

BARN RESTORATIONS

ERECTION OF 14 RESIDENTIAL UNITS WITH ASSOCIATED PARKING, GARAGES AND AMENITY SPACE, DEMOLITION OF OLD BREWERY BUILDINGS AT THE OLD HANCOCK BREWERY, GOLDEN HILL, WIVELISCOMBE

308279/127911

FULL

1.0 **RECOMMENDATION**

Subject to the applications entering into a Section 106 Agreement in respect of an agreed amount towards the provision of off-site recreational facilities the Development Control Manger in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for rendered areas and brick walls 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 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 plans 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 Policies S1(D) and S2(A).
- 04 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied.

- 04 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 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 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 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 of the units are occupied.
- 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 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 Policy M4.
- 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 Authority, 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 Policy M4.
- 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 Policies S1(D) and S2(F).
- 12 The applicant shall, at his own expense, appoint a suitably qualified consultant with a remit to examine the premises 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 Local Planning Authority, together with any odour reduction scheme recommended and the 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 on the northern building. The agreed works shall be carried out prior to the northern part of 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 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 Policy S1(F).
- 15 Full details of all surface water, foul water, fresh water and any other sewerage systems both for the proposed development and for any other premises served by such systems in the application site shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The details shall provide for the commissioning of any replacement sewers or supplies prior to the decommissioning of the existing systems. The details shall include evidence that there is sufficient capacity in the existing adopted sewer system for any new or diverted foul sewage waste. Any proposed changes to the approved scheme shall be agreed in writing by the Local Planning Authority prior to implementation. The approved scheme shall be fully implemented prior to occupation of the first dwelling unit.
- 15 Reason: The Local Planning Authority wish to ensure that satisfactory drainage and water 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 Policies S1 (E) and EN26.
- 16 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 and is in place as detailed in the Greena

Ecology Consultancy Report recommendations and mitigation which accompanied the application.

- 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 bathroom/toilet 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 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. Any retaining structures thereby required shall be in position prior to occupation and any of the residential units hereby approved.
- 18 Reason: To ensure the safety and stability of those parts of the cellars and building and adjoining land to be retained in accordance with Taunton Deane Local Plan Policy EN15.
- 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 Policies S2 and H17.
- 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 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 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 identify what measures, if any, may be necessary to ensure that 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. The agreed works shall be carried out prior to the dwellings hereby permitted being occupied.
- 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 Policy S1(F).
- 23 Development shall not commence until details of a scheme for the retention of Swifts nesting site (or the provision of a new nesting site) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for the implementation of the development which avoids any building, engineering or other operations likely to affect the nesting site or replacement site being undertaken between 1st May and 31st August inclusive. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.
- 23 Reason: To enable the Local Planning Authority to retain control over development in order to safeguard Swifts and its nesting site which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), in accordance with Taunton Deane Local Plan Policy EN5.
- 24 A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site and once works are complete. Any damage to the existing highway as a result of this development
- 24 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 25 No development approved by this permission shall be commenced, until a site investigation has been undertaken to determine the nature and extent of any contamination present. The investigation should include the following stages:- (1) A desk study, which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. If the potential for significant ground contamination is confirmed, this information should be used to produce:- (i) A detailed water interest survey to identify all wells, boreholes, springs and watercourses within 100 metres of the site boundary. (ii) A

diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors. (iii) A site investigation, designed for the site, using this information and any diagrammatical representations (Conceptual Model) undertaken. The investigation must be comprehensive enough to enable:- (a) a suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and (b) refinement of the Conceptual Model, and (c) development of a Method Statement detailing the remediation requirements.

25 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy EN26.

26 The development hereby permitted shall not be occupied until details of a management plan, to maintain the favourable conservation status for the bats that are affected by this development, has been submitted and approved in writing by the Local Planning Authority. The plan shall include a programme that sets out details to avoid any operations likely to adversely affect the bat roost and to allow access by licensed bat workers for monitoring and maintenance purposes. Once approved the permanent maintenance of the bat roost will take place in accordance with the agreed plan unless otherwise authorised in writing by the Local Planning Authority.

26 Reason: In order to accord with Taunton Deane Local Plan Policies EN3, EN4 and EN5.

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 The design storm for any attenuation system shall be for a 1 in 25 year return period storm.

04 Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc and headwall design.

05 Details required of proposed point of discharge to watercourse or sewerage system together with details of headwall etc.

06 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.

- 07 Please note that whilst conditions 12 and 22 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 14 has been added.
- 08 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.
- 09 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.
- 10 Wessex Water advise:- (1) The development is located within a sewered area, with foul and surface water sewers available. (2) The developer has proposed to dispose of surface water to existing arrangements. (3) It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. (4) With respect to water supply, there are water mains within the vicinity of the proposal. Again, Connection can be agreed at the design stage. (5) It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.
- 11 The developer is reminded of the need to prevent mud being spread onto the public highway during construction.
- 12 It is acknowledged that much investigation has already taken place in respect of noise, odour and contamination issues. Please consult Taunton Deane Borough Council's Environmental Health Officer to discuss the further measures required.
- 13 The County Highway Authority recommend that all construction traffic should come via Old Brewery Road and that works vehicles should not attempt to access the site via Golden Hill. They recommend in the interests of driver/pedestrian safety, that it would be beneficial for the provision of a 33 m long forward visibility splay throughout the south-eastern bend of the private drive.
- 14 The current application states that the surface water resulting from the development will be drained into an existing combined system, presumably maintained by Wessex Water. This is acceptable from a highway viewpoint as no connection into a highway drainage system will be permitted due to the site remaining within private ownership.

Due to the existing private drive failing towards Old Brewery Road, suitable drainage measures should be in place to prevent any surface water from the private drive from discharging onto the existing publicly maintained highway.

- 15 With regard to the internal layout of the development, consideration should be given to emergency service vehicles and access to the inner sections of this development, in particular vertical clearances under archways will need to be given consideration. In addition, 6.0 m long unobstructed aisles should be provided in front of garage doors to allow for vehicles to be parked in front of them without overhanging the adjacent private drive.
- 16 Drawing No. 10505 shows a proposed bin store on the right hand side of the private drive upon entry from Old Brewery Road. I could not find any other refuse collection points within the site. Can the applicant please confirm that other refuse collection points will be made available other than the one currently shown. Due to the lack of turning areas within the application site, care will have to be taken in locating such facilities.
- 17 Point 2.5 of the submitted supporting statement mentions the fact that pedestrians and vehicles will be able to access the site from Golden Hill, adopted' highway, on the western site boundary. This access onto Golden Hill is private and in the interests of pedestrian safety and to avoid pedestrian/vehicular conflict, the developer may wish to consider installing a footway linking through from the proposed site to Golden Hill.
- 18 The Environment Agency advises that it is considered important so that the site operator/owner, the regulatory authorities and other parties, such as the general public, potential purchasers or investors, can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site. In addition, the following comments must be noted:- Surface water run-off should be controlled as near to its source as possible through a suitable sustainable drainage system (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach. Further information on SUDS can be found in PPG25 paragraphs 40-42, PPG25 appendix E, in the CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk, If off-site waste disposal is utilised it must be in

accordance with the Duty of Care and the Waste Management Licensing Regulations 1994. Buildings when demolished can give rise to Special Wastes. These are subject to additional control prior to disposal. The Agency's Area Waste Regulation section, at this office, would be pleased to advise the applicant in respect of the regulations concerning Special Wastes. The Special Wastes most likely to be encountered during the demolition of a brewery are:- (i) asbestos cement building products, (ii) fibrous asbestos insulation, particularly around heating appliances, (iii) central heating oil, (iv) oils and chemicals associated with vehicle repairs and maintenance.

- 19 Wessex Water advises:- (1) It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. (2) With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. (3) It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

REASON(S) FOR THE RECOMMENDATION:- The development accords with Taunton Deane Local Plan Policies S1, S2, H1 and EN15 and WV2, and is not considered to be detrimental to the amenities of local residents nor is it considered essential to retain the site in employment use in accord with EC6 as the benefits of the proposed development are considered to outweigh the retention of the buildings with potential for employment use. The proposed development is considered to enhance the character of the Conservation Area and involves the use of brown field land.

49/2006/009CA

BARN RESTORATIONS

DEMOLITION OF OLD BREWERY BUILDINGS, THE OLD HANCOCK BREWERY,
GOLDEN HILL, WIVELISCOMBE

308279/127911

CONSERVATION AREA CONSENT

1.0 **RECOMMENDATION**

Consent be GRANTED subject to the following conditions:-

- 01 The works for which consent is hereby granted shall be begun within three years from the date of this consent.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 The records of the excavation and finds shall be deposited at the County Museum within 3 months of the completion of the project or within a timetable to be agreed with the keeper of archaeology at the County Museum.
- 02 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 03 Before any works are undertaken photographs of all elevations internal (where possible) and external in 35 mm black/white and colour slide shall be produced and a copy record of the photographs and slides deposited with the Local Planning Authority.
- 03 Reason: To ensure appropriate information is secured to enable an agreed programme of repairs in accordance with Taunton Deane Local Plan Policy EN19.
- 04 The building(s) shall not be demolished before planning permission has been granted for the redevelopment of the site and a contract has been let for the redevelopment work.
- 04 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policy EN17.

REASON(S) FOR THE RECOMMENDATION:- The removal of these buildings will enable the development of the main former brewery to take place in accordance with Taunton Deane Local Plan Policy EN15

2.0 **APPLICANT**

Barn Restorations

3.0 **PROPOSAL**

49/2006/008

The application was accompanied by:-

Covering letter
Design statement
Supporting planning statement
Environmental noise impact
Archaeological report
Bat survey
Geotechnical ground investigation report
Asbestos survey
Draft S.106 Agreement
Materials samples

The application proposes the demolition of the former Hancock Brewery and the erection of 14 new dwellings with associated garages, parking and amenity space on the site.

The accommodation would comprise:-

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

Stone from the demolished buildings would be used for some of the new building, and other elevations would be render and brickwork (also reclaimed) with timber windows and artificial slate roof. There would be 10 garages under the garden areas to the east, with parking spaces to the south and west sides, all accessed from private highways. A pass way is proposed between the north eastern dwellings and the adjacent industrial site. A new pedestrian route has been provided through the site linking to a public footpath towards the town centre shops and services. Wheelchair/electric buggy access is accommodated in the development.

The new development is based on the massing and visual presence of the existing massing of the buildings, not as a replica but in order to give a dominance to the skyline which the existing buildings have.

The previous approval was for part demolition and conversion of the existing buildings. The applicants have been unable to get the necessary finance, mainly it appears due to the costs of the conversion and the possible costs arising from hidden problems or unknowns from such an undertaking. Thus the scale of the undertaking and the significant costs of refurbishment/conversion have rendered the scheme unviable.

The current scheme has been drawn up with input from the Somerset Archaeological Society, and includes the retention of the cellars. The

important east elevation is to be rebuilt to its present height in natural stone with the modern fill removed to restore the outside ground to its original level, thus the living accommodation will be in the basements. The western basements will be preserved to leave the bat colony undisturbed.

49/2006/009CA

The proposal is for the demolition of these buildings which are in Wiveliscombe Conservation Area. The applicants have put forward justification as to why the previous applications I unviable to be implemented.

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, one 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

49/2004/042 Partial demolition, partial rebuild and conversion to form 14 residential units. Approved 14th June 2005 with revised S.106 agreement omitting social housing.

49/2004/047CA Partial demolition of southern buildings. Consent granted 21st September, 2004.

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 POLICIES**

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable Development

Policy STR3 Rural Centres and Villages

Policy STR4 Development in Towns

Policy STR5 Development in Rural Centres and Villages

Policy STR 6 Development Outside Towns, Rural Centres and Villages

Policy 8 Outstanding Heritage Settlements

Policy 14 Archaeological Strategies

Policy 18 Location of Lane for Industrial, Warehousing & Business Development

Policy 19 Employment and Community Provision in Rural Areas

Policy 33 Provision for Housing

Policy 35 Affordable Housing

Policy 48 Access and Parking

Policy 49 Transport Requirements of New Development

Taunton Deane Local Plan

Policy S1 General Requirements

Policy S2 Design

Policy S4

Bishops Lydeard and Wiveliscombe are defined as rural centres, appropriate for selective development which enhances or maintains their local social and economic role and environmental quality and is unlikely to lead to a significant increase in car travel.

Policy H2

Housing development will be permitted within defined limits of settlements, provided that:

- (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criterion (B);
- (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips;
- (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car;
- (D) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking;
- (E) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity;
- (F) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings;
- (G) existing and proposed dwellings will enjoy adequate privacy and sunlight; and
- (H) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs, particularly those low-cost housing types which are under-represented in the current stock.

Policy H9

On suitable housing sites, the provision of affordable dwellings will be sought where:

- (A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings;

- (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and
- (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision.

The provision of affordable dwellings sought on a site will be based on the overall need to provide for the identified affordable housing need. In assessing the level of provision on individual sites regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability. Indicative targets for the allocated sites are set out in policy H10.

EC9

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

4.34 Alternatively, where it is clear that the continued employment use of existing buildings, or redevelopment of the buildings for employment, are unlikely to be viable, an alternative use may be considered. In such cases, the preference would be for a mixed-use proposal, incorporating employment where this can be achieved. This is in line with the strategy to ensure the best use of already developed land. However, where the site is undeveloped, such as a greenfield employment allocation, then this strategy does not apply. Accordingly, such an assessment should take place through the Local Plan process.

M4 Residential Parking Requirements

C4 Standards of Provision

EN4

Where buildings are utilised by bats and/or owls for breeding and/or roosting, or by swallows, swifts and/or house martins for breeding, proposals for conversion or demolition will not be permitted unless:

- (A) operations are timed to avoid disturbance during breeding and hibernation;
- (B) during and after conversion bats, owls, swifts and/or swallows have adequate access to the roof space and house martins to the eaves, and to any other appropriate roosting or nesting locations on or in the buildings to be converted;

- (C) in the case of owls, nest boxes are provided in the roof space prior to commencement of conversion; and
- (D) in the case of owls and bats, every possible effort is made to make alternative nesting and roosting sites available in the vicinity of the site, prior to demolition.

EN15

There is a strong presumption against the demolition of buildings which make a positive contribution to the character or appearance of a conservation area.

Proposals involving the demolition of other buildings within or affecting a conservation area will not be permitted unless acceptable proposals for any redevelopment or new use for the site have been approved. This requirement will also apply in the very rare circumstances where proposals involving demolition of buildings which make a positive contribution are allowed.

7.64 Policy EN15 applies to proposals involving the demolition of unlisted buildings within a conservation area (requiring conservation area consent in most cases). There is a presumption in favour of retaining buildings which make a positive contribution to a conservation area's character or appearance. Proposals involving demolition of such buildings will only be permitted in very exceptional circumstances and will require very strong justification, including:

- evidence that the building is redundant and that its owner has made every possible effort to continue the present use or find a suitable alternative use for the building;
- evidence that the freehold of the building has been offered for sale on the open market, at a market price, for at least 12 months; and
- evidence that the building is structurally unsound.

WV2

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

18.17 Within the centre of Wiveliscombe, the Courthouse and old Town Hall are historic buildings which form 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 ADVICE**

Planning Policy Statement 1 –

Paragraph 5

Paragraph 17

Paragraph 18

Paragraphs 33 – 35 Design

Planning Policy Statement 23

Contaminated Land

Planning Policy Guidance Note 3 -

Planning Policy Guidance Note 4

Planning Policy Guidance Note 14 Development on Unstable Land

Planning Policy Guidance Note 15 – Planning and the Historic Environment

Planning Policy Guidance 24

Paragraph 2 General Principles

Paragraph 12 Noise sensitive developments

Paragraph 13 Measures to Mitigate Impact of Noise

Annexe 3 Guidance of Assessment of Noise

Paragraph 19 Industrial and Commercial developments

8.0 **CONSULTATIONS**

County Highway Authority

“Due to the fact that the application site is to remain private and will have no direct link onto an existing highway, I do not wish to comment further as regards Section 38 details. You may wish to confirm with the applicant that the future maintenance liability for this site will be covered by the setting up of a Management Committee. This application relates to redevelopment of existing buildings, which will not connect onto an existing highway. As such, the liabilities under the Advance Payments Code will not apply to this application.

A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site and

once works are complete. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. A suitably worded condition to this affect should be imposed on any resulting permission. I would also recommend that all construction traffic should come via Old Brewery Road and that works vehicles should not attempt to access the site via Golden Hill. I would recommend in the interests of driver/pedestrian safety, that it would be beneficial for the provision of a 33 m long forward visibility splay throughout the south-eastern bend of the private drive.

The current application states that the surface water resulting from the development will be drained into an existing combined system, presumably maintained by Wessex Water. This is acceptable from a highway viewpoint as no connection into a highway drainage system will be permitted due to the site remaining within private ownership. Due to the existing private drive falling towards Old Brewery Road, suitable drainage measures should be in place to prevent any surface water from the private drive from discharging onto the existing publicly maintained highway.

With regard to the internal layout of the development, consideration should be given to emergency service vehicles and access to the inner sections of this development, in particular vertical clearances under archways will need to be given consideration. In addition, 6.0m long unobstructed aisles should be provided in front of garage doors to allow for vehicles to be parked in front of them without overhanging the adjacent private drive.

Drawing number 10505 shows a proposed bin store on the right hand side of the private drive upon entry from Old Brewery Road. I could not find any other refuse collection points within the site. Can the applicant please confirm that other refuse collection points will be made available other than the one currently shown. Due to the lack of turning areas within the application site, care will have to be taken in locating such facilities.

Point 2.5 of the submitted supporting statement mentions the fact that pedestrians and vehicles will be able to access the site from Golden Hill, adopted highway, on the western site boundary. This access onto Golden Hill is private and in the interests of pedestrian safety and to avoid pedestrian/vehicular conflict, the developer may wish to consider installing a footway linking through from the proposed site to Golden Hill.”

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.”

Environment Agency

“The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning condition is imposed:

CONDITION: No development approved by this permission shall be commenced, until a site investigation has been undertaken to determine the nature and extent of any contamination present. The investigation should include the following stages:

- A desk study, which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed, this information should be used to produce:

- A detailed water interest survey to identify all wells, boreholes, springs and watercourses within 100 m of the site boundary.

- A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors.

- A site investigation, designed for the site, using this information and any diagrammatical representations (Conceptual Model) undertaken. The investigation must be comprehensive enough to enable:

- a suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and

- refinement of the Conceptual Model, and

- development of a Method Statement detailing the remediation requirements.

REASON: To prevent pollution of the water environment.

NOTE: This practice is considered important so that the site operator/owner, the regulatory authorities and other parties, such as the general public, potential purchasers or investors, can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site.

In addition, the following comments must be noted:

Surface water run-off should be controlled as near to its source as possible through a suitable sustainable drainage system (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity

enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach.

Further information on SUDS can be found in PPG25 paragraphs 40-42, PPG25 appendix E, in the CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk

If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.

Buildings when demolished can give rise to Special Wastes. These are subject to additional control prior to disposal. The Agency's Area Waste Regulation section, at this office, would be pleased to advise the applicant in respect of the regulations concerning Special Wastes.

The Special Wastes most likely to be encountered during the demolition of a brewery are:

- (i) asbestos cement building products,
- (ii) fibrous asbestos insulation, particularly around heating appliances,
- (iii) central heating oil,
- (iv) oils and chemical associated with vehicle repairs and maintenance."

Wessex Water

"The development is located within a sewered area, with foul and surface water sewers.

The developer has proposed to dispose of surface water to existing arrangements.

It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems."

Chief Fire Officer

- “1. Means of Escape
 - 1.1 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
 - 2.1 Access for fire appliances should comply with Approved Document B5, of the Building regulations 20003.
3. Water Supplies
 - 3.1 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Rights of Way

“The right of way must not be obstructed at any time during or after the development.”

English Nature

“Thank you for sending me the updated bat survey prepared by Geoff Billington's consultancy. I last contacted TDBC about the proposal to develop Hancock Brewery in October 2004 and it was confirmed that planning permission had been granted subject to a section 106 agreement being drawn up. Obviously the proposals have changed and English Nature is pleased to see that the additional bat survey information has been obtained. As 33 hibernating lesser horseshoe bats were counted I can support Geoff Billington's comments that it is an important winter site for Somerset.

I support the recommendations detailed on page 5 of the report that further bat surveys should be done this summer so a fuller picture of the bat roosts can be ascertained. This information will be needed for the Defra licence and to provide robust mitigation proposals.”

Somerset Wildlife Trust

“We have studied the response of the Somerset Environmental Records Centre, which shows that bats and barn owls (*Tyto alba*) have been recorded very close to the application site.

As the proposal involves the conversion of an uninhabited building it is possible that the application site is being used by bats and/or nesting birds (including barn owl), all species of which are legally protected under the Wildlife and Countryside Act 1981.

The Somerset Wildlife Trust therefore strongly recommends that a survey be conducted to ascertain the importance of this building for protected species. We would also recommend that if bats and/or nesting birds are to be affected any necessary mitigation measures are secured and incorporated into the proposals prior to the granting of any planning permission. Such measures might include avoiding work during the nesting or bat roosting/hibernation period, amending the plans to accommodate bats/birds in the roof void or providing bat/bird boxes in nearby locations.

English Nature can provide further advice on bats and all other protected species. Contact: Linda Tucker, Species Protection Officer, English Nature, Roughmoor, Bishops Hull, Taunton TA1 5AA, Tel. 01823 283211.

The Hawk and Owl Trust can provide barn owl nest boxes, as well as practical advice regarding their positioning and will survey buildings for signs of use by barn owls prior to conversion. Contact: Chris Sperring, Conservation Officer, The Hawk and Owl Trust, 32 Hollis Avenue, North Weston, Portishead, Bristol BS20 8NB, Tel. 01275 849287.”

Somerset Environmental Records Centre

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

Non-Statutory: Country Wildlife Sites

ST02/074	Coates Wood	Ancient woodland site, now conifer plantation with broadleaved margins.
DY02/167	Abbotsfield Park	Parkland with important assemblage of Veteran Trees

Non-Statutory: County Geological Sites

ST02/515	Ridge Hill Quarry	Peremain Vexford Breccias
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Statutory: Legally Protected Species

One of more legally protected species have been found.”

Wiveliscombe Civic Society

“The Wiveliscombe Civic Society strongly supports these applications. We appreciate that in an ideal world the layout and design might be more imaginative but it is important to recognise that this site has lain derelict for so long and the greatest priority is to obtain an adequate development which will remove the eyesore and also increase the number of houses within a flat walking distance of the town centre.

We are also pleased to note that much has been done to overcome potential problems with the adjacent brewery.

We do hope that the Borough Council will grant this application and allow this development to go ahead.”

Landscape Officer

“The brewery is a prominent landmark building in the Wiveliscombe skyline as seen from a number of vantage points from within and outside of the town. The building is important in the historic development of the town and in my view its loss would be detrimental to its character.”

Conservation Officer

“Our initial thoughts on the proposed development/Conservation Area consent application are as follows:-

- (1) Brewery buildings/site have high level of social significance within Wiveliscombe through cultural and industrial associations dating back to early 19th century at least.
- (2) Elevated position of site makes brewery a landmark building in visual sense.
- (3) Former sandstone malt house and kiln house have already been successfully converted to provide residential accommodation comparable to that envisaged under the proposed scheme.
- (4) Former red brick tower brew house is envisaged for a similar conversion to residential use.
- (5) Site/buildings in question provide the "link" between (3) and (4), i.e. they were the fermentation/cooling/racking facilities for the brewery and enclose a historically important yard area; the proposed development does not take into account the setting of (3) and (4) or the brewery yard aspect.
- (6) The proposed development will effectively detract from the character of the former brewery setting because it is attempting to maximise the number of residential units within the available footprint
- (7) It will also impact the setting in respect of 2) because of the proposed terracing of the site with garaging facilities below; the proposed development does not respect the former industrial setting of the site at all because it fails to show the tower brew house or the malt house/kiln house on any of the existing or proposed elevations.
- (8) A strong precedent in favour of regeneration has already been set by the malt house/kiln house residential conversion.
- (9) What are the potential implications for the Exmoor Brewery; will new residents of the proposed accommodation complain as to the malt/boiled hop odours which it generates as part of the brewing process?

Based on the above, there is no sound justification for the demolition/redevelopment of the former fermentation/cooling/racking block of this famous former brewery. Instead it should be converted along the lines of the earlier proposal under 49/2004/013 so as to retain the principal sandstone elevations, gabled roof line and brickwork dressings. Other historic fabric such as the Hancock c.1871 date stone above the arch facing the brewery yard (west elevation) should also be retained within any regeneration scheme. It is very important that the building's form and massing remain subservient to the principal tower brew house elements and do not compete with from a vertical perspective.”

Nature Conservation & Reserves Officer

“Further survey work (Greena Ecology report 25.01.06) has identified a larger population of Lesser Horseshoe bats than in the previous report.

I advise that robust mitigation proposals are in place, as recommended in the report, to protect this important colony of LHBs. I recommend that long term management of the site to ensure this, should be made through a Section 106 agreement. A Defra development licence will be needed to develop the site.

Provision must also be agreed for crevice dwelling bats and swifts which are also known to use the site.”

Planning Policy

“The proposal lies within the defined settlement limit for Wiveliscombe but outside of the conservation area and area of high archaeological potential.

Whilst the current building does not appear to be listed it makes a very strong visual impact in the local street scene and from distant views into the town, especially to the eastern elevation.

The scale, form and massing of the original building is retained in the proposals, especially from the eastern elevation and is consistent with policy S2a. of the adopted Local Plan. I note that policy S2c (nature conservation interest) is addressed through the design etc to accommodate existing bat species on site. I am sure Somerset Wildlife Trust will comment on the suitability of these proposals.

I presume that demolished stonework will be retained and reused as facing walls and this is supported as in line with policy S2d. However, I can see no plans detailing fenestration and entrances, (including lintels and cills) for which particular care will also be required for such a visually important position and building mass.

I can see no provision for recycling (policy S2g.) and energy efficiency (S2j). Such measures should be incorporated within the proposals, through the provision of bin stores and perhaps CHP or similar.

The site should make provision for affordable housing in line with policy H9b, being in a rural area where provision is sought on sites with 3 or more dwellings. However, I understand that there have been issues of financial viability which, subject to the satisfaction of the Head of Development, may override the requirement in this instance.

Provision for equipped play via a commuted sum would be required under policy C4.”

Environmental Health Officer

“I recommend the use of similar conditions to those recommended for the previous application (49/2004/042) for the site, which are below, with particular attention to the new proposed layouts.

Recommended Conditions:-

NOISE

Prior to the commencement of development works the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise 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 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 Planning Authority prior to the commencement of development works. The agreed works shall be carried out prior to the building being occupied.

ODOUR

Prior to the commencement of development works the applicant shall, at his own expense, appoint a suitably qualified acoustics 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 odour 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 Planning Authority prior to the commencement of development works. The agreed works shall be carried out prior to the building being occupied.

CONTAMINATED LAND

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 maybe 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, 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. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site.

Note to Applicant

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.

Recommended Note

NOISE

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.”

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 all these should be made a condition of any approval given prior to foul disposal arrangements being agreed.

1. Any surface water discharges 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
4. Details required of proposed point of discharge.
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 SUD be used at this proposed development.”

Housing Officer

“Extensive investigation of this including two financial appraisals have been carried out. In its present form the provision of affordable housing would render this scheme not viable financially. Should any other scheme be submitted with smaller units and higher density I would need to review my decision.”

Leisure Development Team Manager

“I am satisfied that adequate provision will be made and secured through the Section 106 Agreement towards children’s play and outdoor recreation. However collection of the funding may be difficult due to the number of parties involved.

In addition to the play and outdoor recreation contribution in the draft Section 106 Agreement, I would also request that in accordance with Local Plan Policy C6, which recognises the importance of sports centres to the population, an additional contribution of £8,700 should be sought towards the additional demand for indoor sports facilities that will be generated by the development.“

Building Control Officer

“The proposed demolition will be subject to a statutory notice under Section 80 the Building Act 1984. the applicant should be aware of the obligations and responsibilities under this Act.”

Parish Council

“The Parish Council welcome and support the principle of this proposal, and particularly the developer's intention to re use the original reclaimed building materials.

The Parish Council are concerned about the drainage proposals and whether the combined sewer in Ford Road will be able to cope with an additional 14

new houses, which may impact on the flooding of ford road during wet weather as the sewer is at capacity. It is understood that Cotleigh Brewery waste is discharged through a private sewer situated under the site and the Parish Council is concerned what is proposed for the future, as the private sewer may be at capacity and if severed the brewery waste would end up in the mains sewer at Ford Road as well.

Whilst the Parish Council support the application, the planning authority must seek clarification from Wessex Water as to how storm water and dirty water will be discharged from the site. Consideration should also be given to mixed uses in the area and how residents of the new houses will have to accept that some smells and noise emanates from Cotleigh Brewery, an established local business. There may be some contamination on the site as there was a sewerage works located on the there some years ago.”

9.0 **REPRESENTATIONS**

49/2006/008

4 letters of objection have been received raising the following issues:-

1. Increased volume of traffic.
2. Need double yellow lines.
3. Housing and business are incompatible.
4. Still no geotechnical report on stability issues of demolition, removing fill or cutting into bank supporting adjacent site.
5. Concern about the unsupported northern wall – possible collapse.
6. Concern about long term effect on adjacent business which may be at risk from new residents.
7. Access to the site and new garages will need owners' permission – this has not been sought.
8. Loss of wildlife habitat – birds nesting areas in old buildings.
9. Should support retention of historic brewery.
10. Loss part of Wiveliscombe's history.
11. Wants compensation for dust etc brought into premises during demolition construction.
12. Whilst a shame to loose these history buildings - it is not a surprise that the previous development has not proved viable.

13. A new build solution gives opportunity to address many issues of major concern in the conversion proposal.
14. Councillors spoke about new use for historic building and advantages of 'affordable housing' – now neither will occur.
15. Suggest previous conditions on noise, odours, sewerage system, northern elevation windows, stability of adjoining land and advice to new residents on potential noise/smell.
16. Road will have to be adopted for new scheme.
17. Road will have to be reconstructed to take construction traffic.

1 LETTER OF SUPPORT

1. Long overdue.

49/2006/009CA

2 letters of objection have been received raising the following issues:-

1. Site should not be used for housing.
2. Concerns about new development.
3. Traffic problems.

1 letter of support:-

1. Its long overdue.

10.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

49/2006/008

- A. Is the proposed development in compliance with the Development Plan Policies? POLICY
- B. Would the redevelopment of the site for housing result in loss of adjacent buildings employment status? IMPACT
- C. What is the impact of the demolition of the buildings in the Conservation Area? CONSERVATION
- D. Is the proposed development sustainable? SUSTAINABILITY
- E. What is the impact on wildlife in the buildings. WILDLIFE
- F. Would the proposal result in additional traffic? TRAFFIC

- G. Affordable housing and off site recreation provision and any other factors. OTHER REQUIREMENTS

A. Policy

The site is within Wiveliscombe Town Centre, within settlement limits, within the Conservation Area, and within an area of High Archaeological Potential. The site is not allocated for a particular use, but has been in industrial use, with parts used for car repairs and another for children's nursery. It is currently vacant. There is an industrial allocation for Wiveliscombe south of Taunton Road, which has outline permission. Policy WV2 allows for small scale infill developments. EC9 seeks to protect employment land; the site is not allocated as such for employment, but its last use was such. Paragraph 4.34 expands on criteria for allowing other uses e.g. where reuse or redevelopment for employment is unviable. Most of the buildings have been vacant for many years; re use is not considered an option.

B. Impact

The occupiers of the existing general industrial buildings which are adjacent to the site to the north, are concerned that the new residents will object to and complain about the existing on-going industrial activities. These activities including general engineering and a brewery can and do give rise to noise, smell and works carried out at 'unsocial' hours. There have been no complaints about the existing industrial occupiers from existing nearby residents, but the new residents will be closer, albeit separated from the actual buildings. The odour report accompanying the proposal considers the introduction of a new 4 m high stone wall of 500 mm thickness, the removal of windows overlooking the brewery, the report concludes that the new residents are likely to be able to detect odour due the existing brewery discharge position and when the wind is in certain directions. The report considered the odour to new residents may be noticeable, but not problematical. The noise report indicated that the new all and removal of the northern windows would result in there being less potential noise disturbance from the adjacent brewery than that with the previous application. It is considered that the impact of the proposed scheme should be less than that of the previous conversion scheme, in terms of potential noise and odour nuisance, and is acceptable for a development in a town centre. However, given the potential for perception of noise and odour, conditions are suggested as on the previous scheme.

C. Conservation

The buildings are within Wiveliscombe Conservation Area. The Conservation Officer has had reservations on the demolition aspect of the proposal given the massing – landmark building and various historical aspects. Discussions have been on going in respect of how the proposal complies with Policy EN15. The buildings appear to be in a worsening state of repair, the site has been unsuccessfully marketed and over the years there has been no viable

interest in reverting to employment uses. Thus the view is whilst the loss of these buildings in the Conservation Area is much regretted, they have been much altered, and the redevelopment proposals are acceptable given the stature and design of the buildings.

D. Sustainability

National and Local Plan Policies support and encourage sustainable mixed use developments on brownfield or previously developed land. The application site is clearly brownfield, it is within easy walking distance of the town centre with associated public transport. It is also recognised that there will be a reliance on private cars as well, parking and garaging are provided. The proposal is considered to be an effective use of a brownfield site.

E. Wildlife

The survey shows a bat colony in the western cellars with egress to the west. The proposal seeks to retain these cellars with minimal human disturbance, whilst the eastern 'bat less' cellars will be utilized for residential accommodation. Such provision will be conditioned, as will provision for nesting birds. It is considered these measures will provide the necessary protection as set out in Policy EN4, and the proposal is acceptable to wildlife.

F. Traffic

The access road is private, thus the County Highway Authority has little comment. The previous uses of the buildings were for industrial use, with no restriction on types of lorries, frequency of movement or hours of use. Issues with regard to use of the road/access to parking area are a private matter between the landowners. The proposal is considered to be acceptable in traffic generation terms.

G. Other Requirements

The previous scheme originally envisaged, through a S.106 Agreement, that financial provision be made towards provision of social housing. Given the costs of developing site, this element was removed, and the only financial contribution was towards play and playing field facilities. This element is also required as part of the current scheme.

49/2006/009CA

- A. Is there justification for the demolition in the Conservation Area?
CONSERVATION

- B. Is the proposed replacement building acceptable? REPLACEMENT

A. Conservation

The previous application for demolition was for the southern single storey more modern extension which was of no historic merit. The current scheme proposed total demolition, with the exception of the cellars. This is due to the costs which have become evident since the original permissions. The applicants have produced an economic justification for the demolition based on the unstability of the buildings, the increased costs of renovation/conversion, the banks/financial institutions being unwilling to lend on the previous scheme. The figures have been examined in house and it is agreed that there is sufficient justification for the demolition. The loss of the buildings in the Conservation Area is regretted, however they are not of significant historical nor architectural interest to warrant listing. It is accepted that in conservation terms the loss is regretted by accepted.

B. Replacement

The buildings proposed as replacements are considered to be of a good design with the scale, density and massing to give the suggestion of the buildings currently on site. The Conservation Office is content that the replacement buildings will make a contribution to the Conservation Area.

11.0 **CONCLUSION**

49/2006/008

Whilst the loss of landmark buildings in Wiveliscombe is regretted, the new development is considered to enhance the character of the Conservation Area and the re-use of brownfield land as housing is welcomed. A financial sum will be allocated for off site recreation and wildlife within the cellars will be protected. It is considered that the re-use of the site for housing outweighs any likely re-use for employment uses and any effects of being adjacent to existing industrial uses is minimised by the current design of the new scheme.

The proposed development accords with Taunton Deane Local Plan Policies S1, S2, S4, H2, H9, M4, C4, EN4, EN15 and WV2 and is not contrary to EC9 as the development is of a brownfield site for housing without detriment to the locality and it will enhance the Wiveliscombe Conservation Area.

49/2006/009CA

The proposal is considered to be acceptable and in accordance with Taunton Deane Local Plan Policy EN15.

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

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