

MR D &amp; MRS J SMITH

**CONVERSION AND EXTENSION OF OUTBUILDINGS TO FORM 8 NO. DWELLINGS, CHELSTON MANOR, CHELSTON, WELLINGTON AS AMENDED BY LETTER DATED 11TH DECEMBER, 2002 WITH ACCOMPANYING DRAWING NOS. D025/02/S111E AND LETTER DATED ... WITH ACCOMPANYING DRAWING NOS. ...**

15350/21200

FULL

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## 1.0 **RECOMMENDATION**

Subject to:-

- i. The receipt of satisfactory amended plans and no further representations raising new adverse issues thereon;
- ii. The receipt of a satisfactory structural engineer's report;
- iii. The applicant entering into a Section 106 Agreement to contribute the sum of £2,050 per dwelling towards off site play and activity provisions; and
- iv. The removal of the Direction imposed by the Highways Agency under Article 14 of the Town and Country Regulations (General Development Procedure) Order 1995

the Chief Planning Officer 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 five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 The external surfaces of the building shall be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.
- 02 Reason: To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect on the appearance of the building(s).

- 03 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 03 Reason: To safeguard the visual amenities of the area.
- 04 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, 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, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenities of the locality.
- 05 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenities of the locality.
- 06 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 06 Reason: In the interests of the visual amenity of the area.
- 07 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 07 Reason: In the interests of the visual amenity of the area.
- 08 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.

- 08 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health.
- 09 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 09 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained.
- 10 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 10 Reason: In the interests of the visual amenity of the area.
- 11 No work shall commence on the development until such time as the junction of the lane adjacent to the site with the B3187 at its north-west junction is widened to a minimum width of 5 m and its north-east junction is realigned to remove the switch back kerb alignment, easing the junction radius, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 11 Reason: In the interests of highway safety.
- 12 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before any of the dwellings hereby approved area occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 12 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway.
- 13 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 13 Reason: In the interests of satisfactory design and visual amenity.
- 14 The new doors and windows indicated on the approved plans shall be made of timber only and no other materials unless the written consent of the Local Planning Authority is obtained to any variation thereto.
- 14 Reason: To ensure that the proposal does not have an adverse effect on the character of the building.
- 15 Before the dwellings hereby permitted are occupied the agricultural buildings as shown on the approved plan shall be demolished and all materials resulting from the demolition shall be removed from the site.
- 15 Reason: The Local Planning Authority wish to ensure a satisfactory layout can be achieved on the site to provide proper facilities for the proposed dwelling.
- 16 All services shall be placed underground.

- 16 Reason: In the interests of the visual amenity of the area.
- 17 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.
- 17 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.
- 18 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.
- 18 Reason: The Local Planning Authority consider that any further development on the site would prejudice a satisfactory layout.
- 19 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), no gate, fence, wall or other means of enclosure shall be erected on the site 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 wish to exercise control over the matters referred to in the interests of visual amenity.
- 20 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 doors and windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.
- 20 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).
- 21 Before any work, other than investigative work, is carried out in connection with the use hereby permitted:- (a) A suitably qualified Consultant shall be appointed to investigate the nature, degree and extent of contamination, if any, in, on or under all parts of the land to which this permission refers. Previous land uses shall be researched and site inspections shall be made as necessary, having regard to the likely nature of any contamination arising from such land uses. (b) If a hazard or hazards are identified from such investigation, a site specific risk assessment shall be undertaken to consider risks to the following, as appropriate:- 1. Water resources, including any private water supplies. 2. Surrounding land. 3. Wildlife,

livestock and eco-systems. 4. Trees and plants. 5. Building materials 6. Future users of the site. 7. Any other persons. (c) If any unacceptable risks to any of the above are identified, a detailed remediation strategy is produced to deal effectively with them, having due regard to the proposed end use of the development.

(d) All investigations, risk assessments and remediation strategies shall be carried out in compliance with recognised protocols. (e) Submit to the Planning Authority 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. Such remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) Any significant underground structures or contamination discovered following approval of the remediation strategy shall be notified to the Local Planning Authority within two working days. No further remediation works shall take place until a report thereon has been submitted to and accepted in writing by the Local Planning Authority. (g). On completion of all remediation works two copies of a certificate confirming the works have been completed in accordance with the remediation strategy, shall be submitted to the Local Planning Authority.

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

22 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10% or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

22 Reason: To prevent pollution of the water environment.

23 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

23 Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 24 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
- 24 Reason: To prevent the increased risk of flooding.
- 25 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 proposed industrial 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.
- 25 Reason: To ensure that noise from proposed industrial sources will not cause nuisance to the occupants of premises on the completed development.
- 26 Before any work commences, a schedule of works required to secure the safety and stability of the building during the conversion period, shall be agreed in writing by the Local Planning Authority. Such works shall, where necessary, include measures to strengthen any wall or vertical surface, to support any floor, roof or horizontal surface, and to provide protection for the building against the weather during the progress of the works. The agreed schedule shall be strictly adhered to during the conversion works.
- 26 Reason: To ensure the safety and stability of those parts of the building to be retained.

Notes to Applicant

- 01 Your attention is drawn to the attached letter to the effect that the permission granted is on the basis that the development will be strictly a conversion of the building.
- 02 With regard to Condition 17 permission has been granted solely to retain a former agricultural building as part of the rural scene. It is therefore unlikely, in view of Structure Plan Policy SP6, that future extensions would be allowed to this dwelling.
- 03 Your attention is drawn to the requirements of the Chronically Sick and Disabled Person Act 1970 with regard to access for the disabled.
- 04 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce the overheating in summer and to achieve as high an energy rating as possible.

- 05 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 06 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 07 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (0541 545500).
- 08 Your attention is drawn to the Listed Building Consent relating to this property numbered 46/2002/035LB
- 09 The building(s) to which this proposal relates may provide a nesting site for owls or a roosting place for bats. These are protected species under Schedules 1 and 5 of the Wildlife and Countryside Act 1981. It is an offence to intentionally disturb owls while nesting or bats occupying a building or structure, and if you suspect that these species are present you are advised to contact English Nature (Telephone: Taunton 283211) for advice on this matter.
- 10 Haywards Water currently floods out of bank in this area and the development must not contribute to the problems of flooding. It was suggested that a sustainable urban drainage scheme be used for the site to improve the flooding and water quality situation.
- 11 It is recommended that the developer investigate the use of Best Management Practises for drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water, and include:- a) Infiltration techniques; b) detention/attenuation; c) Porous paving/surfaces; d) Wetlands.
- 12 You are advised to refer to the Environment Agency's leaflet on Sustainable Urban Drainage Systems.
- 13 Any surface water discharges to watercourses 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.
- 14 The design storm for any attenuation system shall be for a 1 in 25 year return period storm.

- 15 Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc., and headwall design.
- 16 Details required of proposed point of discharge to watercourse together with details of headwall etc.
- 17 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.
- 18 If there is regular tanker traffic to the site, the Environment Agency would recommend the use of a sluice, which may be closed at the end of the ditch, to allow a spill to be retained. All the buildings, roads and the surface water system itself must be located outside of the predicted floodplain of Haywards Water.
- 19 The future maintenance and management of the surface water drainage system should be arranged in advance, with parties taking responsibility for that maintenance. Commuted sums may be required to be paid for such maintenance. In order to allow for maintenance, machine access to the ditch should be preserved.
- 20 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Haywards Water, designated a 'main river'.
- 21 Any works that would affect the flow of water in any stream or watercourse on the site would require the prior consent of the Environment Agency. There is another existing ditch adjacent to Unit C in Zone C. Any culverting, or restriction of flow, would require the Agency's prior permission.
- 22 It is recommended that the developer uses this opportunity to improve access to, and the working strip along, the bankside. Efforts should also be made to improve the habitat of the river bank by producing a sensitive planting and landscaping scheme.
- 23 In the interests of pollution prevention, appropriate measures must be taken at the construction stage to ensure that surface and ground water are not polluted. Practical guidance is outlined in the attached Pollution Prevention Notes, however, the Environment Agency's Area Environment Management Officer would be pleased to advise further regarding this matter.
- 24 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.

- 25 You are advised of the need to enter into an agreement with the County Highway Authority under Section 278 of the Highways Act 1980 with regard to the requirements of Condition 11.

46/2002/035LB

MR & MRS D SMITH

**CONVERSION AND EXTENSION OF OUTBUILDINGS TO FORM 8 NO. DWELLINGS, CHELSTON MANOR, CHELSTON, WELLINGTON AS AMENDED BY LETTER DATED 11TH DECEMBER, 2002 WITH ACCOMPANYING DRAWING NOS. D025/02/S111E AND LETTER DATED ... WITH ACCOMPANYING DRAWING NOS.**

15350/21200

LISTED BUILDING CONSENT

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**1.0 RECOMMENDATION**

Subject to:-

- i. The receipt of satisfactory amended plans and no further representations raising new adverse issues thereon;
- ii. The receipt of satisfactory structural engineer's report; and
- iii. The removal of the Direction imposed by the Highways Agency under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995,

the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and consent be GRANTED subject to the following conditions:-

- 01 The works for which consent is hereby granted shall be begun within five years from the date of this consent.
- 01 Reason: In accordance with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990
- 02 The external surfaces of the works for which consent is hereby granted shall be of materials as shown on the submitted plan and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To safeguard the appearance of the building and the visual amenities of the area.
- 03 The new doors and windows indicated on the approved plans shall be made of timber only and no other materials unless the written consent of the Local Planning Authority is obtained to any variation thereto.
- 03 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building.

- 04 Before any work commences, a schedule of works required to secure the safety and stability of the building during the conversion period, shall be agreed in writing by the Local Planning Authority. Such works shall, where necessary, include measures to strengthen any wall or vertical surface, to support any floor, roof or horizontal surface, and to provide protection for the building against the weather during the progress of the works. The agreed schedule shall be strictly adhered to during the conversion works.
- 04 Reason: To ensure the safety and stability of those parts of the building to be retained.
- 05 Before any structural works are undertaken precise details of the methods, materials to be employed and areas affected shall be submitted to and approved in writing by the Local Planning Authority.
- 05 Reason: To ensure minimal disturbance to the fabric of the building and appropriate structural repairs.
- 06 Prior to the works for consent is hereby granted is commenced, a schedule of repairs to the existing buildings, shall be submitted to and approved in writing by the Local Planning Authority.
- 06 Reason: To ensure minimal loss of historic fabric and appropriate repairs.
- 07 Prior to the works for which consent is hereby granted is commenced, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority:- all new windows and doors (internal and external), staircases, skirtings, means of venting enclosed bathrooms/w.c.'s, means of venting recovered roofs, finished treatment for joinery, external stairs and handrails and glazed screens.
- 07 Reason: To ensure the use of materials and details appropriate to the character of the Listed Building
- 08 No horizontal ceilings at first floor level shall be provided unless such is first agreed in writing by the Local Planning Authority.
- 08 Reason: To ensure details appropriate to the character of the Listed Building.
- 09 The rooflights for which consent is hereby granted shall be flush fitting.
- 09 Reason: To minimise the impact of these features on the character of the building.

Notes to Applicant

- 01 Your attention is drawn to the planning permission 46/2002/031 relating to this site/these premises.

## 2.0 **APPLICANT**

Mr D & Mrs J Smith

## 3.0 **PROPOSAL**

The application was initially submitted for the conversion and extension of outbuildings into 10 dwellings. As a result of negotiations, the application now comprises conversion to 8 dwellings, with no extension involved. The scheme now provides for one 3 bedroom detached dwelling, a two storey terrace unit providing 4 two bedroom dwellings and 1 one bedroom unit and a single storey unit providing for 2 dwellings. The applicants indicate that they have not perceived the site as a low density prestigious barn development as the buildings are relatively close to one another and in proximity to proposed business/industrial activity. Together with the following two applications, the applicants consider that the proposal provides for a unified zone of development at Chelston Manor, which immediately adjoins the existing business park, which, in turn, is in close proximity to the M5 motorway. They consider that the housing element of the proposal (this application) should, in part reduce the impact on road infrastructure in creating houses near employment areas.

The site would be accessed from the existing point of access from the 'by-passed' section of the main road from Chelston roundabout into Wellington.

## 4.0 **THE SITE**

The site comprises a range of brick and stone outbuildings with natural slate and clay tiled roofs. They are generally grouped around the former farmyard area at the property. The buildings are currently used in connection with the applicants furniture removal and storage business. The buildings are Grade II listed by virtue of being within the curtilage of Chelston Manor (formerly Chelston Farm).

## 5.0 **RELEVANT PLANNING HISTORY**

**46/1997/016** Change of use of agricultural buildings to long term storage of furniture and antiques and associated office, Chelston Farm, Chelston, Wellington. Full planning permission granted August 1997.

## 6.0 **RELEVANT PLANNING POLICIES**

### **Somerset and Exmoor National Park Joint Structure Plan Review (Adopted 2000)**

The following policies are relevant:-

STR1  
STR6  
POLICY 39  
POLICY 49

**West Deane Local Plan (Adopted May 1997)**

The following policies are relevant:-

WD/SP/2

WD/SP/3 OUTSIDE THE DEFINED LIMITS OF SETTLEMENTS, THE CHANGE OF USE OF BUILDINGS FOR SMALL SCALE INDUSTRIAL, WAREHOUSING, COMMERCIAL, TOURIST AND RECREATIONAL RELATED USES WILL BE PERMITTED WHERE:-

- (A) THE BUILDING IS OF A SUITABLE SIZE FOR THE PROPOSED USE;
- (B) THE BUILDING IS STRUCTURALLY SOUND, AND CAPABLE OF CONVERSION WITHOUT SIGNIFICANT REBUILDING;
- (C) THE APPEARANCE, STRUCTURE AND SURROUNDINGS OF THE BUILDING WOULD NOT BE MATERIALLY HARMED;
- (D) THE CONVERTED BUILDING AND NEW USE WOULD BE COMPATIBLE WITH THE LANDSCAPE, CHARACTER, NATURE CONSERVATION AND HISTORIC HERITAGE OF THE AREA;
- (E) THERE WOULD BE NO HARM TO HIGHWAY SAFETY AND THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES; AND.
- (F) ADEQUATE ARRANGEMENTS CAN BE MADE FOR THE PROVISION OF SERVICES.

WD/SP//4 OUTSIDE THE DEFINED LIMITS OF SETTLEMENTS, THE CONVERSION OF BUILDINGS TO RESIDENTIAL USE WILL ONLY BE PERMITTED WHERE THE CRITERIA OF POLICY WD/SP/3 ARE MET AND WHERE IT WOULD NOT HARM:

- (A) THE RURAL CHARACTER OF THE AREA; AND

- (B) THE HISTORIC OR ARCHITECTURAL QUALITIES OF THE BUILDING.

WD/RT/6

WD/EC/18 THE ALTERATION OR CONVERSION OF A LISTED BUILDING WILL NORMALLY ONLY BE PERMITTED WHERE THE FOLLOWING CRITERIA ARE MET:-

- (A) THE INTERNAL AND EXTERNAL FABRIC CONSIDERED IMPORTANT TO THE HISTORICAL INTEGRITY, STRUCTURE, CHARACTER, APPEARANCE AND SETTING OF THE BUILDING ARE NOT MATERIALLY AFFECTED. WHEREVER POSSIBLE, FIXED INTERIOR FEATURES OF INTEREST SHOULD BE RESPECTED AND LEFT IN SITU;
- (B) THE PROVISION OF PARKING SPACES DOES NOT ADVERSELY AFFECT THE SETTING AND APPEARANCE OF THE BUILDING;
- (C) THE SUB-DIVISION OF ANY SURROUNDING GARDEN OR OPEN SPACE DOES NOT ADVERSELY AFFECT THE SETTING AND HISTORIC CHARACTER OF THE BUILDING;
- (D) WHERE THE BUILDING'S INTERNAL SPACE IS JUDGED TO BE IMPORTANT TO ITS CHARACTER, THIS SPACE IS PRESERVED; AND
- (E) THE MATERIALS USED IN THE CONVERSION DO NOT ADVERSELY AFFECT ITS CHARACTER OR APPEARANCE. THERE WILL BE A PRESUMPTION IN FAVOUR OF THE USE OF NATURAL MATERIALS WHICH REFLECT THOSE OF THE BUILDING OR ITS PERIOD.

WD/EC/19 THE BOROUGH COUNCIL WILL NORMALLY ONLY PERMIT PROPOSALS FOR THE EXTENSION OF A LISTED BUILDING WHICH SATISFY THE FOLLOWING CRITERIA:-

- (A) THE EXTENSION IS SUFFICIENTLY LIMITED IN SCALE SO AS NOT TO DOMINATE THE ORIGINAL BUILDING OR ADVERSELY AFFECT ITS HISTORIC CHARACTER; AND

- (B) THE EXTENSION IS OF A DESIGN AND MATERIALS WHICH ARE NOT DETRIMENTAL TO THE CHARACTER OF THE ORIGINAL BUILDING. THERE WILL BE A PRESUMPTION IN FAVOUR OF NATURAL MATERIALS WHICH REFLECT THOSE IN THE ORIGINAL BUILDING OR ITS PERIOD.

### **Taunton Deane Local Plan Revised Deposit**

The following policies are relevant:-

S1  
S8

H9 Outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless;

(A) the building proposed to be converted is of permanent and substantial construction and:

- (1) is in keeping with its surroundings;
- (2) has a size and structure suitable for conversion without major significant rebuilding or significant alteration or extension and alteration;
- (3) is unlikely to attract a suitable business re-use; and
- (4) is sited near a public road with convenient access by foot, cycle or public transport to a settlement;

(B) and the proposal:

- (1) will not harm the architectural or historic qualities of the building; ~~and~~
- (2) does not involve the creation of a residential curtilage which would harm the rural character of the area; and
- (3) will not lead to a dispersal of activity on such a scale as to prejudice town and village vitality.

C4

EN17 Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted.

EN18 The change of use, alteration, conversion or extension of a Listed Building will not be permitted unless:

- (A) the internal and external fabric of the building including its architectural and historic features would be preserved, leaving them in situ where possible;

- (B) the building's internal space would be retained where this is important to its character or historic integrity;
- (C) no subdivision of a garden or other open space would occur, where this would harm the building's character, setting and historic integrity;
- (D) the design, materials and building methods used are sympathetic to the age, character and appearance of the building. Natural materials reflecting those in the original building should be used, where possible;
- (E) any extension is sufficiently limited in scale so as not to dominate the original building or adversely affect its appearance.

## 7.0 **RELEVANT CENTRAL GOVERNMENT POLICY ADVICE**

The general guidance regarding compliance with the current Development Plan contained in Planning Policy Guidance Note 1 'General Policies and Principles' is relevant. The following paragraphs are particularly relevant to the current proposal:-

Paragraph 4  
 Paragraph 6  
 Paragraph 28  
 Paragraph 32  
 Paragraph 40  
 Paragraph 54

The following paragraphs from Planning Policy Guidance Note 3 'Housing' is relevant:-

Paragraph 41

The following paragraphs from Planning Policy Guidance Note No. 7 'The Countryside – Environmental Quality and Economic Social Development' are relevant:-

Paragraph 1.3  
 Paragraph 1.4

Paragraph 3.14 The re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development (see paragraphs 3.9 and 3.10), as well as for tourism, sport and recreation. It can reduce demands for new building in the countryside, avoid leaving an existing building vacant and prone to vandalism and dereliction,



and provide jobs. There should be no reason for preventing the conversion of rural buildings (including modern buildings) for business re-use, subject to the further advice in Annex G, provided that:

- (a) they are of permanent and substantial construction;
- (b) conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality (see paragraph 2.10);
- (c) their form, bulk and general design are in keeping with their surroundings; and
- (d) imposing reasonable conditions on a planning permission overcomes any legitimate planning objections (for example on environmental or traffic grounds) which would otherwise outweigh the advantages of re-use; and
- (e) if the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction.

Paragraph 3.15

Local planning authorities should co-operate with local bodies to compile and promote registers of rural buildings with unimplemented planning permission for business re-use. The conversion of buildings which are currently in industrial or commercial use to dwellings may have an adverse impact on local economic activity. Residential conversion of buildings which have ceased to be used for industrial or commercial purposes can have a minimal economic impact, whilst business conversion may have a more positive impact on local employment. Residential conversions may however have a part to play in meeting identified needs for new market or affordable housing. Residential conversions are often detrimental to the fabric and character of historic buildings, although in some cases it may not be possible to find a suitable re-use for a listed or other rural building. Local planning authorities should consider the needs of their areas for business, and residential, conversions. Especially in areas where the creation of local employment is a priority, they

may include policies in their development plans which do not allow residential re-use unless either:

- (a) the applicant has made every reasonable attempt to secure suitable business re-use, and the application is supported by a statement of the efforts which have been made; or
- (b) residential conversion is a subordinate part of a scheme for business re-use.

Paragraph 3.16 Local planning authorities should in any case apply the five criteria in paragraph 3.14 to applications for residential re-use of buildings. They should examine applications in the open countryside with particular care. It may be appropriate to apply similar strict control to that over new housing in the open countryside (see paragraph 3.21), especially if the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside.

Paragraph G2 When assessing planning applications for the reuse or adaptation of a rural building, the primary consideration (subject to paragraph 3.7 of this PPG) should be whether the nature and extent of the new use proposed for the building are acceptable in planning terms. It should not normally be necessary to consider whether the building is no longer needed for its present purposes (although, in the case of a tenanted agricultural building, the value in planning terms of the existing use should be taken into consideration). Evidence that a building is not redundant for its present use is not by itself sufficient grounds for refusing permission for a proposed new use. However, in circumstances where planning authorities have reasonable cause to believe that an applicant has attempted to abuse the system by constructing a new farm building with the benefit of permitted development rights, with the intention of early conversion to another use, it will be appropriate to investigate the history of the building to establish whether it was ever used for the purpose for which it was claimed to have been built.

Paragraph G5 Local planning authorities should consider setting out in local plans their approach to proposals for the reuse of complexes of buildings with a large aggregate floor area) and of individual buildings which are especially large. The economic and social needs of the area may be particularly relevant to such proposals, as may criteria (b) and (c) in paragraph 3.14, and environmental and traffic considerations. Beyond a certain point, the cumulative impact of the re-use of a series of buildings in close proximity to one another may raise similar issues.

## 8.0 **CONSULTATIONS**

### **Highways Agency**

“Thank you for consulting the Highways Agency on the above planning applications. The Highways Agency has concerns regarding the impact of traffic that could be potentially caused by these applications, specifically at junction 26 of the M5 motorway.

In order that the Highways Agency is able to fully consider these proposals, we have found it necessary to direct your authority to defer planning permission for these applications, as no assessment of the impact of the developments on Junction 26 of the M5 motorway has been provided. The applicant should be asked to assess the potential impact of the proposed development using the Taunton Area Road Traffic (TART) Model. Accordingly, please find the enclosed Forms TR110, directing that planning permission shall not be granted for a period of six months.

However, if we complete our consideration of these applications within this timescale, it may be appropriate for us to withdraw our Directions and replace them with ones directing conditions, or even responses making no further comment.”

The following further response has also been received from the Agency:-

“You may recall that the Highways Agency (HA) has a long history of involvement with proposals in Chelston and Wellington, having commented on a number of similar applications over the past two years and given evidence at the Local Plan Inquiry. Indeed, the Agency's concerns regarding proposals in both Taunton and Wellington resulted in a partnership with Somerset County Council and Taunton Deane Borough Council in the development of the Taunton Area Road Traffic (TART) model.

At the time of the Taunton Deane Local Plan Inquiry, the Agency objected to Policy W9, which allocated employment land at Chelston Manor. In a joint representation with Somerset County Council, the Highways Agency outlined its reasons for objecting to future development in Wellington and highlighted the results of the TART model. These results clearly indicated that there was a significant transfer of traffic from the A38 between Wellington and Taunton to the parallel M5. In addition, the TART model showed that this problem was further exacerbated by development proposals in Wellington.

However, the Highways Agency agreed to conditionally withdraw its objection to Policy W9 following an agreement between the Agency, Somerset County Council and Taunton Deane Borough Council that the matter would require further examination and that some measures would need to be introduced to minimise this transfer. This withdrawal was, however, conditional upon a joint undertaking with the two councils that further TART model tests would be carried out for future developments in Wellington.

The Agency have subsequently commented on a number of applications within Wellington and, on each occasion, have reminded the Borough Council of the work it agreed to undertake. We refer you to the Agency's representation to the Local Plan Inquiry in May 2002 and to our letter dated 29th August, 2002. To date, we have not received any response to our original request for further testing of developments proposed in the Wellington area using the TART model.

In view of these quite legitimate concerns, we cannot agree to your request to lift the Direction on these current applications without some concrete assurances that the Local Planning Authority are addressing these matters in a meaningful fashion.”

### **County Highway Authority**

“The site is located outside any development boundary limits, in a location where it is remote from local services, facilities, education and retail opportunities. There is however a footway link through to the nearby town of Wellington, and there is a regular bus service to both Taunton and Wellington on the B3187 past the site.

There is a private dwelling on the site at present, and there is a personal permission to the occupant, for the long-term storage of goods/possessions, as part of a removals company. From talking with Mr Smith, the applicant, it would seem that there are currently in the region of 50 vehicle movements in/out of the site daily.

Given these circumstances, it would be unreasonable to object to this proposal on highway grounds, however, I would not like to see an increase in movements to/from this site.

In order to improve highway safety as far as is possible, given the increase in residentially associated journeys that this development will create, I would ask that the following conditions be attached to any consent:-

- Visibility at the site access is currently obstructed at a distance of 2.0 m back from the edge of the carriageway edge, by a solid wall to the south, and by a horse-mounting block to the north. This visibility should be improved, as the change from lorry's accessing the site which can see over the obstruction, to domestic cars associated with the residents of the proposed dwellings will require an improvement in the existing condition. There shall be no obstruction to visibility greater than 900 mm, taken from a point 2 m back from the carriageway edge on the centre line of the access, within the area coloured green on the attached plan.
- The current junctions of Chelston Lane with the B3187 are substandard in terms of width and alignment, and given the increase in domestic traffic that will be generated by the proposed development, I would ask that the applicant enters into a legally binding Section 106/278 agreement with Somerset County Council, to widen the Northwest junction to a minimum width of 5m, and to realign the Southeast junction to remove the switch back kerb alignment, easing the junction radius.
- The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.”

### **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 conditions are imposed:-

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected

tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

CONDITION: Activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site and may present a threat to nearby surface waters and/or water resources.

Consequently, no development approved by this planning permission shall be commenced until:-

- (a) A desktop study has been carried out which shall 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 then using this information

- (b) A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.
- (c) A site investigation should be designed for the site using this information and any diagrammatical representations (Conceptual Model). Designs should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site.

The investigation must be comprehensive enough to enable:-

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected;
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

- (d) The site investigation should be undertaken in accordance with details approved by the LPA and a risk assessment should be undertaken.
- (e) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation should be submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

REASON: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by of the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

The Agency would wish to be consulted in respect of any details submitted pursuant to the above conditions.

For such a large site, the Agency would wish to be consulted on the planning application regarding the method of surface-water disposal and confirm that there will be no additional burden on existing surface water systems that might cause flooding problems elsewhere.

The Agency has been involved in pre-development talks with Total Construction Management regarding the drainage of the site. The intention is to provide an overall surface water drainage scheme for the site (all three zones) that will ultimately discharge to Haywards Water, which runs along the Northern border. Haywards Water currently floods out of bank in this area and the development must not contribute to the problems of flooding. It was suggested that a sustainable urban drainage scheme be used for the site to improve the flooding and water quality situation.

It is recommended that the developer investigate the use of Best Management Practises for drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water, and include:- a) Infiltration techniques; b) detention/attenuation; c) Porous paving/surfaces; d) Wetlands.

A copy of the Agency's leaflet on Sustainable Urban Drainage Systems has been sent to the applicants agent.

Initial discussions suggested that all surface water for the site be combined into one discharge This would first run through a petrol/oil interceptor in case of spills on parking and highway areas. It should then outfall into one end of a linear attenuation ditch. This linear ditch should have grass banks and the bottom should be planted with reeds. This vegetation will provide a certain amount of water treatment as the water percolates along its length. At the end of the ditch, there should be a flow control device to allow water to only escape from the ditch to Haywards Water at the same rate as for the green-field run off for a 1 in 1 year event.

The ditch itself should be able to retain the rainfall volume for a 1 in 100 year event. In the event of a greater return, the ditch will overflow down to Haywards Water without threatening the rest of the site.

If there is regular tanker traffic to the site, the Agency would recommend the use of a sluice, which may be closed at the end of the ditch, to allow a spill to be retained. All the buildings, roads and the surface water system itself must be located outside of the predicted floodplain of Haywards Water.

The future maintenance and management of the system should be arranged in advance, with parties taking responsibility for that maintenance. Commuted sums may be required to be paid for such maintenance. In order to allow for maintenance, machine access to the ditch should be preserved.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Haywards Water, designated a 'main river'.

Any works that would affect the flow of water in any stream or watercourse on the site would require the prior consent of the Environment Agency. There is another existing ditch adjacent to Unit C in Zone C. Any culverting, or restriction of flow, would require the Agency's prior permission.

It is recommended that the developer uses this opportunity to improve access to, and the working strip along, the bankside. Efforts should



also be made to improve the habitat of the river bank by producing a sensitive planting and landscaping scheme.

Should you wish to discuss the surface water drainage arrangements further, please contact Mr Dave Hughes - Development Control Engineer (Tel: 01278 484727).

In the interests of pollution prevention, appropriate measures must be taken at the construction stage to ensure that surface and ground water are not polluted. Practical guidance is outlined in the attached Pollution Prevention Notes, however, the Agency's Area Environment Management Officer, Mr Ian Myers, would be pleased to advise further regarding this matter.

According to Agency records there is a landfill site within 250 metres of the proposed development.

The landfill site. Agency ref WML 28, was issued to Wyvern Waste Services Ltd (originally operated by Somerset County Council). The licence permits the disposal of household waste; commercial and industrial; clinical waste and some difficult wastes. The licence has recently been modified to remove special waste and bonded asbestos from the list of waste types that can be deposited. The licence is still valid. The site is classified as being at high risk from the production of landfill gas.

Waste Management Paper No 27 states:-

"Where development is proposed within 250 metres of a landfill site the developer will need to take account of the proximity of the proposed development to the landfill".

The applicants agent has been forwarded a copy of the attached landfill gas information sheet.

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

The applicant should ascertain from Wessex Water whether the existing sewerage network can adequately accommodate the increase in foul sewage flows from this development."

### **Wessex Water**

"The developer has proposed to dispose of foul and surface water to existing drainage arrangements. We have no objection in principle to this proposal."

### **Avon & Somerset Constabulary** (initial proposal)

The playground facility has very limited opportunity for natural surveillance. This could lead to the area being used for criminal and anti-social behaviour and suggest that it be situated within the development where it could be overlooked by neighbouring properties.

### **Landscape Officer**

“Subject to detailed landscape proposals to soften the impact of the proposed industrial units the scheme looks fine.

Please note there is one large ash tree on the northern boundary of the site that will need accommodating within the proposed car parking area. “

### **Conservation Officer**

- “1. Structural survey required.
2. Given intimate relationship of farmhouse and its outbuildings, conversion to residential units not deemed appropriate.
3. Proposed conversion and layout, deemed detrimental to setting of principal Listed Building. Holiday lets and/craft uses, which would not require individual ‘curtilages’, could possibly be more acceptable in this respect.
4. Concerns at 3 are endorsed by the arbitrary western boundary into open fields to provide gardens for units 3 – 7.
5. Given the substantial nature of the farmhouse, garaging and breathing space would be expected and is not evident. It would not be appropriate to suggest that future provision for garaging could be made to the SE, due to the detrimental impact on the setting of the listed building.
6. The playground is not overlooked and hence unsupervised.
7. What building is adjacent to the playground?
8. Drawing No. D025/02/A/111 states that “existing entrance to Chelston Manor maintained”. This is a pedestrian access to a small backyard. The plan however could be interpreted as providing vehicular access.
9. Existing plans generally inadequate/inaccurate e.g.
  - a) no annotation to indicate different wall materials (brick and stone).
  - b) brick and stone inaccurately recorded in some instances.
  - c) no annotation with regard to roof materials.

- d) 1st floor shown in existing section of barn 1, which does not exist
- e) windows etc. inadequately portrayed/recorded.
- f) floor materials not recorded.
- g) cider press not recorded.
- h) not all truss positions shown
- i) drawing No. D025/02/A: SE and NW elevations wrongly notated, hipped roof to latter elevations correctly shown but a gable incorrectly shown on the NE elevation.

10. Proposed plans, units 3 – 7, drawing No. D025/02/A/312:-

- a) site plan and key plan do not correspond with regard to the numbering of units (key plan corresponds with proposed site layout plan D025/02/A/111)
- b) unacceptable overlooking of proposed unit 3 (key plan) with farmhouse.
- c) too many new openings and rooflights proposed on the NW (actually SE) elevation, which is currently blind.
- d) proposed fenestration on SE (actually NW) elevation, poorly handled.

11. Proposed plan, Units 8 – 10, drawing No. D025/02/A/412:-

- a) extension(s) inappropriate.
- b) proposed fenestration poorly handled.

Summary

Proposed residential use of barns and intensive nature of proposal, considered inappropriate due to the detrimental impact on the principal listed building and its curtilage buildings. Rethink about reuse is therefore encouraged. As application stands objection raised.”

**Forward Planning**

“Policy H9 of the Taunton Deane Local Plan sets the parameters for the conversion of rural buildings. Criteria A3 refers to the suitability of business reuse. I can find no evidence on file that this assessment has been undertaken.

Annex G of PPG 7 recommends consideration of cumulative impact of reuse of complexes of buildings, especially in environmental and traffic terms. Although close to a public transport route, a development of this scale (10 units) well beyond the settlement limit must raise questions of sustainability. Policy H9 of the emerging Taunton Deane Local Plan refers to the avoidance of significant extensions to existing buildings. Two of the proposed units require extensions, whilst the terrace units appear cramped. In terms of sustainability and policy SI(B) regarding accessibility and trip generation, if acceptable in overall design terms

and policy H9 criteria A3 is satisfied, the proposal would benefit from conversion to fewer units and consequently a reduced opportunity for trip generation and private car use.”

### **Environmental Health Officer**

“Thank you for consulting on the above Application. Conversion and extension of outbuildings to form 10 No. Dwellings, Chelston Manor, Chelston, Wellington. I have the following observations due to the possibility of noise arising from proposed industrial sources and contamination arising from previous use of the land.

### **NOISE**

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 proposed industrial 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

### **CONTAMINATED LAND**

Before any work, other than investigative work, is carried out in connection with the use hereby permitted:-

(a) A suitably qualified Consultant shall be appointed to investigate the nature, degree and extent of contamination, if any, in, on or under all parts of the land to which this permission refers. Previous land uses shall be researched and site inspections shall be made as necessary, having regard to the likely nature of any contamination arising from such land uses.

(b) If a hazard or hazards are identified from such investigation, a site specific risk assessment shall be undertaken to consider risks to the following, as appropriate: 1. Water resources, including any private water supplies 2. Surrounding land 3. Wildlife, livestock and eco-systems 4. Trees and plants 5. Building materials 6. Future users of the site 7. Any other persons

(c) If any unacceptable risks to any of the above are identified, a detailed remediation strategy is produced to deal effectively with them, having due regard to the proposed end use of the development.

(d) All investigations, risk assessments and remediation strategies shall be carried out in compliance with recognised protocols.

(e) Submit to the Planning Authority 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. Such remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.

(f) Any significant underground structures or contamination discovered following approval of the remediation strategy shall be notified to the Local Planning Authority within two working days. No further remediation works shall take place until a report thereon has been submitted to and accepted in writing by the Local Planning Authority.

(g). On completion of all remediation works two copies of a certificate confirming the works have been completed in accordance with the remediation strategy, shall be submitted to the Local Planning Authority.

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 work force 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.

#### **Drainage Officer**

“It is noted that surface water disposal is to be to an adjoining watercourse.

This watercourse has a previous history of localised flooding.

Therefore before any approval is given an agreed system of surface water disposal will need approval of this Authority and the Environment Agency.

I enclose a copy of standard design requirements for required attenuation systems also included is the requirement for discharge to be dealt with by a sustainable urban drainage system (SUDS).

I await further details for approval before any permission be given.”

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

#### **Leisure Officer**

“It would seem more sensible to ask for an off site sum to improve a play area in the parish or (because of the main road) in the nearest village i.e. Ham or Nynehead. The usual contribution of £2,050 per dwelling would cover the play and activity provisions that normally apply.”

#### **Wellington Town Council**

“The Town Council feels that there should be a one-way traffic system along the lane (old Chelston road) from west to east with a ban on right turning traffic for vehicles emerging from the lane onto the Wellington-Taunton road.

Traffic from the proposed new development which wanted to drive into Wellington would have to travel around the Chelston roundabout which the Town Council feels would be much safer than attempting a right turn at the top of the lane.”

#### **West Buckland Parish Council**

**46/2002/031**

“There should be no right turn from the south end of the lane to the A38. There should be a right turning area on the A38 when turning into the lane.”

**46/2002/035LB**

No objection.

9.0 **REPRESENTATIONS**

Two letters of objection have been received making the following points (original proposal):-

1. Chelston Manor is a Grade II listed building and the close proximity of these conversions would not be in keeping with a building of this calibre and its surroundings.
2. The road access to all of these dwellings, including the Manor runs alongside the listed building itself and is narrow and without good visibility onto the lane.
3. To put even more water into the nearby stream would threaten residential properties with inevitable flooding problems.
4. The lane is narrow and has bad junctions with the main road, therefore making it unsuitable for increased traffic flow.
5. The proposed 10 dwellings with the possibility of two cars per dwelling, together with the commuting workers for the proposed 12 industrial/craft units, and the inevitable delivery vehicles, plus the access from the other industrial area would turn this lane into a very busy highway.
6. Any windows installed at first floor level will look directly onto adjacent property, thus taking away privacy currently enjoyed.
7. Query regarding height of the buildings.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposal comply with the current policies for conversion of existing buildings in the open countryside? BARN CONVERSION POLICIES
- B. Will the proposal have an adverse impact on the character of the buildings, which are curtilage listed? IMPACT ON LISTED BUILDINGS
- C. Will the proposal have an acceptable impact on the highway network for the area? HIGHWAYS

D. Is the proposed development sustainable? SUSTAINABILITY

F. OTHER ISSUES

**A. Policy**

The Adopted Local Plan Policies for barn conversions are WD/SP/3 and WD/SP/4. Most of the criterion contained in these policies are met by the proposal. However there are two which require some discussion. These are that the appearance, structure and surroundings of the building should not be harmed and that the proposal should not harm the historic or architectural qualities of the building. With any barn conversion, there is inevitably some alteration to the appearance of the building, and the current proposal is no exception. Many of the elevations have a number of existing openings which can be readily used for new doors and windows to serve the proposed dwellings. There is one exception, where a length of walling currently has no openings and 5 new door and 3 new window openings are proposed at ground floor level and 10 rooflights on the roof slope. However, there are limited views of this particular wall from public vantage points, particularly at ground floor height. There are no windows proposed in the wall at first floor level. Also the anticipated amended plans reduce the number of rooflights to four from ten. In seeking to secure a future use for the buildings, I consider that the proposal is acceptable in this respect, although I am respectful of the Conservation Officer's views.

The surroundings of the barns will largely not be affected to any great extent, with again one exception adjacent to the length of walling referred to above. The particular building is proposed to be converted into 5 dwellings. A 10 metre depth rear garden is proposed for each dwelling, taking in part of the field to the rear. Subdivision of this area is potentially sensitive, but again, there are no public views into this area. I consider that with appropriate boundary treatment, in the form of post and rail fencing with hedge planting, the proposal is acceptable in this respect.

The original proposal provided for one building to be converted and extended to form 3 dwellings. I had concerns with regard to the impact of the proposed extension on the appearance of the building. The amended plans anticipated delete the proposed extension and reduces the number of dwellings from 3 to 2 in that building.

The buildings are traditional and a structural report has been requested to confirm that they are structurally sound and suitable for conversion.

Policy H9 of the emerging Taunton Deane Local Plan contains broadly similar criteria for the assessment of barn conversions to residential use, but also introduces the requirement that it is unlikely to attract a suitable business re-use. The buildings do have an existing 'quasi



business' use, being used as storage by the applicants who operate a furniture removal business. However this use is relatively low key and I consider that an intensification of employment use, so close to the existing dwelling, would be inappropriate. There would also be limited manoeuvring space around the buildings for large lorries, etc. I also anticipate that the County Highway Authority would have concerns at the use of the lane for a more intensive employment use of the buildings. I therefore consider that residential use is the most appropriate alternative use for the buildings.

### **B. Impact on Listed Buildings**

The Conservation Officer has expressed concerns with the proposal to convert the buildings to residential use and considers that conversion to holiday lets and craft uses would be more appropriate, in particular with regard to the setting of the principal listed buildings, Chelston Manor. However I consider that with sensitive treatment, with boundaries being ultimately being provided by hedging, conversion to residential use is acceptable. Most of the other points of concern are overcome in the anticipated amended plans.

### **C. Highways**

West Buckland Parish Council suggest that there be no right turning movements from the south end of the lane onto the main road into Wellington and that there shall be a right turning lane when turning into the lane from the main road. Wellington Town Council (adjoining parish) consider there shall be a one-way traffic system along the lane from west to east with a ban on right turning traffic onto the main road (traffic for Wellington needing to travel around the Chelston roundabout).

However, the applicants have indicated to the County Highway Authority that there are presently in the region of 50 vehicle movements in and out of the site daily. Given this, the County Highway Authority consider that it would be unreasonable to object to the proposal. However, they are recommending that visibility splay improvements be carried out at the entrance to the site and that improvements to the junctions of the lane onto the B3187 be carried out. In view of the light traffic which uses the lane and the impact that the provision of the visibility splay would have on the appearance and character of the lane and the walls, etc around the listed buildings, I consider that this requirement is inappropriate. However, I am recommending that a 'Grampian' form of condition be imposed to secure improvements to the junctions onto the B3187 prior to work commencing.

The Highways Agency has issued a Direction under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 that the planning authority should not grant planning permission

for a period of 6 months (from 6th November, 2002) in order that they may assess the transportation impact of the development for possible adverse effects on the M5 motorway at junction 26. I take the view that junction 26 is nowhere near capacity, certainly not when considering the scale of the current application, together with the following two items. Indeed it is probably the junction with the greatest spare capacity along the route of the M5 in the south-west. However, until the Direction is lifted, the Authority is not in a position to grant planning permission, and this is reflected in my recommendation.

#### **D. Sustainability**

Although the site is in open countryside, it is very close to a regular frequent bus service between Taunton and Wellington. There is also a footway link to the nearby town of Wellington.

It is not considered that the proposal will have any particularly detrimental impact on wildlife habits, although the standard advisory note with regard to bats and owls is recommended.

#### **E. Other Issues**

I do not consider that the proposal will have any adverse impact on the amenity and privacy of adjacent properties. The conversion of the building to 5 dwellings will incorporate a 10 metre depth of rear garden to the boundary and the window to window distance (at an angle) is approximately 40 metres.

Both the Environment Agency and the Environmental Health Officer request that a contamination condition be imposed, both in relation to possible contaminants on the land and the possible pollution threat to nearby streams. For consistency with other proposals, the one suggested by the Environmental Health Officer is recommended.

### 11.0 **CONCLUSIONS**

The buildings are in open countryside where the barn conversions policies apply. They are also listed by virtue of being within the curtilage of Chelston Manor, which is a Grade II listed building. Although the proposal will have some impact on the buildings and their surroundings, I consider that the amended plans anticipated go a considerable way towards overcoming concerns with the originally submitted plans, in particular those concerns expressed by the Conservation Officer.

My recommendation is therefore a favourable one.

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

**CONTACT OFFICER: Mr J Hamer Tel: 356461**



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