

38/15/0098

RICHARD HUIISH COLLEGE

**DEMOLITION OF 109 SOUTH ROAD, REDEVELOPMENT (TO INCLUDE PARTIAL DEMOLITION) OF 107 SOUTH ROAD AND ERECTION OF STUDENT ACCOMMODATION, COMPRISING 63 No STUDENT BEDS AND TWO No SELF CONTAINED FLATS, AT 107-109 SOUTH ROAD, TAUNTON (RESUBMISSION OF 38/14/0413)**

Location: 107 - 109 SOUTH ROAD, TAUNTON, TA1 3EA

Grid Reference: 323725.123591

Full Planning Permission

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### **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

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

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

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

(A4) DrNo 01 Location Plan

(A4) DrNo 02 Site Plan

(A1) DrNo 03 Existing Topographical Survey

(A1) DrNo 06 107 South Road Existing Elevations & Floor Plans

(A1) DrNo 07 109 South Road Existing Plans, Elevations & Section

(A1) DrNo 08 Proposed Site Layout Showing Ground Floor Plan

(A1) DrNo 09 Proposed Site Layout Showing First Floor Plan

(A1) DrNo 10 Proposed Site Layout Showing Second Floor Plan

(A1) DrNo 15 Existing & Proposed Street Elevation Option A

(A1) DrNo 17 Proposed Elevations (1 of 3)

(A1) DrNO 18 Proposed Elevations (2 of 3)

(A1) DrNo 19 Proposed Elevation & Section A-A (3 of 3)

(A1) DrNo 22 Proposed Roof Plan

(A1) DrNo 26 Sunlight Diagrams Depicts Existing & Proposed Site on Mar/Sept 21 @ 9AM, 12 Noon & 3PM Survey Drawing

(A1) DrNo 27 Sunlight Diagrams Depicts Existing & Proposed Site on June 21 @ 9AM, 12 Noon & 3PM Survey Drawing

- (A3) DrNo 28 Proposed Bin Store
- (A1) DrNo 29 Proposed Site Layout Depicting Bat Box Positions
- (A1) DrNo 30 Proposed Elevations Depicting Proposed Bat Roosts
- (A1) DrNo 1906-01 Tree Survey

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

3. The materials to be used in the construction of the external surfaces of the extension and new build hereby permitted shall be as specified on the submitted schedule unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. No wall construction works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6.
  - (i) Before any part of the new construction 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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 7. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Greena Ecological Consultancy's submitted reports dated September 2011, October 2014 and February 2015, and include:
  - 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
  - 3. Measures for the retention and replacement and enhancement of places of rest for the bats

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

Reason: To protect and accommodate wildlife.

- 8. Details of the means of surface water disposal on site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter provided as agreed prior to the occupation of the buildings.

Reason: To prevent flood risk in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

- 9. No demolition shall begin until a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that the redevelopment follows relatively soon after demolition, to avoid the creation of an unsightly gap in the street, to the detriment of the character and appearance of the Conservation Area in accordance with guidance contained in Section 12 of the National Planning

Policy Framework.

10. The premises shall be used for student accommodation associated with Richard Huish College only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To limit the use and need for parking in this location.

11. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Core Strategy policy DM1.

12. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 14844/T02A, and shall be available for use before any of the dwellings or accommodation hereby permitted are first occupied. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety.

13. The area allocated for parking and turning on the submitted plan, drawing number 1415/08G, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

14. All recommendations of the submitted Travel Plan shall be implemented in accordance with the timetable therein. Thereafter the development shall

operate the Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority.

Reason: To ensure a transport choice is provided and to ensure that staff/students will travel to and from work by means other than the private car in accordance with the relevant guidance in Section 4 of the National Planning Policy Framework.

15. The windows in the side elevation serving bedrooms 1-4, 39 and 53 shall be partially glazed with obscure glass to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission.

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

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. **Bats** are known to use the building(s) as identified in Greena Ecological Consultancy's bat reports, dated October 2014 and February 2015. The species concerned are European Protected Species within the meaning of The Conservation of Habitats Species Regulations 2010. Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

Natural England requires that the Local Planning Authority must be satisfied that a derogation from the Habitats Directive is justified prior to issuing such a licence.

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

## **PROPOSAL**

The proposal is an amended scheme for the demolition of 109 South Road and redevelopment to provide an extension of one and a half storey to the rear of 107 and to erect student accommodation comprising 63 student beds and two flats for a housemaster and housemistress for Richard Huish College. Cycle parking would be provided to the side of the site and parking and turning space is provided off a new central access onto South Road. The scheme would provide purpose built accommodation within walking distance of the College to allow it to compete with other colleges. Existing students requiring boarding facilities are currently housed in a network of homestay providers across Taunton. This service is close to capacity and the number of provider families is dwindling while the student demand is growing. The College is committed to providing a high quality boarding accommodation for students and it considers it essential to provide such a service to enable its aspirations for growth. The scheme would allow an increase in committed bed spaces to enable an additional revenue stream that can be invested into course offerings. This will help the College's long term future and also directly invest in the local economy. It would generate construction jobs, education sector jobs and also indirect employment. The applicant calculates that the students could generate over £1 million into the local economy over a 40 week academic year. The economic role has to be assessed in conjunction with social and environmental dimensions when assessing sustainable development and the presumption in favour.

## **SITE DESCRIPTION AND HISTORY**

The site consists of two residential properties set in large gardens within the South Road Conservation Area. 107 is a traditional villa design reflective of the character of the area while 109 is a more modern infill which is considered to be out of character with the conservation area.

Previously an application for DEMOLITION OF 2 NO. DWELLINGS AND ERECTION OF A 52 BEDROOM NURSING HOME WITH ALTERATIONS TO THE ACCESS AND PROVISION OF 23 CAR PARKING SPACES AT 107 AND 109 SOUTH ROAD was submitted in 2011 ref. 38/11/0676. This was subsequently refused in February 2012.

An application for DEMOLITION OF 109, REDEVELOPMENT (TO INCLUDE PARTIAL DEMOLITION) OF 107 AND ERECTION OF STUDENT ACCOMMODATION, COMPRISING 67 No STUDENT BEDS AND TWO No SELF CONTAINED FLATS, AT 107-109 SOUTH ROAD, TAUNTON was submitted in 2014 ref. 38/14/0413 and was withdrawn on 17 February 2015.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*HERITAGE* - My comments on the earlier scheme also apply to this revision, but in

my view the degree of harm to the significance of the Conservation Area is further reduced in this version. The deficit that needs to be outweighed by the public benefit (as set out in section 134 of the National Planning Policy Framework) is therefore also proportionally reduced.

Regarding design and materials, these appear in-keeping with the Conservation Area, although if the application is approved further details, for example for windows and external doors, will need to be submitted.

#### PREVIOUS COMMENT

In conservation terms, the principal consideration is whether the proposed development preserves or enhances the character and appearance of South Road Conservation Area. It is noted that while there is no appraisal for the Area, the applicant has submitted a heritage assessment that has informed this application.

The proposed scheme has been designed to mirror the existing settlement pattern in South Road with the new 'villa' (replacing 109) maintaining the established building line and property spacing and with a frontage in keeping with the architectural character of the area. It is my view that this building represents an improvement over the existing building that occupies this plot and as such can be seen to enhance the Conservation Area.

The proposed linking structure and the new blocks to the rear of both 107 and 109 are more problematic. These elements are clearly not in keeping with the historic character of the Conservation Area, although it is noted that the link is set back and subservient. The rear blocks are large and while these would not dominate the existing and new building fronting South Road when viewed from the road, they cannot be seen as subservient to the frontage buildings. The buildings are sufficiently set back in their plots to minimise this impact, but there is no doubt that in terms of scale and massing these blocks represent a negative presence.

I would not, however, view this harm as substantial and, partly balanced by the positive outcome of removing the existing 109, it could be considered under Section 134 of the National Planning Policy Framework to be outweighed by the public benefits of the proposal.

*DRAINAGE ENGINEER* - It would appear that the impermeable areas have not changed significantly from that shown on previous application 38/14/0413. The drainage arrangements are also the same therefore my observations raised for 38/14/0413 apply to this proposal. The requested surface water disposal condition should apply to this proposal.

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

*DEVON AND SOMERSET FIRE & RESCUE SERVICE* - No comment received.

*SOMERSET & AVON CONSTABULARY - POLICE LICENSING OFFICER* - I would make the following comments in respect of designing out crime:-

**Crime Statistics** – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/04/2014-31/03/2015 is

as follows:-

Burglary - 1 Offence (dwelling)

Criminal Damage - 5 Offences (incl. 1 criminal damage to dwellings and 3 criminal damage to vehicles)

Drug Offences - 2

Theft & Handling Stolen Goods - 1

Violence Against the Person - 5 Offences (incl.. 4 common assault & battery)

**Total - 14 Offences**

This averages just over 1 offence per month which are very low crime levels.

Peak offending day is Friday and peak times around midnight.

Anti-Social Behaviour reports for the same area and period total 4, which are also very low levels.

**Public Access** – the security of the development is enhanced by deterring casual intrusion by non-residents. An access control system should be provided for the building i.e. proximity card or similar system. There should be no unnecessary paths which could be used to gain unobtrusive access and escape. Good signage should be provided to deter unauthorised access and assist emergency services. From the Site Layout Plan the front vehicular and pedestrian routes appear to be visually open and direct.

**Natural Surveillance** – optimum natural surveillance should be incorporated whereby students can see and be seen, including an unobstructed view from the building, its external spaces and neighbouring dwellings including paths, communal areas, cycle storage area and parking spaces. In this regard, the building shell incorporates a number of recesses, particularly along the southern elevation and a very large and deep recessed area to the rear. Such areas can become hiding places for potential criminals and police advice is that, where possible, recessed areas should be avoided. The large deep recessed area at the rear of the building, if essential, should be enclosed by fencing/gate or similar across both rear wings, as this area provides access to a large glazed area at the rear of the kitchen.

**Lighting** – appropriate lighting should be designed to cover potential high risk areas including main site access, car parking area, footpaths and associated areas to main building, bin store, cycle store and any other secluded areas around the site. All lighting should be automatically controlled by photo-electric cell or time switch and fixtures and fittings should be vandal-resistant and located to minimise vulnerability to vandalism.

**Landscaping** – should not impede opportunities for natural surveillance and must not create potential hiding places for intruders, especially adjacent to footpaths or close to the building where it may obscure doors and windows. The frontage should be kept open to view, so walls, hedges etc should be maximum height of 1 metre. Mature trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

**Building Boundary** – more vulnerable areas such as the side and rear need more robust defensive barriers so the wall/fence and gates to the front of the northern and southern elevations should be minimum height 1.8 metres, as should the remainder of the side and rear boundary treatment. The Bin Store to the front of the development should be of substantial construction and lockable to prevent wheelie bins being used as climbing aids or for arson. The Cycle Storage area along the southern boundary should also be under cover and secure.

**Car Parking** – the communal parking area at the front of the building, although fairly small in relation to the building, appears to be well overlooked.

**Building Shell** – the minimum number of entrances compatible with student



convenience and fire safety should be provided and this appears to be catered for. As previously mentioned, an access control system should be provided and entrances should be well lit externally and internally. The main Entrance Hall appears to incorporate an 'air lock' type system and is well supervised from Reception.

**Roof** – the roof above the kitchen appears to incorporate a number of skylights and these should be suitably protected by alarm or physical measures.

**Internal Security** – internal circulation areas should be well lit with recesses, blind corners and hiding places eliminated wherever possible. From the ground, first and second floor plans, generally speaking this appears to be the case. Consideration should also be given to the installation of an intruder alarm in appropriate areas of the building i.e. office, kitchen/restaurant etc. Similarly, CCTV coverage of appropriate areas should also be considered.

**Doorsets/Windows** – all ground floor doorsets and all ground floor or easily accessible windows (including the skylights) should comply with PAS 24:2012.

**Secured by Design** – further additional crime prevention advice is available on the Secured by Design website – [www.securedbydesign.com](http://www.securedbydesign.com)

*SCC - TRANSPORT DEVELOPMENT GROUP* - I have reviewed the material for the new submission and there are no changes to the Transport Statement or the Travel Plan compared to the last application. Because the new application represents a reduction in the number of bedrooms being proposed, there is no change to the view of the Highway Authority. The response made on 13 Jan 15 is still relevant and will suffice for the new application. The Highway Authority would like the conditions requested to be retained but with the drawing numbers updated. The access details and parking layout conditions should reference drawing 14844/T02A from the Transport Statement.

#### PREVIOUS COMMENT

The site lies on South Road, which forms part of the B3170, in a residential area of Taunton. A 30 mph speed limit applies past the site. There is a wide footway fronting the site of 2 metres and the existing 2 properties have separate accesses. One of these accesses will be closed and the other will be used for pedestrian access. Vehicular access will be via a new central access which benefits from good geometry and plenty of visibility.

The Highway Authority accepts the conclusions of the Transport Statement which states that the traffic impact will be low and that no further mitigation is required. The parking level has been justified and the Highway Authority is content to accept that level of parking.

A Travel Plan has been submitted with this application but as mentioned in the Transport Statement it is difficult to categorise this development in terms of parking requirement and Travel Plan thresholds. The proposal is part of the wider Richard Huish College operation and the Travel Plan is designed to fit in with the main college's successful Travel Plan. The measures proposed are sensible and the Highway Authority accepts that the proximity of the college to the accommodation will help to encourage sustainable travel, chiefly walking and cycling, for future occupiers of the accommodation.

In light of the above, the Highway Authority raises no objection to this application subject to the following conditions:-

The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 1415/22, and shall be available for use before any of the dwellings or accommodation hereby permitted are first occupied. Once constructed the access shall be maintained thereafter in that condition at all times.

The area allocated for parking and turning on the submitted plan, drawing number 1415/22, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

All the recommendations of the submitted Travel Plan shall be implemented in accordance with the timetable therein. Thereafter the development shall operate the Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority.

*SOUTH WESTERN AMBULANCE SERVICE* - No comment received.

*WESSEX WATER* - Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

Public sewers crossing site will need to be diverted under agreement with Wessex Water.

The site plans appears to indicate new tree planting on the north east boundary which will be over the existing public sewer. This is not acceptable. There will be no tree planting within 6 metres of the public sewers to prevent damage caused by root ingress.

The existing system can be used such that no new offsite link sewers are required.

The existing system is combined and has adequate capacity to accept flows from the development, subject to the observations below.

The site should be assessed for soakage and a system installed where conditions are suitable.

Storm water flows must be attenuated back to green field rates with associated storage requirements

It is anticipated that water supply pressures may be an issue for this development.

On site storage tanks are recommended particularly where fitted with fire prevention sprinkler systems and where buildings are greater than two storeys.

I trust that you will find the above comments of use.

*BIODIVERSITY* - Further to comments made in connection with 38/14/0413 which are still relevant, the applicant has carried out a hibernation survey. The survey concluded that 109 South Road has low to medium hibernation potential, whilst 107 has low hibernation potential. This latest survey can be used to inform the EPS licence which will be required to develop the site. note bat mitigation is now shown on the drawings. I suggest the following condition:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Greena

Ecological Consultancy's submitted reports dated September 2011, October 2014 and February 2015, and include:

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

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

Reason: To protect and accommodate wildlife.  
Informative Notes re birds, protected species and bats.

*SOMERSET WILDLIFE TRUST* - We note the past use of the premises by bats as ongoing use of the gardens for foraging and commuting. We would fully agree with the proposals for bat boxes in the trees as well as the creation of bat roosts in the building elevations. This should be a condition of planning permission if granted. We would also like to see a stipulation that any external lighting should be designed so as to minimise light pollution. In addition in view of the fact that the bat survey report is based on a single evening's surveying we consider it would be sensible to request a further bat survey is carried out in the near future to confirm the findings. We would also like to see additional proposals for enhancements for the benefit of wildlife. This should include the provision of bird boxes and the opportunity could be taken to build in sparrow terraces and the stipulation that all landscaping should be native species that are rich in nectar, fruit and nuts so as to support wildlife.

*ENGLISH HERITAGE (ALL CONSULTATIONS)* - As explained within our response to the previous application our concerns relate to the impact of the proposed development on the South Road Conservation Area. To summarise, within this portion of South Road the majority of the houses are of semi detached, constructed in the late 19th century. In contrast number 107 was built as a detached house on a particularly wide plot. In the mid 20th century the large plot was split and a new detached house built on the south side of the plot. In line with the previous application the scheme considered now proposes the demolition of the mid 20th century building and the construction of a period style property to mirror the retained house. To the front there would be a single central vehicular access point. At the rear both properties would have two storey projecting wings that would substantially extend the footprint of the buildings.

Key to our advice to local authorities is the requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act which states that in considering applications within conservation areas the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the NPPF states that in considering the

impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Paragraph 134 of the NPPF explains that where the harm does not constitute substantial harm the harm should be weighed against the public benefits of the proposals. It is important that the benefits are public and not solely private.

The benefits of the scheme, as set out within the recent report from Cotswold Archaeology, are not disputed. We note that the eastern elevation has been designed in an attempt to reflect the existing street pattern, maintaining the building line and adopting a villa form and design. That said the general character of South Road is of a suburban development. The suburban nature of the area is characterised by substantial residential plots. The character cannot and should not be pinned down solely to the eastern elevations. When looking down South Road views are clearly channelled. When driving this will be the sole way in which the area is appreciated. The appreciation of the conservation area will however not be based solely upon this one view but also upon views between houses also and from within the rear plots. The proposals will harm the suburban nature of the conservation area as they will impinge specific views off South Road and from elsewhere, at the rear, and will lead to an increase in density. Beyond this the expanse of paving to the front garden, which contrasts with other gardens along the road, will be amplified when in use.

In line with Paragraph 134 of the NPPF the harm to the conservation area should be weighed against the public benefits of the proposals.

### **Recommendation**

We recommend that the application be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### *DESIGN REVIEW PANEL - Summary of Pre-application recommendations made in November 2014*

In summary the main recommendations of the Panel were:

Subject to the concerns raised in this report being addressed generally the panel was supportive of the proposals

However the panel felt that a better design solution existed and that the proposals represented a missed opportunity

Based upon a traditional vernacular the success of the scheme will be dependent upon the use of high quality materials and traditional detailing. Currently the proposals were falling between two stalls in regards to style and aesthetics, the proposals require further resolution to ensure the aesthetic authenticity.

The panel was supportive of the approach taken in regards to the proposed 'building line'

Concerns over the proposed location and accessibility of the proposed amenity space

Supportive of the cycle provision and suggested that a small number of additional uncovered additional bicycle racks could be provided by the main front entrance

Proposed vehicular & pedestrian access to be combined & narrowed into a shared surface

Shadow study to be carried out in regards to neighbouring properties

Concern in regard to overbearing impact on neighbouring property to the north east

Concern expressed in regard to the close proximity & overlooking between the two blocks

Concern that the form of the building does not appear to be driven by or generated by its proposed function & or site constraints such as orientation

Encouraged exploration of a more contemporary built form, behind the traditional facade, that is more appropriate to & generated by the buildings proposed use.

The rear garden/amenity space requires further design development to ensure accessibility and usability.

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER* - CIL Rate is £70. Existing 107 and 109 total 491sqm. New development is 1760sqm so 1269sqm is CIL liable and CIL liability equates to £88,850

## **Representations**

Ward Cllr (Cllr Herbert) objects –

As ward Councillor I continue to object in the strongest possible terms to this proposal. My previous objection remains as per my submission on the earlier applications and I will add. There has only tiny changes to the floor plans and elevations compared to the original and I therefore continue to support the view of English Heritage that the proposed new development will have an adverse impact upon the character of the conservation area. The primary impact will be the significant increase in density of development which would contradict the overtly suburban character of South Road. The reduction of bedrooms from 69 to 63 is minimal and has not changed the overbearing presence that the building would have in this important conservation area. The conservation area covers the whole site, something that appears to have been overlooked by the applicants. The impact on the neighbouring properties would be significant, especially taking into account the changes in levels across the area and that the adjacent properties all have basement living accommodation and gardens that are lower than the buildings appear from the front. The sheer size and scale of this proposal would cause unacceptable impact on light to the properties, their privacy and amenity of their gardens that are an integral part of the conservation area. The proposal tries to portray itself as an extension to 107, under Taunton Deane's own planning guidelines extensions are required to be subservient to the original property, there is no way that increasing the footprint of the original buildings to 4 times the size can be dressed up as subservient. The design of the sides and rear elevations are also poor and do not enhance or add to the setting in any way, I would point out that English Heritage note that views from adjacent properties are important as the conservation area extends across the whole site right back to Kings College property. This is a pure commercial development that does not protect or support the conservation area, the addition of this type of accommodation in a residential area of family homes will be out of character in any suburban location, but within a precious, significant conservation area it is totally unacceptable. It is interesting how the applicant's heritage report focuses on some aspects that they deem important - yet totally ignore any that are inconvenient. The applicant attempts to use the letter from the LEP to add weight to the application, but having read the LEP economic growth plan I feel this is misleading. The LEP is about increasing investment and growth for the South West, transport, infrastructure, floods, energy, improving skills

and accessibility to education, all very laudable aims. However the important thing to remember about the LEP is that it is about the SW of England, its purpose is not to ignore what is best for people in the SW for the benefit of students from foreign countries.

In short this proposal is NOT suitable for the area. Its appearance and size is NOT in keeping with its neighbours or the surrounding area. External alterations to the existing building are NOT in character. Adjoining residents WILL suffer overshadowing, overlooking and loss of privacy. There WILL be an increase in noise and disturbance. The building does NOT appear to be DDA compliant. The development WILL cause issues for pedestrians and road users. The proposal DOES conflict with TDBC planning policies. I therefore trust that this application will be refused.

99 letters of objection raising issues of

- the building is too big and will cause damage to the Conservation Area,
- building not in keeping and is out of scale and out of character,
- building too big for plot, will increase density,
- change of character to commercial use in residential conservation area,
- not a suitable building for this suburban area,
- negative impact and does not preserve or enhance the area,
- will detract from character of existing residential form contrary to policy DM1 and CP8,
- rear build line not respected,
- the use is unsuitable,
- inappropriate to hall of residence in quiet residential area,
- external alterations are not in character,
- loss of trees and hedges and historic building lines,
- archaeological importance of 107 would be in jeopardy,
- unsatisfactory disabled access,
- fails to demonstrate it is sustainable and contrary to policy SD1 and CP1b
- materials do not match,
- landscape impact and loss of trees,
- proposed bin store position,
- 109 is preferential to the replacement,
  
- adverse impact on neighbour's amenity,
- overshadowing,
- too overbearing and detrimental impact,
- overlooking,
- loss of amenity, contrary to DM1 and H17,
- loss of privacy and light,
- will affect right to light at 105 and 111 contrary to BRE guidelines,
- will impact on daylight to 113,
- shadow study inadequate,
- extension not subservient,
- night lighting would unduly affect residential amenity,
  
- lack of student parking
- insufficient parking,

- will increase traffic and create a hazard for pedestrians,
  - parking is an issue in surrounding streets, like Stoke Road and Mountfields Road and residents will use these areas,
  - site on bend,
  - development is at narrowest part of South Road,
  - details of road width are inaccurate,
  - no pavement on one side of road,
  - service vehicles will disrupt traffic flow
  - increase in accidents, particularly as foreign students may not be aware of British regulations,
  - unsuitable access,
  - the road narrows making crossing hazardous,
  - turning circle not sufficient,
  - cannot stop students having cars,
  - impact on public footpath,
  - problem of construction traffic.
- 
- use as conference facility,
  - will set an unacceptable precedent,
  - no proven case for accommodation,
  - provision for foreign students,
  - not believed the boarding accommodation meets the required standards and floor area will need to be increased,
  - increase in noise and disturbance,
  - sewers won't cope,
  - litter,
  - anti-social behaviour,
  - nuisance to neighbouring properties,
  - pressure on flood management,
  - increase in erosion,
  - adverse impact on neighbours due to amenity impact and noise pollution,
  - detrimental impact on wildlife,
  - bat box positions,
  - alternative areas should be developed,
  - College not tied to development only signing a short tenancy agreement, so RHC are not committed to the site,
  - reasons given to local community for accommodation have not been transparent and have misled the public,
  - should there be a covenant restricting the building to educational use only,
  - threat to harmonious nature of habitation by existing residents and intimidates elderly and residents with learning difficulties,
  - concern over future use,
  - construction noise and disturbance,
  - a full and independent economic report should be submitted by a qualified economist,
  - consideration is premature,
  - report will not take account of all representations and any decision will be challengeable,
  - if granted conditions should include a BREAAAM assessment, a detailed environmental performance statement and energy efficiency improvements in accordance with the Building Regulations,
  - will negatively effect property values.

4 letters of support on grounds that the design compliments the area and the location is close to the College, walkable avoiding the need to drive.

Letter from Local Enterprise Partnership advising the College sector is important to the future success at the heart of the south west economy and the supply of future skills for businesses. Suitable weight should be given to the economic growth aspects of the proposal and its contribution to the objectives in the LEP strategic economic plan.

1 letter of support from Taunton Forward on basis that it will be a significant positive factor in drawing business and people to Taunton, students will play apart in the well-being of the local community, be ambassadors for re-generation of the town and contribute to economic growth.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
SD1 - SD 1 TDBC Persumption in Favour of Sustain. Dev,  
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,

## **LOCAL FINANCE CONSIDERATIONS**

In the event that planning permission is granted for this development it would be liable for CIL at a rate of £70 per square metre. The current scheme indicates the gross internal area of 1760sqm but 1269sqm of new floor space and so the CIL charge applicable would be around £89,000.

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

There are a number of considerations with the proposal including the impact on the character of the conservation area, access and highway safety, amenity impact, wildlife impact, drainage and sustainability.

### Policy and conservation area

The site lies within the built up area of Taunton and consequently is considered a sustainable location for development that would comply with policies SD1, CP1 and



CP6 of the Core Strategy. The use of the site for student accommodation is considered an appropriate use that is not out of keeping with the character of the area. It is accepted that the applicant has a need to house foreign students. Other properties in the vicinity house students of Kings College.

The Council has a duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to preserve and enhance the character or appearance of conservation areas. Policy CP8 of the Core Strategy also applies and states that the Borough Council will conserve and enhance the natural and historic environment, and will not permit development proposals that will harm these interests or settings of the towns and rural centres unless other material factors are sufficient to override their importance. A heritage assessment of the site and the character of the area has been submitted by Cotswold Archaeology.

No. 107 South Road is a substantial late Victorian detached villa constructed in red brick with a slate roof. It has been added to with single storey extension at the rear and internally it is largely unaltered. It is considered of heritage significance, although it is not worthy of being listed. 109 is a mid twentieth century dwelling constructed within the confines of the former landholding of 107. Although modern in design the scale and position of the house follows the characteristics of earlier properties on South Road by being set back within the plot and maintaining a distinct distance from the adjacent structures. The building is not considered of heritage significance and is considered neutral in its impact on the conservation area. The Council's Conservation Officer considers the new 'villa' (replacing 109) maintains the established building line and property spacing and has a frontage in keeping with the architectural character of the area. The replacement building is considered an improvement in design and one that could be seen to enhance the character of the South Road conservation area. English Heritage raise concern that the suburban character of the area derives from the low density building, which is appreciated by taking in the views of the large house plots, substantial front gardens and also views through and between buildings. They consider these views will be lost and the extent of the rear projecting wings increases the density of development of the plot to the detriment of the character of the area. They also raise an issue with parking in the front garden. However on this latter point, the parking in front of properties off South Road is a common occurrence and the treatment of the proposed drive, grasscrete turning area and parking spaces and replacement planting would blend in with the character of the area and is not considered a detrimental impact on the character of the area. The main issues here therefore is whether the extent of the rear projecting wings of the new buildings have an adverse impact on the character of the conservation area to warrant a refusal. The Conservation Officer's view is that this would not warrant a reason for refusal. The development will result in a degree of change to a localised area of the South Road conservation area, however it would not alter the character and appearance of the area as a whole, would not detract from its legibility as an area of historic suburban development and so would not cause substantial harm to the character and appearance of the conservation area. Any harm also has to be balanced against any public benefits of the proposal in accordance with paragraph 134 of the NPPF. In this instance there are considered to be public benefits to the College as a local educational facility.

Access

The access to the site is currently two separate points of access, one either end of the site with limited visibility in each direction. The proposed scheme provides a central access with suitable visibility in both directions. A central access drive will have permeable pavers and the 8 parking spaces proposed will be in grasscrete. Landscape planting will be proposed to replace that removed and help screen the site from the road frontage. As the accommodation is largely for foreign students the provision of limited parking is considered acceptable. It allows parking for the housemaster and mistress and for deliveries. The site is easily walkable from the College and is on a bus route into town. The Highway Authority is satisfied with the means of access and visibility and consider the traffic and parking proposed to be justified. The Authority raise no objection to the scheme subject to conditions to ensure implementation of the access, parking and travel plan.

### Amenity

The proposed extension and new build on the site provide a replacement development of student accommodation with flats for staff. The accommodation has been amended to provide 63 student bed spaces and this has entailed reducing the extent of the first floor projection on the rear of 107. In terms of upper floor accommodation the design provides no first floor windows in the rear wings facing the neighbours to avoid any direct overlooking to the south or north. Consequently the issue of loss of privacy and overlooking is not considered to be grounds to object to the scheme. The development at 109 is set 3.5m off the boundary and projects for a depth of approximately 35m. There will be an impact on the outlook from existing side windows at 111 but will not result in direct overlooking. The new build at 109 extends around 8m beyond the end of 111 however given the orientation of the building the impact on 111 is not considered such to warrant a refusal. Obscure glazing to limited windows towards the front of 109 and ground floor side of 107 is proposed to be controlled by condition to address privacy concerns.

On the opposite side of the site 105 South Road projects out in line with the rear of the two storey section of 107. The new development projects 20m to the rear of the existing floor plan of 105 and is 3.4m off the boundary wall. The revised scheme deletes the third floor section altogether. The lowered rear section now extends to 7.4m in height but at 10m off the boundary and projects 20m down the garden beyond 105. The applicant has submitted sunlight diagrams for March - September and Mid June indicating sunlight impact on 105 South Road as a result of the scheme. This shows the impact on 105 occurs minimally at 9am and decreases during the morning. The same would be the case for the winter period which is not illustrated by the submitted plans while there is no impact at the height of summer. The neighbours have had undertaken a right of light assessment which considers the Building Research Establishment guidelines are breached. While rights of light are not a material planning consideration, the impact of any scheme in terms of it being overbearing and an unneighbourly impact on amenity is material. The overshadowing issue was raised as a concern by the Design Review Panel. In this instance the agent has reduced the height and length of the northern wing, and hence its impact on the neighbour, where the rear projection is now 20m. The projection to the south is 8m beyond no.111. This impact is not considered to be so detrimental to amenity to warrant an objection and is not considered contrary to policy DM1d of the Core Strategy and draft policy D7 on design quality of the Site Allocations and Development Management Plan.

## Wildlife

In accordance with the Habitats and Species Regulations (2010) the proposal will result in 'deliberate disturbance' of protected habitats, which is an offence under these regulations, unless a license is first obtained from Natural England. However, under Regulation 9(5), the Local Planning Authority as a 'competent authority' must have regard to the requirements of the Regulations in the consideration of any of its functions – including whether to grant planning permission for development impacting upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

- (i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);
- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

### *(i) Overriding reasons of public interest for disturbance*

The need for the student accommodation is recognised in the College submission and is considered to be in the public interest and it would be a potential economic and social benefit if it were granted. It is considered to be in the public interest to secure the future of boarding students at the College and this is considered to outweigh the limited harm to habitat during the construction phase of the scheme and so it would follow that this test would be passed.

### *(ii) That there is no satisfactory alternative*

The need for the student accommodation and the reason why this site can be considered for development has been considered in the policy section of this report, above. As previously discussed, given the current local planning policy framework, it is considered that there is no identified satisfactory viable alternative in terms of the overall location of the development and for these reasons, the test would be passed. In the event of the development being refused the wildlife would not be affected and the test would not be required.

### *(iii) That the FCS can be maintained*

The submitted ecological impact assessment outlines proposals for protecting wildlife during construction and for providing mitigation with habitat improvements. These include additional bat roosts within the new building and native species planting to mitigate against the impact of loss of trees. The Council's Biodiversity Officer has not objected to the proposals, believing that, subject to condition, favourable conservation status can be maintained.

I conclude that while the proposal will clearly have an impact, given the proposed mitigation, the proposal would not cause harm and therefore, it is considered acceptable and not to conflict with policy CP8 of the Core Strategy which includes the aim to conserve and enhance the natural environment. It is also considered to comply with the NPPF (paragraph 109). The provision of mitigation and enhancements for the site is considered a necessary condition and would also address points raised by the Wildlife Trust.

### Drainage

The proposal will utilise and link to Wessex Water foul drainage infrastructure and there has been no objection to the proposed drainage scheme. In terms of surface water this is proposed to be dealt with by way of soakaways and details of a suitable means of disposal can be secured by condition and the Drainage Officer is satisfied with this. The site does not lie in a flood risk zone and the development is not considered to cause a risk of flooding elsewhere.

### Sustainability and other matters

The development is considered to be in a sustainable location and is close to the College campus. The NPPF assesses sustainability in terms of economic, social and environmental impacts.

The construction of the scheme would provide employment and the end use would also provide employment through servicing the site as well as the housemaster/mistress jobs. The development is also seen as an investment in the long term future of the College and would bring an economic benefit to the town. It is recognised that there is a need for such student accommodation and this is accepted. The student units would add to the range of accommodation in the area and the use for boarding students for Richard Huish College would not set a precedent for other development in the area. The site is within the town and is considered a sustainable location. The proposal would increase the built development of the site and would impact on the built form, however the Conservation Officer considers the development to be acceptable in terms of its impact on the character of the area and the Biodiversity Officer considers there is adequate mitigation to address impact on wildlife. Consequently it is considered that the development can be considered sustainable.

Concerns have also been raised in respect of noise, litter and anti-social behaviour. However all these are issues that are down to management of the site and are not automatic outcomes of allowing the development. While they are clearly concerns they are not considered to be of significant weight to warrant a planning objection to the scheme. Similarly the fact that the College do not own the site is not a reason to object to the scheme. The College are the applicant's and they have put forward a scheme based on the need for additional student accommodation.

### Summary

In conclusion the applicant, Richard Huish College has put forward a scheme based

on need to accommodate future students in a sustainable location close to the College. The development is not considered to cause a flood risk or an adverse impact on wildlife or highway safety. The development is located within the conservation area and will have an impact on its character, although the Council's Conservation Officer is satisfied that the impact is an acceptable one. The impact of the scheme due to the scale of the rear projecting wings, will have an impact on the neighbour at 105 and to a lesser extent 111. Members have to determine if this impact is an acceptable one. The height, orientation and distance off the boundary is not considered to result in a scheme that would be overbearing and cause a significant loss of light and as such the development is considered a sustainable development that does not cause substantial harm to warrant a refusal as contrary to policies of the Core Strategy and development plan and the application is recommended for approval.

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

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