park conservation area and associated listed buildings*

The existing building is also very present in certain views within Vivary Park and, therefore, key views within the Mount Street/Vivary Park conservation area. The impact of the development is likely to be similar to that on the settings of those listed buildings set further back from the site – the new building, being taller and bulkier is likely to be more present and, therefore, more harmful. The setting of the War Memorial (grade II) within the park would also be affected in this way, as the new building would appear in views, whereas the existing building barely breaks the ridgeline of the dwellings in the foreground. However, the latest amendments to the scheme, significantly reducing the height of the building will mean that the impact is reduced to a low level. Furthermore, the setting of the war memorial is considered to be largely derived from the park itself, rather than the backdrop of the townscape and overall, therefore, it is considered that there would 'low level' less than substantial harm to its setting.

The buildings on the northern end of Mont Street are important to the character of Vivary Park and, although it is their rear elevations that are visible from the park, they provide an attractive backdrop to it. The rear elevations and their relationship to the park is also considered to be as important to the setting of the listed buildings as the front. Here the dwellings sit nestled against the relatively low rise, albeit slightly higher buildings, behind with the roof of Quantock House sitting quietly above. The proposed building, will be more visible than the existing, due to its increased height, but the dark cladding to the top storey will mean that this is not overly detracting to the setting of these buildings. As with the war memorial, their settings are largely derived from the relationship with the park, so it is considered that this harm will be less than substantial in NPPF terms.

Further south, The Keep at Jellalabad Barracks (grade II) towers above the surrounding townscape. The proposed building will sit in a gap between this and other nearby buildings at a low level such that the Tower will remain very imposing. In this regard, it is considered that the proposal would not have an adverse impact upon the setting of this building.

### *St Mary's and St James' Church*

Following the reduction in the height of the building, only the top of the building is likely to be visible from St. Mary's churchyard. The dark materials proposed for the top floor will make this more recessive and it will be seen above the very cluttered townscape at the north end of Magdalene Lane and the plant on the top of the car park and Orchard Centre. These views are not fundamental to the setting of the church itself and, therefore, any harm is considered to be less than substantial. There will be more impact upon the setting of the church in mid-distance views.

In views from Cotlake Hill, St. Mary's church tower can be seen rising off the northeast corner of Quantock House, behind the multi-storey car park. The increased bulk of the proposed building will mean that it stands in greater conflict with the church tower, when viewed from this location. That said, the church tower is already compromised in these views, so it is considered that less than substantial harm to its setting would arise from this impact.

From the north and west, the church towers are a significant feature of the townscape. The proximity of St. Mary's and St. James' mean that they are frequently seen together (especially from the north) and their relationship is part of each building's setting. From viewpoints around the station (which will be similar to views from the NIDR, when open) the church towers punctuate the Blackdown Ridge. In these views, they do not have to compete with other buildings for dominance in the townscape. The submitted photo montage imagery of views from these locations is not of good quality due to the weather conditions and it is difficult to discern the relationship of the proposal with the Blackdown Ridge. However, having personally visited the locations, your officer's view is that the building will not break the ridgeline of the hills and, therefore, the dominance of the churches and their respective settings will be preserved. The same can be said for classic views of the churches from within the Somerset County Cricket Ground – at ground level, the churches clearly dominate the skyline and will continue to do so. The increased bulk of the building will mean that it is more prominent in the townscape, but overall it is considered that it will result in less than substantial harm to the setting of these churches in NPPF terms.

The masterplan for the Firepool site was designed, in part, to frame the views of the churches along the new boulevard. Although there is no approved scheme for that site, there is a high likelihood that the two church towers and new building would be in near perfect alignment along the proposed boulevard if the masterplan were followed. It is not considered that this cause's substantial harm to the setting of the churches as this view does not currently exist.

#### *The Market House*

The impact on this building has been of significant concern to your officers. The Grade II\* listed Market House, is a symmetrical building that is framed by North Street. Whilst the multi-storey car park and existing plant tower on Quantock House are visible from North Street these are only a thin sliver across the top of the buildings on Fore Street. As originally proposed, the new building would have towered above the existing buildings and been very dominant in the setting of the Market House.

The reduction in height now means that the proposal will sit fairly quietly above the top of the multi-storey car park. The view is already harmed by the clutter of the various plant towers and the proposal will no longer significantly detract from this. It is, therefore, considered that the harm to this view will be limited and will be less than substantial in terms of the setting of the Market House.

#### *Fore Street and around*

As with the market house, the previous proposal would have been highly visible in views of Fore Street from Corporation Street. This includes the Grade II listed nos. 16 and 17 and 21 and the Grade I listed Tudor Tavern. It is likely that the top of the building will be visible above the multi-storey car park, slightly detracting from the setting of these buildings but given that these buildings are part of the street scene rather than stand-alone 'focus buildings' the harm would be less than substantial in NPPF terms.

## *The Crescent*

The setting of the main terraced buildings on the crescent will be unaffected as the buildings are too high for the proposal to stand above. However, there are gaps at either end where there will be impact. The building will be visible between 14 Bath Place and Unison House (both grade II) when looking from Park Street, where the existing building is also clearly visible as an incongruous feature of the townscape. Its increased bulk is much greater than the existing and, therefore, the building will be very visible, however, given the distance from the application site compared to the closeness of the listed buildings in the view, it is not considered to cause substantial harm.

There is a similar impact adjacent to the Masonic Hall (Grade II\*) and 21 The Crescent (grade II), although the gap is relatively narrow and the setting of the buildings is not considered to be substantially harmed by the development, given that their settings are so clearly defined by the local street scene.

The views of the proposal through these gaps and also down Crescent Way towards the surface level car park are considered to detract from the character and appearance of the conservation area – they change the character by introducing clearly visible bold ‘city style’ architecture, whereas the existing buildings (including Quantock House) sit relatively quietly. That said, the special characteristics of The Crescent will, by and large, be preserved and, therefore, overall, there will be less than substantial harm to these heritage assets.

## *Other visual impacts*

The height of the proposal means that it has the potential to cause significant impact upon Taunton’s skyline. This is, in itself, considered to be a regionally significant non-designated heritage asset given that it is defined by the distinct church towers that rise prominently above the surrounding townscape. Furthermore, Policy D1 of the Site Allocations and Development Management Plan (SADMP) states that ‘Development which would detract from the distinctive character and attractiveness of Taunton’s skyline will not be permitted’.

It is perhaps surprising that the existing building is not actually that prominent in key views from the north such as from the railway station and Obridge viaduct. It can be seen – and does detract – from the surrounding townscape, but it sits independent to the key tall listed buildings from these viewpoints. The new building would be finished shinier (glass) materials at its higher levels (except the top-most storey). From the north, this is unlikely to cause significant reflection and glare and the dark materials should appear more recessive than the existing building. That said, its additional height could mean that it comes close to breaking the ridgeline of the Blackdown Hills from Obridge. This is likely to be a similar view to those from the NIDR, once open, but the evidence suggests that the building will sit below the ridgeline of the hills.

From the south, there are key views across the townscape from Cotlake Hill – a popular (and promoted) walking route. From here Quantock House is clearly visible within the townscape and is reasonably prominent. It is possible that the new building will be more recessive – the glass façade is generally likely to be darker

than the white concrete of the existing building. That said at certain times of day, there could be significant glare from the façade, which could increase the prominence.

Taken in the round, then, it is considered that the proposal would detract from the distinctive character and attractiveness of Taunton's skyline, being more prominent than the existing building and, therefore, conflicts with Policy D1 of the SADMP. It is perhaps for these reasons that Policy Hs2 of the TTCAAP sets a maximum storey height of 5 storeys for this part of the site which would have reduced the impact from the existing situation to the overall benefit of the skyline. However, with the design alterations and reduction in height, it is not considered that the impact on the skyline would be so harmful as to warrant refusal of the application in itself.

In terms of general wider impacts, it is clear that the proposal would become a defining part of Taunton's character, visible from a large number of locations. The submitted Landscape and Visual Impact Assessment picks up on these and suggests that the experiences of people visiting the town will not be significantly harmed by the proposed building. Your officers concur with these points in terms of the general amenity of the town. Therefore, it is considered that the impacts on the settings of the various listed buildings are more important than the general visual impact.

As noted above, paragraph 134 of the NPPF advises that "where the development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal". The above analysis has demonstrated that each of the impacts can be categorised as less than substantial in their own right, so this test is engaged. However, there will be some harm to the settings of many buildings and this must be weighed against the benefits.

The proposed development will provide care facilities and accommodation for older people. The applicants have provided a substantial amount of information on the demographics of the local area, and that there are an increasing number of people requiring care and suitable accommodation in older life. Whilst there is no planning policy setting a target for such accommodation, it is accepted that there is an increasing need for older persons accommodation and this development provides a new model for providing accommodation that allows people to stay in private accommodation for longer. It could also go some way to reducing pressures on hospital wards to the overall benefit of the wider population. In addition, the proposal would release some of the general housing stock for family accommodation. The proposal would also generate 79 FTE jobs, bringing a significant economic benefit. These are considered to be weighty public benefits and sufficient to outweigh the less than substantial harm to the heritage assets and the conflict with Policy D1 (skyline impact).

### **Impact on the highway network**

Having considered the submitted transport assessment and additional information provided by the applicant, the Local Highway Authority have confirmed that they have no objection to the proposal in terms of the impact on the highway network in terms of likely traffic generation, which is likely to be lower than if the existing office

use were put to its full potential.

The Highway Authority initially raised concerns over the detail of the access/egress arrangements, in particular for service vehicles who will have to manoeuvre in in the highway opposite the multi-storey car park, but these matters have now been resolved and suitable conditions recommended.

There is, however, a substantial concern about pedestrian safety in the vicinity of the site, particularly for those who are visually or mobility impaired. The development proposes to reconfigure the uncontrolled pedestrian crossing facilities onto the top of Paul Street, outside the library which is acceptable. However, given the busyness of the road, some users would prefer to use the signal controlled crossing at the junction of Paul Street and Mary Street. These facilities would also likely be used by pedestrians crossing towards Sainsbury's, Marks and Spencer and those wishing to visit Vivary Park. Safety audits have revealed that these crossings are significantly below standard, with poor facilities for pedestrians. There is a particular concern over the safety of users of mobility scooters given the configuration of the signals, crossing points and central island (this is echoed by some of the representations received from the public). The Highway Authority believe that there will be a significant increase in the users of these crossing points over and above any office use and that more of those users are likely to be visually or mobility impaired. They believe that it is necessary for the signalised crossing to be upgraded to meet modern standards. The detail of how this may be achieved is, as yet, unresolved and this should be picked up through an S106 agreement.

Provided that the necessary junction safety improvements can be agreed, it is considered that the impact on the highway network is acceptable.

## **Ecology**

Wildlife surveys were undertaken over the summer and revealed that the site has limited potential for wildlife. However, the condition of the building, with a number of broken windows, means that there is potential for nesting birds to enter the building. Further checks will, therefore, be required prior to demolition. The protection of nesting birds, along with proposals to enhance the site for wildlife can be secured by condition.

## **Drainage**

The development proposes underground surface water attenuation tanks. On this highly constrained brownfield site, this is considered to be appropriate. The proposal will result in a 30% reduction in surface water discharge from the current site and, accordingly, the proposal should contribute to a reduction in off-site flood risk.

## **Conclusions**

The proposed development is considered to be an acceptable town centre use. The provision of retail floor space accords with the retail allocation within which the site

sits. The development of the site will render the retail allocation undeliverable, there is currently sufficient allocations for retail development elsewhere. Therefore, whilst there is a conflict with the development plan in terms of the use of the site, it is considered that this is not harmful and the benefits of providing high quality accommodation of this type in a highly accessible location is considered to outweigh the conflict with the plan. The proposal is, therefore, considered to be acceptable in principle and the main issue is the design of the development, its impact upon heritage assets and visual impact generally.

In terms of the visual impacts, the presence of the new building would be felt from a good many locations across the town. However, this is unlikely to cause a significant adverse visual impact in its own right to the detriment of the general amenity of the area. There will clearly be an impact on the skyline, contrary to Policy D1 of the SADMP and that the proposal will adversely impact upon the setting of many heritage assets. Your officers consider that the proposal will cause less than substantial harm to the setting of heritage assets and that, on balance, this is outweighed by the benefits of providing bespoke elderly persons accommodation in this highly accessible location, in accordance with Paragraph 134 of the NPPF. Other matters can be satisfactorily mitigated by conditions and it is, therefore, on balance considered that the proposal is acceptable and it is recommended that planning permission is granted.

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

**Contact Officer: Mr M Bale**

# **TAUNTON DEANE BOROUGH COUNCIL**

**Planning Committee – 1<sup>st</sup> February 2017**

## **Miscellaneous Report**

**E/0154/24/12**

**Untidy site at 12 Town Close, North Curry**

**Occupier: Mr Hunt**

**Owner: Mr Hunt**

12 Town Close, North Curry, Taunton TA3 6LZ

## **Purpose of report**

To update members of the planning enforcement situation at 12 Town Close, North Curry.

## **Recommendation**

That members consider a number of different approaches to remedy the harm caused by the untidy site at 12 Town Close, North Curry and should prosecution action be the choice that it be deferred for a period of 6 months for the reasons outlined in the report and attached confidential papers.

## **Site description**

12 Town Close, North Curry is a small development built by the Local Authority. It comprises mainly of semi-detached and terraced properties fronting onto a small cul-de-sac accessed from Windmill Hill. The properties have front and rear gardens some with parking. Two other parking areas are provided within the development. Many of the properties are now owner occupied, Number 12 being one. The slightly unusual rear garden configuration of number 12 has led to the situation being more noticeable by more properties than would normally be the case. This is due to the garden wrapping around the neighbour's garden and being adjacent to the rear garden of No 5 Chapel Close, a relatively new development.

## **Background**

Members will likely recall that the condition of the site has for some years been a cause of concern for both the neighbours and the Local Authority. Members authorised at the Planning Committee meeting of 30 January 2014 the serving of a Section 215 notice. This was served on 24 February 2014 with a 6 weeks compliance time (12 May 2014).

The requirement of the notice was to remove from the land all the stored and accumulated items as shown in the 3 photographs attached to the notice.



A site visit was made on 19 May 2014 and a number of photographs taken to show what progress had been made in complying with the notice. These photographs were shown at the Planning Committee on 4 June 2014 and members were told by officers that the owner of the site had been advised by the Council's Legal Section that if the notice was not complied with within 14 days from the date of the meeting, the Council would commence prosecution proceedings. The matter was again referred to committee in September 2014 when committee decided to defer prosecution for five months, since this time further clearing has continued to take place and the matter has been referred back to committee on a six monthly basis. The matter was last reported back to committee for a further update on 31<sup>st</sup> August 2016 when it was once again resolved to defer any formal action.

## **Update on current situation**

I am due to visit the site on the 25th January 2017 and a report as to the current situation will be on an update sheet.

The council has still not pursued legal proceedings for reasons set out in the attached confidential papers. It is considered by officers that proceeding with prosecution at present would not achieve further clearance of the site any quicker.

Officers have considered alternative courses of action that could result in the clearance of the site and remedy the harm to the residential amenity of neighbours.

These include:

1. Defer prosecution action for a set period of time – This could allow for Mr Hunt to continue to clear the site, however, if further clearance does not occur, the Council could proceed with prosecution action and/or direct action.
2. Prosecution - Where the council proceeds with prosecution action for noncompliance with the Section 215 Notice.
3. Direct action – Where the council looks to take direct action in seeking authorisation to enter the land, clear the site and store the removed items for a set period of time. A charge would normally be placed on the land so that the Council's cost could be recovered at a later date.

At present for the reasons set out in the confidential papers, it is considered that proceeding with prosecution at this time would not achieve any kind of satisfactory resolution for anyone.

Taking direct action could result in the site being cleared at the initial cost of the Council, however it needs to be considered whether this is a proportionate response to the breach in light of the current situation. Officers do not consider that it is proportionate or reasonable at this time, but would seek to keep this under review.

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

**Planning Officer: Mr M Bale**  
**Enforcement Officer: Mrs A Dunford**

48/16/0066

WRENCON DEVELOPMENTS LTD

**Replacement of garage and greenhouse with erection of 1 No. detached dwelling with parking and alterations to access in garden to the side of Woodlands, Yallands Hill, Monkton Heathfield**

Location: WOODLANDS, YALLANDS HILL, MONKTON HEATHFIELD,  
TAUNTON, TA2 8NA

Grid Reference: 325242.126772

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

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

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

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

(A4) Location Plan

(A2) DrNo 1068 002 Rev A Proposed Site Plan

(A1) DrNo X16263\_3D\_SX Rev A Topographical Survey

(A1) DrNo 1608 001 Rev A Proposed Floor Plans & Elevations

(A4) Access Elevations

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

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

4. The building(s) shall not be occupied/use shall not commence unless the

access to the site has been provided in accordance with the approved plans. The access shall thereafter be retained in the approved form.

Reason: To ensure suitable access to the site is provided and retained, in the interests of highway safety.

5. There shall be no obstruction to visibility greater than 900mm above the adjoining carriageway level within the visibility splays shown on the approved plans.

Such visibility splays shall be fully provided before the new access is brought into use/buildings are occupied/use commences and shall thereafter be maintained in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

6. The development hereby approved shall not be occupied or the use commenced until space has been laid out, drained and surfaced within the site in accordance with the approved plan(s) for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that there is adequate space within the site for the parking and turning of vehicles clear of the highway, in the interests of highway safety.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 6m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway.

9. For a period of five years after the completion of the development, the boundary hedges, as shown in drawing no. 1608/002A, shall be 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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

10. The cycle storage facilities shown on the approved plan shall be constructed and fully provided prior to the building being occupied and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport.

11. The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page at [www.wessexwater.co.uk/developerservices](http://www.wessexwater.co.uk/developerservices). As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

## Proposal

Planning permission is sought for a detached two storey dwelling, to be sited to the east of Woodlands on Yallands Hill. The dwelling will be of traditional style, windows to the front and rear elevations, a gabled tiled roof and rendered walls with brick plinths. The existing access will be widened to serve both the existing and proposed dwelling. Two parking spaces and a turning area are to be provided for the proposed dwelling and three spaces and a turning area to serve the existing dwelling. The proposal includes a shed to be sited within the curtilage of the proposed dwelling to provide bicycle storage and a recycling area. A 1.8m high timber fence will be erected to create private amenity space for the proposed dwelling to the rear of the site. The accommodation will comprise a kitchen, dining area, lounge, two bedrooms and bathrooms.

## Site Description

The site is located on the northern side of Yallands Hill, opposite the petrol filling station. The site comprises an area of residential curtilage to the east of Woodlands, on which is currently sited a large detached garage, greenhouse and shed. Woodlands is a semi-detached two storey dwelling and its boundaries to the

north and east mark the edge of the designated development boundary in this part of Monkton Heathfield. Agricultural land adjoins the site to the north and east and there is existing hedging along these boundaries. There is an existing access onto the site with an established hedge along the roadside boundary.

## **Relevant Planning History**

none

## **Consultation Responses**

*WEST MONKTON PARISH COUNCIL* – the building is situated in front of the building line. The architectural style is acceptable. The shared access is acceptable.

*SCC - TRANSPORT DEVELOPMENT GROUP* – refer to standing advice  
Standing advice requires:

- Visibility splays of 2.4 x 43m in either direction, measured to the nearside carriageway edge.
- Pedestrian visibility splays of 2 x 2m to the rear of the footway.
- Provision of adequate drainage so that surface water does not drain from the site onto the highway or vice versa.
- The access should have a minimum width of 3m with a minimum of 5m over a minimum 6m length where more than 1 dwelling is served.
- The access should be properly consolidated for the first 5m and must not exceed a gradient of 1 in 10 for the first 6m from the edge of the adopted highway.
- Vehicular entrance gates should be set back a minimum distance of 6m from the carriageway edge and should open inwards. Pedestrian gates should open inwards.
- On site turning space should be provided where the proposal derives access from a classified road.
- Turning will be required, independent of the necessary parking provision where an access is onto a classified road.

*WESSEX WATER* –

### **Water Supply and Waste Connections**

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website

[www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

### **S105a Public Sewers**

On 1<sup>st</sup> October 2011, in accordance with the Water Industry (Schemes for Adoption

of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

### **Separate Sewer Systems**

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

## **Representations Received**

none

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - General requirements,  
SP1 - Sustainable development locations,  
CP1 - Climate change,  
CP8 - Environment,  
A1 - Parking requirements,  
A5 - Accessibility of development,  
D10 - Dwelling sizes,  
D12 - Amenity space,

## Local finance considerations

### Community Infrastructure Levy

Creation of new dwelling is CIL liable. Dwelling measures approx. 92m<sup>2</sup>.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £6,500.00. With index linking this increases to approximately £7,500.00.

### New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

#### *1 Year Payment*

Taunton Deane Borough	£1,079
Somerset County Council	£ 270

#### *6 Year Payment*

Taunton Deane Borough	£6,474
Somerset County Council	£1,619

## Determining issues and considerations

The site lies within the settlement limits of Monkton Heathfield, with good access to services and facilities. As such the principle of housing development is supported and the proposals should make efficient use of the land. Policies SP1, CP8 and DM1 of Taunton Deane Core Strategy and policies A1, A5, D10 and D12 of the Site Allocations and Development Management Plan (SADMP) are considered relevant.

### Design and Visual amenity

Woodlands has an unusually shaped garden to the east and the subdivision of this to form a separate plot would not result in a cramped form of development. Woodlands is a semi-detached property and the pair of dwellings are set at a 45% angle to the road. Whilst the proposed dwelling is set further forward than Woodlands, its siting will fit with the pattern of development along this part of Yallands Hill.

The dwelling will be two storey with a maximum height of 7.3m. The size of the dwelling and the level of provision of amenity space meet the requirements set out in the SADMP. There are a mixture of dwellings in this part of Monkton Heathfield and the proposed design is not considered to detract from the character and appearance of the area. From the roadside the proposed rear garden fence will be visible but it is set back within the site sufficiently to not impact upon the street scene.

In terms of the wider landscape, the existing boundary hedges are to be cut back and retained. The dwelling will replace existing outbuildings and it will not significantly affect the visual amenities of the surrounding area.

### **Residential amenity**

The design of the dwelling shows windows to the front and rear elevations only. There is considered to be no loss of light or loss of privacy to nearby properties, in particular Woodlands, which adjoins the western boundary. There are no properties adjoining the north and east boundaries of the site.

### **Access and Parking**

The parking and cycling provision for the proposed dwelling are in line with the requirements under policy A1 of SADMP. Both the existing and proposed dwellings will have their own turning areas.

The existing access is to be widened to serve both dwellings. Visibility can be provided to 43m to the east and 36m to the east. This is slightly below the standard requirement of 43m in both directions. Removal of a greater section of the boundary hedge would not improve the levels of visibility. Given that the proposal will improve the existing access by widening it by 3m the slightly reduced visibility levels to the east are deemed acceptable. A suitable condition to prevent gates being installed within the first 6m of the access would be required to ensure safety of the users of the highway.

### **Other matters**

Bin storage areas are provided for within the site and this is to be conditioned to ensure provision before occupation of the dwelling.

The possible receipt of the Community Infrastructure Levy and New Homes Bonus is noted, however, it is considered that these matters carry very limited weight in this case.

### **Conclusion**

The proposed development will make appropriate use of land within the settlement limits without detriment to visual residential amenity and is therefore recommended for conditional approval.

The applicant is an elected Councillor and as such the application is put to Committee for a decision in line with Council procedures.

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**



## **Appeal Decisions – 1 February 2017**

**Site: 81 PARKFIELD ROAD, TAUNTON, TA1 4SD**

**Proposal: Erection of two storey extension at 81 Parkfield Road, Taunton**

**Application number: 38/16/0152**

### **Reasons for refusal**

1. The design and scale of the extension is considered to harm the form and character of the existing dwelling. Furthermore, the proposed extension due to its size and lack of subservience in a prominent elevated position, would create an undesirable element within the street scene that would be detrimental to the character and visual amenities of the area. The proposal is therefore not considered to accord with retained Policy H17C (Extensions) of the Taunton Deane Local Plan, Policy DM1(d) (General requirements) of the Taunton Deane Core Strategy and Policy D5 of the Draft Site Allocations and Development Management Plan.

**Appeal decision: ALLOWED**

**Site: CREEDWELL ORCHARD, MILVERTON**

**Proposal: ERECTION OF 70 NO. DWELLINGS WITH ASSOCIATED WORKS ON LAND AT CREEDWELL ORCHARD, MILVERTON**

**Application number: 23/14/0014**

**Reasons for refusal:** The proposed development would not provide any on site affordable housing. The proposed off-site contribution is both unacceptable in principle and insufficient in amount and the proposal is, therefore, contrary to Policy CP4 of the Taunton Deane Core Strategy.

The development would have a harmful impact upon the character and appearance of the Milverton Conservation Area as the location and scale of the development would undermine the connection that the village enjoys with the surrounding rural landscape, contrary to Policy CP8 of the Taunton Deane Core Strategy. The harm would not be outweighed by other public benefits of the proposal when assessed in accordance with the National Planning Policy Framework (NPPF).

The proposed development fails to provide an acceptable travel plan and future residents would likely be reliant on the private car for most of their day to day needs with insufficient measures in place to encourage travel by other modes, contrary to Policy CP6 of the Taunton Deane Core Strategy, policy A2 of the Draft Site Allocations and Development Management Plan and guidance in the NPPF.

The proposed development would provide insufficient children's play space to meet the needs of the development, contrary to retained Policy C4 of the Taunton Deane Local Plan or policy C2 of the Draft Site Allocations and Development Policies Plan.

Insufficient information has been provided to assess the likely impact upon potential archaeological interests on the site, contrary to Policy CP8 of the Taunton Deane Core Strategy and guidance in the NPPF.

In accordance with Policy SD1 of the Taunton Deane Core Strategy and Paragraph 14 of the NPPF it is considered that there are very limited benefits to outweigh these significant and demonstrable harms and the proposal is, therefore, not sustainable development.

**Appeal decision: DISMISSED**

## Appeal Decision

Site visit made on 13 December 2016

**by Olivia Spencer BA BSc DipArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 January 2017

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### Appeal Ref:

**APP/D3315/D/16/3158180 81**

**Parkfield Road, Taunton TA1 4SD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Priddle against the decision of Taunton Deane Borough Council.
  - The application Ref 38/16/0152, dated 18 April 2016, was refused by notice dated 4 July 2016.
  - The development proposed is a two storey extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a two storey extension at 81 Parkfield Road, Taunton TA1 4SD in accordance with the terms of the application, Ref 38/16/0152, dated 18 April 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0416/2, 0416/3, 0416/4.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the street scene.

### Reasons

3. The house sits on raised ground at the corner of Parkfield Road and Galmington Road. There is a mixture of building styles in Parkfield Road including a number that combine forward projecting gables with long elevations of the same height running to one side. The proposed development would broadly conform to this pattern. That the extension would have a ridge no lower than the existing house and extend some distance to the side, would not therefore in this instance be detrimental to appearance of the existing house, nor would it appear at odds with the prevailing character and appearance of Parkfield Road.
-

4. Buildings running east on Galmington Road from the appeal site have a similar form, with pairs of houses set at an angle to the street. The proposed development would not result therefore in an unduly inconsistent building form when viewed from this perspective. The houses are arranged such that the north side of Galmington Road has no clearly perceivable building line and although the proposal would extend the appeal building towards this road, it would be set away from the highway edge. It would not therefore appear unduly prominent in the Galmington Road street scene.
5. I conclude that the proposed development would therefore have no significant detrimental effect on the character and appearance of the host building or the street scene.
6. The extension would not appear subservient to the original dwelling contrary to the second part of Policy H17 (C) of the Taunton Deane Local Plan and the first part of Policy D5 (A) of the emerging Draft Site Allocations and Development Management Plan. However for the reasons given above it would nevertheless meet the remaining parts of these policies in that it would not harm the form and character of the dwelling. Further it would accord with Policy DM1(d) of the Taunton Deane Core Strategy which states that the appearance and character of the street scene should not be harmed. I conclude the proposal would therefore accord with the Development Plan taken as a whole.

## **Conditions**

7. A condition requiring compliance with the submitted plans is necessary for certainty. Construction using materials that match the existing building is necessary to protect the character and appearance of the area.

## **Conclusion**

8. For the reasons given and having had regard to all matters raised, I conclude that the appeal should be allowed.

*Olivia Spencer*

INSPECTOR

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## Appeal Decision Hearing

held on 8 November 2016 Site visit

made on 8 November 2016

### by Kevin Gleeson BA MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2017

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## Appeal Ref: APP/D3315/W/16/3148085 Creedwell Orchard, Milverton, Somerset TA4 1PL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by S Notaro Limited against the decision of Taunton Deane Borough Council.
  - The application Ref 23/14/0014, dated 24 March 2014, was refused by notice dated 16 October 2015.
  - The development proposed is described as an alternative proposal for 70 new homes at Creedwell Orchard, Milverton replacing extant permission for 72 homes.
- 

## Decision

1. The appeal is dismissed.

## Application for Costs

2. An application for costs was made by S Notaro Limited against Taunton Deane Borough Council. This application is the subject of a separate decision.

## Preliminary Matters

3. The appeal form refers to the site address as Land off Creedwell Orchard. This more accurately describes the site location.
4. The application form was not dated and therefore I have used the date provided on the appeal form in the banner heading.
5. A signed and dated Unilateral Undertaking (UU) in accordance with Section 106 of the Town and Country Planning Act, 1990 was submitted by the appellant following the hearing. This contains a number of obligations in respect of affordable housing, public open space and a travel plan. I return to the obligations later in my decision.
6. Following the hearing, on 13 December 2016 the Council adopted the Site Allocations and Development Management Plan, (SADMP).

## Main Issues

7. At the hearing I identified the main issues as I saw them at that time. In the light of the points made I have amended these as follows:
    - Whether the proposed development would provide a suitable site for housing, having regard to development plan policies;
-

- The effect of the proposal on the character and appearance of the surrounding area including the setting of the Milverton Conservation Area;
- The effect of the proposed development on potential archaeological interests;
- Whether appropriate provision is made for affordable housing;
- Whether future occupiers of the development proposed would be provided with adequate opportunities to travel by means other than the private car, so contributing to sustainable travel patterns; and
- Whether appropriate provision is made for children's play space.

## Reasons

### *Suitability of the Site for Housing*

8. Policy CP8 of the Taunton Deane Core Strategy, 2012 (the Core Strategy) indicates that unallocated greenfield land outside of settlement boundaries will be protected. The appeal site is outside of the settlement boundary for the village of Milverton.
9. Policy SP1 of the Core Strategy identifies sustainable development locations within the borough establishing a hierarchy for development which includes minor rural centres of which Milverton is one. Policy SB1 of the SADMP confirms the principles of the settlement boundaries identified in Core Strategy Policy SP1 with development outside being treated as being within the open countryside. Consequently the proposed development would not be a suitable site for housing as it would be contrary to Core Strategy Policy SP1 and SADMP Policy SB1 which seek to prevent residential development outside of settlement boundaries.

### *Character and Appearance*

10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area when deciding whether to grant planning permission.
11. The appeal site is not within the Milverton Conservation Area but is situated close to its southern boundary. The character of the conservation area derives from its historic form with the main streets surrounding the central core characterised by dense development and with numerous listed buildings. Much of the development around the central core dates from Georgian or early nineteenth century periods.
12. The tight built form of the conservation area has not generally been compromised by more recent development with the exception of the 1960s development of Creedwell Orchard. Consequently the setting of the conservation area within the rural landscape and views into and out of it contribute to its character and appearance.
13. The proposed development on a steep slope to the south of the village would be very prominent in views from the conservation area particularly from the junction of Fore Street with Creedwell Orchard and from the junction of Rosebank Road and Silver Street. As I saw during my visit the appeal site is

also very prominent along with the conservation area when viewed from outside the village on the approach from the east.

14. The proposed layout has been designed to be reflective of the architectural features of the conservation area and in urban design terms provides an appropriate response to its setting and an acceptable landscape structure.
15. Nevertheless, I find that the proposed development would be harmful to the setting of the conservation area and would adversely impact on its character and appearance. The proposed development would conflict with the important relationship between the conservation area and the open countryside beyond the village as highlighted in the Milverton Conservation Area Appraisal Document, 2007. It would also be contrary to Policy CP8 of the Core Strategy which seeks to conserve and enhance the natural and historic environment. This finding of harm to the setting of a conservation area gives rise to a strong presumption against planning permission being granted.
16. In terms of the National Planning Policy Framework (the Framework) the proposals would result in less than substantial harm to the Milverton Conservation Area. Paragraph 134 states that where less than substantial harm would result, this should be weighed against the public benefits of the proposal including securing its optimum viable use. This is addressed in the planning balance below.

### *Archaeology*

17. Paragraph 128 of the Framework states that where a proposed development site includes or has the potential to include heritage assets with archaeological interest local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation.
18. A desk top archaeology report submitted with the planning application stated that there were no recorded heritage assets of such significance as to influence or preclude development within the site. In response the County archaeologist stated that the report did not adequately demonstrate that archaeology would not be harmed by the proposed development and that a field evaluation should be undertaken to inform the likely nature of archaeological remains on the site. The appellant indicated that notwithstanding the study's conclusions that there would be little or no effect on potential heritage assets, if a field evaluation was required this could be addressed through a planning condition.
19. Core Strategy Policy CP8 which seeks to conserve and enhance the historic environment states that development outside of settlement boundaries will be permitted where it will protect, conserve or enhance the interests of historic assets. Policy ENV4 of the SADMP states that where it is known or suspected that a development proposal could affect archaeological remains developers must provide for satisfactory evaluation of the archaeological value of the site and the likely effects.
20. On the basis that the site lies outside of a medieval village with potential for Bronze age/pre-historic archaeology it is necessary in this situation for a field evaluation to be undertaken prior to development to inform the likely nature of archaeological remains on the site. Whilst accepting that the application was validated on the basis of the desk based assessment the Council's request for a field evaluation

was appropriate and has not been addressed. Furthermore, this is not a matter which can be addressed through a planning condition or obligation because it is fundamental to the acceptability of the scheme. Consequently I find that the proposal has failed to meet the requirements of Core Strategy Policy CP8, SADMP Policy ENV4 and paragraph 128 of the Framework which together require a demonstration that the proposed development will not adversely impact on potential archaeological interests.

### *Affordable Housing*

21. Policy CP4 of the Core Strategy identifies the need for sites providing five or more dwellings to meet a target of 25% of new housing to be in the form of affordable units. The Taunton Deane Affordable Housing Supplementary Planning Document, 2014 (SPD) states that financial contributions in lieu of on-site provision are only acceptable in exceptional circumstances.
22. The appellant has not proposed on-site affordable housing but instead has committed through the UU to provide a financial contribution of £153,000 for the purchase of land for 18 units to meet the affordable requirement off-site. However, no indication has been provided as to where these sites could be provided.
23. Although the appellant indicated that it would not be viable to provide the affordable housing on site, partly because a re-design of the scheme would be necessary to provide the required smaller affordable units, no financial evidence has been provided to support this proposition. In addition, the proposed financial contribution does not meet the requirement set out in the SPD which would be £1,064,067 should a financial contribution in lieu of on-site provision be acceptable. Consequently I find that the proposal would be contrary to Policy CP4 of the Core Strategy and the Affordable Housing SPD in failing to make appropriate provision for affordable housing.

### *Sustainable Transport*

24. Policy CP6 of the Core Strategy states that development should contribute to reducing the need to travel through requiring all new developments to submit a robust evidence base and management plan in line with current policy and guidance on Transport Assessment, Travel Planning and the County Council's Travel Plan SPD. Policy A2 of the SADMP requires all development proposals which generate a significant amount of movement to include a travel plan, as does paragraph 36 of the Framework.
25. I share the County Council's view that the appellant's travel plan would not provide appropriate measures to reduce the need to travel by private car. Shortcomings in the travel plan include the lack of a viable bus service, inadequate justification for the provision of car parking on site and the lack of an appropriate monitoring strategy and targets. Through the UU the appellant has confirmed that the measures within the travel plan would be delivered. Nevertheless, because of the shortcomings identified the proposed development would be contrary to Policy CP6 of the Core Strategy, Policy A2 of the SADMP and paragraph 36 of the Framework which together seek to achieve a modal shift away from reliance on the private car.
26. The proposed public car park is intended to relieve parking pressures within the village which it may do. However, as the provision of public car runs counter

to sustainable transport objectives I consider the impact of this element at best to be neutral.

### *Children's Play Space*

27. Policy C4 of the Taunton Deane Local Plan, 2004 (the Local Plan) requires housing developments of more than six dwellings to provide on-site landscaped and appropriately equipped recreational open space. The appropriate standards require 1000sq.m of equipped play space and 400sq.m of non- equipped quality/usable play space. Policy C2 of the SADMP also seeks to ensure that the increased demand for recreational open space arising from new residential development responds to relevant standards.
28. The proposed development makes provision for approximately 800sq.m of children's play space. This forms part of the public open space which the appellant has undertaken to provide through the UU. However, the amount of play space is significantly below the standard required by Policies C4 and C2, and in terms of location, being on the northern edge of the site would not be the most accessible location for residents of the new development although such a location would mean that it is more accessible for existing residents of the village. Nevertheless, the lack of children's play space is contrary to the requirements of Policy C4 of the Local Plan and Policy C2 of the SADMP.

## **Other Issues**

### *The Extant Planning Permission*

29. Outline planning permission was granted in 1975 for the development of 80 dwellings on the appeal site and adjoining land and reserved matters were approved in 1979. Part of the scheme was implemented leaving a residual development of 72 dwellings to be completed. In 2007 a Certificate of Lawful Proposed Use or Development was issued confirming the position that on the balance of probabilities the development had been commenced in accordance with the permission and could be lawfully recommenced.
30. The case of *Gambone v Secretary of State for Communities and Local Government [2014] EWHC 952 (Admin)* confirms that an existing planning permission may be a material consideration in determining a planning application. The case also confirmed a two stage approach whereby a determination must first be made concerning whether the fallback is a material consideration, before weight is ascribed. Furthermore, the prospects for the fallback occurring must be real and not merely theoretical.
31. It was suggested by interested persons that it may not be possible to implement the fallback because current drainage attenuation standards could not be achieved without the extant permission being varied. In addition, uncertainty was expressed about whether the extant scheme could be implemented in the absence of all of the approved plans. Neither these, nor other matters raised concerning the likelihood of the extant permission being implemented appear to me to be insurmountable issues. Therefore I accept the position of the main parties that implementation of the fallback is greater than a theoretical possibility.
32. In considering the weight to be attached to the fallback it is necessary to compare the relative harm from the two developments against policy conflicts. In terms of



the suitability of the site for housing, as both the appeal scheme and the extant permission would result in a similar amount of residential development in this location I consider that the harm arising from each scheme would be comparable.

33. Both schemes would give rise to a similar degree of harm to the character and appearance of the conservation area whilst the design of the appeal scheme layout would be an improvement on the extant scheme based on current principles about the design of residential development. The appeal scheme would also be more reflective of the architectural features of the conservation area than the extant scheme. However, the site boundary of the proposed scheme extends further to the south than the extant scheme and therefore further into the countryside. Moreover, the appeal scheme would be more visible in the landscape than the previous proposal such that even taking account of the submitted landscaping proposals the impact would not be fully mitigated. On this point I therefore disagree with the Council and find that the landscape impact of the appeal scheme would be worse than the extant permission.
34. The current scheme falls significantly below the current policy requirement for affordable housing and it is unclear how the proposed contribution would deliver affordable housing in the vicinity of the appeal site. In comparison the extant permission was not required to and did not make provision for affordable housing. Consequently the current proposal is marginally less harmful than the extant permission in terms of current affordable housing policy.
35. In terms of traffic generation the appeal scheme and extant planning permission would result in similar highway impacts based on a similar number of dwellings. Both schemes would also appear to have similar impacts in terms of flood risk alleviation.
36. Whilst both developments fall short of current standards for the provision of children's play areas the current proposal would offer a greater provision than the extant consent. The harm in terms of current recreational open space policy would therefore be greater with the extant permission.

#### *Other Matters*

37. The appellant identified a range of benefits which the appeal scheme provided compared to the extant permission. Apart from environmental sustainability benefits, all of the non-monetary elements have already been addressed as has the financial contribution for affordable housing. The Community Infrastructure Levy would address the infrastructure needs of the development rather than being a benefit of the appeal scheme although it would not be payable through the extant permission. As for the New Homes Bonus payment the Council indicated that this would be payable on either scheme and as I have no reason to dispute this I do not regard it as a benefit of the current scheme.

### **Planning Balance and Conclusion**

38. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 indicates that an application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
39. The proposal would result in development outside of the defined settlement boundary in conflict with Policy SP1 of the Core Strategy and Policy SB1 of the

SADMP. Having regard to the statutory requirement to consider the effect of proposals on the character or appearance of a conservation area I find that the proposal would result in less than substantial harm to the setting of the conservation area and would fail to conserve or enhance the historic environment contrary to Policy CP8 of the Core Strategy. In line with paragraph 134 of the Framework this harm should be weighed against the public benefits of the proposal which I do below.

40. Also weighing heavily against the proposed development are the failure to demonstrate that the scheme will not adversely impact on potential archaeological interests contrary to Core Strategy Policy CP8, SADMP Policy ENV4 and paragraph 128 of the Framework, and the failure to provide appropriate affordable housing in accordance with the requirements of Policy CP4 of the Core Strategy and the Affordable Housing SPD. The failure to provide effective measure to reduce the need to travel particularly by private car in accordance with the requirements of Policy CP6 of the Core Strategy, Policy A2 of the SADMP and paragraph 36 of the Framework together with the failure to provide appropriate children's play space in accordance the requirements of Policy C4 of the Local Plan and Policy C2 of the SADMP also weigh against the proposal.
41. The benefits of the proposal are primarily the provision of 70 new homes which should be seen in the context of the Framework requirement at paragraph 47 to boost significantly the supply of housing. However, the failure to properly address the requirement for affordable housing limits the overall benefits arising from the provision of housing. I regard the design and layout of the appeal scheme as meeting the requirements of design policies rather than a benefit of the scheme. As identified previously financial contributions should be seen as mitigation for other harms caused by the proposed development rather than as benefits.
42. I have found that the appeal scheme would be marginally less harmful than the extant permission in respect of the provision of affordable housing, children's play space and the overall layout design. However, weighing against these factors is the effect of the appeal scheme on the landscape arising from the development towards the southern boundary. Overall therefore, the harms arising from the extant permission would be broadly similar to those arising from the appeal proposal. These factors therefore limit the weight I attach to the fallback position.
43. Consequently I find that the proposed development would result in very significant conflict with the up to date development plan and that the extant permission as a fallback does not carry such weight as to justify granting planning permission contrary to the development plan.
44. For these reasons, and taking into account all matters presented in evidence and raised at the hearing, I conclude that on balance the appeal should be dismissed.

*Kevin Gleeson*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT

Steve Rosier

Steve Rosier Limited

### FOR THE LOCAL PLANNING AUTHORITY

Matthew Bale BA (Hons) MA MRTPI

Taunton Deane Borough

Council Jo Humble  
Council

Taunton Deane Borough

Martin Evans LLB

Taunton Deane Borough Council

Jon Fellingham BA (Hons)

Somerset County Council

Albert Ward

Somerset County Council

Stephen Membury

South West Heritage Trust

### INTERESTED PERSONS

Dr Russell Jenkins

Milverton Parish Council

Gwilym Wren

Milverton Parish Council

Michael Reynolds

The Save Milverton Action Group

John Houghton

Local Resident

David Leyland

Local Resident

Jenny Hoyle

Local Resident

Roger Cotton

Local Resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Planning Application 4/23/78/026: Refusal of Renewal of Application for Residential Development of Land at Creedwell Orchard, Milverton submitted by the Council.
2. Planning Application 23/91/026: Refusal of Application for Erection of

33 Detached Houses and 9 Terraced Houses together with Provision of Estate Roads and Garages at Land off Creedwell Orchard, Milverton submitted by the Council.

3. Extract from Inspectors Report on the Taunton Dean Local Plan Inquiry, 2004 submitted by the Council.
4. Milverton Traffic Video submitted by Mr Reynolds.
5. Extracts from Draft Site Allocations and Development Management Plan, Policies C1, C2 and C3 and Appendix E submitted by the Council.
6. Statement by Mr Reynolds.
7. Statement by Mr Houghton.
8. Statement by Dr Jenkins.
9. Letter from Inspector Examining the Taunton Deane Borough Council Site Allocations and Development Management Plan submitted by the Council.
10. Extracts from Draft Site Allocations and Development Management Plan, Policies A1, A2 and ENV4 submitted by the Council.
11. Un-numbered Tracking Plan.
12. Plan 21208/12 – Pond Sections.
13. Plan M/PL/400 – Site Section A-A.

## **DOCUMENTS SUBMITTED AFTER THE HEARING CLOSED**

- 14 Signed Unilateral Undertaking dated 15 November 2016.

**APPEALS RECEIVED – 1 February 2017**

**Site: LAND TO THE SOUTH OF KNAPP LANE, NORTH CURRY**

**Proposal: Residential development of 20 No. dwellings (including 5 affordable dwellings) and provision of public open space, children's play area and allotments on land to the south of Knapp Lane, North Curry (Revised scheme to 24/16/0007)**

**Application number: 24/16/0042**

**Appeal reference: APP/D3315/W/16/3162999**

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**Site: 8 BLAGDON CRESCENT, TAUNTON, TA1 4TQ**

**Proposal: Erection of ground floor extension to the rear and first floor extension over garage at 8 Blagdon Crescent, Comeytrove.**

**Application number: 52/16/0016**

**Appeal reference: APP/D3315/D/16/3163907**

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**Enforcement Appeal**

**Site: BURTS FARM, FORD STREET, WELLINGTON**

**Alleged breach of planning control: Alleged non-compliance with planning approval at Burts Farm, Wellington**

**Reference number: E/0141/44/16**

**Appeal reference: APP/D3315/C/16/3162172**

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