

49/15/0044

GADD PROPERTIES (SOUTH WEST)LTD

**CHANGE OF USE FROM BUILDERS YARD TO RESIDENTIAL AND ERECTION OF EIGHT SEMI-DETACHED DWELLINGS WITH ASSOCIATED ACCESS ROAD AND PARKING AT STACEY'S YARD, MILL LANE, WIVELISCOMBE**

Location: STACEY'S YARD. MILL LANE, STATION ROAD, WIVELISCOMBE,  
TAUNTON

Grid Reference: 308464.127551

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Conditional Approval subject to**

- a) The applicant entering into a S106 agreement to secure a contribution of £6,312 (index linked) towards enhancing children's play facilities at Lion D'Angers or Nordens Meadow.
- b) The receipt of no further representations raising new issues by 25<sup>th</sup> February 2016 concerning the revised access and parking arrangements for plot 1.

### **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:

(A3) DrNo 2014/05/PL001 Rev A Location & Site Plans  
(A2) DrNo 2014/05/PL002 Rev C Site Layout Plan  
(A3) DrNo 2014/05/PL003 Rev A Elevations, Ground & First floor Plan  
(A3) DrNo 2014/05/PL004 Ground & First Floor Plan Elevations  
(A3) DrNo 2014/05/PL005 Ground, First Floor & Elevations Plan  
(A3) DrNo 2014/05/PL006 Cross Sections A-A / B-B  
(A3) DrNo 2014/05/PL007 Part Site Plan

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

3. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of First Ecology's Preliminary ecological appraisal dated October 2014 and include:
  1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
  2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
  3. Measures for the enhancement of places of rest for, bats and nesting birds.
  4. Details of lighting

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

Reason: To protect wildlife and their habitats from damage.

Reason for pre-commencement: Wildlife and habitats could be harmed by construction work, it is necessary for a strategy to be in place prior to the commencement of works on site.

4. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The details shall indicate that any surface water discharge from the site shall be limited to a maximum 5 l/s and shall include details to prevent the discharge of surface water to the public highway. The approved details shall be implemented prior to the occupation of the first dwelling and shall thereafter be maintained as such.

Reason: To ensure that off-site flood risk is not increased and in the interests of highway safety.

Reason for pre-commencement: The surface water drainage proposals may require areas of attenuation that could impact upon the layout of the development and it is necessary to ensure that acceptable proposals are in place prior to the commencement of development.

5. Prior to the commencement of the development hereby permitted, full details of the on and off-site highway works shall be submitted to and approved in writing by the Local Planning Authority. The details shall show:
  - The proposed estate roads, footways, verges, junctions, street lighting, sewers, drains, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and car parking and street furniture.

- The proposed ground levels of the adjoining car parking area to the north.
- The provision of new 1.8m footways extending the existing footway provision and extending into the site.
- A timetable for providing the various works.

The approved details shall be implemented in accordance with the approved timetable and shall thereafter be maintained as such.

Reason: To ensure that adequate facilities exist for those likely to be attracted to the site in the interests of highway safety.

Reason for pre-commencement: The full details of the highway layout may have an impact upon the overall layout and setting out of the development and must be agreed prior to the commencement of the development.

6. (i) Before any part of the permitted development is commenced, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Details of the species, siting and numbers to be planted.
  - Confirmation of the trees to be protected and measures for their protection.
  - Details of any works proposed to retained trees (including that that any crown raising will be limited to a maximum of 3m)
- (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 existing and new 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.

7. Prior to their installation, detailsa and/or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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.

8. Prior to the occupation of each of the dwellings hereby permitted, full details of the means of storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that adequate facilities are provided for the storage of cycles in the interests of promoting travel by means other than the private car and to justify a reduction from the optimum parking standard.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no fences, gates, walls or other means of enclosure that are expressly authorised by this permission shall be constructed or erected without the further grant of planning permission.

Reason: In the interests of the visual amenities of the area.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)

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. The site adjoins potentially noisy uses. If any new residents complain about noise from the the adjoining premises, the Council has a legal duty to investigate these complaints as a potential statutory nuisance. The Council can only require that the operator takes all reasonable steps to minimise any disturbance, which could mean that there are cases where a business has to alter what it does, and others where the new residents have to suffer a nuisance as it is not practical for the business to take any more steps to reduce the noise.

## Proposal

This application seeks full planning permission for the erection of 8 dwellings. They would be provided as 4 pairs of two-storey semi-detached houses accessed from Mill Lane at the northern end of the site. Two parking spaces would be provided for each dwelling; those for plot 1 would be accessed directly from Mill Lane, those for plots 6-8 in a parking area at the southern end of the site and the remainder alongside the dwellings to which they relate. The dwellings would face east, backing on to the existing bank and trees that separate the site from Mill Lane.

The access would be provided from Mill Lane at the northern end of the site. It would be a reconfiguration of an existing access that currently serves the disused builder's yard and office. Instead of the current 'double access' configuration to the two sites, a single access would be formed with a footway along its northern side and access from the new road into the office site to the north.

## Site Description

The site is a disused builder's yard at the southern end of Mill Lane. It is currently overgrown and strewn with redundant builder's materials. There are two redundant storage sheds on site. The site slopes gently upwards towards the north.

The site is accessed from Mill Lane at its northern end alongside an access to an adjoining office building that sits to the north of the site. The adopted part of Mill Lane terminates just south of the existing access and gives way to a public footpath into open countryside and a number of dwellings at Town Mill.

Mill Lane and the footpath falls towards the site faster than the application site, so the separating bank increases in height towards the south. There are a number of trees planted on the bank which are protected by a TPO.

To the east of the site, trees separate the site from the adjoining industrial land. The closest building is a currently vacant abattoir and meat processing plant. The site is part of the former railway line through Wiveliscombe.

## Relevant Planning History

There is no relevant history relating to the application site itself. However, prior approval was given in 2015 for the change of use of the adjoining office building to the north (also formerly part of Stacey's) to residential use under permitted development rights (application 49/15/0058).

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL* - The Town Council **object** to this application for the following reasons:

- The parking provision in the plans is below the required needs in Wiveliscombe and would result in making much worse around the area of development.

The Somerset County Council adopted strategy states the following provision for new dwellings, to which Wiveliscombe has been identified as a 'Zone B' region for vehicle parking, as stated below.

*5.3. Standards for residential development (ZONE B) 1 Bedroom = 1.5 car spaces; 2 Bedroom 2 car spaces; 3 Bedroom 2.5 spaces; 4 Bedroom 3 car spaces.*

With 8 x 3 bedrooms proposed the minimum parking requirement would be 20 spaces not 16 as allocated in the planning application.

- The close proximity of some of the houses to industry will have a detrimental effect on the quality of life of the residents which may lead to conflict between the historic industry and the residents.
- The Town Council consider that the provision of low cost housing (Normally 25%) is essential to Wiveliscombe. Low costs housing is needed in Wiveliscombe from this type of development.
- The old railway line is mentioned in the local plan and this development will destruct part of this historic line and local asset.
- The proposed development will have a negative impact on wildlife and trees.

## *ECONOMIC DEVELOPMENT –*

*ENVIRONMENTAL HEALTH –* Comments as follows:

### *Ground contamination*

Due to the commercial use of the site there is the potential for ground contamination to be present and the proposed residential use is more sensitive to any contamination than the current commercial use. Therefore, I would recommend that the applicant carry out an assessment of the potential risks from contamination and, if necessary, a more details site investigation. I attach a condition that could be used.

### *Noise/odour from adjacent industrial premises.*

The site is adjacent to an abattoir/meat processing site to the east and other commercial uses in the area to the north. There is the potential for future residents to be disturbed by noise and odours from these sites. I am aware that the abattoir is currently not in use, however it could reopen or the site could be used for other commercial activities. The applicant should provide an assessment of the potential

noise/odours that could come from the adjacent site and show that they are able to design the development so that residents will not be adversely affected by noise or odours.

If the residential development does get approval any future residents would be able to make complaints about the noise or odours from the adjacent site. These could be investigated by the Council as a potential statutory nuisance (unless the site is covered by a Permit from the Environment Agency). If it is established that the noise/odour is causing a statutory nuisance the operators would be required to abate the problem. However, they can only be required to use best practice and the council cannot stop them using the site for its' allowed use. Therefore, there could be the situation where neighbours are being disturbed, but the Council is not able to take any action to resolve the problem. It would be best to ensure that the planning process is used to ensure that this situation does not arise.

*TREE OFFICER* – Comments as follows:

Regarding this proposed development in Wiveliscombe and its effect on the surrounding trees, on the whole I would not object to the proposed tree removals if houses are to be built on the site.

There are currently numerous trees very close together, so a certain amount of thinning is acceptable. None of the trees to be removed are of particularly high value (ie. category 'A'). There will still be a number of established trees around the site once the works have been carried out, and those retained will have more space to become good specimens.

The most significant loss is the three Lombardy poplars, because they are very tall and visible from a distance. However, these are short-lived trees that are prone to splitting out, and the root systems of these particular trees, growing on top of a bank, may not be as extensive as they should be. They are not ideal trees to have close to properties.

I would request that, as part of the landscape plan, a new tree is planted in the area of the three poplars (together with the new hedge that is shown on the plan), to give some screening between properties.

I am concerned that the retained trees are going to cast shade onto the proposed new houses, particular on the east side where group W21 will block morning sun. The problem may be less severe on the west side, as the smaller trees and shrubs are to be laid so that there will be a gap between the hedge and lowest branches of the trees. I would anticipate that new residents will be wanting to carry out further tree pruning soon after moving in.

It is proposed that the retained trees on the east side are crown-raised to 4 metres above ground level. This is on the high side – I would request that the specification is '3 metres above ground level'.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comments as follows:

The junction that links the proposed residential development to the existing office block is not clearly detailed or included in the red line on drawing number 2014/05/PL002 revision B (the latest amended plan). Instead, a footway is shown on this plan along the front of where the junction is faintly drawn. If the applicant wishes to construct an access to the offices as part of this proposal then it must be shown with greater detail on the plan and within the red line.

As the scheme stands it is assumed by the Highway Authority that no new access to the office area will be created and instead a footway will be constructed along the side of the access road. Further to the above; if an amended plan was to be submitted proposing an access to the offices then, any other development (e.g changing the layout of parking in the office car park) must be detailed and included within the red line.

As highlighted in the Highway Authority's initial response (dated 08<sup>th</sup> September 2015) 'The number of parking spaces must be in line with Somerset County Councils Parking Strategy and so must the dimensions of these parking spaces. Cycle and motorcycle parking must also be included in the plan.'

The proposed number of car parking spaces for the 8 dwellings (despite being below the optimum standards) was considered acceptable by the Highway Authority in previous comments. After taking measurements from the submitted plan drawing number 2014/05/PL002 revision B it is apparent that all the proposed parking spaces meet the minimum dimension requirement of 2.4 metres x 4.8 metres. Furthermore, the parking spaces have the required 6 metres of space in front of them so that vehicles can drive in and out of them without excessive manoeuvring.

It was confirmed during pre-app stage by the highway consultant acting on behalf of the applicant that 'Motorcycle and cycle parking would take place within the curtilage of each property.' No motorcycle or cycle parking has been shown on drawing number 2014/05/PL002 revision B, the Highway Authority trusts that it will be included within the scheme.

The proposed layout of parking spaces for plot 1 has been raised as a concern in previous plans. These spaces have now been moved so that they gain direct access onto Mill Lane with visibility splays to the left and right of 2.4 metres x 25 metres and 2.4 metres x 33 metres respectively. These spaces, as shown on drawing number 2014/05/PL002 revision B, are considered acceptable by the Highway Authority subject to conditions. The existing footway on Mill Lane appears to run in front of where these parking spaces will be. Therefore, an appropriate dropped curb and vehicle cross-over will have to be constructed – this will require a suitable legal agreement.

In addition to this, if the existing footway to the north of the proposed access is to be altered or affected it will need to be maintained at a standard deemed appropriate by the Highway Authority – this will also require a legal agreement.

If permission is granted, recommends conditions concerning visibility, access gradient, discharge of surface water, footway provision along Mill Lane, provision and maintenance of parking areas, submission and approval of technical construction details.



The above decision from the Highway Authority is based on drawing number 014/05/PL002 revision B where there is no clear access to the office building shown and instead a footway runs along the carriageway edge. No works are permitted outside the red line plan (with the exception of works on the highway that will have been formally approved in writing).

*SCC - FLOOD RISK MANAGER* - I note that surface water is to be discharged to soakaway. These should be designed and constructed in accordance with Building Research Digest 365 and made a condition of approval.

Should soakaways prove to be impractical then disposal of surface water should be to the ordinary watercourse to the south of the site in preference to a public sewer. Runoff will need to be attenuated to 2l/s/ha or 5l/s, whichever is the greater.

*HOUSING ENABLING* - No affordable housing is proposed as part of this scheme and therefore Housing Enabling does not support this application.

25% of the new housing should be in the form of affordable homes, which would equate to 2 units. In line with the Affordable Housing SPD, I would consider a commuted sum an appropriate alternative for this site. The commuted sum in lieu of affordable housing on site for the scheme proposed would be £172,650. This would be ring fenced for the provision of affordable housing within Taunton Deane Borough.

*BIODIVERSITY* - First Ecology carried out a preliminary ecological appraisal of the site in October 2014.

As the report was over 12 months old, EPS Ecology carried out a further Assessment of the site in September 2015.

The surveyor confirmed that there had been no significant change from the 2014 report.

Findings of this report were as follows

#### *Bats*

An assessment confirmed that buildings 3, 5 and 7 contained no features which are likely to be used by bats. However buildings 1, 2 4 and 6 were considered to have potential for roosting bats. A roost dusk survey was then carried out. This survey demonstrated that none of the buildings are used by roosting bats but the surveyor identified two species of pipistrelle bat commuting and feeding within the site. Any external lighting associated with the new development should be sensitively designed.

The developer should still take a precautionary approach to demolition of the buildings.

#### *Birds*

In active nests, typical of wood pigeon were observed in buildings 1 and 6.

A sparrow's nest was found in building 6. Swifts were also reported to have bred in building 6 in previous years.

Trees along the western boundary have nesting potential for birds.

Demolition of buildings 1 and 6 and the removal of any trees should take place outside of the bird nesting season

### *Reptiles*

The site provides potentially suitable habitat for reptiles, although the extent of habitat was limited. I support measures suggested by the surveyor to protect reptiles

## **Representations Received**

2 letters of **objection** and 3 letters of **concern** raising no objection to the change of use, but listing the following points:

- Significant concern about construction traffic down Mill Lane.
  - Large vehicles struggle to pass parked cars.
  - If access is proposed via Mill Lane, access to Palace Gardens will be compromised.
  - There is a narrow point where there is also restricted visibility to Palace Gardens.
  - Any changes to parking restrictions will have a significant impact on local residents.
  - It is disappointing that there is no affordable housing; question whether a needs assessment should be undertaken.
  - Sufficient parking is required on site as Mill Lane is already fully utilised by surrounding residents.
  - Contamination must be investigated.
  - There are trees with TPOs, an arboricultural survey is required.
  - The existing poplar trees are established, unique and beautiful.
  - The proposed gardens to plots 7 and 8 are compromised by the trees.
  - The site is close to industry (abattoir); noise/odour impacts must be assessed.
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- The layby opposite the site, formerly used by Stacey's, should be made available for residents parking for up to 10 cars and double yellow lines introduced down Mill Lane to allow for the free flow of traffic.
  - Given the location of the site adjoining other industrial land it may be appropriate to retain this site for employment purposes.
  - The existing hedging provides a buffer to the properties in Mill Lane and should not be lowered.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP4 - TD CORE STRATEGY - HOUSING,  
C8 - TDBCLP Development Affecting Disused Railway Tracks & Canals,

Site Allocations and Development Management Plan: A4 (Protection of disused transport corridors).

## **Local finance considerations**

### **Community Infrastructure Levy**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £82,000.00 (index linked this equates to approx. £97,000.00).

### **New Homes Bonus**

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

#### *1 Year Payment*

Taunton Deane Borough	£8,633
Somerset County Council	£2,158

#### *6 Year Payment*

Taunton Deane Borough	£51,795
Somerset County Council	£12,949

## **Determining issues and considerations**

The main issues in the consideration of this application are the principle of development, impact on the highway network, impact on the amenity of future residents, design, layout and visual impact and the impact on ecological interests.

### **Principle**

The site is within the settlement limit for Wiveliscombe. However, the acceptability of this development in principle rests on two key issues – the loss of existing employment land and the development of a former railway line.

Policy CP2 of the Taunton Deane Core Strategy seeks to protect existing employment land from development for other purposes. It states that ‘proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses...will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site’.

The application states that the site had been marketed for employment development for almost two years. Probing this more deeply, it appears that the site was marketed for around 13 months by the administrators following Stacey’s going into receivership. Despite giving no guide price, no offers were made for the site and Stacey’s purchased the site back from the administrators, although they no longer required the entire site.

It is fair to say that the adjoining land to the east is allocated for new employment development, it has better accesses and the sites are not so constrained by existing landscaping or nearby residential property, including a new development of flats in the adjoining office building to the north, which will take place under permitted development rights. It is, therefore, considered unlikely that the application site would come forward for employment development in the foreseeable future. This is considered to weigh in favour of the development, reducing the likelihood that the site would be re-developed for commercial purposes.

Policy C8 of the Taunton Deane Local Plan seeks to protect former transport corridors including disused railway lines for recreational purposes such as walking or cycling. Emerging policy A4 of the SADMP revises this policy to seek to protect such routes for a reinstatement to their original purposes. Given the limited objection to this policy, it is considered that it now has significant weight in the decision making process. The transport route in question is the former Taunton to Barnstaple railway. There are currently no known plans to re-open this line. Verbal advice from Planning Policy officers is that a re-opening of the line is only likely (in the distant future) if the entire length to Barnstaple could be secured.

The Milverton bypass has been built on the former railway line and several miles of the North Devon link road between South Molton and Barnstaple are also built on the former line. The railway land and former station site in South Molton has also been redeveloped for major employment development in recent years as have the final stretches of the former route into Barnstaple. At best, significant re-routing of the railway would be required. To the north of the application site, the route is obstructed by existing industrial units, although these are currently relatively low value and need not present a complete obstruction on the re-opening of the line. That said, the office building immediately to the north is likely to become residential under permitted development rights. All taken in the round, the re-opening of the former Taunton to Barnstaple railway on its original route (if at all) seems highly unlikely and not weighty enough to warrant the refusal of this planning application, despite the conflict with Policy A4.

The development of 8 dwellings triggers a requirement for affordable housing. A viability report has been submitted indicating that such provision would make the scheme unviable and the case has been accepted by your officers. It is not considered that the lack of affordable housing contribution makes this particular, small-scale, development unsustainable. The applicant has, however, agreed to make contributions to children's play provision in the locality and this will be secured by S106 agreement.

With regard to the above, it is considered that both the re-use of the site for employment purposes, or the reinstatement of the Taunton to Barnstaple Railway are highly unlikely and in this context, the principle of residential development of this site is acceptable.

## **Highways**

The site is proposed to be accessed from Mill Lane by a re-configuration of an access that currently serves the former builder's yard and office building. The existing footway would be extended into the site before becoming a shared surface road serving the new development.

Two of the parking spaces would be accessed from Mill Lane. This would require the removal of some of the vegetation and part of a stone wall, but given the location at the end of Mill Lane, this is considered to be acceptable visually; adequate visibility can be provided for highway purposes. Within the site, two car parking spaces would be provided for each dwelling. Whilst this falls slightly below the 'optimum' standard in the County Council's parking strategy, it is considered to be acceptable in this location. No motor cycle parking is detailed, but this is not considered fatal to the scheme and cycle parking can be secured by condition.

The new road would also have to maintain access to the office block to the north and this is proposed to be provided as a footway crossover access into a reconfigured parking area. The ground levels would have to be slightly re-modelled to allow for the significant change in level which currently exists – part of the car parking area would have to be reduced in height from its current height and it is recommended that conditions are imposed to secure final details.

Some concern has been raised locally regarding the potential for an intensification of traffic as a consequence of development. However, it is not considered that there would be a significant increase in traffic when compared to the former builder's yard use. The Highway Authority have not raised any concern regarding the impact of traffic on the local network or access roads and, therefore, it is not considered that the proposal would harm highway safety or the free flow of traffic in the area. There is no reason to think that parking restrictions in the locality would have to be reviewed as a consequence of development and, therefore, it is not considered necessary to seek to secure additional residents' parking provision in the area.

Fundamentally, the Highway Authority do not raise any objection to the proposal and, therefore, the proposal is considered to be acceptable in terms of highway safety.

## **Amenity of future residents**

The site adjoins industrial land to the east. The neighbouring industrial building, a former abattoir and meat processing plant, is currently disused although the resumption of such a use could cause significant potential for harm to the amenities of future residents of the site. As the site is not currently in use, it is not possible to monitor any noise or odour disturbance from the industrial land and this makes an assessment of the likely harm somewhat difficult. They have also suggested that with the main livestock markets now held at Bridgwater, a resumption of any meat processing use on the site is probably unlikely and it would be difficult to argue against this. That said, it is possible that the presence of residential properties in this location could prejudice future industrial uses on the adjoining land.

The applicant suggests that noise has been taken into account in the design of the buildings. The applicant has suggested that the proposed dwellings face towards the site with the main private amenity spaces to the rear and, therefore, sheltered from the industrial area. However, there are dining rooms and bedrooms proposed facing the industrial site. It is stated that the dwellings will be built to a standard in excess of the building regulations, but no particular noise attenuation features have been specified. It is not accepted that noise considerations have overly influenced the design of the dwellings.

As it currently stands, then, the site is neighboured by residential uses to the west and south, a small single bay vehicle maintenance business also to the south, office (which is likely to be converted to residential use) to the north and disused industrial buildings to the east. With the future residential use to the north being possible (and already having prior approval) under permitted development rights, and in the context of the lack of any active business activities on the adjoining land, it is somewhat difficult to resist the residential development of this site on amenity grounds. A note is recommended alerting potential future occupiers that the site borders a potentially noisy neighbour.

## **Design, layout and visual impact**

The proposed design of 8 semi-detached dwellings is somewhat suburban and unimaginative in its approach. The development itself would be visually dominated by the highway, required turning head and parking courtyard at the southern end of the site. It also turns its back on the existing public highway, which is not good practice. That said, there is no prevailing character to the immediate area – the employment land to the north is a collection of buildings that have the appearance of having evolved organically over the last 60 years or so and the residential development to the west, in the main, is modern detached dwellings. There are some older properties to the south at Town Mill, but these cannot be said to define any strong character for the area, they are disconnected from the site visually and generally tucked out of the public domain, save for views from the footpath to the south.

The proposed design does not relate at all to the existing street scene, but there are substantial, protected, trees along the boundary with Mill Lane that prevent a close relationship with the street being formed. The levels do not help either, with most of the site sitting significantly above Mill Lane. The proposed development solution,

then, is for the development to turn its back on Mill Lane. The suburban estate road entrance with standard kerbs and radii will look slightly out of place, but this is not a conservation area and the main part of the development will sit behind existing and proposed new planting. Therefore, it is not considered that the proposal will cause harm to the visual amenity of the area to such an extent that would warrant the refusal of planning permission.

## **Ecology**

The submitted ecology surveys have not identified any protected species on the site. There is potential for reptiles to use parts of the site and birds nest within the building. It is considered that sufficient safeguards for wildlife protection can be put in place through the use of conditions.

## **Other matters**

The site is considered to be sufficiently distanced from other nearby property not to cause a direct impact upon their amenity. The Drainage Officer has confirmed that any discharge of surface water should be attenuated to a rate of 5 l/s. The applicant has confirmed that this is achievable and it is considered that this should be made a condition of any permission given.

## **Conclusions**

Whilst the development would result in the loss of employment land, it seems unlikely that it would be re-developed for employment purposes in the near future. It also adjoins better, more accessible employment land to the east. The existing office building to the north is likely to be converted to residential use under permitted development rights. The benefits of retaining the employment land are, therefore, considered small as the likelihood of re-use is low. The benefits of allowing residential development on the site are not huge – the contribution to housing supply is limited and the site cannot provide any affordable housing contribution – but the NPPF indicates that the provision of housing should be considered a benefit and, the balance in this case is considered to favour residential development, the benefits outweighing the loss of the potential employment land.

It is considered that the design and layout of the site will not harm highway safety or the visual amenity of the area and the amenity of future residents is acceptable. It is, therefore, considered that the proposal is acceptable, and it is recommended that planning permission is granted.

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

**Contact Officer: Mr M Bale**