

49/2004/042

BARN RESTORATIONS

PARTIAL DEMOLITION, PARTIAL NEW BUILD, CONVERSION AND RESTORATION OF THE FORMER HANCOCK BREWERY TO FORM 14 NO. RESIDENTIAL UNITS WITH ASSOCIATED GARAGING AND PARKING AT THE OLD HANCOCK BREWERY, GOLDEN HILL, WIVELISCOMBE (RESUBMISSION OF SCHEME WITH SOME AMENDMENTS)

08292/27900

FULL

1.0 **RECOMMENDATION**

Subject to the applicants entering into a Section 106 Agreement in respect of an agreed sum of money to be provided for affordable housing and an agreed amount towards the provision of off site recreational facilities, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for rendered areas and roof shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 03 The external surfaces of the development hereby permitted shall be of materials as indicated in the application form and no other materials shall be used without the written consent of the Local Planning Authority.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 04 The external surfaces of the building shall be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.

- 04 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Revised Deposit Policy H9(B)(i).
- 05 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority 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.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 06 During the period of demolition and construction, screening shall be placed around the site to the satisfaction of the Local Planning Authority, and shall be completely removed when the development is completed.
- 06 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(D).
- 07 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 07 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 08 The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles (a motor vehicle) for domestic purposes only.
- 08 Reason: In order that satisfactory parking facilities are maintained in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.
- 09 The proposed parking areas and spaces manoeuvring areas, unloading areas, and footpaths shall be properly consolidated, drained, surfaced in a material to be submitted to and approved by the Local Planning, and thereafter maintained, and marked out before the occupation of the units hereby approved or at

such time as agreed by the Local Planning Authority, and shall not be used for any other purpose than the parking/manoeuvring or unloading of vehicles in association with the development hereby permitted.

- 09 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.
- 10 The garages shown on the approved plans shall be constructed and available for use as garages at the time of occupation of the associated residential units, and retained for parking of vehicles only for so long as the development remains.
- 10 Reason: In order to ensure that sufficient parking is maintained in accordance with Taunton Deane Local Plan Revised Deposit Policy S1A.
- 11 All services shall be placed underground.
- 11 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(F).
- 12 Prior to the commencement of development works on the northern building of the proposed development, the applicant shall, at his own expense, appoint a suitably qualified consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that odours from existing sources will not cause nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Planning, together with any amelioration scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works. The agreed works shall be carried out prior to the building being occupied.
- 12 Reason: In order to avoid the new residents being subjected to unacceptable level of odour from the adjoining industrial occupiers in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(A) and (F).
- 13 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other

characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).

- 13 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 14 The developer shall advise all prospective purchasers of the dwellings hereby permitted, that the site is adjacent to existing industrial occupiers and that a degree of noise, disturbance and odour is likely to occur.
- 14 Reason: In order that the residents are forewarned of the adjacent users in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(F).
- 15 Full details of all surface water, foul water and any other sewerage systems shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented. Any proposed change from the approved scheme shall be

agreed in writing by the Local Planning Authority prior to implementation.

- 15 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 (E) and EN28.
- 16 Work shall not commence until details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats, has been submitted to and approved in writing by the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully developed.
- 16 Reason: To maintain the status of bats and their roosts bearing in mind that bats and their roosts are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c.) Regulations 1994.
- 17 All windows on the north elevation shall be permanently fixed shut and glazed as specified on the approved plans. If any ventilation is included in the north elevation, it shall be only in the form of outlets associated with a positive internal pressure ventilation system and inlets for such systems shall not be in the north elevation.
- 17 Reason: In order to protect the amenities of the residents from noise and smells from the adjoining occupiers in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(F).
- 18 Before any works are carried out for the removal of any fill the developer shall submit to the Local Planning Authority for approval full details of the proposals for the stabilisation of the adjoining land including the results of a geotechnical survey and structural calculations for any retaining structures.
- 18 Reason: To ensure the safety and stability of those parts of the building to be retained in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 19 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) there shall be no addition or extension to the dwelling(s) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 19 Reason: The Local Planning Authority is not satisfied that the dwelling(s) could be extended without detriment to the amenities of the area or the existing dwelling in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and H19.

- 20 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 20 Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.
- 21 Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and to preserve the design and external appearance of the building(s) in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2.
- 22 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identified what measures, if any, may be necessary to ensure that noise from existing sources and in particular noise from existing sources and in particular noise from Exmoor Ales and Quantock Engineering premises will not cause nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Local Planning Authority prior to the commencement of development works.
- 22 Reason: To ensure that the residents of the proposed development are not disturbed by noise from the adjacent general industrial premises in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(F).

Notes to applicant

- 01 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the

British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

- 02 Noise emissions from the site during the demolition and construction phases should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800, Saturdays 0800 - 1300. All other times, including Public Holidays no noisy working.
- 03 Any surface water discharges to watercourses or sewerage systems should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on site attenuation.
- 04 The design storm for any attenuation system shall be for a 1 in 25 year return period storm.
- 05 Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc and headwall design.
- 06 Details required of proposed point of discharge to watercourse or sewerage system together with details of headwall etc.
- 07 The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of Sustainable Urban Drainage Systems (SUDs) for dealing with urban run off. It is strongly recommended that some form of SUDs be used at this proposed development.
- 08 Please note that whilst conditions 12 and 23 should mitigate the impact of the existing working practices from the adjacent premises, there may be occasions when noise and/or smell may be detectable to the residential properties, therefore Condition 15 has been added.
- 09 The Fire and Rescue Service advise:- 1. Means of Escape - means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. 2. Access for Appliances - Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. 3. Water Supplies - All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards. Contact West Area H.Q., The Fire Station, Lisieux Way, Taunton, TA1 2BT, telephone 273020.
- 10 You are advised that before any works are commenced, that you discuss and agree any disconnections and reconnection of any services, such that all such services are protected and maintained during any demolition, construction and any other works.

2.0 **APPLICANT**

Barn Restorations

3.0 **PROPOSAL**

Partial demolition, partial new build and conversion and restoration of the former Hancock Brewery to form 14 No. residential units with associated garaging and parking at the Old Hancock Brewery, Golden Hill, Wiveliscombe. (Resubmission of scheme with some amendments).

The application was accompanied by:-

- Covering letter
- Noise survey and assessment
- Smell survey and assessment
- Bat and owl survey and mitigation measures
- Plans of existing and proposed, including photomontage and bird's-eye isometric
- Geoenvironmental Desk Study

The proposal involves the demolition of a single storey extension to the buildings, previously used as spray booth and offices, erection of a two storey terrace of 4 residential units in its place, removal of central area of building and roof to form courtyard/garden area, reroofing and various alterations and conversions to form 10 other residential units. In total, the accommodation would comprise:-

1 No. 2 bed town house
4 No. 3 bed town houses
3 No. 3/4 bed town houses
2 No. 3 bed maisonettes
1 No. 1 bed maisonette
3 No. 2 bed flats

Repaired areas will be in natural stone coursed and dressed to match the existing stone work, some render, with natural slate roof and hardwood doors and windows. Five of the units are now accessible by the disabled. Windows facing north towards the existing industrial users will be non-openable and double glazed with Pyrostock glass. There will be 10 garages constructed below the garden level of the eastern units, these will have roll top doors to allow for ease of access and not waiting in the private access road. Seven parking spaces and unloading area is provided to the south of the southern units using the Old Brewery Road access, and 3 parking spaces are located on the western side using the access passed the industrial units. There is pedestrian access through the scheme from the area beside the garages through the courtyard/garden area and into the western

parking area, then along the existing access through to Golden Hill. The ground level to the east, which is made ground, will be reduced to allow for the reuse of the upper floors of the cellars.

4.0 **THE SITE**

The site comprises a complex of The Old Brewery buildings including recent additions, at land to the west of Old Brewery Road, Wiveliscombe. The buildings range in height from single storey to three storey above ground with some buildings having 1 and 2 floors below existing made ground level. The buildings are mostly stone with some brick detailing, other clad portions and sheeted pitched roofs. There are also roller-shutter doors to some of the units. Much of the original flooring has been removed. The land slopes away steeply towards the east. The vehicular access from Old Brewery Road is private, as is the pedestrian access via The Mews to Golden Hill. There is a public footpath from Golden Hill which passes to the north of existing buildings, (not part of the application site), linking to Old Brewery Road via Coopers Heights. The application site is now without tenants, the last being a car repair occupier in one of the southern units. There are a series of industrial and other occupiers in buildings sited just to the north/adjoining the application site, these including Exmoor Ales, Quantock Engineering and a car repairer.

5.0 **RELEVANT PLANNING HISTORY**

49/2004/013 Conversion of main building, partial demolition, partial new building to form 14 residential units at the Old Hancock Brewery. Withdrawn May 2004.

49/2004/012CA Partial demolition of buildings. Withdrawn May 2004.

49/2002/067 (Adjacent site) Change of use of part of Old Brewery to Antique Restoration and Sales. Approved October 2002.

49/1997/050 Retention of use of unit 5 as preschool playgroup. Temporary permission granted until December 1999.

49/1992/038 Use of building for car breaking and sale of used spares together with outside storage at unit 19. Approved December 1992.

49/1990/005 Erection of building to form office and store for Exmoor Brewery. Approved March 1990.

49/1989/052 Use of land for car sales at Unit 18. Refused November 1989.

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1

Policy STR3

Policy STR4

Policy STR5

Policy STR7

Policy 8

Policy 9

Policy 14

Policy 35

West Deane Local Plan

WD/HO/3 WITHIN THE IDENTIFIED LIMITS OF SETTLEMENTS INCLUDING SITES ALLOCATED IN THE LOCAL PLAN, THE DEVELOPMENT OF NEW HOUSING WILL NORMALLY BE PERMITTED, PROVIDED THAT:-

- (A) PROPOSALS SATISFACTORILY RESPECT THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT AND THE INTEGRITY OF THE STREET SCENE;
- (B) THE PROPOSAL CONFORMS WITH THE HOUSING POLICY FOR THE SETTLEMENT;
- (C) IMPORTANT OPEN SPACES, VIEWS AND TREE GROUPS ARE NOT LOST TO DEVELOPMENT;
- (D) SERVICING AND HIGHWAYS ASPECTS ARE ACCEPTABLE;
- (E) APPROPRIATE TRAFFIC CALMING MEASURES ARE INCORPORATED IN THE DESIGN;
- (F) THERE IS NO MATERIAL EFFECT ON NEIGHBOURING PROPERTIES;
- (G) THE DEVELOPER PROVIDES ADEQUATE PRIVATE AND PUBLIC OPEN SPACE;

(H) A SATISFACTORY LANDSCAPING SCHEME IS PROVIDED; AND

(I) NEW DWELLINGS ARE NOT SITED WHERE THEY WOULD BE DETRIMENTALLY AFFECTED BY EXISTING OR PROPOSED UNNEIGHBOURLY USES.

WD/IE/5 THE LOSS OF EMPLOYMENT LAND WILL BE RESISTED UNLESS CLEAR ADVANTAGES OCCUR WHICH OUTWEIGH THE LOSS OF POTENTIAL EMPLOYMENT.

WD/EC/2

WD/EC/23 WITHIN THE CONSERVATION AREAS THE FOLLOWING GENERAL PRINCIPLES WILL APPLY:-

(A) APPROPRIATE ALTERNATIVE USES FOR BUILDINGS UNDER THREAT WILL BE SUPPORTED WHERE THESE LEAD TO THE RETENTION AND FUTURE USE OF THE BUILDING.

(B) THE REMOVAL OF UNSIGHTLY AND UNNECESSARY STREET FURNITURE (INCLUDING OBTRUSIVE SIGNS, OVERHEAD WIRES AND SUPPORTING STRUCTURES) WILL BE ENCOURAGED.

(C) PARTICULAR ATTENTION WILL BE GIVEN TO THE REINSTATEMENT OF DERELICT OR VACANT LAND.

(D) THE DEMOLITION OF BUILDINGS WHICH ARE IMPORTANT TO THE CHARACTER OF THE CONSERVATION AREA WILL BE RESISTED.

(E) WAYS OF REDUCING THE VOLUME OF VEHICULAR TRAFFIC AND ON-STREET PARKING IN PARTS OF CONSERVATION AREAS WILL BE INVESTIGATED.

(F) THERE WILL BE A PRESUMPTION IN FAVOUR OF THE RETENTION OF EXISTING TREES AND HEDGEROWS OF AMENITY VALUE, AND STONE WALLS.

(G) PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR ANY DEVELOPMENT

UNLESS IT IS TO A STANDARD OF DESIGN WHICH PRESERVES AND ENHANCES THE PARTICULAR CHARACTER OF EACH AREA.

WD/WV/7 PROPOSALS WHICH SEEK TO SECURE IMPROVEMENTS TO THE APPEARANCE OF GOLDEN HILL BREWERY WILL BE ENCOURAGED.

Taunton Deane Local Plan Revised Deposit

Policy S1 Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case:

- (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact;
- (B) the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car;
- (C) the proposal will not lead to harm to protected wildlife species or their habitats;
- (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
- (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use;
- (G) the safety of any occupants or users will not be at risk from ground instability; and
- (H) the site will be served by utility services necessary for the development proposed.

Policy S2

Policy S6

Policy H1

Policy H11

Policy EC6 Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.

Policy C4

Policy EN15 Development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the appearance or character of the Conservation Area.

Policy EN23

Policy WV2 Other than the site allocated in WV1 new housing at Wiveliscombe will be limited to small scale developments, including infilling, within the settlement limits.

19.8 There are a number of opportunities within the town for infilling and the development or redevelopment, of small sites. Development should respect the form and character of Wiveliscombe.

19.14 Within the centre of Wiveliscombe the Courthouse and old Town Hall are historic buildings which are a significant part of the townscape. Appropriate proposals for the re-use of these buildings which would help to ensure their future are encouraged. The buildings at Golden Hill Brewery occupy an elevated position within the Conservation Area and are a prominent local landmark. Appropriate measures to improve the appearance of the area will be encouraged.

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

PPG1 – General Policies and Principles

Paragraphs 4 - 7 Sustainable development

Paragraphs 8 –12 Mixed use

Paragraphs 13 – 18 Design

Paragraph 24 Planning for housing

Paragraph 32 Conserving the historic environment

Paragraphs 36 – 38 Planning obligations

Paragraph 44 Section 54A

Paragraph 50 – 60 Other material considerations

PPG3 - Housing

Paragraphs 9 – 11 Mixed communities

Paragraphs 14 – 17 Delivering affordable housing

Paragraphs 22 – 23 Reusing urban land and buildings

Paragraph 41 Conversions of housing, buildings formerly in other uses and the upper-floor space over shops, can provide an important source of additional housing, particularly in town centres. Local planning authorities should adopt positive policies to:

- identify and bring into housing use empty housing, vacant commercial buildings and upper floors above shops, in conjunction with the local authority's housing programme and empty property strategy and, where appropriate, acquire properties under compulsory purchase procedures; and
- promote such conversions, by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking.

Paragraphs 49 –51 Promoting mixed use development

Paragraphs 59 – 61 Reviewing parking standards

PPG4 - Industrial, commercial development and small firms

Paragraph 14 Mixed uses

Paragraph 15 It is now generally recognised that it may not be appropriate to separate industry and commerce—especially small-scale developments from the residential communities for whom they are a source of employment and services. In areas which are primarily residential, development plan

policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale - particularly in existing buildings - which would not adversely affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. The fact that an activity differs from the predominant land use in any locality is not a sufficient reason, in itself, for refusing planning permission.

Paragraphs 16 – 17 Mixed uses

Paragraph 18 Notwithstanding paragraph 15, planning authorities should consider carefully whether particular proposals for new development may be incompatible with existing industrial and commercial activities. The juxtaposition of incompatible uses can cause problems for the occupiers both of the new and of the existing development. For example, where residential development is proposed in the vicinity of existing industrial uses, the expectations of the residents may exceed the standards applied by the planning authority, and may give rise to pressure to curtail the industrial use. This may be a particularly acute problem where other legislation, such as that relating to environmental pollution or public health, might subsequently result in costly new conditions or restrictions being imposed on the industry as a consequence of the new neighbouring development. Further advice on this issue will be given in the forthcoming PPG on Planning and Pollution Control.

Paragraph 21 Reuse of urban land

PPG23 - Planning and Pollution Control

Paragraphs 3.2 – 3.4 Material planning considerations

Paragraphs 4.1 – 4.8 Contaminated land

PPG24 - Planning and Noise

Paragraph 2 General principles

Paragraph 12 Noise sensitive development

Paragraph 13 Measures to mitigate the impact of noise

Annex 3 Guidance on assessment of noise – paragraph 19 industrial and commercial developments

8.0 **CONSULTATIONS**

County Highway Authority

“I refer to the above-mentioned planning application received on 3 August 2004 and have the following observations on the highway aspects of this proposal:-

The proposed development is served by a private road which is not in the ownership of the applicant. The road cannot be offered up for adoption as a public highway, therefore it will remain a private road. Any comments that I make are only advisory.

The proposed garages are close to the access road; a vehicle reversing out of the garage requires 8.6 m to reverse onto the access road. This will leave only 4 m on the parking bay opposite. The parking/garage provision should be re-considered.”

County Archaeologist

“As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.”

County Department of Lifelong Learning

“In responding on behalf of the Department, I would like to advise you that there are no comments as the impact on local education provision in this particular case is likely to be minimal.”

Chief Fire Officer

“1. Means of Escape - means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

2. Access for Appliances - Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

3. Water Supplies - All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Somerset Wildlife Trust

“The Somerset Wildlife Trust is pleased to note that the comments submitted in response to the previous application at this site (application reference 49/2004/013, letter dated 16 April 2004) appear to have been taken into consideration.

We are pleased to note that the buildings have been surveyed for the presence of protected species and that mitigation measures have now been incorporated into the proposals. Unfortunately we have not been supplied with details of these recommended mitigation measures and have been unable to locate them on the Taunton Deane Borough Council web-site (where I was advised that all relevant information should be available to view).

We would welcome the opportunity to comment on these mitigation measures prior to the granting of any planning permission.”

Somerset Environmental Records Centre

“Statutory & Non-statutory sites & species within 1 km

Non-Statutory: County Wildlife Sites

File Code	Name	Description
ST02/074	Coate Wood	Ancient woodland site, now conifer plantation with broadleaved margins.
ST02/167	Abbotsfield Park	Parkland with important assemblage of Veteran Trees.

Non-Statutory: County Geological Sites

File Code	Name	Description
ST02/520	Billy Lane Exposure	Permian Vexford Breccias.
ST02/515	Ridge Hill Quarry	Permian Vexford Breccias.
ST02/516	Hyden Quarry	Permian Vexford Breccias.

Statutory: Legally Protected Species

One or more Legally Protected Species have been found.”

Landscape Officer

“There is scope for landscaping, including trees, hedging etc. but no indication has been submitted at this stage. I would recommend at

least a 1:500 scale indication of landscape is received before permission granted to avoid any misunderstanding.”

Conservation Officer

No objection

Wildlife Species Co-ordinator

“If not already requested/submitted a wildlife survey and report is essential on this site, because of the nature of the buildings, before determination. On receipt of Bat survey the following condition is suggested:-

Work shall not commence until details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats, has been submitted to and approved in writing by the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats’ roosts and related accesses has been fully developed.

Reason: To maintain the status of bats and their roosts bearing in mind that bats and their roosts are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c.) Regulations 1994.”

Promotion/Tourism Officer

No observations

Environmental Health Officer

Further to your memo dated 20th August , 2004 and the additional information and letters that we have received, I attach my comments on the above proposal.

Information provided:-

- Environmental Noise Impact Assessment, Faber Maunsell (June 2004)
- Odour Assessment, Faber Maunsell (July 2004)
- Phase 1 Geotechnical Desk Study, Faber Maunsell (March 2004)
- Ventilation and glazing specifications, with letter from Faber Maunsell (24-08-04)
- Letter from Quantock Engineering (17-08-04)
- Letter from Wiveliscombe Parish Council (10-08-04)

Quantock Engineering letter

QE consider the noise survey to be inadequate and very limited over the actual periods monitored. They are discussing with Exmoor Ales the possibility of instructing a noise consultant for an opinion.

- I agree that monitoring could have been carried out for longer. However, if Exmoor and Quantock could provide details of any noisy plant and equipment on site and the times/periods of operation a more meaningful assessment could be made. This could identify and measure the most intrusive noise. Monitoring for a longer period without this information could still lead to noisy episodes being missed.

Wiveliscombe Parish Council letter

The letter refers to the noise report where it says that "complaints are likely where sound exceeds 10dB at night, and records existing sound levels in excess of 15dB". The Parish Council feel that TDBC should commission their own independent report. They believe, notwithstanding the proposed glazing and insulation, that complaints are likely from residents which may lead to pressure on existing businesses to relocate, "such pressure being applied through your own EHOs whilst pursuing their statutory obligations".

- NB the dB levels quoted refer to those given in BS4142; are the "rating level"- ie difference between the specific noise level of a piece of plant and the background level (with some corrections). Is for areas of mixed residential and industrial use and assesses the noise level at the outside facade of residential buildings. This level is for guidance - in certain circumstances other things can be taken into account. In this case the proposal is to mitigate noise by using suitable glazing and ventilation to achieve acceptable internal noise levels.

- Re commissioning an independent report. Planning can decide whether or not they want to appoint any consultants - EPT could review any other reports that are provided. However, EPT have no reason to doubt the monitoring carried out by Faber Maunsell, our main concern is that the monitoring was carried out without knowing details of plant/operations on the adjacent premises.

- Re future action by Environmental Health.

Under the Environmental Protection Act 1990 the council has a duty to investigate complaints about noise nuisance. There are no set times or levels for noise to be causing a nuisance. Everything depends on the circumstances of the individual case. When investigating noise complaints the location, time and noise level are taken into account. In general, noise at night is more disturbing and more likely to be a nuisance than daytime noise.

Officers will work with both parties to try and resolve any problems informally. However, if complaints continue and investigations provide

evidence that the noise is severe and/or persistent enough to be causing a statutory nuisance the council is obliged by law to serve an abatement notice.

A notice can require that the persons responsible for the nuisance take reasonable steps to abate any noise, for example, restrict the times of noisy activities or shield noisy equipment. The council can only take further action if the terms of the notice are not met and the nuisance continues.

A commercial premises has a legal defence of "best practicable means" (BPM) when required to take action to abate a nuisance. This should take into account local conditions, technical knowledge and financial implications. The steps that can be taken to abate a nuisance can normally be agreed between the council and the company concerned; if not, the case can be taken to the Magistrates court which will decide what they consider to be BPM. It is extremely unlikely that relocating a business would be considered BPM.

General comments

Re noise

A Report has been provided by the developer (Environmental Noise Impact Assessment, Faber Maunsell June 2004). This describes the proposed site and the location of the existing commercial businesses. It was noted that the part of the proposed development that was most likely to be affected by noise would be the northern block of the building, adjacent to Exmoor Ales. Continuous noise monitoring was carried out at the facade overlooking the brewery for three days. Additional attended measurements were carried out at this facade for a day and evening, and the north eastern corner of the building (adjacent to Exmoor Ales) for one night.

The monitoring noted that during the day the proposal site is subject to noise from a number of different sources, including equipment at the building supplies depot and barrel movement at the brewery. At night the background noise level is low and the noise from plant at Exmoor Brewery is dominant when operating. At the time of the monitoring the plant noise was occurring on an on/off cycle approximately every 10 minutes.

The report concludes that, at the northern facade of the development site, noise from plant at night is considerably louder than the background noise levels. It confirms that measures are needed to reduce internal noise to an acceptable level. Technical details of glazing and ventilation have been sent in, which indicate that the attenuation required can be achieved for the noise levels that were measured on the site

Comments on noise report

The main concern is that the noise report does not detail the type of plant in use at the adjacent commercial premises, or the frequency or times of operation. This would be useful in allowing monitoring to be carried out at times and locations when noise is most likely to cause a disturbance, and would ensure that the glazing and ventilation on sensitive facades can be designed to attenuate this noise.

It should also be made clear that even with noise attenuation measures some noise from nearby commercial premises is still likely to be audible in the new residential units. Residents would have to accept that some noise is inevitable if they are adjacent to commercial premises. However, the commercial premises should also ensure that they do not carry out any unreasonable activities that could cause excessive noise. If the commercial premises is taking best practicable means to control the noise the local authority could not require them to carry out further works even if a nuisance was being caused.

A planning condition should be placed on the development requiring details of noise attenuation measures on the northern block to be agreed before work starts on that phase of the development.

I would recommend that before confirming these details information is obtained about the activities and equipment at the brewery and engineering premises. This would ensure that monitoring included any noise that is likely to cause a disturbance. The developer will then be able to ensure that they use the most effective glazing and ventilation to attenuate the noise.

(It should be noted that in the majority of cases the most effective means of dealing with any noise is to quieten the source, rather than shield the receptor).

Re Odours

The report provided by the developer confirms that odours from Exmoor Ales are noticeable at near by premises. It concludes that the odours would, if unmitigated, cause a nuisance to users of the Old Brewery building. The report mentions the proposal for the Old Brewery to install non-opening windows on the facade overlooking Exmoor Ales in order to minimise any intrusion (of odours and noise). The report concludes that action could also be taken to improve the dispersal of odourous discharges from the brewery.

Comment

Whether the odours will cause a nuisance will depend on the frequency and severity of the odourous events, and how it affects any future residents or users of the Old Brewery.

The council has a duty to investigate odour complaints in the same way that it investigates noise complaints. While it should be accepted that

some brewery odours will be noticeable in the adjacent buildings, if they are found to be causing a statutory nuisance the brewery would have to take reasonable steps to control them.

A planning condition could be used to ensure that details of ventilation on the north block of the development are agreed before work starts on that phase. As with the noise issues, it would be useful for the developer (or their consultant/architect) to have information on the operations of the brewery to help design the most effective system.

Re Contaminated Land

The developer has provided an initial site investigation report. This would be acceptable to meet part of the standard contaminated land planning condition. Some additional assessment would be required as site work progresses. It is recommended that the standard contaminated land condition be applied.

Drainage Officer

"I note that surface water is to be discharged to the existing combined sewerage system. It is a requirement that before any surface water connections are made all flows should receive some form of on site attenuation. Therefore before any permission is given a suitable method of attenuation/disposal has to be agreed. I attach details of our design requirements for the design of any system to be installed and these should be made a condition prior to final disposal arrangements being agreed.

1. Any surface water discharges to watercourses or sewerage systems should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on site attenuation.
2. The design storm for any attenuation system shall be for a 1 in 25 year return period storm.
3. Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc. and headwall design.
4. Details required of proposed point of discharge to watercourse or sewerage systems together with details of headwall etc.
5. The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of Sustainable Urban Drainage Systems (SUDs) for dealing with urban run off. It is strongly

recommended that some form of SUDs be used at this proposed development.”

Housing Officer

“The Housing service supports this application and would be looking for 20% of total number built for Social Housing in the form of a commuted sum as discussed and agreed with the Developer.”

Leisure Development Team

“This development should make a contribution of £2,056 (for each 2 bed +) dwelling and £806 (1 bed) dwelling giving an off site contribution towards local recreational of £27,534 in line with Local Plan Policy.”

Somerset Industrial Archaeological Society

“Members of SIAS, including Mary Miles our brewery expert, have looked at the drawings. We do not object to the proposals. The building to be demolished is not a significant part of the brewery complex and may well be a later addition.”

Wiveliscombe Civic Society

“The Society wishes to re-iterate its strong support for this application. We appreciate that there are issues concerning noise and smell from adjacent industrial premises. However, these should not detract from the overall aims of ridding this part of Wiveliscombe of an eyesore and securing housing on a brownfield site both close to and level with the centre of the town.

We do hope that the Planning Committee will back this application which is of such importance for the future of this area and indeed of the town as a whole.”

Parish Council

“I refer to the above application which was considered at last night's Parish Council Meeting. The Parish Council welcome this application to convert the above site to residential use, but have serious concerns about its close proximity to existing businesses and industrial use. The noise impact assessment states on page 13 that complaints are likely where sound exceeds 10 dB at night, and records existing sound levels in excess of 15 dB (page 11). The Parish Council feel that TDBC should commission their own independent report and notwithstanding the proposed additional fixed glazing and insulation to reduce sound the Parish Council believe that complaints are likely from residents which may lead to pressure on existing businesses to relocate, such pressure being applied through your own environmental health officers whilst pursuing their statutory obligations. The Parish

Council feel that it would be a disaster for the town if Exmoor Ales were put under such pressure!

The Parish Council note that the Applicants propose connecting to a mains sewer, however it is not clear whether they propose using the existing private sewer or the Wessex Water combined sewer in Ford Road, and more details are required. The Ford Road combined sewer is at capacity and contaminated water floods onto the road during heavy rain, a matter which the Parish Council is pursuing with Wessex Water.

The Parish Council note the close proximity of the Exmoor Ales extractor vent to the proposed development and are concerned that this will cause residents to complain about smells during mild weather conditions.”

9.0 **REPRESENTATIONS**

6 letters of objection raising the following issues:-

1. Traffic in Old Brewery Road as bad as ever.
2. Lorries block the road while trying to reverse into RGB yard, and also double park.
3. Not in favour of any new developments in Wiveliscombe which causes traffic chaos as that in Old Brewery Road.
4. There will be overflow parking affecting nearby businesses.
5. Parking will block entrances and loading/unloading areas.
6. Parking will block signs and direction boards.
7. The existing private road already serves 22 dwellings so will become even busier with an extra 14.
8. The current standard of construction of the road will be inadequate to serve 36 dwellings.
9. Hazard situation with parking and manoeuvring on the private road when the garages are built.
10. Road should be adopted.
11. A wall was built to separate the residential from industrial areas; this should be demolished and rebuilt to the north-east corner of the tower.

12. Adjoining company – Exmoor Ales employs 14 people, uses local raw material, with 70% of its product sold in Somerset and adjoining counties; it has invested in upgrading the premises to meet demand; there is a gap of 1 m. between the application site and the brewery's building; the activities would be classed as general rather than light industrial, operations continue into the evening to 8 p.m.; there is some 24 hour working; there are discharges of gaseous products 16-20 hours 6 or more days a week, high pressure steam and general ventilation of the building; stainless steel casks are moved around the site which is a noisy process; the brewery being on an elevated site helps disperse emissions and existing residential properties are sufficiently far away not to be a problem; concerns that new residents will not appreciate the above situation and that significant problems will arise such that the business will be able to co exist with the proposed residents.
13. Concerns that the proposed layouts do not address the emissions through the roof vents.
14. Bedroom windows face the brewery and it is likely residents will object to the smell due to the close proximity.
15. Concern about architect's attitude, the lack of drawings showing Exmoor Ales and the agent's suggestion that residents will be able to take action against the activities of Exmoor Ales and to force it off the site.
16. Concern about the amount of rebuilding involved, more like a rebuild than a conversion.
17. Proposals include removal of fill which may have significant structural implications for Exmoor Ales Property.
18. Drainage issues unresolved.
19. Consider that the application ought to be refused on the basis that the proposal will damage the continued employment opportunities offered by Exmoor Ales; the application is based on the assumption that Exmoor Ales will move, which it wont; the plans show some rooms with no natural light; it is an inappropriate redevelopment of an historic building that will preserve non of the historic features of the building and the unsuitable access through the Old Brewery road access.
20. Members of the Committee should visit the site, including Exmoor Ale prior to making a decision.
21. Quantock Engineering advises that it operates at premises approximately 6 m. form the application building; specialist

products include mechanical handling systems; working hours are normally 7.45 – 6.30 Monday to Friday, although Saturday and Sunday are often worked to meet deliveries; it is a general industrial site with machinery and power tools; operations take place outside as well as inside the building; there is a spray booth with fume extraction which is close to the Application building: It is considered that the proposed residential development is incompatible with the neighbouring engineering use, and the constraints imposed on the operations as a result of complaints could adversely affect the economic viability.

22. The building was allowed to fall into disrepair with old rights on hours and types of operations lost, thus allowing a potential conflict of industrial and residential arrangements.
23. The existing accommodation in the Old Brewery Site whilst not purpose built is basic and thus comparatively cheap; even if space were available at other locations, it would be too expensive.
24. Loss of employment land contrary to local plan policies; rural businesses should be supported, will increase commuting to Taunton and Wellington.
25. Quotes Local Plan Inspector on Old Brewery site reclaims it as an employment site.
26. Residential development is incompatible with existing Industrial use contrary to local plan policies.
27. Design is inappropriate in Conservation Area.
28. Considers the application ought to be refused on basis of adverse effect on local economy would outweigh limited benefit from housing; residential development would constrain existing business activities, in adequate access; inappropriate design given proximity of industrial uses and piecemeal development of the area.
29. Noise survey was done with no prior consultation in respect of noisy operations, so may not have included these in the times surveyed.
30. Limited odour survey, which did not cover the times when the likely odours were greatest.
31. The odour report assumes the adjoining microbrewery will be subject to certain controls, which is not the case.

32. Request conditions in respect of mitigation measures for noise and smell issues.

7 letters of support

1. It is very important to develop this area that has been neglected for years.
2. Plans are in keeping with the surrounding area.
3. Will provide affordable housing in the town.
4. Important to retain local architecture.
5. Pleased that after many years of deterioration that sympathetic restoration will begin soon.
6. Present state of Old Brewery is sadly deteriorating and needs to be restored before it falls into disrepair.
7. It will enhance the area.
8. There is a need for more dwellings in Wiveliscombe, difficult for local families to afford first properties.
9. Brownfield site being used, in line with Natural and Local Priorities, no negative impact on green environment.
10. The Old Brewery site currently accommodates a range of light industrial, retail and residential units; with the addition of these units the mixed economy will continue and local employment will not be jeopardised.
11. Visual blight will be removed and the image of the brewery and town improved for the long term.
12. Pleased to see historically important sections of the Old Brewery reused rather than cheap build housing.
13. Imaginative and sensitive plans for such a site.
14. Previous uses included chicken factory, car spraying/motor repairs; this scheme is ingenious in design permitting the maximum use of the site, whilst retaining the character and form of the structure.
15. There will be an increase in noise and intrusion from vehicles and pedestrian traffic and day-to-day activities of neighbours, but it is appreciated that some form of development will take

place on this brown field site, and there could be far worse proposals.

16. Scheme includes natural slate, hardwood windows etc. and respects the character of the conservation area. This is in marked contrast to the unsympathetic installation of white PVC windows and doors in many stone faced cottages.
17. Landscaping, including keeping some mature trees.
18. Buildings being left vacant are a security risk.
19. Good mix of different sized units.
20. Residential and industrial uses should be able to work alongside each other.
21. Pleased to see local developers rather than larger national companies involved.
22. An environmentally sensitive scheme including centralised wood heating boiler and passive solar gain.
23. Complies with Local Plan Policies.
24. The design does not undermine the livelihood of the adjoining businesses.
25. The amount of major investment required will be beyond the budgets of small/medium enterprises or other industrial companies.
26. The project will use local skills and local suppliers for materials.

10.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

- A. Is the proposed development in compliance with the Development Plan Policies? POLICY
- B. Would the proposed development for housing result in loss of adjacent buildings' employment status? IMPACT
- C. Would the character of the Conservation Area be adversely affected? CONSERVATION
- D. Would the proposal result in additional traffic? TRAFFIC
- E. Is the proposed development sustainable? SUSTAINABILITY

F. Affordable housing and off site recreation provision requirements having regard to costs of development? OTHER REQUIREMENTS

A. Policy

The site is within Wiveliscombe Town Centre, within the settlement limits; within the Conservation Area and within the Area of High Archaeological Potential. The site is not as such allocated for any particular use, but has been in use for industrial purposes, and children's nursery, it is currently vacant. The Taunton Deane Local Plan allocates an area of 5.6 ha south of Taunton Road for employment use; the Local Plan Inspector recommended no modifications to the plan in respect of this allocation. Policy WV2 of Taunton Deane Local Plan allows for small scale new housing in addition to an allocation for residential at Style Rod. There are no specific policies relating to the redevelopment or retention of the application site however paragraph 19.14 (see above) does state that the buildings occupying an elevated position in the Conservation Area are a prominent local landmark and appropriate measures to improve the appearance of the area will be encouraged. West Deane Local Plan has a specific policy to seek to secure improvement to the appearance of Golden Hill Brewery. The proposal involves the demolition of an unattractive addition, improves the existing building, proposes new well designed dwellings, and involves the conversion of a prominent landmark building. It is considered that these aspects outweigh the loss of the existing building's use for employment use. The Economic Development Officer does not object.

B. Impact

The occupiers of existing general industrial buildings, which are in close proximity of the proposals, are concerned that the new residents of the proposed development will complain and object to the existing ongoing industrial activities which can be noisy, smelly and at 'unsocial' hours. There have been no complaints about the existing industrial occupiers from the existing nearby residents. The nearest existing residents are in the converted Oast House and Malthouse, and Coopers Heights. Advice from the Council's Environmental Health Officer is such that, even with noise attenuation measures incorporated within the design, some noise from nearby commercial premises is still likely to be audible in the new residential units. Residents would have to accept that some noise is inevitable, and the commercial premises should ensure that they do not carry out any unreasonable activities that would cause excessive noise. Conditions are recommended to help mitigate noise and odour. It is considered that the benefits of the proposed development is such that it outweighs the potential noise and odour issues which may arise for new residents. Such residents should be aware of the activities of the adjacent occupiers prior to purchase. It is not considered from the information received from the

agent and the Environmental Health Officer that the uses are incompatible, although it is not an ideal situation. Mixed uses do occur in town centres and the proposal is considered to be acceptable.

C. Conservation

The buildings are within Wiveliscombe Conservation Area. The Conservation Officer has previously commented that the retention and improvement of the buildings is preferred to the complete demolition of the buildings and redevelopment for new buildings. The existing proposals are considered acceptable and are felt to be such as to enhance the character of the Conservation Area.

D. Traffic

The access road is to be private, and as such the County Highway Authority has little comment. The previous uses as industrial premises could have given rise to much traffic including lorries with uncontrolled deliveries. In general the proposal is considered to be acceptable in traffic generation terms.

E. Sustainability

National and Local Planning Policies support and encourage sustainable mixed use developments on brownfield or previously developed land. The land is clearly brownfield, with existing buildings, most worthy of retention, located within easy walking distance of the town centre and associated public transport. It is also recognised that there will be a reliance on private cars as well, as these have been accommodated in underground garages. The proposal is considered to be an effective use of this brownfield site.

F. Other Requirements

Given the size of the proposed development, consideration has to be given to the provision of necessary off site contributions and/or on site construction of affordable housing. Discussions have taken place with the Housing officers in respect of the need to provide on site affordable housing and in this case it has been agreed that a contribution would be more appropriate. The costs of the proposed development will be significant in this instance and it has been agreed a specific wording will be used which provides the contribution at a certain stage provided a particular level of spend and profits has occurred. Discussions are on going in respect of the contribution to the off site recreation provision.

11.0 **CONCLUSION**

The proposal is considered to be of benefit to the town of Wiveliscombe, it retains and enhances significant buildings within the townscape, and provides a range of housing sizes in converted and

newly built structures. A legal agreement will provide a sum of money towards meeting local affordable housing at a future stage and discussions are ongoing in respect of contribution towards off site recreation.

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

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