

49/14/0021

GADD PROPERTIES (SOUTH WEST)LTD

DEMOLITION OF WAREHOUSE AND ERECTION OF 4 NO. 3 BEDROOM TERRACED DWELLINGS, 4 NO. 1 BEDROOM APARTMENTS AND OFFICE/COMMERCIAL ACCOMMODATION WITH ASSOCIATED CAR PARKING AT CROFTWAY/HIGH STREET, WIVELISCOMBE (AMENDED SCHEME TO 49/13/0041)

Location: 1 CROFT WAY, WIVELISCOMBE, TAUNTON, TA4 2JX

Grid Reference: 308113.127717

Full Planning Permission

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:

(A3) DrNo A2013/02/PL101 Site and Location Plans
(A3) DrNo A2013/02/PL102 Rev A Overall Ground Floor Plan
(A3) DrNo A2013/02/PL103 Floor Plans/Terraced Houses
(A3) DrNo A2013/02/PL104 Elevations/Terraced Houses
(A3) DrNo A2013/02/PL105 Rev A Floor Plans - Apartments
(A3) DrNo A2013/02/PL106 Rev A Elevations 1 of 2/Apartments
(A3) DrNo A2013/02/PL107 Rev A Elevations 2 of 2/Apartments
(A3) DrNo A2013/02/PL108 Elevations
(A3) DrNo A2013/02/PL109 Site Survey Plan

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

3. Prior to application, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall first 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.

4. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of the conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies DM1 and CP8 of the Taunton Deane Core Strategy.

5. No dwelling shall be occupied until the approved means of vehicular access, parking and turning areas have been constructed and fully surfaced in accordance with the plans hereby permitted.

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

6. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first 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. Prior to their installation, details of all guttering, downpipes and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The materials shall be fully implemented in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the proposed development does not harm the character and appearance of the Conservation Area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

8. The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy M4 of the Taunton Deane Local Plan.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the occupation of any dwelling hereby permitted and thereafter maintained as such.

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.

10.
 - (i) Prior to implementation, 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.

11. A period of 14 days notice shall be given in writing to the Development Control Archaeologist, Somerset Heritage Centre, Brunel Way, Taunton, TA2 6SF, before any demolition or excavation on site commences.

Reason: To enable a nominated archaeologist or representative to visit works in progress to ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

12. The ground floor commercial/office premises shall not be used other than for the purposes falling within Class A1 or A2 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: In order to ensure the premises are used for purposes appropriate for the town centre location and in the interests of neighbouring amenity.

13. No work shall be carried out on the site on any Sunday or Bank Holiday or other than between the hours of 0800 and 1800 hours Monday to Friday and 0800 and 1300 on Saturdays.

Reason: To minimise the impact of the development upon the amenities of neighbouring properties in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
3. New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page at www.wessexwater.co.uk/developerservices. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
4. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
5. Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Somerset West Police District, Police Station, Shuttern, Taunton, TA1 3QA.
6. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

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

BATS. The applicant and contractors must be aware that all bats are fully

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

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

PROPOSAL

The application seeks planning permission for the erection of eight dwellings on land at 1 Croft Way, Wiveliscombe. The proposed development, which also includes the demolition of a stone built business premises, will provide for the dwellings together with four car parking spaces within two separate buildings on a section of land North of Croft Way and West of High Street.

The corner plot rounding High Street and Croft Way will comprise a three storey building built above street level and partially behind an existing retaining stone wall. It will provide a single ground floor commercial unit with 2 no. one bedroom apartments at first and second floor level. The building, which will provide for a rounded facade, will be built of self coloured render walls, stone cill and lintels with natural roofing slates, white upvc heritage sash windows and white GRP doors. The building will, to the South elevation, have a height above the adjoining footpath to ridge of approximately 11.5 metres. The design of the corner building will incorporate traditional pitched roofs and gable ends, a regular pattern to the arrangement of window openings and minor detailing of a stone string band.

The second element of the proposed development comprises the demolition of a stone building to the West of the site and the erection of a two storey terrace of four, three bedroom dwellings. The building would have a depth of 7.6 metres and a length of 21.6 metres; its height to eaves and ridge would be 5.5 metres and 7.8 metres respectively. The building would have a uniform design and regular fenestration arrangement to the North and South elevations; it would be finished with red facing brick, a stone string course and cills, facing brick lintel detailing and painted render plinth. The roof would be of natural made slates and fenestration white uPVC. The building would be set back from the highway and approximately 1.0m above the level of the adjacent footway. A retaining wall with a metal balustrade would be to the front of the building. The dwellings would benefit from modest rear gardens with a depth and width generally measuring 5m x 5m; the rear gardens would be bound by 2m high close board fencing.

The application is supported by an Ecological survey which found no evidence of bats or birds within the building. The historic and archaeological report concluded that there was no features of historic or archaeological significance worthy of

preservation.

SITE DESCRIPTION AND HISTORY

The application site is located within the centre of Wiveliscombe, on a prominent site to the North of Croft Way and West of High Street. The land currently comprises a parking and turning area associated to the building to the West, which is used for general storage and a funeral directors. The car park is bound by a stone wall to the South and East; access is derived off High Street to the East and the land generally rises slightly to the North. The existing building is of various external finishes, including natural stone, render and brick work; the visible element of the roof is of clay tiles; the building is of a linear form to the South, but extends to the North also. There are residential units within the building immediately to the North, taken to comprise ground and first floor flats.

The site, which is a key feature on the approach road to and through Wiveliscombe, is located within the designated Conservation Area. The immediate vicinity comprises a range of buildings, which are largely historic and of render, stone or brick facades; slate roof and timber fenestration is also dominant within the area.

Planning permission has previously been refused at the site for an alternative development (planning reference 49/13/0041); the proposals comprised a terrace of four dwellings and the erection of a corner building containing 2 flats. Permission was refused due to concerns over the impact upon Conservation Area and visual amenity, parking provision, viability and a lack of affordable housing and impact upon neighbouring residential amenity.

Following the previous refusal of planning permission, the applicant has engaged with the Council through pre-application discussions and, on the Council's recommendation, put the revised proposals through the Devon and Somerset Design Review Panel in January 2014.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE TOWN COUNCIL - object to this application for the following reasons:

- Highway access is dangerous on to the High Street because of the visual splays. Pedestrians using the footpath will be in danger of vehicles entering and leaving the proposed site.
- There is no turning area in the car park and vehicles will need to reverse on to the highway.
- The appearance and height of the proposed building is not in keeping with other buildings in the area and with the heritage of a conservation area.
- The site is on the edge of a conservation area and the original buildings stone should be reused rather than new brick.
- There is no travel plan.
- The site is being overdeveloped.
- Adjacent residents will be overshadowed by the height of the new dwellings.

- There is a total lack of parking for residents and there is no capacity for the public car parks to take the overflow. The proposed development will have a residual cumulative impact on the businesses and residents of Wiveliscombe and this impact will be severe.

HERITAGE - This site occupies a particularly sensitive part of the Conservation Area and is situated at the main 'gateway' into the town from the east and west.

Existing site

Although there has been some pre-application archaeological investigation of the site, it would appear from the consultation response received from the Somerset Industrial Archaeological Society that there is some scope for further recording should the scheme proceed. As this would be the last opportunity to shed further light on this key site and would potentially contribute to our understanding of the development of the town, I suggest that, on the advice of the County Archaeology Service, additional recording work is made a condition of any approval. Also the 17th century window identified in the submitted historical and archaeological assessment has historic significance in its own right and I suggest it is carefully removed and deposited with the County museums service or donated to the national Brooking Collection – who would no doubt be keen to acquire it.

Design of new buildings

Given the prominence of this site, particularly the High Street and Croft Way corner frontage, the design of the proposed buildings is critical. Although the scheme has benefited from the input of the Design Review Panel since originally submitted, I still consider that it lacks some of the architectural flourish worthy of such an important site in the town. Some of the less satisfactory elements are due to the constraints caused by the provision of car parking – such as the wide entrance creating a long break between the proposed building and 18 High Street, and the unbalanced treatment of the Croft Way frontage caused by the integral car parking. I am also not overly keen on the proportions of the rear windows to the main block but understand that there are intervisibility issues governing this.

My main concerns, however, are the three-storey height and continuous roofline of the main block, although my views on this are contrary to the clear advice of the Design Review Panel.

Following my consultation response to the earlier application (49/13/0041), it is disappointing that the applicant is proposing to use PVCu for the windows and external doors. That they would countenance using this material does not give me confidence that the scheme would be executed to the high quality which is required at this key site. In any event, I strongly recommend that no PVCu is used for the windows, doors, rainwater goods or any other external elements. Conditions to ensure the submission and approval of materials and details of doors and windows should, in any event, be included if the application is approved.

Summary

To be acceptable in conservation terms the scheme must preserve or enhance the character or appearance of the Conservation Area. The High Street has an almost unbroken line of historic buildings, mainly with 19th century frontages, and while the proposed buildings would obviously represent a modern introduction into the

streetscape, they would be broadly in keeping with this character. I am, however, concerned that the mass of the three-storey building would dominate this corner site and the immediate surroundings.

This is finely balanced and may come down to whether (in terms of Para. 134 of the NPPF) any perceived harm to the significance of the designated heritage asset (Conservation Area) is outweighed by the public benefits of the scheme, which would provide housing in what is now essentially an area of 'dead space' occupying a prominent position in the town.

BIODIVERSITY - No evidence of bats, birds or other ecological sensitivity found within building. Support recommendation for ecological gain and suggest condition be applied to this extent.

WESSEX WATER - Standard response received with no objection to proposal. Advisory notes to developers provided.

WIVELISCOMBE CIVIC SOCIETY - Various Emails received from Chair raising the following comments:

Here is another application from Gadds for the Croft Way/High Street site in Wiveliscombe, little different other than there are more flats proposed and less parking! The existing objections will still stand both from the Civic Society and residents and businesses in Wiveliscombe.

There are now 8 properties proposed for this site, with office space on the ground floor. There are four car parking spaces allowed for a possible population of 24 residents if you take each flat to be a double and each house to be for a family of four. How on earth can this parking proposal be in any way acceptable? There is no car parking close by. Croft Way car park is not there for the use of residents who have moved into newly built houses but with no garage provision. It is for visitors, shoppers, workers and shop keepers. I find it bizarre that a development could even be considered with this in mind.

The fact that Gadds have used some better quality materials such as "Heritage" windows? and some painted fascia boards does not answer the bigger question. Is this many windowed block of flats acceptable for this gateway site?

Unless there are firm measures which any developer would have to adhere to, they will try again and again. In the absence of any Neighbourhood Plan as yet, we have few teeth with which to fight, but this site deserves better than this proposal.

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or such Standards which may supercede at the date of approval of the full

application.

The affordable housing scheme, including details of the unit mix, layout, tenure and location of the affordable housing must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

A local connection clause is to be included within the S106 agreement to prioritise the homes for local people.

ECONOMIC DEVELOPMENT - Increased rural office availability will help drive growth in micro and rural businesses, therefore I am happy to support this application.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - No comments received.

SCC - TRANSPORT DEVELOPMENT GROUP -

Drawing No. *A2013/02/PL102*, indicates that the proposal will utilise the existing vehicular access, which obtains access onto High Street, which does not provide a minimum width of 5.0 metres to accommodate two-way vehicle flow.

The reason for this provision is so that vehicles when entering and exiting the site do not come into conflict resulting in manoeuvres on the public highway in close proximity to the signalised traffic junction. Furthermore, I have concerns that a pedestrian access associated with the proposed development, appears to be positioned at the point of access, where vehicular movement is somewhat problematic, given its constraints.

With regards to vehicular visibility, this is a location where I would consider that Manual for Streets (March 2007) guidance applies, given the urban location of the development, street lighting and pedestrian footway either side of the carriageway.

It is likely that vehicle movements associated with the proposal (residential) utilising this access would be less intensive than the existing use of the site. As an open ended B8 use, there is no control over the level of vehicle movements associated with the existing use of the site compared to a regularised residential use.

NPPF (National Planning Policy Framework) (March 2012) states the following within paragraph 32 (p10):

“safe and suitable access to the site can be achieved for all people.”

“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

It is the view of the Local Highway Authority that the proposed development access compared to the previous application now provides a lower level of vehicular visibility, due to the positioning of the building frontage. As a result I do not consider

that satisfactory visibility can be achieved from the point of access (north-bound traffic). Furthermore, drawing No. *A2013/02/PL102* does not provide pedestrian visibility splays at the point of access.

No information has been submitted to indicate trip rates for the existing use of the site.

With regards to vehicle movements/traffic generation, TRICS (Trip Rate Information Computer Systems) estimates that vehicle movements for a single residential unit are approximately 6-8 movement per day. Therefore, the proposed development is likely to generate approximately 48-64 vehicle movements per day, which would result in approximately a maximum of five vehicle movements within the peak hour.

Whilst the movements within the peak hour maybe considered low, it is the view of the Local Highway Authority that the substandard access serving the proposal provides insufficient vehicular visibility and is within proximity to the signalised traffic junction and would warrant a refusal on highway safety grounds.

The Somerset County Council adopted Parking Strategy (September 2013), states the following provision for new residential dwellings, to which Wiveliscombe has been identified as a 'Zone B' region for vehicle parking.

Drawing No. *A2013/02/PL102*, indicates that four vehicle parking spaces will be made available onsite. It should be noted that the parking spaces have not been allocated to an individual dwelling.

The levels of parking per dwelling house, have a clear shortfall in vehicle parking provision. I am not aware of any information submitted supporting the planning application to justify a reduction in vehicle parking for the proposed development.

The site is situated within the centre of Wiveliscombe where there are suitable services and facilities within walking distance to consider that a reduction in vehicle parking could be applied to the proposal. However, I have concerns that the likelihood of a three bedroom dwelling would not merit that of a car free development as opposed to a one to two bedroom apartment/flat.

It is noted that there is a public car park in proximity to the site, however, this is not within the applicants control and therefore cannot be dealt with by condition. Based on the Somerset County Council – Parking Strategy the development is likely to displace a minimum of 12 No. of vehicles associated with the development either onto the highway or into the public car park.

Furthermore, the application seeks to include 200m² of B8 (storage or distribution) and 51.5m² of B1 (a) (Office) use. The proposed scheme does not appear to have incorporated any parking provision for these uses of the development.

The Planning Officer would need to come to the decision whether the Local Highway Authority's objection on lack of vehicle parking can be overcome in terms of sustainability due to the proximity to services, facilities and transportation links within Wiveliscombe.

Based on Drawing No. *A2013/02/PL102*, vehicle turning appears to be achievable

onsite on the basis of four vehicle parking spaces. It is of the opinion of the Highway Authority that it is likely that any additional vehicle parked within this area would result in insufficient vehicle turning and could potentially lead vehicles to reversing out onto High Street, which would be detrimental to highway safety.

In addition, as part of the newly adopted Parking Strategy, new residential dwellings need to provide a minimum of one cycle space/storage facility per bedroom. These are based on dimensions of 2m x 1m or show provision within the site to allow the occupiers of the proposed dwellings to use alternative sustainable modes of transportation, this has not been shown on the submitted drawings and therefore requires amending.

In conclusion, the Highway Authority take the view that insufficient information has been submitted to warrant the consideration to allow for a significant reduction in vehicle parking provision, given the scale of development. As the proposal has a considerable short fall in vehicle provision. Furthermore, the alterations to the previous scheme have resulted in a reduction in vehicular visibility from the point of access. As a result, I would recommend that this application be refused on highway grounds for the following reasons:-

The proposal is contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy and Paragraph 32 of the National Planning Policy Framework, since the proposed access to the development does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2012).

The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2012).

Representations

SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY -

I refer to the above planning application and wish to make the following representations on behalf of the Somerset Industrial Archaeological Society (SIAS). Our attention focused on the Historical & Archaeological Assessment (H&AA) and how matters raised were dealt with in the Archaeological Field Evaluation (AFE).

The H&AA describes a raised brick platform, the base of a small engine, in association with evidence for bearings and shafting. It was suggested that these would benefit from specialised inspection and record in order to understand the type of engine installed and how the system functioned probably in the late 19th century. However, we could not find that this examination had been carried out in the AFE.

The H&AA rightly stresses the importance of the woollen industry and its major contribution to the local economy over several hundred years. There is also the specific reference to a late dyehouse on this site. Yet again the AFE fails to address

this.

Given the site's relationship to the medieval settlement and its likely occupation of two burgage plots, SIAS considers that the four small trenches were inadequate to fully interpret the building's industrial functions. We would therefore like to see a planning condition requiring archaeological monitoring during and after the demolition phase of this development.

MANAGER OF KINGSMEAD COMMUNITY SCHOOL -

Our concern regarding this application is one of safety for our students. A large number walk past this site on a daily basis and we feel the additional traffic this proposal would bring could be dangerous to the students.

7 letters of OBJECTION received raising the following planning related comments:

- Would be a massive overdevelopment of a critically important site in regard to the historic street line of the town;
- The existing buildings could be much better used by being refurbished into a visitor centre and museum to provide another interesting tourist attraction for the town;
- Exit from the site will be blind and a danger to anyone coming from Church Street; vision will be impaired by parking bays on High Street; the buildings will block all views of the pavement;
- The new build is on too great a density of housing on this junction; altering the pleasant open nature of the site, becoming overcrowded;
- Parking in Wiveliscombe is limited and there will be insufficient provision for intended residents of the houses;
- There is rarely any parking opportunity in either Croft Way or High Street; thus any application that does not provide commensurate parking spaces according to property size is not feasible in this community;
- Consider the design to be boring; could there be variation in the roof line of the terrace and some feature on the corner roof line to give it character?
- Support the principle of redeveloping the warehouse, but locating the houses closer to boundaries of 18 and 18a High Street is not acceptable;
- Strongly disagree with a three storey redevelopment of the corner site due to loss of light, outlook and privacy from property;
- Neighbouring property will be dwarfed by the 3 storey building;
- The development is unsightly and unsympathetic for a site in the middle of Wiveliscombe;
- There is a right of access alongside the wall of 18/18a High Street as shown in the deeds. The side wall and rear archway of 18/18a High Street are shared responsibility with the current owners of the car park and warehouse, and the occupiers of 18/18a High Street. How will this situation be resolved with the proposal?
- Who will be responsible for the communal areas i.e. upkeep of the car park, bin area and footpaths?
- With most properties having more than one vehicle we are concerned as to how the proposer is planning to stop additional vehicles parking in the car park and along the side wall, right of way of 18/18a High Street;
- This development on the car park will only add to the shortage of car parking

spaces in Wiveliscombe with the people who currently use the car park having to park elsewhere, and the new occupiers of the properties having to find parking. Parking on double yellow lines around this area will become even more of a problem;

- Concerning the rear right of way at the back of 18/18a. The proposal is to use this for rear access to two of the new terrace properties. More detail is requested about the finishing of the party walls to the rear of the property. We have received no information as to how these building works will affect our property even though the property to be demolished is joined to 18/18a High Street;
- Concerning the current right of way arch at the back of the 18/18a, this is to be demolished and to be replaced by an alley. What are the plans to maintain this right of way and the safety of residents during work in progress and the security of our properties in the future?
- The entrance to Wiveliscombe should not include a 'new-build', it's a historic

town with beautiful old buildings and regardless of the finish - a new-build is a

new-build and would not be a true representation of Wiveliscombe;

- Car park is currently used by 8 regulars, plus a monitored 10+ additional cars over the last two weeks alone;
- Only 4 spaces for 8 additional properties – therefore forcing at least 18 cars into the already overcrowded public car park in Croft Way;
- The public car park in Croft Way is very busy, purposefully adding more residential cars to will potentially have a negative effect on the local trades and businesses;
- There will be no visibility for cars using the proposed access nor for pedestrians using the footpath if a building on this location is built. It will be an accident waiting to happen, this area is currently open giving both drivers and pedestrians lots of visibility;
- Personally, we will suffer from major loss of light/sky and will lose all views from our windows. This side of our house is our kitchen/diner and sitting room (first floor) – our main living accommodation;
- We will have windows directly facing ours, so as well losing light we will lose all privacy;
- We are currently re-modelling the interior of our property to make use of the main light source and with this building we fear our property will become even darker;
- We would very much appreciate a member of the planning department to visit us so that you can appreciate what we are set to lose;
- You cannot put a three storey building in front of a two storey, especially when

the property is split in two and living accommodation is on the first floor – it simply isn't fair;

- Houses are too close to 18/18a – they have moved back since original plans submitted last year.
- Privacy will be lost from a bedroom, conservatory and family room;
- We have not received any communication from the proposed developers about the rear wall of the warehouses which are supporting our garden. We need confirmation that this wall will be remaining in place. Looking over the top of the wall it would appear that this wall will need significant work to keep it stable;
- We are concerned that the removal of these buildings and related ground works could cause significant ground movement and damage to our property and garden;
- The end of the warehouses are attached to our building, again we have received no communication about how this could potentially affect our property and what works will be carried out to ensure any damage is avoided/rectified.

PLANNING POLICIES

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP2 - TD CORE STRATEGY - ECONOMY,
CP4 - TD CORE STRATEGY - HOUSING,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
NPPF - National Planning Policy Framework,
EN23 - TDBCLP - Areas of High Archaeological Potential,
M4 - TDBCLP - Residential Parking Provision,

LOCAL FINANCE CONSIDERATIONS

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 £38,000

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£8,633
Somerset County Council (Upper Tier Authority)	£2,158

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£51,795
Somerset County Council (Upper Tier Authority)	£12,949

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are the principle of development and viability, the impact of the proposed development upon visual amenity and the character and appearance of Wiveliscombe Conservation Area, highway safety, parking provision and residential amenity.

Development principles and viability

The application site is located within the settlement limit of Wiveliscombe, which is a town identified as being a Major Rural Centre within Policy SP1 of the Core Strategy. This location is considered to be sustainable and in general, planning policy supports the principle of new residential development in areas such as this.

Policy CP4 sets out the Council's policy for the delivery of housing within the plan period and notes that housing should be delivered in accordance with the settlement hierarchy established in Policy SP1. The Policy states that 25% of new housing should be affordable units and that contributions will be sought on sites of five or more dwellings. It is acknowledged that in exceptional circumstances, the viability of a scheme may be affected by the need to provide affordable housing and where this is the case a developer will be expected to provide full developmental appraisal demonstrating the level of affordable housing that would be appropriate.

The developer has indicated that viability is an issue at this site due to extenuating ground work and preparatory costs together with increased build costs that would be result of necessary design features that the Council require for the corner plot. A viability assessment of the development has been prepared by Three Dragons Ltd on the request of the Council. Officers are satisfied that the assumptions used within the report and the information provided by Gadd Properties are acceptable, and where there is a difference in costs between Gadds information and CIL Viability Appraisal (or other data), these are the result of site and development specific variations. The report demonstrates that the development would not be viable come forward if a 25% affordable housing requirement was insisted upon.. Officers consider that as specific evidence has been put forward and subsequently tested, that no affordable housing contribution should be made on this particular application.

Design, Scale and Impact upon Conservation Area

As has been noted within responses from statutory consultees and members of the public, the application site is located at an important gateway into Wiveliscombe; it is a prominent site and one that must be carefully designed if it is to be redeveloped. As with the previous application, there are strong concerns from local residents with regard to the design and impact of the building upon visual amenity, the street scene and the character and appearance of the Conservation Area.

In terms of design, the applicant has made every attempt to improve upon the previous scheme, which was a somewhat utilitarian style of design. The applicant has actively engaged with the Design Review Panel as promoted by the Council. Not all recommendations of the Design Review Panel have been incorporated within this latest design scheme.

The corner of the site at the junction between Croft Way and High Street is the most important part of the site from a design perspective, as it will be one of the key features of the town at this prominent cross road junction. The Council was previously concerned with the scale of the building and its dominance within this part of the Conservation Area, however one key recommendation from the Design Review Panel was that the building should be at least three storeys in scale, in order to make a statement upon entering the town. It also suggested that ridge and eaves heights should be continuous, adopt traditional fenestration proportions, to use high quality materials and to investigate the possibility of there being no parking provision given the central location of the site; parking appeared to be a driver in the design approach which the panel felt was inappropriate.

The Council's Conservation Officer continues to have reservations over the three storey height of the corner building, but acknowledges that this is contrary the clear advice and guidance provided by the Design Review Panel. Despite this opinion and the concern raised with the previous application over the scale of the building, the guidance of the Design Review Panel is an important material consideration that should carry some weight. It is also important to consider that on a site immediately West of the existing warehouse building, planning permission was previously granted for a large three storey building. That permission has now lapsed and the site is less dominant but it provides a demonstration that three storey development along Croft Way has been accepted previously. The facade of the corner building now provides for traditional window openings of a scale that reflects those along High Street and the opposite corner. The elevation is broken up with two small steps rounding the corner. In all the revised design and scale is, taking on board the professional recommendations of the Design Review Panel, considered to be more appropriate for the site.

Having regard to the terrace of new dwellings, the revised approach is considered to be far more appropriate to the previous scheme. The removal of the Southern projecting gable is positive and the use of traditional fenestration proportions likewise gives a better appearance to the buildings. Whilst there is a design concern regarding the brick soldier course above the windows and doors, it provides a contrast in appearance with the corner plot; utilising different finished materials will also break up the massing of the two buildings when seen from along Croft Way to the South. In all, whilst the loss of the original building is regrettable, the revised design of the terrace is considered to be appropriate. A watching brief can be put in place for the demolition of the building and subsequent works as to ensure that any archaeological finds are appropriately recorded.

Whilst I agree with the Conservation Officer that the design of the development continues to lack real zest, it is now considered to be of a standard that is unlikely to significantly harm the character and appearance of the Conservation Area. The site in it's current form currently detracts from the appearance of the Conservation Area and the impact of the proposed development is considered to be an enhancement to the area.

Highway safety and parking

One of the key objections raised to the proposed development from members of the

public concerns highway safety, a perceived increase in vehicle movements over the access and pavement, and a reduction in visibility at this busy junction. It is noted, and it has been observed, that the footpath and highway along High Street are well used by both adults and children. The Highway Authority similarly object to the proposed development.

The application provides for 4 parking spaces with 1 space being allocated to each of the two bedroom terrace dwellings. When compared against the SCC Parking Strategy there is a shortfall of 12 spaces whilst against retained Policy M4 of the Local Plan there is a shortfall of 8 spaces. Due to concerns over an increased use of the access, a balance must be struck between the numbers of vehicles parked on site and utilising the access onto High Street and the impact that substandard parking provision will have upon highway safety and the free flow of traffic. The access has been widened since originally submitted so as to allow two vehicles to pass at any one time.

The previous application was refused due to the lack of parking and no justification being provided for car free or lowering parking thresholds for the development. It is therefore disappointing that the latest submission continues to provide very little analysis of transport and parking provision, especially a capacity assessment of the Croft Way and North Street public car parks to ascertain what level of surplus space may be available. From the Planning Officer's own visits to both car parks, which have been numerous, it has always been found that there is space available, particularly at Croft Way Car Park.

Wiveliscombe has a wide range of employment opportunities and services required for day to day living, but it is remote from any other major urban area and despite the bus service, there will likely be a certain level of dependency upon private car. The town centre already has a number of historic properties that do not benefit from private off road parking. That said, it should be capable of accommodating a small number of one bedroom flats that do not benefit from parking.

Notwithstanding the above, Wiveliscombe is identified as being a Major Rural Centre within Policy SP1 of the Core Strategy. This location is considered to be sustainable and in general, planning policy supports the principle of new residential development in areas such as this. With this in mind, a certain level of self-containment may be possible and it may therefore be reasonable to allow four car free one bedroom properties to be provided. Since the previous refusal, the site has been discussed at length and the Design Review Panel were of the opinion that parking should not be a driver towards resisting development of this important site. It has since become apparent that there are limit areas within the town centre where additional roadside parking can be achieved without flouting double yellow parking restrictions. The lack of parking for the terrace properties can, in my opinion, be consumed within public car parks so as not to result in additional roadside parking that would cause significant detriment to highway safety.

Having regard to the access and its use by up to four motor vehicles, it is acknowledged that visibility to the North and South along High Street will be reduced by the development. That said, the number of vehicle movements are likely to be significantly less than those associated with the use of the existing building and by those with permission to park their vehicles in the car park. Whilst again no details of trip movements have been provided, the development will, in my opinion, reduce

vehicle movements over the access. The reduction in visibility is not a great scenario but if the site is to be delivered then there must be some flexibility. Overall, the harm to pedestrian safety is not considered to be significant given the low level of vehicle movements involved with the proposed use. Additional parking and any subsequent reduction in turning area within the site can be controlled by way of condition.

Amenity

Objection to the development has been raised regarding private rights of access to neighbouring properties. It should be noted that such is a civil matter that would, if there was an issue, need to be resolved aside from planning. That said, there appears to be unrestricted access through the rear courtyard that will allow access to neighbouring properties.

Objection has also been raised with regard to loss of light, privacy and outlook to neighbouring flats, especially 18 and 18a High Street, which are within the building immediately North of the site. The proposed development has the potential to have an adverse impact upon the amenity of neighbouring properties in two forms; firstly the proposed building to the corner plot will reduce the amount of natural daylight and outlook to the first floor and ground floor windows of 18 and 18a High Street. However, officers do not consider privacy to these two flats to be adversely affected.

Secondly, the proposed terrace of four dwellings will give rise to the possibility of some overlooking of neighbouring gardens at the rear which are currently well enclosed due to the proximity of the existing warehouse building, which abuts the neighbouring garden. With regard to overlooking and privacy, four bedroom windows will face North; the four bathroom windows will be obscure glazed and controlled by condition. In addition, there is quite a change in site levels between the proposed terrace and gardens to the North; at first floor level it is likely that the erection of new boundary fencing will ensure that the privacy of the neighbouring property can be protected to an appropriate level and such could be secured by way of condition. I do not consider the adverse impact and loss of privacy from the four bedroom windows at first floor level to be significant.

These were issues also with the original application. At the time, the benefits of the development were not considered to outweigh the adverse impact upon amenity. The principle element of concern with regard to neighbouring amenity remains the loss of light and outlook to the windows of the flats at 18 and 18a High Street. Here, the built form and mass of the corner building, virtue of its proximity to the existing building, will result in an impact that cannot be overcome through conditions or amendments at this time. That said, as with the previous application, the harm is not considered to be significant and the property fronting onto High Street has another window at first floor level serving a room that would be affected through the loss of outlook and light to its South facing window.

The proposed development has now been revisited and its design improved upon following guidance from the Design Review Panel. It is considered to be an important site worthy of development and, on the basis of the good design now being employed, the benefit of the development to the wider area and community is considered to outweigh the adverse impact upon neighbouring amenity.

Conclusions

The principle of providing development at the site remains acceptable and the revised design scheme, whilst still lacking in architectural zest, is now considered to be acceptable. The principle recommendations of the Design Review Panel have been taken on board and incorporated within the revised proposals. The development will provide for a feature building of an appropriate design, scale and finished appearance that will, in my opinion, maintain the character and appearance of Wiveliscombe Conservation Area.

There remain issues with parking provision and amenity, however not all matters can be overcome with development and in weighing this proposal up, it is considered that the benefits of the scheme outweigh the harm described above. It has been demonstrated that the provision of affordable housing would make the development unviable and therefore the absence of affordable units must regrettably be accepted.

Having regard to the above matters, it is recommended that planning permission be granted subject to conditions.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469