

38/15/0026

DIOCESE OF CLIFTON

**DEMOLITION OF FORMER NURSERY BUILDING, CONVERSION OF FORMER CAFOD BUILDING INTO 2 NO. DWELLINGS WITH ERECTION OF ATTACHED SINGLE DWELLING AND ALTERATIONS TO CAR PARKING ARRANGEMENTS AND ASSOCIATED WORKS AT FORMER CAFOD BUILDING, ST GEORGE'S CHURCH, THE MOUNT, TAUNTON AS AMENDED**

Location: CAFOD BUILDING, ST GEORGES CHURCH, THE MOUNT,  
TAUNTON, TA1 3NR

Grid Reference: 322972.124229

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**RECOMMENDED CONDITION(S) (if applicable)**

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

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

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

(A0) DrNo 604/7634/4 Elevations  
(A2) DrNo 604/7634/2 Ground Floor Plan  
(A2) DrNo 604/7634/3 First Floor Plan  
(A2) DrNo 604/7634/1 Site Plan

(A4) Location Plan  
(A2) DrNo 1456/P01C Proposed Site Plan  
(A3) DrNo 1456/BP02B Proposed Block Plan  
(A2) DrNo 1456/P02B Proposed Ground Floor Plan  
(A2) DrNo 1456/P03B Proposed First Floor Plan  
(A2) DrNo 1456/P04B Proposed Roof Plan  
(A2) DrNo 1456/P05B Proposed South East Elevation  
(A2) DrNo 1456/P06B Proposed North West Elevation  
(A2) DrNo 1456/P07B Proposed Dwelling Elevations  
(A2) DrNo 1456/P08A South West Elevation

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

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

Reason: To 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.

4. The development hereby permitted shall not be commenced (including any demolition) until a dusk emergence survey report has been submitted to and approved in writing by the Local Planning Authority. The survey shall ascertain the usage of the site by bats and shall be undertaken by an appropriately qualified person at an appropriate time of year (May to August) and use techniques and equipment appropriate to circumstances.

Reason: To ascertain accurate and up to date usage of the site by bats.

5. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of jh Ecology's Preliminary Bat Roost assessment, dated March 2015 **and the up to date Bat emergence survey** and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the enhancement of places of rest for bats and nesting birds.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses **have** been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and enhance the site for bats and birds.

6. No foundation excavation shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the

Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

7. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no.BP02B for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The window(s) in the upper floors of the north elevation of the new build dwelling shall be glazed with obscure glass and limited opening or fixed to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with retained Policy H17(A) of the Taunton Deane Local Plan.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 ("the 2015 Order") (or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A to C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent over development in an area of housing at a high density and to ensure that the development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development unless otherwise approved in writing by the Local Planning Authority.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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.

11. The design, materials and type of boundary treatment to be erected shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being occupied. The agreed boundary treatment shall be completed before **the building(s) are occupied** and thereafter maintained as such, 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 in accordance with Policy DM1 of the Taunton Deane Core Strategy.

#### 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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

#### **PROPOSAL**

The proposal is to convert the existing Victorian building on site into two dwellings

with the demolition of the external stair turrets and the provision of internal staircases. In addition an additional dwelling is proposed to be constructed off the gable end of the building. The latter provides a 3 bedroom dwelling with two parking spaces. The parking and access layout are amended to provide a total of 15 parking spaces of which 11 spaces would be available for use in association with the Parish Centre and to separate the access to the church and nursing home from the school.

## **SITE DESCRIPTION AND HISTORY**

The site lies on the east side of the Mount and consists of a tall two storey brick property with dormers set into the roof scape of slate and an adjacent single storey prefabricated building that was used as a pre-school but has since been replaced within the school site to the south.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice.

*HERITAGE* - No comment.

*DRAINAGE ENGINEER* - I note the surface water is to be discharged to soakaways. These should be constructed in accordance with BRD 365 (September 1991) and made a condition of any approval.

*WESSEX WATER* - 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).

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

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

On 1st 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.

*BIODIVERSITY* - Seven immature-semi mature trees would need to be removed to facilitate the scheme. jh Ecology carried out a preliminary Bat Roost assessment of the building in March 2015.

Findings of the survey are as follows

Bats - The survey found very limited evidence of bats in the form of a single old dropping found in the roof void of the Victorian building. The dropping is likely to be from a pipistrelle bat occasionally using the building. I agree that a further survey is required to ascertain use of the building. Due to low potential for bats the survey can be conditioned. I agree that the likely mitigation will include retaining or recreating bat access points and by incorporating a bat tube in the wall of the new dwelling. (The level of mitigation may need adjustment following the emergence survey.)

Birds - The surveyor found no evidence of nesting birds. The trees proposed for removal do provide potential nesting habitat. Trees should only be felled outside the nesting season.

Condition for further bat survey, wildlife mitigation and informative note.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - The area lies within an area known to contain the remains of the Taunton medieval town defences, thought to comprise a substantial bank and ditch. The site also has a high potential for remains associated with the Civil War. We therefore recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the NPPF (para 141). This should be secured by use of model condition 55 attached to any permission.

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - CIL rate = £70 per sqm. Application form and Design & Access statement advise existing buildings are redundant and not in current use. Therefore the existing buildings cannot be deducted from the CIL liability. 1x 2bed GIFA = 72sqm, 1x 2bed GIFA = 78sqm and 1x 3bed GIFA = 112sqm approx.

Total = 262sqm approx CIL liability = £18,400 approx.

## **Representations**

Ward Cllr Hall - I visited the location and viewed the proposals. Already the owners light is restricted because of the existence of a large victorian two storey building currently unoccupied but to be refurbished and turned into flats. The proposals for a new two storey house to be built adjacent to the existing on land currently occupied by the single storey children's nursery, will remove the rest of the outlook of the adjacent property and create a further loss of privacy. In these circumstances I object to the new house being built in that position, a single storey building replacing the existing like for like would be acceptable.

5 letters of objection on grounds of:

- loss of privacy,
- loss of light due to roofline losing 40% of light,
- house should be no higher than adjacent hall,
- impact on town defences,
- loss of house value

1 letter re loss of parking for catholic centre and access could be reconfigured to improve parking, concern over safety of school children and house design out of scale with existing. Revised comment on amended plan suggesting an additional parking space, the new dwelling detracts visually, a conflict of scale and block plan notation should be amended.

1 letter of support as will bring redundant building into use and ensure its retention and there will be no direct overlooking.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP8 - CP 8 ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 M4 - TDBCLP - Residential Parking Provision,  
 EN23 - TDBCLP - Areas of High Archaeological Potential,

## **LOCAL FINANCE CONSIDERATIONS**

The site lies within Taunton where the CIL rate is £70 per sqm. The approximate CIL liability (to the nearest £500) would be £18,500.

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£3,237
Somerset County Council (Upper Tier Authority)	£809

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£19,423
Somerset County Council (Upper Tier Authority)	£4,856

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues are the impact on residential amenity, impact on trees, historic assets, access and parking provision.

The proposal involves the conversion of the existing Victorian brick building into two

dwellings, each with two bedrooms, and the replacement of the single storey disused nursery school portable building with a two storey dwelling. The existing building has an existing impact on the surrounding properties and the provision of accommodation at first floor level is not considered to detrimentally impact on the privacy of neighbours to an unacceptable degree, given that the first floor windows at the rear would serve either bathrooms or bedrooms. The design of the new build dwelling has been amended to prevent any overlooking from upper floor windows as the first floor window facing north towards the neighbour is an obscure glazed bathroom window and the other opening is a high level obscure glazed window serving the roof space only. The new building has been reduced in height from the original submission by 1.5m to 7.7m and the rear gable has been set back to 4m off the boundary to the north. There has been a couple of local objections to the scheme on the basis of loss of privacy, light, outlook and value. The loss of privacy is addressed above and is not considered a ground for refusal. The issues of loss of view and value are not planning matters that can be considered. It is considered that development would impact on the light and outlook of the existing property however this impact is not one that is considered sufficiently adverse to warrant a reason for refusal and the impact of the scheme is considered an acceptable one.

The existing site has 8 trees, including 4 sycamore, 2 ash and 2 cherry. These are not considered to be significant specimens and all but one are to be removed as part of the development to allow for parking and access. Replacement tree planting is proposed as part of the scheme and will be conditioned as part of any approval. The drainage of the new dwelling site is via soakaway sited to the front of the dwelling and the Drainage Officer is satisfied with this.

The site lies within the area of archaeological interest due to the town's medieval defences and a condition to secure appropriate recording of any archaeology is recommended by the County Archaeologist. The existing Victorian building is of interest but not listed, however the scheme will ensure its retention as part of the street scene without the more modern flat roof stair turrets which are to be removed.

The revised scheme provides for 15 parking spaces and a separate access to the school land while maintaining the church and nursing home access off the access to The Mount. The access visibility will not be affected and if anything will be improved over the existing private parking situation. The parking allows for one space per new converted dwelling and two spaces for the new three bedroom unit. This is considered in line with parking standards given the central location close to the town centre. The revised layout provides a further 11 spaces for the adjacent church hall together with turning space and given this access serves as a private drive the use of the access and separation from the school access is considered a safety improvement.

In summary the conversion of the existing building, erection of a new dwelling and provision of access and parking are considered to be acceptable and not to cause significant harm to residential amenity, highway safety or the character of the area and is recommended for approval.

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



**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**