



## PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 19TH APRIL 2006 AT 17:00.

(RESERVE DATE : MONDAY 24TH APRIL 2006 AT 17:00)

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### AGENDA

1. Apologies
2. Minutes of the meeting of the Planning Committee held on 29 March 2006 (attached).
3. Public Question Time
4. WELLINGTON - 43/2006/016 Report Item  
CONSTRUCTION OF NEW BUSINESS PARK INCLUDING FORMATION OF NEW ROUNDABOUT, PUMPING STATION AND LAGOON, AT LAND ADJOINING CHELSTON FARM HOUSE
5. WIVELISCOMBE - 49/2006/008 & 49/2006/009CA Joint Report Item  
ERECTION OF 14 RESIDENTIAL UNITS WITH ASSOCIATED PARKING, GARAGES AND AMENITY SPACE, DEMOLITION OF OLD BREWERY BUILDINGS AT THE OLD HANCOCK BREWERY, GOLDEN HILL, WIVELISCOMBE
6. MILVERTON - 23/2006/001  
RETENTION OF CHANGE OF USE OF LAND FROM AGRICULTURAL TO USE FOR STORAGE OF TIMBER, RETENTION OF EARTH BUND, RETENTION OF BRIDGE AND RETENTION OF ROADSIDE FENCE AT FOURACRE SAWMILLS AT STATION ROAD, MILVERTON
7. OAKE - 27/2006/002  
CONVERSION OF BARN TO SINGLE DWELLING WITH DEMOLITION OF DUTCH BARN, PARLOUR AND PART OF ADJOINING COVERED YARD AT KNAPP FARM, HILLFARRANCE AS AMENDED BY LETTER RECEIVED 1ST MARCH, 2006 WITH ATTACHED PLANS
8. PITMINSTER - 30/2006/007  
CHANGE OF USE OF LAND TO ENABLE CAR PARK TO BE USED AS A SITE FOR SUNDAY MARKET, INCLUDING REPOSITIONING OF VEHICULAR ACCESS AND ALTERATIONS TO PARKING LAYOUT, TAUNTON RACECOURSE, ORCHARD PORTMAN
9. STAWLEY - 35/2006/002  
ERECTION OF REPLACEMENT DWELLING AT MEADOWS FARM,

GREENHAM, WELLINGTON AS AMENDED BY AGENTS LETTER DATED 27TH MARCH, 2006 WITH PLAN NOS. R2388/01A, R2388/05 AND SITE PLAN

10. TAUNTON - 38/2005/390  
ERECTION OF 6 NO. 2 BED FLATS AND 2 NO. 1 BED FLAT WITH 8 NO. ON SITE PARKING SPACES AT FORMER SERVICE STATION, PRIORSWOOD PLACE, DORCHESTER ROAD, TAUNTON, AS AMENDED BY AGENTS LETTER DATED 22ND SEPTEMBER, 2005 AND PLAN NOS. 04012/101A, 102A, 103A AND 104B
11. TAUNTON - 38/2006/019  
ERECTION OF REAR EXTENSION AND PROVISION OF DISABLED FACILITIES AT 26 WELLESLEY STREET, TAUNTON.
12. TAUNTON - 38/2006/031CA  
DEMOLITION OF NON-LISTED BUILDINGS AT FORMER SCAT ANNEXE, STAPLEGROVE ROAD, TAUNTON
13. TAUNTON - 38/2006/033  
REDEVELOPMENT COMPRISING 74 APARTMENTS IN 3 BLOCKS, CONVERSION OF TWO LISTED BUILDINGS TO THREE DWELLINGS, PROVISION OF ASSOCIATED PARKING AND FACILITIES AND ALTERATIONS TO ACCESS, FORMER SCAT ANNEXE, STAPLEGROVE ROAD, TAUNTON
14. TAUNTON - 38/2006/072  
ERECTION OF SINGLE STOREY DWELLING, 38 EASTWICK ROAD, TAUNTON
15. TRULL - 42/2005/045  
RETENTION OF FARM BUILDINGS WITHOUT COMPLYING WITH CONDITION 06 OF PERMISSION 42/2004/036, MILL LANE, TRULL
16. TRULL - 42/2005/046  
CONSTRUCTION OF DRESSAGE AREA AND CHANGE OF USE OF FARM BUILDINGS TO STABLES, EQUESTRIAN USE AND HAY STORE AT HAYGROVE BARN, TRULL
17. WELLINGTON (WITHOUT) - 44/2006/004  
ERECTION OF 50 BED ELDERLY MENTALLY INFIRM HOME TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING AND UPGRADED DRAINAGE SYSTEM, CHELSTON PARK RESIDENTIAL AND NURSING HOME, WEST BUCKLAND ROAD, WELLINGTON
18. WELLINGTON (WITHOUT) - 44/2006/006  
CHANGE OF USE AND CONVERSION OF BARN TO SINGLE DWELLING, BARN OFF LITTLE SILVER LANE, MIDDLE GREEN, WELLINGTON
19. WIVELISCOMBE - 49/2006/006  
DEMOLITION OF DWELLING AND ERECTION OF REPLACEMENT DWELLING AND CHANGE OF USE OF LAND FROM AGRICULTURAL TO DOMESTIC, AT HIGHER GRANTS, FORD, WIVELISCOMBE.

20. WIVELISCOMBE - 49/2006/007  
CONVERSION OF BARN TO DWELLING, HIGHER GRANTS, FORD,  
WIVELISCOMBE.
21. COMEYTROWE - 52/2006/004  
ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSION  
AT 37 SCAFELL CLOSE, TAUNTON
22. E345/43/2005 - DISPLAY OF ADVANCE SIGN AT TAUNTON ROAD, Wellington Enforcement Item  
WELLINGTON
23. NORTH CURRY - 24/2005/033LE  
CERTIFICATE OF LAWFUL USE: LAND AT REAR OF YOUNG  
OAKS, WRANTAGE

G P DYKE  
Member Services Manager

The Deane House  
Belvedere Road  
TAUNTON  
Somerset

TA1 1HE

12 April 2006

TEA FOR COUNCILLORS WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM NO.2.

Planning Committee Members:-

Councillor Mrs Marie Hill (Chairman)  
Councillor Mrs Marcia Hill (Vice-Chairman)  
Councillor Mrs Allgrove  
Councillor Miss Cavill  
Councillor Clark  
Councillor Croad  
Councillor Denington  
Councillor Floyd  
Councillor Guerrier  
Councillor Henley  
Councillor C Hill  
Councillor Hindley  
Councillor House  
Councillor Lisgo  
Councillor Phillips  
Councillor Mrs Smith  
Councillor Stuart-Thorn  
Councillor Wedderkopp



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



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Website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

## Planning Committee – 29 March 2006

Present: Councillor Mrs Marcia Hill (Vice-Chairman) (In the Chair)  
Councillors Mrs Allgrove, Clark, Croad, Denington, Floyd, Henley,  
C Hill, House, Lisgo, Phillips, Mrs Smith, Stuart-Thorn and  
Wedderkopp

Officers: Mr T Burton (Development Control Manager), Mr J Hamer (Area  
Planning Officer (West)), Mr G Clifford (Area Planning Officer (East)),  
Mr R Upton (Area Planning Officer), Mrs J M Jackson (Senior Solicitor)  
and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm.)

### 33. Apologies

The Chairman (Councillor Mrs Marie Hill) and Councillors Miss Cavill, Guerrier  
and Hindley.

### 34. Minutes

The minutes of the meeting held on 1 March 2006 were taken as read and  
were signed.

### 35. Applications for Planning Permission

The Committee received the report of the Development Control Manager on  
applications for planning permission and it was RESOLVED that they be dealt  
with as follows:-

- (1) That the **detailed plans be approved** for the under-mentioned  
development, subject to the standard conditions adopted by Minute No  
86/1987 of the former Planning and Development Committee and such  
further conditions as stated:-

#### **23/2005/049**

#### **Erection of agricultural workers dwelling on land to south of Lower Park Farm, Wiveliscombe (reserved matters)**

(Note to applicant:- Applicants attention is drawn to the conditions of  
the outline consent 23/2002/027. In particular, you are advised to  
submit a landscaping scheme in accordance with the plan produced by  
the Council's Landscape Officer sent to your agent.)

#### **Reason for approving detailed plans:-**

The proposal was considered to comply with Government guidance  
and Taunton Deane Local Plan Policies S1, S7 and H12 and material  
considerations did not indicate otherwise.

- (2) That **planning permission be granted** for the under-mentioned developments, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

(The Senior Solicitor (Mrs J M Jackson) declared a personal interest in the following application and left the meeting during its consideration.)

**06/2006/002**

**Erection of dwelling at garage at land to rear of 9 Church Street, Bishops Lydeard (revised application 06/2005/021)**

**Conditions**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C215 – walls and fences;
- (e) Before the access hereby permitted is first brought into use, surfacing details of the proposed turning area that incorporates measures to minimise the impact upon tree roots in accordance with British Standard 5837 (Trees in relation to construction) shall be submitted to, and approved in writing by, the Local Planning Authority. Such turning space shall be kept free of obstruction at all times;
- (f) The dwelling hereby permitted shall not be occupied until two parking spaces for the dwelling have been provided in a position approved by the Local Planning Authority. The said spaces and access shall not be used other than for parking of vehicles or the purpose of access;
- (g) C917 – services – underground;
- (h) C205 – hard landscaping;
- (i) P001A – no extensions;
- (j) P003 – no ancillary buildings;
- (k) P006 – no fencing;
- (l) P010 – no further windows;
- (m) Detailed proposals for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of development. The agreed details shall be fully implemented before the commencement of the development hereby approved;
- (n) The mitigation measures for protected species set out in the submitted survey for protected species dated 22 June 2005 and the method statement for the translocation of slow worms received on 24 February 2006 shall be carried out as part of the development.

(Notes to applicant:- (1) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto the Company's infrastructure; (2) N112 – energy conservation; (3)

N115 – water conservation; (4) With regard to condition (m), applicant was advised that Wessex Water have confirmed that there are existing surface water drains. Surface water should also be kept separate from foul drainage. Soakaways may therefore be required that should be positioned so as not to cause damage to tree roots. You are further advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

**Reason for granting planning permission:-**

The proposal for residential development was located within defined settlement limits where new housing was encouraged. The proposed access would be satisfactory and the development would not have a detrimental impact upon visual amenity, residential amenity or the character and appearance of the Conservation Area and the setting of adjacent listed buildings. As such, the proposal accorded with Taunton Deane Local Plan Policies S1, S2, H2, EN14, EN16 and M4.

**12/2006/009**

**Erection of new timber stables and garaging in rear yard of farmhouse, Brook Farmhouse, Corfe**

**Conditions**

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) The development hereby approved shall be limited to the domestic and private needs of the occupiers of Brook Farmhouse and shall not be used for any business/commercial use whatsoever.

**Reason for granting planning permission:-**

The proposed development would not adversely affect the setting of the listed building, road safety, visual amenity or the character or appearance of the Area of Outstanding Natural Beauty. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1, S2, EN16 or EN10.

**14/2006/002**

**Erection of extension above garage to form two storey extension to side and erection of single storey lean to extension to rear of By Canal Cottage, Creech St Michael**

**Conditions**

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) P011 – no windows on the south elevations.

**Reason for granting planning permission:-**



The proposal by reason of its siting, size, bulk and materials respected the character of the area and caused no demonstrable harm to neighbour amenity in accordance with Taunton Deane Local Plan Policies S1, S2 and H17.

**20/2006/003**

**Removal of condition 04 of planning permission 20/1979/005 (agricultural tie) on the Old Cider House, Pickney, Kingston St Mary**

**Reason for granting planning permission contrary to the recommendation of the Development Control Manager:-**

The Committee felt that given the current decline in agriculture, the tie on the property was no longer applicable and should be removed.

**25/2006/003**

**Formation of second borrow pit to obtain earth works construction material for proposed dam (planning permissions 25/2001/036 and to 25/2005/036), area to be back filled and restored to agricultural use when construction of dam has been completed, land west of Montys Lane, Norton Fitzwarren**

**Conditions**

- (a) C001A – time limit;
- (b) The operations shall be completed within one year of commencement of works, unless otherwise agreed in writing by the Local Planning Authority;
- (c) The material from the borrow pit shall only be used to supply the proposed dam the subject of planning permissions 25/2001/036 and 25/2005/036;
- (d) C910B – archaeological access;
- (e) The proposal shall be carried out generally in accordance with the details submitted with the planning application, unless otherwise agreed in writing by the Local Planning Authority;
- (f) No work shall be commenced on the proposed development until such time as Montys Lane has been widened to 6m in width in accordance with the approved plans, except as otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) With regard to condition (d), applicant was advised that the County Archaeologist would be able to provide a specification for this work and a list of suitable archaeologists to undertake it; (2) Applicant was advised to ensure that there is no adverse impact on Wessex Water infrastructure; (3) Applicant was advised to have regard to the “Code of Practice on the use of borrow pits and the disposal of waste from highway construction and structural maintenance schemes” devised in agreement and published by the Planning Officers Society and the County Surveyors Society with

endorsement from the Association of Metropolitan District Engineers in 1995.)

**Reason for granting planning permission:-**

The proposed development was part of a package of comprehensive flood alleviation works which were proposed for Norton Fitzwarren. It was considered that the works would remove the flood plain from the village and protect existing dwellings from flood events. It would also facilitate housing development which met national policy demands. The proposal complied with Taunton Deane Local Plan Policies S1, S8, C16, EN26, EN28 and EN29.

**38/2006/041**

**Erection of two flats and dwelling on land to east of St Albans Place and next to junction with St Patricks Road, Taunton**

**Conditions**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) Each dwelling hereby permitted shall not be occupied until one parking space for the dwelling has been provided in accordance with the approved plan. The said spaces and access thereto shall thereafter be kept clear of obstruction and not used other than for the parking of vehicles or for the purpose of access;
- (d) Parking spaces hereby permitted shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (e) The parking spaces hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access;
- (f) C201 – landscaping;
- (g) C215 – walls and fences;
- (h) All fenestration shall be recessed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development commences;
- (i) P001A – no extensions;
- (j) P003 – no ancillary buildings;
- (k) P006 – no fencing;
- (l) All first floor windows on the western and southern elevations shall be obscure glazed and thereafter shall be so maintained and there shall be no additional windows added to these elevations without the written consent of the Local Planning Authority.

(Notes to applicant:- (1) N061A – Highways Act – Section 184 permit; (2) Applicant was advised that two private sewers (Taunton Deane Borough Council) cross the site and at least one of these sewers will require diversion.)

**Reason for granting planning permission:-**

The proposed development would not adversely affect road safety or visual or residential amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2, H2 or M4.

(Councillor Floyd declared a personal interest in the following application and left the meeting during its consideration.)

**42/2006/002**

**Erection of replacement detached garage and single storey extension to rear of dwelling at Byways, Dipford Road, Trull**

**Conditions**

- (a) C001A – time limit;
- (b) C102 – materials.

**Reason for granting planning permission:-**

The proposal by reason of its size, scale and materials respected the character and appearance of the dwelling and the locality and caused no demonstrable harm to residential amenity in accordance with Taunton Deane Local Plan Policies S1, S2 and H17.

- (3) That **planning permission be refused** for the under-mentioned developments, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

**41/2006/003**

**Erection of poultry building at Glebe Farm, Tolland (Scheme B, Phase 1)**

**Reason**

The proposed development would constitute an undesirable intrusion into an attractive area of open countryside to the detriment of the visual amenities of the locality and character and appearance of the Brendons Landscape Character Area. As such, the proposal was contrary to Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

**Reason for refusing the application contrary to the recommendation of the Development Control Manager:-**

The Committee felt that the proposal would harm the visual amenity and rural character of the area.

**41/2006/004**

**Erection of poultry building at Glebe Farm, Tolland (Scheme B, Phase 2)**

**Reason**

The proposed development would constitute an undesirable intrusion into an attractive area of open countryside to the detriment of the visual amenities of the locality and character and appearance of the Brendons Landscape Character Area. As such, the proposal was contrary to Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

Reason for refusing the application contrary to the recommendation of the Development Control Manager:-

The Committee felt that the proposal would harm the visual amenity and rural character of the area.

**36. Change of use of agricultural buildings to B1 industrial use at land and buildings formally known as Gardeners Hall Farm, Bradford on Tone (07/2006/003)**

Reported this application.

RESOLVED that subject to the receipt of a satisfactory wildlife survey, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C101 – materials.

**Reason for planning permission, if granted:-**

The proposed use was considered appropriate for the building and the proposal would not harm the integrity of the building or the character, visual and residential amenity of the area and therefore did not conflict with Policies S1, S2 AND EC6 of the Taunton Deane Local Plan.

**Reason for granting planning permission contrary to the recommendation of the Development Control Manager:-**

The Committee was of the view that, taking into account the existing and proposed uses of the farm buildings, the use of the existing access would not present such a hazard as to justify refusal of the application.

**37. Change of use and conversion of building to 75 apartments, retention of office space to frontage, roof extension, external alterations and associated facilities at Telephone House, The Crescent, Taunton (38/2006/047)**

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement by 3 April 2006 relating to:-

either (1) Sport and recreation contributions, an appropriate level of affordable housing and an education contribution; or (2) 100% affordable housing to be secured through an agreement with a Registered Social Landlord, the

Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) Any alterations to the existing fabric of the building shall be made good in materials to match the existing unless otherwise agreed in writing by the Local Planning Authority;
- (d) The windows hereby approved shall be of a vertical sliding sash design unless otherwise agreed in writing by the Local Planning Authority;
- (e) The windows and doors of the development hereby permitted shall be timber framed and thereafter, timber framed windows and doors shall be retained unless otherwise agreed in writing by the Local Planning Authority;
- (f) C201 – landscaping;
- (g) C215 – walls and fences;
- (h) Details and samples of the materials to be used for the surfaces of the courtyard, access and parking areas shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (i) The proposed access, parking and turning area shall be constructed and marked out in accordance with details shown on drawing No 300-01-021 and shall be available for use before occupation of the dwellings hereby approved;
- (j) Before the development hereby approved is occupied, a lockable sheltered cycle parking facility shall be provided within the site;
- (k) Details of the external appearance of any refuse and cycle storage shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site;
- (l) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) there shall be no installation of satellite dishes on the building unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning authority.

(Notes to applicant:- (1) Applicant was advised to seek provision of a communal satellite dish to serve flats within the building; (2) Applicant was advised to contact the Taunton Vision Delivery Team regarding the compatibility of the proposal and the future Crescent Car Park re-development.)

**Reason for planning permission, if granted:-**

The development, subject to conditions, was a sustainable town centre use that complied with Taunton Deane Local Plan Policies S1, S2, H2, H3, H10, H19, EC9, M4, C4, C5 and EN15 and material considerations did not indicate otherwise.

Also RESOLVED that should the Section 106 Agreement not be completed by 3 April 2006, the Development Control Manager be authorised to refuse planning permission as the development would be contrary to Taunton Deane Local Plan Policies C4, C5 and H9.

**38. Erection of 15 metre mast, associated antenna, ground based cabinets and ancillary equipment at Trull Green Farm, land off Claremont Lane, Trull (42/2006/005TEN)**

Reported this application.

RESOLVED that subject to the receipt of satisfactory amended plans by 3 April 2006, the Development Control Manager be authorised to determine the application in consultation with the Chairman and if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C201 – landscaping;
- (c) C101 – materials.

(Note to applicant:- Applicant was advised that the development hereby permitted should not be carried out otherwise than in strict conformity with the details shown on the approved plans and contained in the form of application and in any other documents accompanying such application or contained in any approved amending document, unless the written consent of the Local Planning Authority is given to any variation thereto.)

**Reason for planning permission, if granted:-**

The siting and design of the mast minimised harm to the landscape and there were no alternative sites or solutions with less environmental impact. As such, the proposal was in accordance with Taunton Deane Local Plan Policies S1, S2 and C14.

Also RESOLVED that should the satisfactory amended plans not be submitted by 3 April 2006, the Development Control Manager be authorised to refuse planning permission as the proposal would be contrary to Taunton Deane Local Plan Policy EN6.

**39. Change of use of agricultural land to domestic curtilage at land adjacent to 1 Calway Cottage, West Buckland (46/2006/001)**

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 5 April 2006, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C215 – walls and fences.

(Note to applicant:- With regard to condition (b), applicant was advised that a new hedge should be planted on the new northern boundary of the garden and appropriate details should be submitted.)

**Reason for planning permission, if granted:-**

The proposal did not constitute an intrusive feature and was in keeping with the character of the rural surroundings in accordance with Taunton Deane Local Plan Policies S1, S2 and S7.

**40. Construction of infrastructure works including roads, sewers and drainage/flood attenuation works (Phase 2), Cotford St Luke (06/1998/042)**

Reference Minute No 26/2005, reported that a site meeting had been held with representatives of the developers, the Environment Agency and the County Highway Authority to consider what options were available to increase the width to the required 2m of part of the footway/cycleway which ran northwards from Burge Crescent, Cotford St Luke.

Such widening works could not be implemented without restricting the floor and volume of the existing ditch which ran alongside the footway/cycleway. The Environment Agency had therefore stated that restrictions of this nature would not be acceptable.

Although it was unfortunate that a full width footway/cycleway could not be provided for this small 50m length of development, the route was hard surfaced to 75% of the normally required width and would link with a narrow gravel public footpath beyond the Cotford St Luke development. Due to the stance of the Environment Agency, it was considered that encroachment into the area of the adjacent ditch to provide the additional width for the footway/cycleway would be inappropriate.

Members accepted that the footway/cycleway could not be widened at its "pinch point" but felt that it should still be adopted by the County Highway Authority.

RESOLVED that subject to confirmation being received from the County Highway Authority that the footway/cycleway off Burge Crescent, Cotford St Luke would be adopted, the Development Control Manager in consultation with the Chairman be authorised to approve the amended plan under the minor amendment procedure.

**41. Provision of timber lodge for residential purposes at Hele Vale Farm, Waterrow, Wiveliscombe**

Reported that despite planning permission being refused, a timber lodge used for residential purposes which had been erected on land at Heale Vale Farm, Waterrow, Wiveliscombe currently remained in position.

RESOLVED that:-

- (1) Enforcement action be taken to remove the unauthorised timber lodge from the land at Hele Vale Farm, Waterrow, Wiveliscombe; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**42. Use of land as a scrap yard and for the stationing and residential use of caravans at the former Nursery, Wrexon, Trull, Taunton**

Reference Minute No 18/2005, reported that an enforcement notice had been served on the owner of the former Nursery at Wrexon, Trull to stop using the land as a scarp yard and to station caravans.

An appeal against the enforcement notice had been lodged with The Planning Inspectorate on the basis that the use of the land had ceased and that the site was being cleared. A site visit confirmed this situation and, on that basis, the enforcement notice had been withdrawn.

However complaints had recently been received that the activity of a scrap yard had re-commenced and the site was untidier than before.

RESOLVED that:-

- (1) Further enforcement action be taken to stop the current change of use of land at the former Nursery, Wrexon, Trull; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**43. Access track, extension and increased roof height to building, land to the rear of Culverhay Cottage, Culverhay Lane, Wiveliscombe**

Noted that this report had been withdrawn from the agenda as an application for planning permission had now been submitted.

(The meeting ended at 8.41 pm.)



43/2006/016

SUMMERFIELD DEVELOPMENTS SW LTD

**CONSTRUCTION OF NEW BUSINESS PARK INCLUDING FORMATION OF NEW ROUNDABOUT, PUMPING STATION AND LAGOON, AT LAND ADJOINING CHELSTON HOUSE FARM**

15303/20793

OUTLINE APPLICATION

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**1.0 RECOMMENDATION**

I recommended that subject to:-

- (i) the removal of the Article 14 Direction imposed by the Highways Agency;
- (ii) the further views of the County Highway Authority, Highways Agency, Wessex Water, Environment Agency, Drainage Officer, Somerset Wildlife Trust, Environmental Health Officer, Nature Conservation and Reserves Officer and any further conditions they may require;
- (iii) the receipt of further Traffic Generation figures;
- (iv) the receipt of initial wildlife surveys;
- (v) the receipt of further drainage layout details, siting of the surface water attenuation facility, further details of surface water drainage and details of access for the maintenance of the attenuation pond;
- (vi) the applicants entering into a Section 106 Planning Agreement to provide cycle and pedestrian links and on-road cycle lane and contribution towards a tendered bus service, construction of roundabout and commuted sums towards the maintenance of the lagoon by TDBC; and

the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
- 01 Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.

- 02 Within a period of 3 years from the date of this permission, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 02 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 03 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 03 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 04 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 05 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 06 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 06 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN6.

- 07 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 07 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Policy EN8.
- 08 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 08 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 09 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.
- 09 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 10 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 10 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Policies EN6 and EN8.
- 11 The details of the proposal shall broadly equate to the schedule of building uses received 13th January, 2006.
- 11 Reason: To ensure that the proposed development does not prejudice the amenities of the locality in accordance with Taunton Deane Local Plan Policy S1(E).
- 12 The proposed development shall only be accessed by a new roundabout constructed in accordance with drawing number 9334 C109 received 13th February, 2006.
- 12 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 13 Any existing vehicular accesses to the site shall be stopped up (and the verge crossings reinstated) and their use permanently abandoned within one month of the new access first being brought in to use.
- 13 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 14 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site

- except within the building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.
- 14 Reason: In the interests of the visual amenity of the area and in compliance with Taunton Deane Local Plan Policy S1(D).
- 15 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied.
- 15 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 16 The layout of the site shall be so designed as to provide for the comprehensive development of the land with the adjoining land to the east (proposed livestock market site at Chelston Heathfield).
- 16 Reason: To ensure that the development of the adjoining land is not prejudiced by the development permitted, in accordance with Taunton Deane Local Plan Policies S1 and S2.
- 17 All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.
- 17 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).
- 18 A schedule of timing of works to existing trees and hedgerows shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any work on site.
- 18 Reason: In the interests of the wildlife of the area, in accordance with Taunton Deane Local Plan Policies S2(C) and EN5.
- 19 Before any development commences, details of lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the use of appropriate location, orientation, timing, shading and power to avoid any illumination of off-site areas.
- 19 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 20 Before the development hereby permitted is commenced, details of the appearance of any electricity sub-station shall be submitted to and approved in writing by the Local Planning Authority.
- 20 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 21 The Mitigation Measures set out in the Ecological Report submitted with the Environmental Statement shall be carried out in accordance with further details to be submitted to and approved in writing by the Local Planning Authority.
- 21 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

Notes to Applicant

- 01 Your attention is drawn to the requirements of The Building Regulations 2000 Part M Access and facilities for disabled people, the advise in BS 8300 and the Disability Discrimination Act. Generally speaking a level access will be required for your proposed building(s). An early assessment of site levels will avoid expensive alterations at a later date. If you would like to discuss your proposal with the Councils Access Surveyor, Mr E J Norton, please do so on 01823-356476.
- 02 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 04 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 05 Your attention is drawn to the need to provide reasonable access for Fire Appliances, and you are advised to contact The Chief Fire Officer, Divisional Fire Headquarters, Lisieux Way, Taunton, TA1 2LB. In addition, when plans are available, a copy of them should be sent to the Chief Fire Officer at the above address so that advice can be given on the desired fire safety measures which should be incorporated in the proposal.
- 06 Access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000.
- 07 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

REASON(S) FOR RECOMMENDATION:- The proposed development is consistent with the Local Plan strategy, given the proximity to the M5 and use of the site for warehousing, manufacturing and related distribution is in line with government advice in PPG13. The proposal is considered to be in compliance with the criteria set out in Taunton Deane Local Plan Policy W4.

- (2) Should the S106 not be completed by 12<sup>th</sup> May, 2006 and the outstanding issues not be resolved by that time the Development Control Manager in consultation with the Chair/Vice Chair be authorised to REFUSE permission as contrary to Taunton Deane Local Plan Policies S1, M1, M3, EN3, EN5, EN6, EN26 and W4.

## 2.0 **APPLICANT**

### 3.0 **PROPOSAL**

The proposal is for a new business park at land adjacent to the A38 at Chelston Heathfield, near Wellington. This 20 hectare site is allocated in the Local Plan under policy W4 for B1, B2 and B8 uses. An indicative layout shows a large Regional Distribution Centre as well as a range of different sized other industrial buildings.

The application is in outline only however details of means of access form part of the application and details of landscaping, siting, design and external appearance are reserved for future consideration.

Other than B1, B2 and B8 uses, a hotel, vets, public house and car showrooms are proposed. The floor area of the B1, B2 and B8 uses amounts to 58,636m<sup>2</sup>, whereas the remaining uses represent roughly 10% (6,130m<sup>2</sup>) of the combined floor area of the development.

The applicants have also submitted details of a proposed roundabout, within the application site and details of cycle links. An Environmental Statement is also provided and includes a landscape and visual impact statement, noise assessment, transport assessment, environmental statement, ecology/habitat survey, hydrological survey and drainage/ flood risk assessment.

### 4.0 **THE SITE**

The application site lies close to Wellington, adjacent to Chelston roundabout and the A38. Immediately to the north east corner of the site beyond the roundabout is Chelston, which largely consists of a number of dispersed groups of dwelling houses, together with a business park. There are also a number of isolated farms and nurseries in the immediate area of the application site, with the closest dwellings being adjacent to the south east corner of the site at Little Jurston Farm, The Bungalow to the east of the site, Chelston House to the North of the site and Jurston Farm to the south east corner of the site. The site comprises 20 ha of agricultural land. It is generally flat with existing hedges crossing it and bordering it.

### 5.0 **RELEVANT PLANNING HISTORY**

Of main relevance is application 43/1996/075 for use of agricultural land for B1, B2 and B8 uses with access to the B3187 and application 43/1996/070 for a Regional Distribution Centre for Lidl stores. Both applications were withdrawn on 17<sup>th</sup> May, 1999 as they were prejudicial to the outcome of the Local Plan and Lidl's requirements for warehousing were satisfied elsewhere. At that time the site was in the Deposit Draft version of the Local Plan that hadn't been formally adopted at that stage. The site was therefore not formally allocated for employment use as is the case now.

## 6.0 **RELEVANT PLANNING POLICIES**

### **Regional Planning Guidance for the South West**

Policy VIS 1 Expressing the Vision

Policy VIS 2 Principles of Future Development

Policy SS 2 Regional Development Strategy

Policy SS 3 The Sub-Regional Strategy

Policy SS 5 Principal Urban Areas

Structure planning authorities should plan for the long term growth of the PUAs, on a basis to be agreed with the RPB. This will be necessary in order that the regional monitoring, both for this RPG and the Annual Monitoring Statement required by PPG3, to ensure a consistent and comparable basis; and as the best way to inform the required work for urban housing capacity exercises. Planning should involve all the districts for the area of each PUA, with early outputs for a new round of co-ordinated structure plans following publication of this RPG, using:

- urban housing capacity studies for the whole PUA, using existing and additional research;
- constraints mapping for PUA extensions, using existing and additional research; and for the Bristol, Bournemouth/Poole, Exeter, Plymouth, Swindon, Cheltenham and Gloucester and Taunton PUAs;
- urban extension studies which, where relevant, will need to take account of and be taken into account in reviews of any Green Belt, including transportation and infrastructure needs (including costs) studies.

Structure plans should define the general geographic extent of each PUA, in the same way that the general extent of Green Belt is set out. They should support forward planning and investment in infrastructure and a more sustainable distribution of development by:

- providing for a balance of housing and employment in towns with good facilities and services, thus reducing the need to travel to the PUAs;
- providing an indicative target in structure plans for the number of dwellings and the amount of other developments to be located at each PUA;
- producing compact urban developments likely to be well served by public transport;
- identifying major transport proposals for inclusion in LTPs and where appropriate in the Regional Transport Strategy.

Policy SS 6 Other Designated Centres for Growth

Policy SS 14 Taunton

Local authorities, developers, infrastructure and transport providers and other agencies should work together to achieve the following for Taunton:

- an enhanced role as a focal point for increasingly diversified economic activity and as a commercial, cultural and service centre for the central part of the region;
- balanced housing and economic development, facilities and services consistent with the town's enhanced role;
- investment in transport and other infrastructure and facilities to support this strategy, including measures to address capacity problems at M5 junction 25.

#### Policy SS 19 Rural Areas

Market towns should be the focal points for development and service provision in the rural areas and this role should be supported and enhanced. Outside market towns, development should be small scale and take place primarily within or adjacent to existing settlements, avoiding scattered forms of development. Local authorities in their development plans should:

- locate development to support the rural areas primarily in market towns, identified and designated in development plans through a balanced mix of homes, jobs, services and facilities suitable to the scale and location of such settlements;
- adopt policies which support the restructuring of the rural economy and the provision of jobs to satisfy local needs;
- set out policies for supporting sustainable farm diversification schemes which help to maintain the viability of the agriculture sector and rural economic vitality;
- seek ways of providing for essential shops and services to serve the rural areas;
- promote improved and integrated public transport, communications and service delivery and support innovative community based solutions to public transport and communications, in order to increase access to jobs, housing and facilities;
- limit housing growth in market towns near larger urban areas where it would fuel commuting rather than meet local needs.

### **Somerset and Exmoor National Park Joint Structure Plan Review**

STR1 Sustainable Development

STR6

DEVELOPMENT OUTSIDE TOWNS, RURAL CENTRES AND VILLAGES

Development outside Towns, Rural Centres and Villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

STR7 Implementation of the Strategy

POLICY 1 Nature Conservation



POLICY 5 Landscape Character

POLICY 7 Agricultural Land

POLICY 13 Locally Important Archaeological Remains

POLICY 16

PROVISION OF LAND FOR INDUSTRIAL, WAREHOUSE AND BUSINESS DEVELOPMENT

Provision will be made for about 405 Ha (115Ha in TDBC) of land for industrial, warehouse and business development. Provision should be made for the inclusion of such uses in mixed-use development sites where appropriate.

POLICY 17 Mixed-use developments

POLICY 18

LOCATION OF LAND FOR INDUSTRIAL, WAREHOUSING & BUSINESS DEVELOPMENT

When determining the location of land for employment generating activities, in the context of other policies in the plan, consideration should be given to the following:

- where significant levels of freight traffic are likely to be generated, sites should be located close to the existing County or National road network or rail facilities;
- activities which are environmentally compatible with other land uses may be located within or adjoining such existing or proposed uses;
- activities which are not compatible with other land uses should be located where their impact on the local environment can be mitigated;
- large developments with high employment density activities should be located close to established public transport nodes.

POLICY 19

EMPLOYMENT AND COMMUNITY PROVISION IN RURAL AREAS

In rural areas provision should be made for development which creates or enhances local employment, shopping or community facilities, including development necessary for the purposes of agriculture and development associated with the diversification of agricultural units.

POLICY 39 Transport and Development

POLICY 42 Walking

POLICY 44 Cycling

POLICY 45 Bus

POLICY 48 Access and Parking

POLICY 49 Transport Requirements of New Development

**Taunton Deane Local Plan**

S1 General Requirements

S2 Design

S3 Mixed Use Developments

S7 Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and:

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific development plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable:

- (E) avoid breaking the skyline;
- (F) make maximum use of existing screening;
- (G) relate well to existing buildings; and
- (H) use colours and materials which harmonise with the landscape.

S8 Best and Most Versatile Agricultural Land

EC1 Employment Development

EC7 rural Employment Proposals

M1 - M3 Transport, Access and Circulation Requirements of New Development

M5 Cycling

EN3 Local Wildlife and Geological Interests

EN5 Protected Species

EN6 Protection of Trees, Woodlands, Orchards and Hedgerows

EN9 Tree Planting

EN12 Landscape Character Areas

EN16 Listed Buildings

EN26 Water Resources

EN34 Control of External Lighting

W4 A site of 20 hectares at Chelston, as shown on the Proposals Map, is allocated for light and general industry and warehousing development. In association with the development the following will be sought:-

- (A) a roundabout to provide site access from the A38;
- (B) a cycle and pedestrian link with the B3187;
- (C) on-road cycle lane between the site and Wellington Town Centre;
- (D) contributions towards a tendered bus service between Wellington town centre and the site incorporating an on site passenger collection and set down point for a period of five years;
- (E) structural landscaping and implementation of a landscaping scheme; and
- (F) appropriate measures to ensure adequate drainage and flood prevention measures.

## 7.0 **RELEVANT CENTRAL GOVERNMENT ADVICE**

### **Planning Policy Statement 1 - Delivering Sustainable Development**

The following paragraphs are particularly relevant:-

Paragraphs 3 and 4

Paragraph 5 Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;

- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Paragraph 8

**Planning Policy Statement 7 – Sustainable Development in Rural Areas**

The Government’s objectives are set out in the Statement as follows:-

- (i) To raise the quality of life and the environment in rural areas through the promotion of:
  - thriving, inclusive and sustainable rural communities, ensuring people have decent places to live by improving the quality and sustainability of local environments and neighbourhoods;
  - sustainable economic growth and diversification;
  - good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside; and
  - continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources.
  
- (ii) To promote more sustainable patterns of development:
  - focusing most development in, or next to, existing towns and villages;
  - preventing urban sprawl;
  - discouraging the development of ‘greenfield’ land, and, where such land must be used, ensuring it is not used wastefully;
  - promoting a range of uses to maximise the potential benefits of the countryside fringing urban areas; and
  - providing appropriate leisure opportunities to enable urban and rural dwellers to enjoy the wider countryside.
  
- (iii) Promoting the development of the English regions by improving their economic performance so that all are able to reach their full potential – by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies. underpins strong economies.
  
- (iv) To promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants. Planning authorities have an important

role to play in delivering the Government's objectives for rural areas, through their operation of the planning system and the application of the policies set out in this and other PPS and Planning Policy Guidance Notes.

The following paragraphs from the National Planning Policies section are particularly relevant:-

Paragraph 1 (iv) New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

Paragraph 5 Planning authorities should support a wide range of economic activity in rural areas. Taking account of regional priorities expressed in RSS, and in line with the policies in paragraphs 2-4 above, local planning authorities should:

- (i) identify in LDDs suitable sites for future economic development, particularly in those rural areas where there is a need for employment creation and economic regeneration;
- (ii) set out in LDDs their criteria for permitting economic development in different locations, including the future expansion of business premises, to facilitate healthy and diverse economic activity in rural areas.

Paragraph 6 People who live or work in rural areas should have reasonable access to a range of services and facilities. Local planning authorities should:

- (i) through their LDDs, facilitate and plan for accessible new services and facilities, particularly where;
  - planning permission is granted for new developments in country towns or other local service centres; or
  - settlements, or the population of their rural catchments, are expanding; or
  - there is an identified need for new or expanded services to strengthen the role of a particular local service centre.
- (ii) where possible, ensure that new development in identified service centres is supported through improvements to public transport, and to walking and cycling facilities, provided in partnership with the developer where appropriate;

- (iii) identify suitable buildings and development sites for community services and facilities to meet the needs of the whole community, including disabled users;
- (iv) support mixed and multi-purpose uses that maintain community vitality; and
- (v) support the provision of small-scale, local facilities (e.g. childcare facilities) to meet community needs outside identified local service centres, particularly where they would benefit those rural residents who would find it difficult to use more distant service centres. These local facilities should be located within or adjacent to existing villages and settlements where access can be gained by walking, cycling and (where available) public transport.

Paragraph 14 The policies in this section apply to the largely undeveloped countryside that separates cities, towns and villages. Whilst much of the land use activity in the countryside is outside the scope of the planning system, planning has an important role in supporting and facilitating development and land uses which enable those who earn a living from, and help to maintain and manage the countryside, to continue to do so. RSS should recognise the environmental, economic and social value of the countryside that is of national, regional or, where appropriate, sub-regional significance. Policies in RSS and LDDs should seek to maintain and enhance these values, so enabling the countryside to remain an important natural resource, contribute to national and regional prosperity and be enjoyed by all.

### **Planning Policy Statement 13 – Transport**

The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to:

1. promote more sustainable transport choices for both people and for moving freight;
2. promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
3. reduce the need to travel, especially by car.

The following paragraphs are particularly relevant:-

Paragraph 6 In order to deliver the objectives of this guidance, when preparing development plans and considering planning applications, local authorities should (amongst other criteria):-

- protect sites and routes which could be critical in developing infrastructure to widen transport choices for both passenger and freight movements.

- ensure that development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking, and cycling, recognising that this may be less achievable in some rural areas

Paragraphs 32 Local authorities should adopt a positive, plan-led approach to identifying preferred areas and sites for B1 uses which are (or will be) as far as possible highly accessible by public transport, walking, and cycling. They should give reasonable flexibility in terms of the range of employment uses which are appropriate on identified sites. Businesses should make every effort - for instance by adopting travel plans - to encourage car sharing, and use of non-car modes of transport.

## 8.0 **CONSULTATIONS**

### **Highways Agency**

“The information we have received is incomplete and insufficient for us to evaluate the proposals for their possible impact on the trunk road network. Our consultants Colin Buchanan have been in contact with the applicant's consultants to try to resolve this matter, but have been unable to do so within the consultation period.

We are therefore issuing a Direction of Non-approval, which directs that Taunton Deane Borough Council shall not grant consent for this development for a period of six months from the date of the enclosed form TR110. This Direction does not, however, preclude your Council from refusing the application if it is so minded.”

### **County Highway Authority**

“We have a problem with the Traffic Generation figures submitted with the application. Both ourselves and the Highways Agency think that the traffic generation is underestimated by 200 - 300 vehicles in the peak hours. This will have an effect on any works that need to be carried out offsite as well as the design of the Site Access Roundabout. I am not looking to refuse the development but it is essential that all issues are worked through. “

### **Environment Agency**

“The Agency OBJECTS to the proposed development, as submitted, on the following grounds:

Although the applicant has provided a Flood Risk Assessment, the Agency is not satisfied in respect of the drainage layout and siting of the surface water attenuation facility. Additionally, it must be noted that any culverting of the watercourse will require a formal Land Drainage Consent from the Agency.

The applicant is advised that the current culverting proposal is not acceptable to the Agency.

Accordingly, the applicant is advised to contact Mrs Sarah Fotheringham, at this office (tel: 01278 484706) to discuss the above issues further.

In the event of its objection to this proposal being subsequently overcome, the Agency must request that any approval is subject to the following conditions:

**CONDITION:** Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable paving areas, hardstandings for vehicles, commercial lorry parks and petrol filling facilities, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

**REASON:** To prevent pollution of the water environment.

**Note:** It is recommended that a pen stock or similar arrangement is placed at the outlet of the surface water lagoon, or a smaller pond is located between the industrial estate and the lagoon which could be isolated. This would ensure that should a spillage occur on the site, it can be contained and prevented from entering the watercourse, and thus prevent pollution of controlled waters.

The surface water lagoon must be maintained in order to prevent excess sediments from entering the watercourse. There should be a point of contact responsible for the maintenance of the lagoon.

It should be noted that the watercourse downstream at Ham is partially culverted and is occasionally subject to blockage. Accordingly, investigations must be undertaken to ensure that any surface water discharged from the lagoon will not exacerbate problems downstream.

**CONDITION:** The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.

**REASON:** To prevent pollution of the water environment.

**NOTE:** Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the agent.

**CONDITION:** No development shall commence until additional ecological survey work, with particular emphasis on protected species, has been undertaken during the summer months.



REASON: Several protected species are only evident during the summer months of the year.

NOTE: The Agency is concerned that the ecological survey work was undertaken in March and November. The Agency would have expected a survey to have been conducted in spring or summer when a greater variety of species, including some protected species, would have been more evident.

CONDITION: There shall be no infilling of the lower section of Field I adjacent to the Brook.

REASON: To conserve the existing riparian habitats along the Brook in accordance with PPS 9.

NOTE: The proposed footprint of the hard development appears to protrude into the potential floodplain of the watercourse. On a site visit there appeared to be some wetland interest in this area adjacent to the brook This is not specifically identified in the Ecological Report.

CONDITION: No development shall commence until a clear plan of mitigation has been submitted to and formally approved by the Local Planning Authority. Such a plan should show areas where mitigation will occur and include appropriate plans of planting care and/or after care of the site. The plan should also indicate how areas of litigation will be managed in the future, identify an appropriate body to carry out future care and maintenance and any financial provisions necessary.

REASON: To ensure that mitigation works and areas are clearly identified and to ensure that the works are carried out and maintained in future.

NOTE: Although there are recommended ecological mitigations within the Ecological Survey Report and the Environmental Statement, there is no separate plan of mitigation.

In addition, the following comments must be noted:-

With regard to water resources issues, it must be noted that the storage of rainfall collected from roofs and hard standing areas does not require a Licence to Abstract Water. Stored rainfall can be used for any purpose without licensing control. However, if rainfall is stored in a pond that also receives inputs from surface and/or groundwater sources, a formal Abstraction Licence may be required from the Agency for the removal of water from the pond. Advice should be sought from the Agency's Regulatory and Technical Water Resources staff (tel: 01278 484709).

The applicant/developer must be aware that it is their responsibility to ensure that the development does not adversely affect any existing legal water interests in the area. In addition, local water interests in the area such as wells and springs etc, must not be adversely affected.

All works must be undertaken in accordance with the Agency's Pollution Prevention Guidance notes (PPG's) which are available from this office or the Agency's internet site. Particular reference should be made to:- General Pollution Prevention Note (PPG 1), Working Near Watercourses (PPG 5) and Construction Sites (PPG 6).

If recycled inert material (e.g. rubble, hardcore, topsoil, subsoil) is to be imported into the site for landscaping or other purposes, a formal exemption from Waste Management Licensing maybe required. Under such circumstances, a written application, including details of the nature and quantity of material to be used together with a location plan, should be submitted to the Agency's West Somerset Area Environment Management Team, at this office, prior to works commencing.

All waste material arising during construction must be disposed of at a suitably licensed waste management facility.

During construction the following pollution prevention measures must be adopted, where applicable:

Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks.

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed. All necessary steps must be taken to prevent sediment loads from entering the watercourse, in order to prevent pollution of controlled waters.

Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded to control spillage and leakage.

This Agency must be notified immediately of any incident likely to cause pollution.”

### **Wessex Water**

“We have forwarded details of your proposals to our Engineers, and are awaiting their comments. When we have received these , we will be able to respond in detail.”

### **Chief Fire Officer**

#### **“Means of Escape**

Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

#### **Access for Appliances**

Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

### Water Supplies

All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

### **Somerset Wildlife Trust**

“Thank you for your consultation on this matter. We apologise for the delay to our response and hope our comments can be taken into consideration.

We have studied the response of the Somerset Environmental Records Centre which shows that this site is situated close to Cades Ponds County Wildlife Site which supports great-crested newts and dormice. These species are protected under the Wildlife and Countryside Act 1981.

We share the concerns of the Nature Conservation and Reserves Officer that insufficient investigation has been carried out into the presence these protected species on site. This work is essential if appropriate mitigation is to be put in place as part of the development.

The Somerset Wildlife Trust would therefore like to register a holding objection to this application until such time as the application site has been more thoroughly surveyed for the presence of protected species. We strongly support the recommendations made by English Nature regarding protected species work on site.

We would be most grateful to be kept informed of developments in the survey work on this site and would be interested to see a copy of any further ecological reports. “

### **Somerset Environmental Records Centre**

The Somerset Environmental Records Centre records that there are legally protected species, veteran trees, garden and ponds with legally protected species, linking hedgerows with protected species within 1Km of the site.

### **Landscape Officer**

“Relevant Policies EN8, EN9., EN12, EN25, EN34, S2 and S8.

Survey – The hedgerow surveys give no indication of their historic importance of which are likely to be ‘important’ if recorded on tithe maps.

My main concern however is that although the buildings in terms of their sitting, size and colour have been well considered the wider landscape assessment has not translated into a master plan that would properly integrate a major development site into the local landscape.

- \* The road frontage landscape is important to provide wider landscape mitigation as well as a setting for the development but in my opinion is very thin and does little to soften the impact of the proposed frontage buildings.
- \* The north and south boundaries provide little mitigation and buildings are shown unrealistically close to the proposed planting – see Chelston Phase 2 for more likely proximity.
- \* given the topography of the site I think it is important to provide a substantial landscape buffer on the higher ground so that longer term the buildings will be seen against woodland/structure planting.
- \* The important axis between West Buckland and Wellington church's should be kept visually open but does not appear to have been considered.

Is the lagoon within the development site?

Overall I consider that there is insufficient landscape mitigation to properly integrate the proposals into the local landscape or meet the identified landscape planning policies.”

### **Nature Conservation & Reserves Officer**

“Survey work to identify protected species on site has not been carried out. In the pre application advice, both English Nature and TDBC considered the need for survey work to be done to establish whether dormice, great crested newts and bats (water voles may also inhabit the site) are present on site and to provide details of necessary mitigation. This work is essential because of the proximity of the Cades Ponds County Wildlife Site and adjacent land where these species are known to be present. Any necessary measures to protect species should be in place, through conditions etc, before permission is granted.

Due to there being a reasonable likelihood of protected species being present on site I recommend that there is insufficient information to determine this application.”

### **Planning Policy**

“This application forms part (17.29 hectares) of the land allocated under policy W4 (Chelston House Farm,) in the adopted Local Plan (2004). The application is in outline but contains a detailed layout, which raises a number of issues:

1. What is the future of the remaining allocated land? For example, access to the fields south of the application is indicated but with different highway shading and over a planting belt. Can the applicant give any indication regarding delivery of a later phase? Is this indicated access to be a ransom strip? Does/should the TA give consideration of

- access requirements for the whole allocation rather than just the current proposal?
2. Whilst a roundabout from the A38 is required under policy W4, I note an arm is indicated into the proposed Livestock Market site. It should be noted that this may not be required (or even acceptable) if the livestock proposals do not come to fruition.
  3. Structural landscaping and implementation of a landscaping scheme is required. The Landscape and Heritage team will no doubt comment on the adequacy of the submission but I am concerned that some frontages onto the ASS and B31S7 contains barely a 10 metre strip, and often without any screening. The extent of screening to the western boundary (Little Jurston Farm) is also very weak. This aspect of the application needs enhancing with a more appropriate solution.
  4. Policy W4 also requires a cycle link between the Business Park and Wellington town centre. This needs to be coordinated with the proposals for the adjoining Cades Farm. As shown, it appears to be on the wrong side of the road to tie into the Cades proposal. Contributions to public transport links are also required under this policy.

My remaining comments concern what is actually proposed on site.

The application is in outline but contains a detailed schedule for 19 units totalling 64766 sq m gross internal together with a detailed layout plan.

Although the schedule and layout cannot form part of the decision for an outline, I am concerned at some of the uses indicated and any inferred acceptance by this Council of some of the uses proposed. For the avoidance of any doubt, I believe the description should be amended from 'Business Park' for which there is no use class to the Class of uses acceptable. These I detail below:

Class B1, B2, B8 Policy W4 (Chelston House Farm) allocates 20 hectares for 'light and general industry and warehousing development'. These uses are acceptable in principle, other than Class B1(a) offices, which would need to be restricted to a maximum of 600 sq m gross for the whole development in line with government policy and Local Plan policy ECIO (Major Travel Generators).

I note that unit 12 potentially exceeds this threshold on its own and could thus undermine policy and proposals in the Taunton Vision for locating large office use in Taunton town centre. If, at the detailed stage an end user was identified for unit 12 and they could demonstrate a functional requirement for a single user 'mixed use' unit then this could be considered on its merits.

Paragraph 9.39 of the Local Plan states that the allocation should 'maximise employment opportunities' by incorporating a range of small B1 starter units on the southern part of the site in order to assist the functioning of the local economy with a range of unit options. This appears to be lacking from the unit sizes in the schedule. The Chelston II development (also Summerfield) has successfully incorporated a number of such units in their current development.

Trade Counters. I have concern with this element of the schedule, which indicates 6969 sq m for such activity. There is no such use class as "Trade Counter". Trade Counters virtually without exception have a tendency to 'evolve' into retail. This site is not appropriate for retailing, which sequentially should seek to locate in town centres. Moreover, the recent Retail Capacity Study identified a figure of 8300 sq m gross additional large format retail floorspace required in the whole of Taunton Deane by 2011. The majority of this should be in the Taunton primary catchment, not Wellington.

This element is thus potentially requiring a sequential approach and is too large for Chelston unless a condition is attached (and monitored for compliance) stating:

"The use of the building) (specified units) hereby permitted shall be restricted to a Trade Only or other uses within class B8 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order and shall not be used for the direct sale of goods to the general public. "

This is usually undertaken by presentation of Trade card and registration of VAT number when making purchases which would need to be covered by a SI 06? Likewise, as a 'trade counter', the area where the public can access need only be a small waiting area (c20 sq m) without display shelving etc. Without such requirements the "trade counter" element should be refused as contrary to policy and resulting in the loss of employment land, contrary to policy EC9.

Other Sui Generis In its current state, this term is very vague and requires further clarification as to what is proposed.

The schedule and site plan layout indicates a hotel (Class C1) and pub (Class A4). A hotel would in the first instance be required to demonstrate that a sequential approach has been undertaken, focussing on Wellington town centre if that is the catchment area sought for such a facility. Clearly, as part of an integrated facility a restaurant would be acceptable as part of the hotel (not freestanding).

I can see no justification whatsoever for a freestanding pub in the Business Park which sequentially should be located in a defined centre such as Wellington, where opportunities exist.

Car showrooms would be acceptable in principle provided repairs etc were also undertaken on the premises and the extent of car/van type operations were controlled so that the primary use of the Business Park remained clear B1, B2 and B8 type uses."

**Drainage Officer**

"I note that in the environmental statement some preliminary work has been carried out regarding surface water discharges and the provision of SUDs within the site. They make the comment that a fully detailed design will be submitted for formal approval in due course. Their final design should be carried out in accordance with our Guidance Notes for Developers on Surface Water Drainage Issues and I enclose a copy which should be forwarded to the applicant.

I note that they also propose that TDBC will maintain any attenuation pond provided. If this is the case then its design will require approval of the Council's Heritage and Landscape Officer and will be subject to all relevant commuted sums required. Also a designated access route will have to be provided.

A section of watercourse at this location is to be culverted to gain access to this pond, which is shown outside the application boundary. This will require the approval of the Environment Agency and TDBC.

All these points should be addressed before any approval is given."

#### **Wellington Town Council**

"Is in favour."

#### **Nynehead Parish Council**

"As you will know from our responses to previous applications in the Chelston/Wellington area, such as the proposed market, the parish council is very concerned at the traffic problems that large-scale developments in this location will cause. Not only is the Chelston roundabout on the main route from Nynehead to Taunton we are sure that these developments will increase the traffic on the Nynehead-Langford Budville road, by-passing Wellington in the absence of a northern relief road for the town. There is no indication on the documents we have received of any proposals to improve the capacity of the Chelston roundabout.

Unfortunately as the notification is dated 8th March it just missed our March meeting and we are unable to arrange a special meeting in the fourteen days you allow for a reply, despite the fact that the application is date-stamped 13th January. The application will be considered by the council at its next meeting on 3rd April." (9th March, 2006)

#### **Wellington Without Parish Council**

"The Parish Council are well aware of the intention to develop this site into a Business Park. The Parish Council noted the development will be well served for vehicle access via a new roundabout but consider the planning authority should also consider how safe pedestrian access can be provided to this and other developments being considered along the ASS Wellington bypass - the

Council consider a tarmacadam pedestrian path should be provided alongside the bypass” (14th March, 2006)

## 9.0 **REPRESENTATIONS**

Four letters of representation have been received making the following points:-

1. Proximity of the development to neighbouring properties.
2. The potential noise of vehicles coming and going units will have an adverse effect on current enjoyment of our property.
3. The buffer zone between Chelston House Farm who own the land is 45 m, the buffer zone to our property is only 10 m.
4. The site is overdeveloped and does not have enough for landscaping to hide the development.
5. The proposal repeats the mistakes of the previous developments placing commercial interests above good long term planning.
6. A restaurant and hotel should not be given visual prominence.
7. The site is linked by a roundabout to the proposed livestock market however if the market does not take place I would not want the site to become an industrial estate.
8. Light pollution.
9. Concern that the fields between Wellington and Taunton will all become developed.
10. Siting and size of buildings in the south west region of the development should respect the setting of the Grade II Listed Jurston Farm.
11. There are no records of the water level of the watercourses in the vicinity.
12. Flooding issues.
13. Pollution.

## 11.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

- A. Is the proposal compliant with the Development Plan Policies? POLICY
- B. Is access to the site adequate? ACCESS
- C. Is the site capable of being satisfactorily screened? LANDSCAPING



- D. Will the proposal be acceptable from a noise point of view? NOISE
- E. Are the proposed drainage arrangements acceptable? DRAINAGE
- F. Are the arrangements for water supply to the site adequate? WATER SUPPLY
- G. Would the ecology of the site be adversely affected? ECOLOGY
- H. Does the proposal provide for sustainable development? SUSTAINABILITY
- I. OTHER ISSUES

### **A. Policy**

One of Central Government's objectives for rural areas is to promote thriving, inclusive and sustainable rural communities which allows for sustainable economic growth and diversification. Promoting sustainable, diverse and adaptable employment uses is a central part of this and facilitating healthy and diverse economic activity in rural areas is a key policy of Central Government. PPS7 states that people who live or work in rural areas should have reasonable access to a range of services and facilities and that planning authorities should adopt a positive approach to planning proposals designed to improve services and facilities.

The Development Plan policy context for the site is set out in the Country Structure Plan and the Taunton Deane Local Plan. The Somerset & Exmoor National Park Joint Structure Plan Review comments that 115Ha of land for industrial, warehouse and business development should be allocated for such mixed-use development sites where appropriate. The Taunton Deane Local Plan specifically allocates this site for the latter uses and as such there is a presumption in favour of the development of the site. Furthermore the proposal is considered to comply with Policy S7 of the Local Plan as it accords with a specific development plan policy or proposal, namely Policy W4 and provides an economic benefit to the area.

In terms of meeting the criteria of Policy W4, subject to a legal agreement the proposal will provide a roundabout with access from the A38, cycle and pedestrian links with the B3187, on-road cycle lane between the site and Wellington town centre and contributions towards a tendered bus service. A landscape master plan has been submitted that has several weaknesses, (See section C below) however this plan is for indicative purposes only and the matter has been reserved for future consideration. Drainage and flood prevention measures as submitted are also considered to be substandard however the issues are capable of being resolved (See section E). Notwithstanding landscaping and drainage and flood prevention measures the proposal accords with the criteria of Policy W4.

The proposal does provide for uses other than B1, B2 and B8, namely the hotel, car showroom, vets and public house however these uses are

considered ancillary to and would assist the enablement of the development as a whole.

## **B. Access**

A Transport Statement has been commissioned by the applicants that confirms a willingness to confirm with the highway requirements of Policy W4 and that the planned access will be co-ordinated with the Taunton Market relocation.

In terms of individual traffic movements, the Transport Statement indicates that the development will attract 287 arrivals and 136 departures during morning peak hour and 180 arrivals and 328 departures during evening peak hour.

The Highway Authority and Highways Agency have estimate that the traffic flows have been underestimated by 200 - 300 vehicles in the peak hours. This will have an effect on any works that need to be carried out offsite as well as the design of the Site Access Roundabout. The Highways Authority are in consultation with the applicants and have however confirmed that subject to more accurate modelling and appropriate off site works, no objections would be raised.

The Highways Agency has issued a Direction under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 which directs that the planning authority shall not grant permission for the application until they have assessed the impact of the development for possible adverse effects on the M5 motorway. Further discussions are on-going in this matter.

## **C. Landscaping**

As mentioned above, the Environmental has Statement indicates that landscaping and planting works are to form an integral part of the design. This has not however been reflect in the landscape master plan that has several weaknesses as described in the Landscape Officers report. This application is only in Outline and landscaping is a matter reserved for future consideration. At this stage therefore a landscaping condition is proposed and the applicants will be asked to address the Landscape Officers concerns at the Reserved Matters, detailed stage.

## **D. Noise**

The Noise Assessment Report submitted as part of the Environmental Statement noted that the two nearest residential properties are Little Jurston Farm and Chelston house. The consultants concluded that there would be no special noise investigation required as a result of the proposed development. The proposal is therefore considered acceptable from a noise point of view. The methodology has yet to be confirmed by Environmental Health.

## **E. Drainage**

As stated in the Drainage Officers comments the scheme should be constructed in accordance with Sustainable Urban Drainage (SUD's) policy. Only preliminary drainage survey work has been carried out and as it stands the level of information is unacceptable. The latter is confounded by the Environment Agency's objection to the proposal with respect to the drainage layout and siting of the surface water attenuation facility. Additionally the Environment Agency has commented that any culverting of the watercourses will require a formal Land Drainage Consent from the Agency. Again it is considered that the objections received can be overcome though the submission of appropriate details and the applicants are understood to be in consultation with the Environment Agency.

### **F. Water Supply**

Provision of water supply to the buildings will be by connection to the existing Wessex Water main running along the western side of the A38. However, Wessex Water has indicated that further investigation by their engineers is required for full consideration to be given.

### **G. Ecology**

The Ecological Report prepared as part of the Environmental Statement has assessed the fields, hedges, protected species and surrounding areas in association with the proposed development.

The report identifies that 1110m of hedgerows will need to be removed for the development however the importance of these hedges has not been established but is considered to be a significant local impact. The consultants claim that mitigation measures such as replanting and where possible translocating sections of hedgerow will reduce the overall impact to an impact of low importance. The fields themselves are identified as improved grassland with a low ecological value.

The report concludes that protected species such as newt, bats and dormice have been recorded within 2Km of the site and acknowledges that further survey work must be carried out in the next favourable surveying season. Accurate survey work for dormice for example can take up to 6 months however provided that an initial survey is received before 29<sup>th</sup> April 2006 it is considered appropriate to condition further survey work and mitigation measures.

### **H. Sustainability**

The application site is close to the motorway and the main road network which is required for this type of operation which is reliant on good communication links for HGVs travelling from the catchment area. Improved cycle and bus links will also mean that the need for employees to use the motor car will be reduced.

The site is of limited ecological value and the proposal enables enhancement and diversity of wildlife interest in the area.

The applicants are being urged to adopt sustainable drainage methods.

### **I. Other Issues**

In terms of alternative sites the local plan has identified viability, feasibility and appropriateness of the site and therefore it is not considered relevant for the applicant to look for alternative sites. The site has been in agricultural use throughout known history and there has been no contamination uses on the land itself. The impact upon the setting of the Listed Jurston Farm was considered at the

## **11.0 CONCLUSION**

This site is of key importance in meeting Taunton Deane's targets for the provision of land for industrial, warehouse and business development as there is a recognised regional and local shortfall in the availability of such premises.

The site is located near junction 26 of the M5 and a minimal distance away from Wellington in order to achieve realistic cycling distances and minimum disruption to bus routes.

The Taunton Deane Local Plan specifically allocates this site for the employment uses and as such there is a presumption in favour of the development of the site. The specific criteria relating to this allocated site are considered to be met furthermore the proposal is considered to comply with Policy S7 of the Local Plan as it accords with a specific development plan policy or proposal and provides an economic benefit to the area.

The Environmental Statement identifies minimal impact to the surrounding area and consultation responses have revealed that traffic, hydrological, ecological and other decisive factors can be favourably resolved. My recommendation is therefore a favourable one.

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

**CONTACT OFFICER: 356469 MR R UPTON**

BARN RESTORATIONS

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

308279/127911

FULL

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1.0 **RECOMMENDATION**

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

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for rendered areas and brick walls shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 The external surfaces of the development hereby permitted shall be of materials as indicated in the application form and plans and no other materials shall be used without the written consent of the Local Planning Authority.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 04 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied.

- 04 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 05 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 06 During the period of demolition and construction, screening shall be placed around the site to the satisfaction of the Local Planning Authority, and shall be completely removed when the development is completed.
- 06 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 07 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any of the units are occupied.
- 07 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 08 The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles (a motor vehicle) for domestic purposes only.
- 08 Reason: In order that satisfactory parking facilities are maintained in accordance with Taunton Deane Local Plan Policy M4.
- 09 The proposed parking areas and spaces manoeuvring areas, unloading areas, and footpaths shall be properly consolidated, drained, surfaced in a material to be submitted to and approved by the Local Planning Authority, and thereafter maintained, and marked out before the occupation of the units hereby approved or at such time as agreed by the Local Planning Authority, and shall not be used for any other purpose than the parking/manoeuvring or unloading of vehicles in association with the development hereby permitted.

- 09 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 10 The garages shown on the approved plans shall be constructed and available for use as garages at the time of occupation of the associated residential units, and retained for parking of vehicles only for so long as the development remains.
- 10 Reason: In order to ensure that sufficient parking is maintained in accordance with Taunton Deane Local Plan Revised Deposit Policy S1A.
- 11 All services shall be placed underground.
- 11 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).
- 12 The applicant shall, at his own expense, appoint a suitably qualified consultant with a remit to examine the premises and identify what measures, if any, may be necessary to ensure that odours from existing sources will not cause nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Local Planning Authority, together with any odour reduction scheme recommended and the reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Local Planning Authority prior to the commencement of development works on the northern building. The agreed works shall be carried out prior to the northern part of the building being occupied.
- 12 Reason: In order to avoid the new residents being subjected to unacceptable level of odour from the adjoining industrial occupiers in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(A) and (F).
- 13 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end

use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).

- 13 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).
- 14 The developer shall advise all prospective purchasers of the dwellings hereby permitted, that the site is adjacent to existing industrial occupiers and that a degree of noise, disturbance and odour is likely to occur.
- 14 Reason: In order that the residents are forewarned of the adjacent users in accordance with Taunton Deane Local Plan Policy S1(F).
- 15 Full details of all surface water, foul water, fresh water and any other sewerage systems both for the proposed development and for any other premises served by such systems in the application site shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The details shall provide for the commissioning of any replacement sewers or supplies prior to the decommissioning of the existing systems. The details shall include evidence that there is sufficient capacity in the existing adopted sewer system for any new or diverted foul sewage waste. Any proposed changes to the approved scheme shall be agreed in writing by the Local Planning Authority prior to implementation. The approved scheme shall be fully implemented prior to occupation of the first dwelling unit.
- 15 Reason: The Local Planning Authority wish to ensure that satisfactory drainage and water is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 16 The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully developed and is in place as detailed in the Greena



Ecology Consultancy Report recommendations and mitigation which accompanied the application.

- 16 Reason: To maintain the status of bats and their roosts bearing in mind that bats and their roosts are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c.) Regulations 1994.
- 17 All bathroom/toilet windows on the north elevation shall be permanently fixed shut and glazed as specified on the approved plans. If any ventilation is included in the north elevation, it shall be only in the form of outlets associated with a positive internal pressure ventilation system and inlets for such systems shall not be in the north elevation.
- 17 Reason: In order to protect the amenities of the residents from noise and smells from the adjoining occupiers in accordance with Taunton Deane Local Plan Policy S1(F).
- 18 Before any works are carried out for the removal of any fill the developer shall submit to the Local Planning Authority for approval full details of the proposals for the stabilisation of the adjoining land including the results of a geotechnical survey and structural calculations for any retaining structures. Any retaining structures thereby required shall be in position prior to occupation and any of the residential units hereby approved.
- 18 Reason: To ensure the safety and stability of those parts of the cellars and building and adjoining land to be retained in accordance with Taunton Deane Local Plan Policy EN15.
- 19 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) there shall be no addition or extension to the dwelling(s) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 19 Reason: The Local Planning Authority is not satisfied that the dwelling(s) could be extended without detriment to the amenities of the area or the existing dwelling in accordance with Taunton Deane Local Plan Policies S2 and H17.
- 20 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 20 Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Policies S1 and S2.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.

- 21 Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and to preserve the design and external appearance of the building(s) in accordance with Taunton Deane Local Plan Policies S1(D) and S2.
- 22 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and in particular noise from Exmoor Ales and Quantock Engineering premises will not cause nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. The agreed works shall be carried out prior to the dwellings hereby permitted being occupied.
- 22 Reason: To ensure that the residents of the proposed development are not disturbed by noise from the adjacent general industrial premises in accordance with Taunton Deane Local Plan Policy S1(F).
- 23 Development shall not commence until details of a scheme for the retention of Swifts nesting site (or the provision of a new nesting site) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for the implementation of the development which avoids any building, engineering or other operations likely to affect the nesting site or replacement site being undertaken between 1st May and 31st August inclusive. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.
- 23 Reason: To enable the Local Planning Authority to retain control over development in order to safeguard Swifts and its nesting site which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), in accordance with Taunton Deane Local Plan Policy EN5.
- 24 A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site and once works are complete. Any damage to the existing highway as a result of this development
- 24 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 25 No development approved by this permission shall be commenced, until a site investigation has been undertaken to determine the nature and extent of any contamination present. The investigation should include the following stages:- (1) A desk study, which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. If the potential for significant ground contamination is confirmed, this information should be used to produce:- (i) A detailed water interest survey to identify all wells, boreholes, springs and watercourses within 100 metres of the site boundary. (ii) A

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

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

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

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

#### Notes to Applicant

01 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

02 Noise emissions from the site during the demolition and construction phases should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800, Saturdays 0800 - 1300. All other times, including Public Holidays no noisy working.

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

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

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

06 The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form

a range of Sustainable Urban Drainage Systems (SUDs) for dealing with urban run off. It is strongly recommended that some form of SUDs be used at this proposed development.

- 07 Please note that whilst conditions 12 and 22 should mitigate the impact of the existing working practices from the adjacent premises, there may be occasions when noise and/or smell may be detectable to the residential properties, therefore Condition 14 has been added.
- 08 The Fire and Rescue Service advise:- 1. Means of Escape - means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. 2. Access for Appliances - Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. 3. Water Supplies - All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards. Contact West Area H.Q., The Fire Station, Lisieux Way, Taunton, TA1 2BT, telephone 273020.
- 09 You are advised that before any works are commenced, that you discuss and agree any disconnections and reconnection of any services, such that all such services are protected and maintained during any demolition, construction and any other works.
- 10 Wessex Water advise:- (1) The development is located within a sewerage area, with foul and surface water sewers available. (2) The developer has proposed to dispose of surface water to existing arrangements. (3) It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. (4) With respect to water supply, there are water mains within the vicinity of the proposal. Again, Connection can be agreed at the design stage. (5) It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.
- 11 The developer is reminded of the need to prevent mud being spread onto the public highway during construction.
- 12 It is acknowledged that much investigation has already taken place in respect of noise, odour and contamination issues. Please consult Taunton Deane Borough Council's Environmental Health Officer to discuss the further measures required.
- 13 The County Highway Authority recommend that all construction traffic should come via Old Brewery Road and that works vehicles should not attempt to access the site via Golden Hill. They recommend in the interests of driver/pedestrian safety, that it would be beneficial for the provision of a 33 m long forward visibility splay throughout the south-eastern bend of the private drive.
- 14 The current application states that the surface water resulting from the development will be drained into an existing combined system, presumably maintained by Wessex Water. This is acceptable from a highway viewpoint as no connection into a highway drainage system will be permitted due to the site remaining within private ownership.

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

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

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

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

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

49/2006/009CA

## BARN RESTORATIONS

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

308279/127911

CONSERVATION AREA CONSENT

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### 1.0 **RECOMMENDATION**

Consent be GRANTED subject to the following conditions:-

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

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

### 2.0 **APPLICANT**

Barn Restorations

### 3.0 **PROPOSAL**

**49/2006/008**

The application was accompanied by:-

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

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

The accommodation would comprise:-

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

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

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

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

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



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

#### **49/2006/009CA**

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

#### **4.0 THE SITE**

The site comprises a complex of The Old Brewery buildings including recent additions, at land to the west of Old Brewery Road, Wiveliscombe. The buildings range in height from single storey to three storey above ground with some buildings having 1 and 2 floors below existing made ground level. The buildings are mostly stone with some brick detailing, other clad portions and sheeted pitched roofs. There are also roller-shutter doors to some of the units. Much of the original flooring has been removed. The land slopes away steeply towards the east. The vehicular access from Old Brewery Road is private, as is the pedestrian access via The Mews to Golden Hill. There is a public footpath from Golden Hill which passes to the north of existing buildings, (not part of the application site), linking to Old Brewery Road via Coopers Heights. The application site is now without tenants, one the last being a car repair occupier in one of the southern units. There are a series of industrial and other occupiers in buildings sited just to the north/adjoining the application site, these including Exmoor Ales, Quantock Engineering and a car repairer.

#### **5.0 RELEVANT PLANNING HISTORY**

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

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

**49/2004/013** Conversion of main building, partial demolition, partial new building to form 14 residential units at the Old Hancock Brewery. Withdrawn May 2004.

**49/2004/012CA** Partial demolition of buildings. Withdrawn May 2004.

**49/2002/067** (Adjacent site) Change of use of part of Old Brewery to Antique Restoration and Sales. Approved October 2002.

**49/1997/050** Retention of use of unit 5 as preschool playgroup. Temporary permission granted until December 1999.

**49/1992/038** Use of building for car breaking and sale of used spares together with outside storage at unit 19. Approved December 1992.

**49/1990/005** Erection of building to form office and store for Exmoor Brewery. Approved March 1990.

**49/1989/052** Use of land for car sales at Unit 18. Refused November 1989.

## 6.0 **RELEVANT PLANNING POLICIES**

### **Somerset and Exmoor National Park Joint Structure Plan Review**

Policy STR1 Sustainable Development

Policy STR3 Rural Centres and Villages

Policy STR4 Development in Towns

Policy STR5 Development in Rural Centres and Villages

Policy STR 6 Development Outside Towns, Rural Centres and Villages

Policy 8 Outstanding Heritage Settlements

Policy 14 Archaeological Strategies

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

Policy 19 Employment and Community Provision in Rural Areas

Policy 33 Provision for Housing

Policy 35 Affordable Housing

Policy 48 Access and Parking

Policy 49 Transport Requirements of New Development

### **Taunton Deane Local Plan**

Policy S1 General Requirements

Policy S2 Design

Policy S4

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

## Policy H2

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

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

## Policy H9

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

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

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

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

#### EC9

Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site

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

#### M4 Residential Parking Requirements

#### C4 Standards of Provision

#### EN4

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

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

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

#### EN15

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

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

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

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

#### WV2

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

18.17 Within the centre of Wiveliscombe, the Courthouse and old Town Hall are historic buildings which form a significant part of the townscape. Appropriate proposals for the re-use of these buildings which would help to ensure their future are encouraged. The buildings at Golden Hill Brewery occupy an elevated position within the conservation area and are a prominent local landmark. Appropriate measures to improve the appearance of the area will be encouraged.

## 7.0 **RELEVANT CENTRAL GOVERNMENT ADVICE**

## **Planning Policy Statement 1 –**

Paragraph 5

Paragraph 17

Paragraph 18

Paragraphs 33 – 35 Design

## **Planning Policy Statement 23**

Contaminated Land

## **Planning Policy Guidance Note 3 -**

## **Planning Policy Guidance Note 4**

## **Planning Policy Guidance Note 14 Development on Unstable Land**

## **Planning Policy Guidance Note 15 – Planning and the Historic Environment**

## **Planning Policy Guidance 24**

Paragraph 2 General Principles

Paragraph 12 Noise sensitive developments

Paragraph 13 Measures to Mitigate Impact of Noise

Annexe 3 Guidance of Assessment of Noise

Paragraph 19 Industrial and Commercial developments

## 8.0 **CONSULTATIONS**

### **County Highway Authority**

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

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

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

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

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

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

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

### **County Archaeologist**

“As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.”

### **Environment Agency**

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

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

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

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

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

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

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

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

- refinement of the Conceptual Model, and

- development of a Method Statement detailing the remediation requirements.

REASON: To prevent pollution of the water environment.

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

In addition, the following comments must be noted:

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



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

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

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

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

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

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

### **Wessex Water**

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

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

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

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

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

### **Chief Fire Officer**

- “1. Means of Escape
  - 1.1 Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.
2. Access for Appliances
  - 2.1 Access for fire appliances should comply with Approved Document B5, of the Building regulations 20003.
3. Water Supplies
  - 3.1 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

### **Rights of Way**

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

### **English Nature**

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

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

### **Somerset Wildlife Trust**

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

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

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

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

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

### **Somerset Environmental Records Centre**

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

Non-Statutory: Country Wildlife Sites

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

Non-Statutory: County Geological Sites

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

One of more legally protected species have been found.”

### **Wiveliscombe Civic Society**

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

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

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

### **Landscape Officer**

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

### **Conservation Officer**

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

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

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

### **Nature Conservation & Reserves Officer**

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

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

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

### **Planning Policy**

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

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

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

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

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

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

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

### **Environmental Health Officer**

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

Recommended Conditions:-

### **NOISE**

Prior to the commencement of development works the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of premises on the completed development.

The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works. The agreed works shall be carried out prior to the building being occupied.

### **ODOUR**

Prior to the commencement of development works the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that odours from existing sources will not cause nuisance to the occupants of premises on the completed development.

The consultant shall submit a written report to the Planning, together with any odour reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works. The agreed works shall be carried out prior to the building being occupied.

### **CONTAMINATED LAND**

Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that maybe present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:

- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations.
- (b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action.
- (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site.
- (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.
- (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority.
- (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority.
- (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance.

- (I) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

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

#### Note to Applicant

The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached), which gives more details on the relevant sources of information available.

#### Recommended Note

#### **NOISE**

Noise emissions from the site during the demolition and construction phases should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday – Friday 0800 – 1800, Saturdays 0800 – 1300. All other times, including Public Holidays – no noisy working.”

#### **Drainage Officer**

I note that surface water is to be discharged to the existing combined sewerage system. It is a requirement that before any surface water connections are made all flows should receive some form of on site attenuation.

Therefore before any permission is given a suitable method of attenuation/disposal has to be agreed.

I attach details of our design requirements for the design of any system to be installed all these should be made a condition of any approval given prior to foul disposal arrangements being agreed.

1. Any surface water discharges should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on site attenuation.



2. The design storm for any attenuation system shall be for a 1 in 25 year return period storm.
3. Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc
4. Details required of proposed point of discharge.
5. The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of Sustainable Urban Drainage Systems (SUDs) for dealing with urban run off. It is strongly recommended that some form of SUD be used at this proposed development.”

### **Housing Officer**

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

### **Leisure Development Team Manager**

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

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

### **Building Control Officer**

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

### **Parish Council**

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

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

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

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

## 9.0 **REPRESENTATIONS**

### **49/2006/008**

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

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

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

#### 1 LETTER OF SUPPORT

1. Long overdue.

#### **49/2006/009CA**

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

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

1 letter of support:-

1. Its long overdue.

### 10.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

#### **49/2006/008**

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

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

### **A. Policy**

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

### **B. Impact**

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

### **C. Conservation**

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

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

#### **D. Sustainability**

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

#### **E. Wildlife**

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

#### **F. Traffic**

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

#### **G. Other Requirements**

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

#### **49/2006/009CA**

- A. Is there justification for the demolition in the Conservation Area?  
CONSERVATION
- B. Is the proposed replacement building acceptable? REPLACEMENT

#### **A. Conservation**

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

### **B. Replacement**

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

## **11.0 CONCLUSION**

### **49/2006/008**

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

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

### **49/2006/009CA**

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

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

**CONTACT OFFICER: Ms K Marlow Tel: 356460**

23/2006/001

CLANVILLE SAWMILLS LTD

**RETENTION OF CHANGE OF USE OF LAND FROM AGRICULTURAL TO USE FOR STORAGE OF TIMBER, RETENTION OF EARTH BUND, RETENTION OF BRIDGE AND RETENTION OF ROADSIDE FENCE AT FOURACRE SAWMILLS AT STATION ROAD, MILVERTON**

12651/26124

RETENTION OF BUILDINGS/WORKS ETC.

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**PROPOSAL**

The works have already taken place, the Local Planning Authority were notified that the applicant had erected the security fence in November 2004, and changed the use of the land in December 2005. The site is land between the saw mill grounds and the Hillfarrance Brook (a County Wildlife site), it is in the flood plain and outside settlement boundaries. A Public Footpath runs along the northern side of another water course to the north of the application site, and residential properties are situated to the north of this path. It is proposed to retain the change of use of land as storage, retain an earth bund on this land and bridge to access the land, and mesh fencing, which fronts the highway. These works were brought to the attention of the Local Planning Authority and an application sought. Had the application been made prior to the works having been carried out, then a full flood risk assessment would have been sought, however the application was submitted without such full information. The agent advises that there are no processing operations taking place in this area, the additional timber storage is required following a change in procedure by the chipboard manufacturing facility, such that the saw mill has been left with more timber than can be presently sold. Rather than sending the waste to landfill, it is being stored on site. A chipping machine is on order which will reduce the piles of timber. The chippings can then be used as a source for heating. In the longer term it is intended that the land will be used for storage of freshly felled logs. The earth bund has been created to screen the site, protect the watercourse, and safeguard the amenities of the nearby residents. The fencing is required for security as the yard had suffered from trespass, theft and vandalism; since the fence has been erected the yard has been more secure and a reduction in crime related incidents. The saw mills is a major employer with sixteen people in full time employment, with a further two or three in the near future.

The applicant has also stated the stream backs up due to the limited span width and arches of the bridge, which is upstream of his site. The wood currently piled up could not be moved until the site dries out, the chipper will be on site. In respect of the fencing, whilst agreeing that he will replace the visually intrusive metal fence with timber sections, he is unwilling to set the fencing back the required 2m to meet highway safety measures. The applicant has also been asked to submit a wildlife survey given the location by the County Wildlife site. This has not yet been submitted.

Planning history of the saw mill site includes refusal of industrial development in June 1991 on grounds of increased traffic generation and subsequent adverse effect on the village; and refusal of residential development in Jan 1992 on grounds of open countryside, contrary to development plan and highway safety.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY there is no objection to the use aspect of the proposal as there is no increase in traffic and no loss of parking; however the site derives access from Station Road/B3187 and it is imperative that visibility at the point of access is incorporated and maintained at all times, the fence should be set back 2m from the back edge of the carriageway for its entire length, in order that sufficient visibility is afforded at the point of access to allow emerging vehicles to be seen. Discussions have been ongoing in respect of the positioning of the fence between the County Highways Authority and the applicant, as the Officers from the County Highways Authority consider visibility to be a vital issue at this location, however the applicant has refused to change the location of the fence. ENVIRONMENT AGENCY the site is located within flood zone 3 and a Flood Risk Assessment is required, if the applicant wishes to retain the earth bund and storage of timber within the functional flood plain, it must be demonstrated through a hydrological analysis that there will be no impact on flood flows and flood plain storage, so as to ensure no adverse flood risk to third parties from the loss of flood plain storage due to the bund and timber material or the potential for timber material entering the channel creating a blockage scenario. With regard to the bridge, the Environment Agency advises the landowner to widen the span of the bridge to ensure the abutments are completely out of the river channel. It is also pointed out that contaminated run-off from degraded timber could have a detrimental impact on the watercourse. SOMERSET ENVIRONMENTAL RECORDS CENTRE area is biologically rich river and tributaries with a wide variety of associated habitats and legally protected species, with ancient semi-natural broadleaved woodland, badger data in the area.

LANDSCAPE OFFICER the site for timber storage appears to be of historic interest with a leat system and needs to be assessed separately. The site appears to be well screened, with alder and willow, however the bank is too high, it should be no more than 1.2 m high and grassed, the materials in the storage area should be no higher than 1.2 m; a timber fence along the frontage would be more in keeping than the 'heras' fence. WILDLIFE OFFICER concern about otters and voles may be using Hillfarence Stream, the existing bunds show no regard for possible wildlife, a wildlife survey required before determination. A habitat management plan required if any protected species found. DRAINAGE OFFICER the proposal is situated within the 100 year flood plain, Environment Agency to be consulted, and Flood Risk assessment required.

PARISH COUNCIL supports

3 LETTERS OF OBJECTION have been received raising the following issues:- concern about the size and impact of the metal fence, the fence does nothing to enhance the approach to the village; as a timber yard, some wooden fencing would be just as secure more sympathetic and more attractive to passing customers; as



owners of a listed building, neighbours have gone to great expense to renovate own property in keeping with the village; concerned about works carried out without planning permission; the encroachment was by stealth; trees on the southern boundary of the site have been felled; the lengths of timber have been dumped in a random way; noise has been brought close to dwellings; loss of outlook; loss of amenity; effect on property value; concerned about possible flooding, the stream/old leat does sometimes flood; it appears that the applicants have sought to improve their drainage at the expense of adjacent residents; there was a natural break between the dwellings and the saw mill, now there is no break; concern about bonfires being lit; wanton destruction of arable land is not acceptable adjacent to residential properties; the land should be cleared and the land restored to agricultural use; value of applicant's site has increased at the expense of the adjoining residents; the Members should visit the houses to see the effect of the uses and bund; should be a committee case not delegated decision; disturbance to riverside habitat and its effect on conservation.

## **POLICY CONTEXT**

S1 General requirements, S2 Design, S5 Villages where small scale proposals which support their social and economic viability... and are unlikely to lead to an increase in car travel, S7 Outside Settlements where new building will not be permitted unless it meets particular criteria, EC1 Employment Development, will be permitted within defined settlements subject to criteria, EC2 Expansion of Existing Firms on Land Subject to Restrictive Policies, can be acceptable where relocation to a more suitable site is unrealistic, mitigation will be sought, EC7 Rural Employment Proposals, where outside settlements new small scale buildings are acceptable subject to criteria including no harm to residential amenity of neighbours, landscape or highway safety, EN3 Local Wildlife and Geological interests, EN5 Protected Species, EN8 Trees in and Around Settlements, EN12 Landscape Character Areas, EN25 The Water Environment states that development which would harm the landscape, character and wildlife of the water will not be permitted, EN28 Development and Flood Risk, where land is subject to flooding, protection measures required, EN29 Flooding due to Development, development which would result in a greater risk of flooding due to increased surface water run-off will not be permitted; whilst there are no specific policies for Milverton, the Local Plan text states that the village streets are narrow and poorly aligned with sub-standard junctions, and acknowledged problems from on-street parking and HGV traffic.

## **ASSESSMENT**

The Environment Agency has sought a Flood risk assessment as the site is located in Flood Zone 3 (High Risk), where the indicative annual probability of flooding is 1 in 100 years, the applicant has refused to supply such an assessment as it would require a hydrological analysis which he claims would be too costly. The bund and its effects on the landscape and adjacent trees are a concern and the bund's retention is contrary to Policy. Given the factors of the Flood risk assessment not being submitted and the fencing currently forming an enclosure abutting the highway, it is recommended that permission be refused and enforcement notice be issued in respect of the storage on the site, the bund and the retention of the fence abutting the highway.

## **RECOMMENDATION**

Permission be REFUSED for the following reasons (1) The application site is within a Flood Zone 3 area and a Flood Risk Assessment is required by PPG 25. In the absence of such document, it is impossible to assess the impact of the development on flood flows, flood plain storage and thus potential impact on adverse flood risk to third parties from the loss of flood plain storage due to the bund and timber material, or the potential scenario for timber material entering the channel and creating a blockage scenario, contrary to PPG 25 and Taunton Deane Local Plan Policy EN28. (2) The retention of the bund and materials to the existing height are considered to be contrary to Taunton Deane Local Plan Policies EN6, EN8 and EN12 on the basis that the bund is too close to existing trees and has the potential to cause harm to those trees and the bund is out of character with the surrounding landscape which is low-lying and visible from the nearby public footpath. (3) The existing fencing, as part of the current application, does not incorporate the necessary visibility splays which are essential in the interests of highway safety contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49

Enforcement Action be authorised to remove the storage of timber, remove the earth bunds and remove the security fence.

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

**CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)**

NOTES:

27/2006/002

W A & R FARRANT

**CONVERSION OF BARN TO SINGLE DWELLING WITH DEMOLITION OF DUTCH BARN, PARLOUR AND PART OF ADJOINING COVERED YARD AT KNAPP FARM, HILLFARRANCE AS AMENDED BY LETTER RECEIVED 1ST MARCH, 2006 WITH ATTACHED PLANS**

17413/24687

FULL

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**PROPOSAL**

The site is on the northern side of the road, opposite Knapp Farm a Listed Building. The proposal is for the conversion of a two storey agricultural building to dwelling and the part demolition of adjoining single storey building. The two storey building is stone to the rear and side, with brick piers to the front. The proposed alterations are such that openings are filled with timber framed windows and doors. The part demolition of the single storey element results in the removal of a later front extension to a stone built farm building. The building is currently in use by Knapp Farm as a cow shed with other buildings in agricultural use. A Dutch barn just to the rear and the parlour to the front are to be demolished. A native mixed hedgerow is proposed to the north of the existing garden wall which is to be retained. Parking is shown to the rear of the building with garden areas to the front and rear of the building. Two of the agricultural buildings associated with Knapp Farm are to be retained with shared access from the highway. The accompanying wildlife survey indicates no bats or owls, but several old swallow nests were noted in the stone barn, measures could be incorporated to provide sites for such species. A previous application on the site for converting the current application building to dwelling and the adjoining building for garaging was refused on basis of substantial alterations not being in character.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection ENVIRONMENT AGENCY does not wish to comment. ENGLISH NATURE report and recommendations agreed.

LANDSCAPE OFFICER the garden areas front and back are very large and a domestic appearance may occur, suggests trees in the frontage, and a copse to the rear. NATURE CONSERVATION OFFICER no evidence of bats found, some provision for bats and swallows should be made, suggests note. ENVIRONMENTAL HEALTH OFFICER suggests contaminated land condition. DRAINAGE OFFICER note on surface water, foul drainage and Environment Agency consent to discharge.

PARISH COUNCIL object to the design appearance and layout.

**POLICY CONTEXT**

S1 General requirements, Policy H7 of the Taunton Deane Local Plan, has certain criteria regarding the conversion of rural buildings to residential use outside of the defined limits of settlements, these criteria include that the building is of permanent and substantial construction, is in keeping with its surroundings; has a size and structure suitable for conversion without major rebuilding or significant extension and alteration, and unlikely to attract a suitable business use. EN4 relates to the protection of wildlife in buildings. EN16 Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses will not be permitted; the proposed conversion is opposite a Grade II Listed Building, and is not considered to significantly alter the setting.

## **ASSESSMENT**

The proposed alterations now result in fewer changes than the previous scheme. No new openings are proposed, and the windows are in existing openings. The reduced domestic curtilage, landscaping and removal of the parking are to the rear of the buildings result in an acceptable scheme. There needs to be provision for bats and nesting birds within the buildings, and this can be conditioned. In respect of the Parish Council views, the changes to the buildings are minimal, and considered to retain the character, and the layout is considered to be more in keeping than the previous scheme.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time, drainage, percolation test, mats on plan, second hand materials, walls and fences, landscaping, bats, birds, visibility, surfacing, parking, gates, gradient, surface water, stopping up access, meter boxes, conversion works, timber windows, contaminated land, features for bats and other species, underground services, no additional walls, no further buildings. Notes re tree planting to front, surface water discharge to soakaways, contaminated land, bats and birds, wall to frontage should be repaired, Environment Agency notes, highway notes.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered to accord with Taunton Deane Local Plan Policies S1, H7 and EN4 and does not have any detrimental effect on local character or the nearby listed building, and the conversion is acceptable 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: 356460 MS K MARLOW**

NOTES:



30/2006/007

TAUNTON RACECOURSE

**CHANGE OF USE OF LAND TO ENABLE CAR PARK TO BE USED AS A SITE FOR SUNDAY MARKET, INCLUDING REPOSITIONING OF VEHICULAR ACCESS AND ALTERATIONS TO PARKING LAYOUT, TAUNTON RACECOURSE, ORCHARD PORTMAN**

323818/121749

FULL

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**PROPOSAL**

The proposed site lies on the southern side of Taunton and consists of two fields to the west of the Racecourse and the B3170 used as the main car park to the racecourse. The site is bounded by mature field hedges and there is a central hedge dividing the parking area into two fields. The area is used on race days, around 15 days a year, and for car boot sales and other events using racecourse facilities. On race days the area accommodates between 1000 and 2000 vehicles. 14 car boot sales are held on this site and a further 14 being held in the centre of the racecourse per year during the summer months. Often in excess of 1000 vehicles use the site for such events.

The proposal entails the expansion of the car boot sales to allow for Sunday market facility throughout the year on the existing car park site. Relocation of the access further north to improve visibility is proposed, as is the alteration of the tracks and hardstanding area to improve facilities and circulation of traffic attracted to the site. The area of market is proposed for the southern area with the northern part of the site used for parking. The access and parking will be monitored by traffic stewards. It is considered that this use will aid the success of the racecourse and the economic well-being and public profile of the area.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the existing access to both the car park and racecourse are substandard and their arrangement erectly opposite each other results in inappropriate interaction, particularly on race days when the accesses are used by both pedestrians and vehicles. The proposal closes the existing vehicular access to the car park for vehicles and retains a pedestrian gateway. This is acceptable, but it enables pedestrians to cross into the racecourse at the most appropriate location and particularly on race days when this access is policed. The relocation of the vehicular access into the car park improves visibility for and of emerging vehicles to 4.5 m x 90 m, which is appropriate for 30 mph vehicle speeds. The relocation of this access provides for better visibility than that which exists at the present time and, although there is some hedge loss, creates a far better situation for vehicular access. The details of the alterations to access and provision of visibility splays shown on Drawing No. 05.66.11 A shall be the subject of a suitable condition in that they be provided prior to the new use taking place on the land. In addition, gates shall be set a minimum of 10m back from the adjacent carriageway level and

suitable drainage provided to ensure that water from the car park and access does not flow onto the public highway at either the vehicle or pedestrian access. The applicants have provided a report on existing and proposed uses. It can be seen from that that additional traffic will be generated by the development. However, I am assured that Sunday markets will be managed in such a way that queues on the public highway with vehicles waiting to come in will be minimised by having any barriers set as far away as possible from the entrance gate. It is clear that the development will generate additional traffic but it is my view that the highway network has sufficient capacity to cater for such a development, particularly as its use will not conflict with normal peak hour traffic flows and, in consequence, I do not propose to raise a highway objection to the development. RIGHTS OF WAY TEAM any change at all to the footpath – route, surface or furniture – must be checked/authorised by SCC. The footpath must remain open and unobstructed at all times even during works. RAMBLERS ASSOCIATION have examined the application and have no observations to make.

LANDSCAPE OFFICER given the slope of the site down to the west and open visibility to the north-west I recommend the existing hedgerows are managed to leave standard trees approximately every 10 m and that a new hedge be planted along the western limits of the hardstanding to help to break up the form of the car parking.

PARISH COUNCIL welcomes any proposal that will enhance safety. The present situation is not good with vehicles and pedestrians muddled up together. It is on race days that the worst situation exists, as on market days there are no pedestrians to cross the road. Why cannot the pedestrian access be moved to the south of the present stile to provide better segregation of vehicles and pedestrians, with stewards enforcing the use thereof? The Council is opposed to the loss of the hedgerow for the new entrance and are not persuaded that the proposal will achieve the desired objective. With the proposed access, vehicles proceeding to Corfe will turn across the traffic and then still be subjected to pedestrians crossing their path. Highways with their years of experience should design a traffic calming measure with a much enhanced road system to achieve a satisfactory outcome.

## **POLICY CONTEXT**

RPG10 – Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR6 – Development Outside Towns, Rural Centres and Villages, POLICY 5 – Landscape Character, POLICY 48 – Access and Parking, POLICY 49 – Transport Requirements of New Development.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, EN9 – Tree Planting, EN12 – Landscape Character Areas.

## **ASSESSMENT**

The proposal is for an extension of the existing car boot sale use of the site to allow for a similar market type use on a Sunday throughout the year. The main

considerations with this case are the traffic safety issues, visual impact, siting and sustainability given the location.

The site is outside the settlement limits and involves the use of an existing car park and car boot site for a market type use on Sundays throughout the year. The market/car boot use will involve no permanent structures and only the use of vehicles and temporary stalls. As there is no built development proposed the development does not fall to be considered under Policy S7 of the Local Plan, although the site is outside settlement limits. The area is rural in character and in order to protect this character it is considered necessary to impose a condition requiring any stalls to be removed from the site from Monday to Saturday.

There is an argument for resisting this as an unsustainable location that will be car reliant. However the site is currently used for car boot sales on 14 days throughout the year and the site of the racecourse on the eastern side of the road is similarly used. If the current use is to be accepted in this location, which is outside the settlement limits, then a restriction on the whole of the racecourse site for further car boot sales is considered appropriate. This would limit the traffic increase in the area in sustainability terms and would also be safer as the access to the main racecourse is considerably less safe in terms of its highway access. While the use proposed would be more days a year than currently can take place, the economic well-being of the area and racecourse would benefit and there is no clear site closer to the town centre identified for such a use. It is not considered that this type of business on one day a week would undermine the retail use of the Town Centre.

The existing site has an access close to the footpath across the land and has limited visibility. In order to improve visibility in both directions and help segregate vehicles from pedestrians it is proposed to move the vehicular access some 32 m further north. This will give visibility splays of 4.5 m x 90 m and enable replanting of the hedgerow along this line which will more than make up for the small amount lost at the new access point. The existing access will be reduced in width, closed to vehicular traffic and used for pedestrians. The stile and route of the public footpath will remain unaltered. The alterations to the access proposed are considered to be a safety improvement as well as resulting in a reinstatement of hedges over and above the existing situation.

## **RECOMMENDATION**

Subject to no further representations raising new issues by 21st April, 2006 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, no permanent structures or stalls on site, removal of temporary stalls Mondays to Saturdays, no use of the remainder of the racecourse for car boot/market uses at any time, visibility and landscaping. Notes re planting and footpath.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered not to detrimentally harm residential amenity or the character of the area and subject to conditions is considered to comply with Taunton Deane Local Plan Policies S1 and S2.



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

**CONTACT OFFICER: 356398 MR G CLIFFORD**

**NOTES:**

35/2006/002

MR E R WILLIS

**ERECTION OF REPLACEMENT DWELLING AT MEADOWS FARM, GREENHAM, WELLINGTON AS AMENDED BY AGENTS LETTER DATED 27TH MARCH,2006 WITH PLAN NOS. R2388/01A, R2388/05 AND SITE PLAN**

308469/120096

FULL

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**PROPOSAL**

The site is on the northern side of the road, and comprises a single storey building including a front extension towards the road. It is currently vacant but the last use was clearly residential. There are several barns and outbuildings some in use, others vacant. It is proposed to erect a two storey dwelling with detached garage on land at Meadow Farm and demolish the existing dwelling. The size of the original dwelling and outbuildings to the rear is 198 sq m, the agent points out that such buildings would have to be included and converted in order to bring the building up to suitable level of accommodation and the cost of the replacement building would be uneconomic. The proposed replacement building would be 175 sq m.

The agents partner is a member of staff.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection subject to conditions.  
ENVIRONMENT AGENCY no objection in principle, suggests notes.

LANDSCAPE OFFICER the farm lies in open countryside, some scope for landscape mitigation, mitigation in front of the property, there should be a copse or similar to help integrate the proposal into the landscape. WILDLIFE OFFICER the buildings are not considered to be suitable for bats to roost, suggest access crevice for bats, and provide for swallows to nest. DRAINAGE OFFICER note on surface water, foul drainage and Environment Agency consent. ENVIRONMENTAL HEALTH OFFICER no objections subject to condition and note.

PARISH COUNCIL supports.

**POLICY CONTEXT**

S1 General requirements, S2 Design, H7 conversion of rural buildings, H8 replacement dwellings outside settlements, EN4 wildlife in buildings to be converted or demolished, EN5 protected species, EN12 landscape character areas.

**ASSESSMENT**

The building as originally proposed was rather plain, given the predominance of stone in the immediate area. The amended plans show the front elevation to be

stone, this is welcomed as there is a deal of stone in the buildings to be demolished. The proposal is an acceptable replacement dwelling, which has no adverse effect on the character of the area. The amended plans also show several of the agricultural buildings being retained within the curtilage of the dwelling. There are no protected species within the old buildings, but it is recommended that appropriate measures be incorporated into the scheme in order to allow for bats.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions time, drainage, mats on plan, mats for drive, landscape, hard landscape, boundaries, bat roost, garage use, demolish old house, contaminated land, visibility, access, gates, no drainage to street, no extensions, swallow nests. Notes re Environment Agency notes, contaminated land, surface water discharge to soakaways, Environmental Health Officer contact re private water supply, meters, part M, owls & bats, bat roost, other notes on wildlife.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered to accord with Taunton Deane Local Plan Policies S1, S2, H7, H8 and EN4 subject to conditions as there is no adverse impact on the local character of the area.

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

**CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)**

NOTES:

38/2005/390

REDLAND HOUSING ASSOCIATION LTD

**ERECTION OF 5 NO. 2 BED FLATS AND 1 NO. 1 BED FLAT WITH 8 NO. ON SITE PARKING SPACES AT FORMER SERVICE STATION, PRIORSWOOD PLACE, DORCHESTER ROAD, TAUNTON, AS AMENDED BY AGENTS LETTER DATED 22ND SEPTEMBER, 2005 AND PLAN NOS. 04012/101A, 102A, 103A AND 104B**

23325/26527

FULL

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## **PROPOSAL**

The proposal is for the redevelopment of the former Murco Petrol station to the north of Priorswood Place. The proposed building would be attached to Priorswood Place and utilise the same materials. Using differences in ground levels and introducing a roof top level the development would be 4 storeys in height and provide 6 No. 2 bed flats and 2 No. 1 bed flats. The proposal would provide 8 parking spaces to the front of the property softened by landscaping adjacent to the highway.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection subject to the provision of secure cycle parking and appropriate conditions.

LANDSCAPE OFFICER the proposed landscaping should help to soften the impact of the development and help integrate it into the street scene. ENVIRONMENT HEALTH OFFICER no objection subject to a contaminated land condition DRAINAGE OFFICER no observations. HOUSING OFFICER fully support this proposal. The Housing Service is anxious to see this site developed with flats that are much needed. They will not only satisfy a need but also will improve and enhance the area. LEISURE AND RECREATION OFFICER in accordance with Council Policy a contribution will be required towards the provision of recreation facilities.

27 LETTERS OF OBJECTION have been received raising the following issues:- it has become increasingly difficult for residents of Leonard Holden Court to cross Dorchester Road to go to Priorswood Place; the proposed development will result in a loss of off street parking spaces (people currently park on the garage forecourt) and additional cars/vans parking on the road side; due to additional parking residents of the flats will have reduced visibility when entering and leaving the site and this will be dangerous; a crossing should be included within the proposal across Dorchester Road; if a new crossing was situated between the entrance to Leonard Holden Court and Eastwick road the zigzag lines would prohibit parking adjacent to the entrance to Leonard Holden Court; double yellow lines are needed in the vicinity of Leonard Holden Court and should be in place before contractors start on site.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 - Transport Requirements for new developments, STR1 - Sustainable Development, STR 2 & 3 Development in Towns.

Taunton Deane Local Plan Policies S1 - General requirements, S2 - Design, H2 - Housing, C4 - Open Space Requirements, M4 - Residential parking.

## **ASSESSMENT**

The proposed flats have been designed in keeping with the surrounding Local Centre. The monopitch element to the north will lift the design of the building creating a suitable end stop to the development and local centre as a whole. Amended plans have been received that re-site the bin store to the rear and provide for cycle parking spaces. Policy M4 requires 1.5 parking spaces to be provided but an appeal decision at Eastwick Farm accepted that the presence of the local centre and regular bus service lessened the need for that level of parking in this location. In consideration of this, and the one-bedroom flats I consider that 8 parking spaces are appropriate. The flats are sited in an area known for vandalism and amended plans have been received that replace the rear fencing with a wall. The County Highway Authority raised no objection to the proposal and it would be difficult to argue that 8 flats would make a significant difference to the volume of traffic in the area and I do not consider it reasonable to require a traffic crossing as part of the application. Proposal considered acceptable.

## **RECOMMENDATION**

Subject to the completion of a Section 106 agreement for leisure and recreation contributions the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, landscaping, land contamination, access, parking, cycle parking for 8 cycles, cycle parking to be maintained in perpetuity, temporary car park to be laid out for construction vehicles/operatives, parking, parking kept clear from obstruction, access in accordance with submitted plan, surface water drainage, existing access stopped up, windows on the north-west elevation to be obscure glazed. Notes re disabled persons, energy conservation, meter boxes, lifetime homes, secure by design, encroachment, section 184 permit may be required, remediation strategy required

**REASON(S) FOR RECOMMENDATION:-** The proposed residential development would be located within the settlement limits of Taunton where such development is considered appropriate, and is considered to comply with the requirements of Taunton Deane Local Plan policies S1, S2 and H2

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:

38/2006/019

TAUNTON DEANE BOROUGH COUNCIL

**ERECTION OF REAR EXTENSION AND PROVISION OF DISABLED FACILITIES  
AT 26 WELLESLEY STREET, TAUNTON.**

22978/25751

FULL

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**PROPOSAL**

The proposal involves erecting a single storey extension to the rear of the dwelling to provide facilities for a live in carer. The proposal projects 5 m from the rear elevation and measures 4.4 m in width. The height to the ridge is 3.4 m.

The north east elevation is stepped 1.4 m away from the adjacent neighbours boundary.

Details of materials are stated to match the existing dwelling (red brick, brown concrete tiles).

The application is before the committee because the Agent is an employee of Taunton Deane District Council.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no comments. WESSEX WATER no objections. However comments are made regarding connection to the sewerage system.

ONE LETTER OF CONCERN has been received from a near by neighbour raising the following:- concern over additional parking caused by the proposal, in particular that the carer may park in the adjacent street to the south of the site (The Triangle) as potentially they would use the new pedestrian access to the rear of the site.

**POLICY CONTEXT**

Taunton Deane Local Plan Policies S1: General Principles, Policy S2- Design, Policy H17- Extensions to dwellings.

**ASSESSMENT**

The proposal is considered acceptable in its scale and design. The profile of the extension is minimal (3.4 m to the ridge). Its siting away from the boundary will reduce any impact on the neighbour. It is considered that no adverse overshadowing will occur from the proposal due to its overall bulk, siting and orientation.

The application form states that the materials to be used in the development shall match those in the existing dwelling (red brick and brown concrete tiles).

The neighbour letter highlighted concerns over increased parking in the adjacent street to the south of the site (The Triangle). It is considered that these concerns are not sufficient to warrant refusal on highway grounds. It is also noted that the applicants could form a pedestrian access to the rear of their property without the need for planning permission.

For the reasons outlined above the proposal is considered in accordance with the Taunton Deane Local Plan.

### **RECOMMENDATION**

Permission be GRANTD subject to conditions of time limit and materials.

**REASON(S) FOR RECOMMENDATION:-** The proposal by reason of its subservient scale and design respects the character of the area and causes no demonstrable harm to residential amenity in accordance with Taunton Deane Local Plan Policies S1, S2 and H17.

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

**CONTACT OFFICER: 356468 MIKE HICKS.**



38/2006/031CA

STRONGVOX LTD

**DEMOLITION OF NON-LISTED BUILDINGS AT FORMER SCAT ANNEXE,  
STAPLEGROVE ROAD, TAUNTON**

22132/25157

BUILDING DEMOLITION

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**PROPOSAL**

The site lies within the Staplegrove Road Conservation Area. This proposal is for the demolition of the former SCAT annexe building (fronting onto Staplegrove Road), 2 temporary classrooms (adjacent to Linden Grove), 2 concrete block and asbestos sheet classrooms (lying to the rear of the main SCAT building), a timber storage shed (positioned to the South of the SCAT annexe) and a concrete panel garage.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY EDUCATION the development will result in the need for 6 primary spaces and 3 secondary spaces. There are a number of surplus spaces in the local secondary school but no available space in the two local primary schools. Contributions should be sought for this provision. COUNTY ARCHAEOLOGIST views awaited. ENGLISH HERITAGE objection raised, the existing building is considered to have a positive contribution to the character and appearance of the Conservation area and the proposed replacement building is considered to be of a lesser quality.

CONSERVATION OFFICER Brief History 1890: Bishop Fox's School for girls transferred to the premises of the former Roman Catholic Church on The Crescent (now Masonic Hall). 1895: Scheme proposed for the relocation of Bishop Fox's and construction of a Girls' Grammar School on a site along Staplegrove Road in the Parish of Taunton St James, known as Laurel's Nurseries. Move to be made possible with funding from the education authority (recently formed Somerset County Council) and accumulated funds from the school's endowment. 1900: Bishop Fox's transferred to the County Council which allowed the governors to apply to the County Council's Board of Education for funding for the relocation to the Laurel's Nurseries site. 1904: New school buildings erected and officially opened by Henry Hobhouse MP in 1905. 1907: Main buildings considerable enlarged with new wing, and included. Ground Floor: a) Main hall that could be separated into 3 classrooms by partitions and used at the time of 1934 as one classroom and the other two-thirds as a gymnasium, with the full hall used each morning for assembly. b) Domestic science room to left rear, used for the instruction of cookery and laundry, but its use impaired by it also being used as the kitchens and dinning for school dinners. c) Two other classrooms d) Cloakrooms e) Head and assistant mistresses' rooms. First Floor: f) Art room, above the domestic science room, with large windows facing north, g) Classroom, h) Upper science lab, i) Staff room. In the ground were: j) Model gardens, k) Lawn tennis and basketball courts, l) Playing fields. By 1934 the school was operating from the main school site and Weir Lodge over the road. The

adjoining house of The Laurels was also the headmistress's residence and housed boarders and some mistresses. 1940: Relocation from Staplegrove Road to new site on Kingston Road. The Architects The main school building was designed by the prominent Taunton practise of Cottam and Samson Architects. The partners were Charles Henry Samson (1837-1925) and Arthur Basil Cottam (1861 or 2-1911). Charles Samson worked for the Luttrell Estate between 1868-78 and a number of solid and competent buildings in Minehead are attributed to him. These were important factors in the recent review of the Minehead conservation areas. He started his independent practise in Taunton in 1878. The Bishop Fox's building may have been one of the last buildings the practise was involved with before his retirement circa 1906. Arthur Cottam moved to Taunton sometime after 1881 and appears to have been the junior partner to Samson. The practise was also responsible for the Art College on Corporation Street (Grade II) of 1905. This being of a similar date but in a neo-classical style fitting its civic location. More research is required into the work of these architects, in particular into their major works and education buildings.

Architectural Importance of the Former Technical College Annex. The new school was built in the light, highly decorative Edwardian style of the time. It is a good example of this style with a facade of neo-classical features broken-up and mixed with vernacular revival detailing influenced by the Queen Anne revival and Arts and Crafts styles. The Technical College Annex has the classical features of the cupola, Venetian windows, open-bed pediments to the gable eaves, and stone open-bed segmental arches to ground floor windows, which are harmoniously mixed with, and softened by, the domestic vernacular detailing of numerous and generous gables with steeply pitched roofs, gable dormers, deep bracketed eaves, door canopy, extensive use of painted timber and the soft red brick and plain tiles. The other big influence was the cost of materials, and the Technical College Annex reflects this with the use of brick and stucco and the large and numerous windows made possible by the falling cost of plate glass. The Edwardian period saw an explosion in the amount and variety of decorative detailing, but this coincided with a fashion for constraint. In competent hands this led to a pleasing architectural composition that was strong but domestic, highly decorative but controlled - ideal for a new girl's school buildings located on the outer suburb of the town. The former Technical College Annex is a building of architectural merit in its own right that should be retained for these qualities and as the work of a prominent local architectural practise. In the context of the conservation area, this building is very much part of the charming Staplegrove Road Conservation Area. This area was largely developed from the mid 19th century to the start of the First World War (please see enclosed sketch map) and has remained remarkable intact. The buildings reflect the period in which this part of Taunton was developed and document the stylistic changes through a rich period in British architecture. This gives the area a strong character and integrity. The former Technical College Annex is a critical element in this and its loss would be detrimental to the character, appearance and integrity of the Conservation Area. The building is also of local historical interest having being built for the Taunton girl's grammar school. With reference to the recent guidance on conservation area appraisals and for the reasons stated above, this building should be considered as a building of strong 'townscape merit' or 'building of local interest' (important unlisted building). For more guidance on this please see the English Heritage 'Guidance on conservation area appraisals', 2005. The former Technical College Annex is also a prominent building that makes a significant contribution to the character and appearance of one of the

town's main approach roads. Sources Chipchase, N. Taunton In Old Photograph. Alan Sulton Publishing, Gloucester 1989 Felstead, A. Directory of British Architects 1834-190. 1993. Hockman, H. Edwardian House Style. David and Charles 2001. Example of this style with a facade of neo-classical features broken-up and mixed with vernacular revival detailing influenced by the Queen Anne revival and Arts and Crafts styles. The Technical College Annex has the classical features of the cupola, Venetian windows, open-bed pediments to the gable eaves, and stone open-bed segmental arches to ground floor windows, which are harmoniously mixed with, and softened by, the domestic vernacular detailing of numerous and generous gables with steeply pitched roofs, gable dormers, deep bracketed eaves, door canopy, extensive use of painted timber and the soft red brick and plain tiles. The other big influence was the cost of materials, and the Technical College Annex reflects this with the use of brick and stucco and the large and numerous windows made possible by the falling cost of plate glass. The Edwardian period saw an explosion in the amount and variety of decorative detailing, but this coincided with a fashion for constraint. In competent hands this led to a pleasing architectural composition that was strong but domestic, highly decorative but controlled - ideal for a new girl's school buildings located on the outer suburb of the town. The former Technical College Annex is a building of architectural merit in its own right that should be retained for these qualities and as the work of a prominent local architectural practise. In the context of the conservation area, this building is very much part of the charming Staplegrove Road Conservation Area. This area was largely developed from the mid 19th century to the start of the First World War (please see enclosed sketch map) and has remained remarkable intact. The buildings reflect the period in which this part of Taunton was developed and document the stylistic changes through a rich period in British architecture. This gives the area a strong character and integrity. The former Technical College Annex is a critical element in this and its loss would be detrimental to the character, appearance and integrity of the Conservation Area. The building is also of local historical interest having being built for the Taunton girl's grammar school. With reference to the recent guidance on conservation area appraisals and for the reasons stated above, this building should be considered as a building of strong 'townscape merit' or 'building of local interest' (important unlisted building). For more guidance on this please see the English Heritage 'Guidance on conservation area appraisals', 2005. The former Technical College Annex is also a prominent building that makes a significant contribution to the character and appearance of one of the town's main approach roads. Sources Chipchase, N. Taunton In Old Photograph. Alan Sulton Publishing, Gloucester 1989 Felstead, A. Directory of British Architects 1834-190. 1993. Hockman, H. Edwardian House Style. David and Charles 2001. Long, H. The Edwardian House. Manchester University Press 1993. Mason, S. The history of Bishop Fox's School. 1985 Mason, S. Memories of Bishop Fox's School 1908-1990 1840 Plan of Taunton by John Wood Historical Ordnance Survey Maps. Other Buildings Proposed for Demolition. I would have no objection to the removal of the other buildings proposed for demolition (Blocks H to VH), which are temporary classroom or store buildings. Other Issues The security fencing around the main building and the boarding-up of its doors need to be maintained as these are now breached and vandalism has occurred inside the building. Please advice the applicant. RECOMMENDATION I strongly recommend that this application be refused and the building retained, as this is an important building in the Staplegrove Road Conservation Area and one that should be considered a building of local interest. Its demolition would severely harm the

character, integrity and appearance of the conservation area and be contrary to the requirement of Structure Plan Deposit Draft Policy 9, Adopted Local Plan Policy EN15 and the advice in PPG 15, in particular paragraph 4.25-28. A key function of conservation area designation is to protect buildings such as this and the loss of this building would, in my view, undermine the status of this designation. I suggest that the applicant is given an opportunity to submit a statement on the architectural and historical merits of this building and why in their view its demolition should be considered. I would also be willing to meet with you and the applicant to discuss the potential of this site and how the building could be converted.

29 LETTERS OF OBJECTION have been received raising the following issues:- the former Bishop's Fox school has formed an important part of the main route into the town since the beginning of the twentieth Century and is a good example of municipal architecture that should be retained and sympathetically converted; the existing building is a good visual centrepiece for the Conservation Area,

TAUNTON AND DISTRICT CIVIC SOCIETY we accept the contention of the applicants that the existing former SCAT Annexe building on the Staplegrove Road is unsuitable for economic conversion to apartments. We consider that the former SCAT Annexe building does make (or would if sympathetically restored) a "positive contribution" (as defined in Local Plan Policy EN15) to the Staplegrove Road Conservation Area. In view of this we feel that any replacement for the building must strongly "enhance the appearance or character of the conservation area" (Policy EN14). If a scheme emerges that succeeds in this respect then we would not consider that the current building should be preserved. The derelict land and the clutter of temporary classrooms etc. on the site currently defaces the conservation area, and for this reason alone any high quality scheme that replaces them is welcome. We object to any consent to demolition (application 031) being given prior to the approval of a complete and satisfactory scheme for the whole site (together with a comprehensive section 106 agreement), and would further urge that demolition should not be permitted to start until the developer can show that building will commence as soon as demolition permits and that the appropriate contractual arrangements are in place for that building work.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Structure Plan Review the following policies are considered to be especially relevant:- Policy STR1 - Sustainable Development; 9 - The Built Environment.

Taunton Deane Local Plan the following policies are considered to be specially relevant:- EN14 Conservation Areas; EN15 Demolition Affecting Conservation Areas.

## **ASSESSMENT**

The proposal is for the demolition of the SCAT annexe and 6 ancillary buildings. The site is located within the Staplegrove Conservation Area where there is a strong presumption against the demolition of buildings that make a positive contribution to the character of the area. The policy states that no such proposals will be considered unless an acceptable proposal for any redevelopment has been approved. The

current application involves the demolition of the former Bishop Fox's school, built in 1904, regarded by the Conservation Officer as "a building of architectural merit retained in its own right and ...it represents the work of prominent local architectural practise". It is therefore considered that the building should be retained and that its demolition would be contrary to policies EN14 and EN15 of the Taunton Deane Local Plan. In addition it is considered that the building makes a positive and significant contribution to the Staplegrove Conservation Area. Taunton Deane Local Plan policy EN15 established a strong presumption against such demolition and, in the rare circumstances where proposals for the demolition of buildings making a positive contribution are allowed, details of an acceptable replacement building must have been submitted and approved. In addition to the demolition of the main SCAT annexe the application proposes the demolition of a collection 6 more recent ancillary buildings. The demolition of these buildings would be welcome and would their removal in itself would enhance the character of the Staplegrove Road Conservation Area.

Proposal considered unacceptable.

### **RECOMMENDATION**

Permission be REFUSED for the reasons of loss of an existing building making a positive contribution to the Staplegrove Conservation Area, lack of an acceptable redevelopment scheme.

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:

38/2006/033

STRONGVOX LTD

**REDEVELOPMENT COMPRISING 74 APARTMENTS IN 3 BLOCKS, CONVERSION OF TWO LISTED BUILDINGS TO THREE DWELLINGS, PROVISION OF ASSOCIATED PARKING AND FACILITIES AND ALTERATIONS TO ACCESS, FORMER SCAT ANNEXE, STAPLEGROVE ROAD, TAUNTON**

22132/25157

FULL

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**PROPOSAL**

The site lies within the Staplegrove Road Conservation Area. It is for the redevelopment of the existing SCAT building and the development of the whole site for the provision of 3 blocks of flats containing 74 flats (37 No. 1 bed and 37 No. 2 bed units), two fronting Staplegrove Road and one fronting Linden Grove. The flats on the site of the existing SCAT building (block A) would be a mix of five and four storeys in height (5 storeys to the front) and constructed in a mix of buff brick and render with an artificial slate roof. Block C fronts onto Staplegrove Road and would be a mix of two, three and four storey and would be finished with render walls and an artificial slate roof. Block C adjacent to Linden Grove, would be three and four storeys in height and constructed with buff brick and artificial slate. The proposal would also convert three listed buildings to 3 dwellings. The existing access off Staplegrove Road would be used with new traffic lights to control the numbers of vehicles entering and leaving the site. 57 Parking spaces have been provided for the 77 residential units.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited COUNTY EDUCATION OFFICER the development will result in the need for 6 primary spaces and 3 secondary spaces. There are a number of surplus spaces in the local secondary school but no available space in the two local primary schools. Contributions should be sought for this provision. COUNTY ARCHAEOLOGIST views awaited. WESSEX WATER a combined foul and surface water sewer is available in the vicinity of the proposal but alternative sustainable drainage solutions should be explored. Water supply is available in the area. ENGLISH HERITAGE objection raised, the existing building is considered to have a positive contribution to the character and appearance of the Conservation area and the proposed replacement building is considered to be of a lesser quality.

LANDSCAPE OFFICER There is little scope for tree planting within the site and therefore little opportunity to enhance the Conservation Area; as a result trees would be very close to the proposed buildings. The new buildings are in close proximity with the existing trees at the front and rear of the site with significant private street trees nearby. The pine tree roots in the northeast corner of the site are at a higher level than the buildings but it is not clear what the final levels will be, the existing embankment should not be touched. Additional conifers should be included in the

planting mix to reflect the Victorian planting of the Conservation Area.

**CONSERVATION OFFICER** In line with my recommended refusal of the conservation area consent application, and for the reasons referred to below, I would recommend refusal of this application. It is difficult to comment on the merits of the scheme as the retention of the Technical College Annex building would fundamentally change the proposal. However, I would suggest that the following issues would need to be satisfactorily addressed in any subsequent proposal: a) Appropriate setting to the listed Summerhouse and former coach house b) Maximum retention of the Staplegrove Road front wall c) Removal of parking forward of any frontage buildings d) Need for development on the Linden Road frontage to reflect the terrace opposite and further up to act as visual terminal building to Birch Grove e) Avoidance of potential increase in local on-street parking that would affect the character of the conservation area f) Reduction in the height and number of storeys for the proposed buildings g) The design, architectural detailing and materials for the proposed buildings I have not been able to inspect inside the listed buildings, so cannot comment on their proposed conversions. These will need to be subject to listed building consent applications.

**ENVIRONMENTAL HEALTH OFFICER** no observations.

**DRAINAGE OFFICER** although soil conditions are impermeable, there is some potential for soakaways when the buildings are demolished. One possible way to reduce surface water run off would be to use a source control drainage pavement system in the parking areas.

**HOUSING OFFICER** a commuted sum is required for the provision of similar accommodation in the vicinity. It will contribute to the delivery of a larger scheme.

**LEISURE AND RECREATION OFFICER** Contributions are required to improve the quality of the existing play and outdoor recreation facilities. Contributions should also be sought towards the provision of indoor sports facilities in the area.

29 LETTERS OF OBJECTION have been received raising the following issues:- the former Bishop's Fox school has formed an important part of the main route into the town since the beginning of the twentieth Century and is a good example of municipal architecture that should be retained and sympathetically converted; the existing building is a good visual centrepiece for the Conservation Area, the scale and mass of the proposed building is out of character with and lacking in empathy with the existing; The proposed building has a mediocre design; the number of flats on the site is too great for the character of the area which is largely family accommodation; the number of flats (70) will be equal to entire number of the Elms Estate and therefore over bearing on the character of the area the 5 storey building will be intrusive in the street scene and detrimental to the character of the area; it would be better if the scheme was reduced to 35/40 two storey apartments situated around a central green; the proposal would create an estate segregated from the local community; a traffic impact assessment should be submitted; the proposal would have a detrimental impact on a main approach road into Taunton contrary to policy T34; the disabled block has no car parking but disabled persons generally use a car; proposal is premature pending the provision of a Conservation Area appraisal; the local planning authority should guide development through a planning brief, taking full account of a conservation appraisal, the impact on the existing trees, impact on traffic, parking, urban design, architectural design, amenities, security and massing; the footpath to Linden Grove will encourage on street parking; there is insufficient parking for the proposed flats (56 for 77 flats) and this will lead to increased pressure for on street parking in an area where such spaces are already in

high demand; new residents should not be allowed to join in the overburdened parking permit scheme; the new junction and new residents of the flats are likely to result in an increased use of Elm Grove and The Avenue as a short cut during peak times when school children are walking to school resulting in an increased likelihood of accidents; a new vehicular access should be provided into Linden Grove rather than increasing the use of the Staplegrove Road junction and another set of traffic lights; accept that a sympathetic redevelopment scheme would be acceptable; the proposal may restrict the use of an existing right of way, used daily for our military vehicles and car

TAUNTON AND DISTRICT CIVIC SOCIETY 1. We are in favour of the redevelopment of this site. 2. We accept the contention of the applicants that the existing former SCAT Annexe building on the Staplegrove Road is unsuitable for economic conversion to apartments. 3. We consider that the former SCAT Annexe building does make (or would if sympathetically restored) a "positive contribution" (as defined in Local Plan Policy EN15) to the Staplegrove Road Conservation Area. 4. In view of this we feel that any replacement for the building must strongly "enhance the appearance or character of the conservation area" (Policy EN 14). If a scheme emerges that succeeds in this respect then we would not consider that the current buildings should be preserved. 5. The derelict land and the clutter of temporary classrooms etc. on the site currently defaces the conservation area, and for this reason alone any high quality scheme that replaces them is welcome. 6. We have no objections as regarding the preservation and redevelopment of the two listed buildings on the site, provided that the materials used to refurbish them, and particularly their exteriors, are entirely appropriate and conserve their appearance faithfully - we would stress the importance of this for the "new tiled roof" proposed for Block E. 7. We do not consider that 38/2006/033 enhances the appearance or character of the conservation area and we object to it on the grounds set out overleaf. 8. The proposed scheme fails to meet the Local Plan policy EN14 criteria for the following reasons: 8.1 In size and positioning Blocks A, B and C are all too large and visually dominant to fit within their context. Individually and collectively they will decrease the visual amenity of the Staplegrove Road conservation area on a major approach road to the town centre (ref. Local Plan Policy T34 in which para. 8.304 specifically mentions Staplegrove Road). Block A seems massive. Estimating from the drawings it appears to be 18.5m high although this may be from the level of the road (which is below the site ground level). Immediately to the north, Elm Park is 3 storeys high, the proposed Block A is 5, has a frontage 25% longer and is about twice the area. Elm Park is a strong and dominant structure - the visual impact of Block A would be much greater. 8.2 Block C, while close to the scale of Elm Park, is large and dominating in relation to the much lower and more modest buildings to the south and across the road. 8.3 Block B presents to Linden Grove (and Birch Grove) as a set of higher gable ends above a roof ridge (which steps up from south to north, so varying the visible extent of each gable). Remarkably unattractive. The 3 and 4 storey Block B is about twice the height of Swiss Cottage and the 20th century houses on the same side of Linden Grove, and considerably greater than the Victorian terraces on the other. This, in conjunction with the excessive closeness of the block to the Linden Grove boundary, seems overbearing. As several of the properties most affected in Linden Grove already have light from the east restricted by the buildings of Birch Grove, the height of Block B to their west may conflict with Local Plan policy H2 (G). Block B is also walled off from Linden Grove. This is hostile



to what should be the residential nature of this street (the footpath access to the side does not address this issue). If the existing temporary classrooms were replaced with buildings sympathetic to the terraces on the other side of Linden Grove then the conservation area would indeed be enhanced. The proposed block would destroy that possibility. 8.4 The position of Block C impinges on the setting for Block D (a listed building). We acknowledge that the setting of the other listed building (E) is somewhat improved. 8.5 The new blocks have busy and rather utilitarian elevations in a style that is very common to intensive apartment development. This has no clear relation to nearby buildings in the conservation area. The design harms rather than enhances the area. 8.6 The materials and colours proposed are not appropriate and should be improved. One of the best features of the former SCAT Annexe building is the way in which the tile, brick and render colouring acts as a bridge between the pale brick of Elm Grove and the Old Vicarage, perpetuated in the colouring of Elm Park, and the warmer brick and render tones to the south and across the Staplegrove Road. We would suggest that this transition should be continued in any development on this site. Given the size and visibility of the sloping roofs of the proposed blocks we would suggest that artificial slate should be avoided in favour of a warmer tile finish. If slates cannot be avoided, they should not be very dark. 9. The proposed traffic signals will obstruct the flow of traffic along Staplegrove Road and have the potential to divert traffic in a rat run manoeuvre around Elm Grove, Linden Grove and the Avenue. It may be better to provide an additional vehicular access via Linden Grove and omit signals on the Staplegrove Road. This alternative should be considered in any traffic impact analysis. While this would add to traffic in Elm Grove, Linden Grove and the Avenue, this would be probably be minor compared to the probable effect of motorists avoiding additional traffic lights. 10. While we accept that the provision of parking places is consistent with current planning guidelines, we consider: 10.1 the proposed allocation to be socially divisive (any affordable housing is to have no parking allocated) and 10.2 the excess of properties over parking spaces (at least 21 properties have no parking) to be likely to exacerbate street parking problems in an already congested area. 11. Quite apart from these objections we contend that to approve the application at this time is inappropriate as 11.1 no conservation appraisal has yet been published for this area. The absence of this material as a source of design guidance handicaps both the Council and the developer. We feel that the cumulative effect of several previous developments have already eroded the character of the area and we urge that the production of an appraisal be made a priority task. We note that there is a clear commitment to produce such assessments in paragraph 7.61 of the Nov 2004 Local Plan. 11.2 No traffic impact assessment appears to have been made and submitted.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Structure Plan Review the following policies are considered to be especially relevant:- Policy STR1 - Sustainable Development; 9 - The Built Environment; 49 - Transport Requirements for New Development.

Taunton Deane Local Plan the following policies are considered to be specially relevant:- S1 - general Requirements, S2 – Design, H2 – Housing, H9 - Affordable Housing, H19 - Designing Out Crime), M4 - Residential Parking Requirements, M5 Cycling, C1 - Education Provision for New Housing, C4 - Standards of Provision,

EN8 - Trees in and Around Settlements, EN14 - Conservation Areas, EN15 - Demolition Affecting Conservation Areas, EN16 - Listed Buildings.

## **ASSESSMENT**

The site is located adjacent to the Town Centre where residential use is considered acceptable in principle. The site is located within the Staplegrove Conservation Area where there is a strong presumption against the demolition of buildings that make a positive contribution to the character of the area. The policy states that no such proposals will be considered unless an acceptable proposal for any redevelopment has been approved. The current application involves the demolition of the former Bishop Fox's school, built in 1904, regarded by the Conservation Officer as "a building of architectural merit retained in its own right and ...it represents the work of prominent local architectural practise". It is therefore considered that the building should be retained and that its demolition would be contrary to policies EN14 and EN15 of the Taunton Deane Local Plan. In addition it is considered that the building makes a positive and significant contribution to the Staplegrove Conservation Area. Taunton Deane Local Plan policy EN15 established a strong presumption against such demolition and, in the rare circumstances where proposals for the demolition of buildings making a positive contribution are allowed, details of an acceptable replacement building must have been submitted and approved. The proposed replacement building (Block A) is four and five storeys in height and situated on land elevated above the adjacent highway. As such it is considered that the building would overpower and dominate the scale and character of the existing Conservation Area to its detriment.

In addition to the above, the proposal is for the erection of two other blocks of flats (Block B and C) within the Staplegrove Road Conservation Area. Taunton Deane Local Plan policy EN14 requires all new development within Conservation Areas to preserve or enhance the appearance and character of the Conservation Area. I consider that the proposed buildings have a design, bulk and scale that are out of keeping and detrimental with the Conservation Area and therefore contrary to the above policy.

The application site is located in close proximity to the town centre in a location where off street parking would not normally be required. In the circumstances I have no objection to a reduced number of parking spaces being provided. I am however concerned that the amount of parking, combined with the number of units on site, results in an urban development that does not incorporate the same level of landscaping that is characteristic of this part of the Conservation Area and I therefore consider that the proposal represents an unacceptable over development of the site. (In any future submission I would wish to see less car parking and more landscaping within the site as well as more space between the proposed buildings and existing trees).

The proposal includes the conversion of 2 ancillary listed buildings into 3 dwellings. These buildings are located within the site and are currently surrounded by tarmac and modern temporary buildings. The proposed scheme would remove the temporary buildings and allow a limited space around the buildings for amenity with car parking spaces within 0.6 m distance of the coach house and 6m distance of the

summerhouse. I consider that this does not create a suitable setting for the listed buildings and would welcome further discussions on a suitable setting in any resubmission.

## **RECOMMENDATION**

Permission be REFUSED for the following reasons that the loss of an existing building making a positive contribution to the Staplegrove Conservation Area, design, bulk and height of the proposed development out of keeping with and detrimental to the Staplegrove Road Conservation Area, over development of the site contrary to the visual amenity and character of the area, inappropriate setting for existing listed buildings.

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:

38/2006/072

MR G BENNETT

## **ERECTION OF SINGLE STOREY DWELLING, 38 EASTWICK ROAD, TAUNTON**

323110/126385

OUTLINE APPLICATION

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### **PROPOSAL**

The proposal comprises the erection of a bungalow on part of the existing residential curtilage of No. 38 Eastwick Road. All matters are reserved for approval No. 38 is a bungalow and No. 36 is a two storey dwellinghouse. An illustrative drawing indicates that the existing vehicular access would be utilised for the proposed bungalow, and a new vehicular access created for the existing bungalow.

An almost identical application reference 38/2005/512 was refused on 16th January, 2006 on parking grounds.

### **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the proposal is very similar to last year's application on the same site (application No 38/2005/512) except that the number of off highway parking spaces has been increased. However as I said in my consultation response to the previous application, the site is located to the west of a bend in Eastwick road. The existing visibility for vehicles emerging from the site is just acceptable for vehicles, providing they are not reversing. Eastwick Road is a classified unnumbered road and carries considerable traffic. It is important for road safety considerations that the introduction of any new traffic generation does not result in traffic reversing out onto Eastwick Road. Therefore I recommend the application be refused for the following reasons:- The proposal does not incorporate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear which is essential to highway safety,

### **POLICY CONTEXT**

Policies S1, S2 and H2 of the Taunton Deane Local Plan seek to safeguard, inter alia, visual and residential amenity, and road safety. Policy M4 does not allow more than an average of 1.5 car parking spaces per dwelling, with a significant reduction expected for certain types of development.

### **ASSESSMENT**

The site is certainly capable of accommodating a bungalow in keeping with the character of the area. The contentious issues however concerns that of road safety. The previous application was refused permission on the basis that insufficient on-site parking spaces were proposed, but with a note advising that an amended application incorporating 3 No. on-site spaces, appropriately designed, may resolve the problem. The County Highway Authority additionally recommended that the

previous application be refused permission because of lack of on-site turning facilities. This was considered unreasonable however, because the majority of neighbouring properties do not incorporate such turning facilities.

The current application now proposes 3 No. on site parking facilities, the County Highway Authority have consequently withdrawn their objection relating to this issue, and the proposal overcome the previous reason for refusal. The County Highway Authority however are repeating their objection relating to lack of turning facilities, but as already explained, this is considered unreasonable.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, reserved matters, drainage, materials, landscaping, boundary treatment, no gates, access surfaces, parking, removal of GDO rights for extensions, ancillary buildings, garages and fencing.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered to comply with Taunton Deane Local Plan Policies S1, S2, H2 and M4 and material considerations do not indicate otherwise.

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

**CONTACT OFFICER: 356465 MR J GRANT**

NOTES:

42/2005/045

MR & MRS B CRIDDLE

**RETENTION OF FARM BUILDINGS WITHOUT COMPLYING WITH CONDITION 06 OF PERMISSION 42/2004/036, MILL LANE, TRULL**

21922/22297

REMOVAL OF ONEROUS CONDITIONS

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**PROPOSAL**

Two planning applications have been submitted, one for the variation of planning permission 42/2004/036 to enable the retention of farm buildings (that were to be demolished in association with the conversion of listed farm barns to a dwelling) and one for the change of use of farm buildings for stables, hay storage, lunge area and tack room and the construction of a outdoor dressage arena.

This application is for the retention of a group of three modern farm buildings (total 42 m x 19 m and up to 8.1 m high) as a horse training facility for the private use of the owner of Haygrove Barn contrary to condition 06 of planning permission 42/2004/036 requiring the removal of the farm buildings to enable a reduction in farm traffic using the Eastbrook Terrace junction and to provide a suitable setting for the listed buildings.

The application is supported by the following statement:- until we were successful in purchasing Haygrove Barn my husband and I had been trying for 2 years to find a suitable house or conversion proposition with enough land to keep my horses at home. All too often we found ourselves priced out of the market as any property with land in more rural areas carries a premium price. Haygrove is particularly suitable for me because it is on a reasonably level site with the house and proposed stables, stores and arena closely grouped together. It is not always obvious but I have injuries to my back and a leg which causes problems with mobility. As you are aware I am a member of the British Paralympic Equestrian Team and as such am supported by UK Sport through the Lottery Fund. I am expected to fulfil my obligations to UK Sport by bringing home Gold Medals. In order to achieve this I train with my horses 6 days a week. Being disabled means that preparing and travelling to training arenas takes me a great deal of time and takes a lot out of me physically. Having the correct facilities at home will allow me to spend more time on training itself and will be less draining on my body. Autumn and winter weather often wreaks havoc on schooling and completion schedules. On windy days horses tend to be more jumpy and on edge, which can lead to me falling off, and when you have frost, ice or snow or even driving rain an arena is impossible to use. Therefore the larger of the barns at Haygrove offers the ideal solution to keeping the horses working well all year around. The barn would also be used as a turnout area because the ground will get too wet and soggy for the horses to be turned out at certain times. If the horses have to spend too much time cooped up in their stables they become more unruly and difficult for me to handle. Having the larger barn to loose school or lunge the horses in will give them the feel of the type of places they can be expected to work in at international competition venues. There are not many

countries who can afford to provide the excellent facilities which we in the UK take for granted. This could mean that I would have that extra edge over my fellow competitors. The facilities that are proposed would be for personal use only and would also mean that we would not be continually going in and out through Eastbrook Terrace.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection provided the development does not result in any increased traffic and is for private ancillary use only.

LANDSCAPE OFFICER the proposed dressage area could be re-sited to reduce its impact on the landscape and public right of way and this would make it easier to provide effective landscaping. CONSERVATION OFFICER if personal circumstances are deemed to warrant justification for non-compliance with the condition I consider that any permission should be made personal to Mrs Criddle, whilst engaged in training, exercising and schooling of horses.

PARISH COUNCIL no objection, provided it is a non-commercial use only and the adjacent footpath is retained and the recently removed stile replaced.

4 LETTERS OF OBJECTION have been received raising the following issues:- the modern buildings are of a substantial commercial nature with corrugated roofing and steel portal frames and are out of character with the curtilage of a listed, grade 2, building; the buildings tower above the barn conversion overpowering it; the buildings are tall and prominent in the landscape effecting the setting of and views from Cotlake Hill, a special landscape feature; the buildings are clearly visible from the footpaths adjacent to Haygrove farm and house (Grade 2 listed buildings) and Haygrove Mill; the buildings are in a designated green wedge and will effect views over a wide ranging area contrary to policy if the buildings are no longer needed for agricultural use; the buildings cannot be screened by planting as it will have no material effect in disguising the nature and structure of the buildings; the buildings are labelled as being used as an equestrian centre, including a wide range of activities, if used as a business or by friends it will generate significant traffic beyond that expected for a private dwelling; highways were concerned about traffic associated with one dwelling and various measures were suggested to remove the concern. This did not include improvements at the junction and visibility is hazardous with cars parked in the road adjacent to the junction and any increase in the use of the junction as may arise from this proposal would be dangerous to highway safety; any private use condition would be difficult to enforce inviting contravention; the previous condition should be upheld and the buildings removed from the site to result in a tasteful enterprise and not a commercial enterprise; the new owner was aware of the condition when buying the property; I would ask members of the planning committee to visit this site; removal of the southerly barn would restore views of the greenwedge for local residents and walkers.

2 LETTERS OF SUPPORT have been received raising the following points:- I look forward to a beneficial use for the buildings as long as the visual impact is improved.

BRITISH EQUESTERIAN FEDERATION I am writing to you in my capacity as the World Class Performance Manager for the GB Paralympic Dressage Squad. There are eight riders in the GB Squad and currently they are the Paralympic, World and European Team Gold medallists. Of the eight riders the most successful is Deborah Criddle, who, as well as being in the team, is also Paralympic and World Individual Champion. Deborah is an elite athlete and receives funding from UK Sport through the British Equestrian Federation. Deborah is a mainstay of the British squad, which is now training hard for the Beijing Paralympic Games. It is also highly likely that she will be representing her country at the London Games in 2012. However, her continuation in the squad is dependent on her being successful. Success for riders only happens with a lot of hard work, dedication and training of, not only their own sporting skills, but also those of their horse. Dressage is all about a harmonious and effective relationship between the horse and rider. It needs both of them to be operating at full capacity to be successful. Deborah and her husband Bruce have recently bought Haygrove Barn at Trull, near Taunton. They are in the early stages of renovating the barn and turning it into a lovely family home where Deborah hopes to keep and train her horses. In order for her to train effectively, and therefore have the best chance of continuing to compete for her country, it is important that she has the correct training facilities at her home base. There are not many suitable facilities in the West Country for Deborah to train at and if she has to travel too far it becomes totally impractical and takes up too much of her time (she is a full time mother, wife and bookkeeper for her husband's business). It is also very exhausting for her ~s she is not as physically strong as an able bodied rider. The only way for her to put in the vital training she needs to do, is for her to have an outdoor manege at home that she can use six days a week. Therefore, I would be very grateful if you and your colleagues could look favourably at the revised planning applications that the Criddles are submitting to you. There are two existing agricultural buildings at Haygrove Barn. The smaller one could be converted into stables, wash down area, tack room and feed room. All these essential facilities would be under one roof and on the same level, making for easy access by a disabled person. The other larger building would be suitable for an indoor 'turnout area/lunging arena' and would be particularly useful to Deborah (who has a very weak right leg) in bad weather, reducing the possibility of her slipping and falling on uneven and wet ground. They will also be applying to build an outdoor manege. Externally these buildings would not change, thus the nature of Haygrove Barn would remain in tact. I hope you are able to help Deborah and Bruce Criddle and if I can be of any help, or if you have any questions, please do not hesitate to contact me.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Taunton Deane Local Plan Policies S1 (General Requirement), EN13 (Green Wedges), EN16 (Listed Buildings), EN17 (Alteration/conversion/extension of Listed Buildings)

## **ASSESSMENT**

This application is for the retention of a group of three modern farm buildings as a



horse training facility to be used by the new owner who is a paralympic and world individual gold champion at Dressage. The application site would enable her to have continual and level access to the training/schooling facilities near to her accommodation in the converted barns. The new owner has argued that searches for other suitable property have been un-successful and that this site offers the buildings and situation that would provide an ideal location suitable for her personal need. In addition, in training at home, it is argued that the proposal would result in a reduction of her movements to and from stables elsewhere in order to train. The local farmer used the subject farm buildings intensively for agricultural purposes involving numerous farm vehicle movements. The existing permission secured the removal of those buildings resulting in a substantial reduction in the flow of traffic using the access.

The County Highway Officer has considered the traffic generation of the proposed use for the barns and raises no objection provided that the use is for a private use only. I consider that the proposed retention of the buildings is acceptable in highway terms. The Haygrove Farm Barns (both modern and traditional) were originally used in association with the agricultural use of the adjoining fields. The modern buildings are therefore in close proximity to the smaller listed traditional barns (5m). An advantage of converting the barns, in terms of the listed building, was the removal of the modern buildings and reinstatement of the less developed setting of the listed complex. In allowing the buildings to remain for the current occupants, this advantage will be delayed. The Conservation Officer has commented that, if a personal need is established it may be weighed against the benefits to the setting of the listed building and a personal, temporary permission may be justified. In considering the specific need of this applicant I am satisfied that this site would fulfil the needs of the applicant, arising from her disability, and that the removal of the modern building would result in the need for new buildings elsewhere in the green wedge. The buildings exist and there would be no positive harm to the open character of the area. On balance I consider that the retention of the barns is justified in this case provided they are demolished when that specific need has expired. Permission considered acceptable

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, personal permission with demolition of the barns when this ceases, private use only, landscaping.

**REASON(S) FOR RECOMMENDATION:-** The barns are required for the personal and specific needs of Mrs Criddle (a paralympian) and it is considered that such facilities cannot easily be provided elsewhere. The retention of existing buildings would not result in a loss of the open character of the green wedge, nor an increase in highway danger. The proposal would result in the reinstatement of the setting of the listed barn in the longer term. The proposal is considered to be in accordance with the requirements of Somerset and Exmoor National Park Structure Plan policy 49, Taunton Deane Local Plan policies EN13, EN16 and S1(A).

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:

42/2005/046

MR & MRS B CRIDDLE

**CONSTRUCTION OF DRESSAGE AREA AND CHANGE OF USE OF FARM BUILDINGS TO STABLES, EQUESTRIAN USE AND HAY STORE AT HAYGROVE BARN, TRULL**

21949/22304

FULL

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**PROPOSAL**

Two planning applications have been submitted, one for the variation of planning permission 42/2004/036 to enable the retention of farm buildings (that were to be demolished in association with the conversion of listed farm barns to a dwelling) and one for the change of use of farm buildings for stables, hay storage, lunge area and tack room and the construction of a outdoor dressage arena.

This application is for the use of the retained barns (total of 798 sq m, up to 8.1 m high) a horse training facility (hay store, 6 stables, lunge area and tack room) for the private use of the owner of Haygrove Farm, and the provision of an outdoor dressage area immediately to the north of the farm buildings. The outdoor dressage area will be formed using cut and fill to produce a level surface and will be partly screened from view by the existing farm buildings.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection provided the development does not result in any increased traffic and is for private ancillary use only.

LANDSCAPE OFFICER the proposed dressage area could be re-sited to reduce its impact on the landscape and public right of way and this would make it easier to provide effective landscaping. CONSERVATION OFFICER If personal circumstances are deemed to warrant justification to not comply with the condition I consider that any permission should be made personal to Mrs Criddle, whilst engaged in training, exercising and schooling of horses.

PARISH COUNCIL no objection, provided it is a non-commercial use only and the adjacent footpath is retained and the recently removed stile replaced.

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agricultural use; the buildings cannot be screened by planting as it will have no material effect in disguising the nature and structure of the buildings; the buildings are labelled as being used as an equestrian centre, including a wide range of activities, if used as a business or by friends it will generate significant traffic beyond that expected for a private dwelling; highways were concerned about traffic associated with one dwelling and various measures were suggested to remove the concern. This did not include improvements at the junction and visibility is hazardous with cars parked in the road adjacent to the junction and any increase in the use of the junction as may arise from this proposal would be dangerous to highway safety; any private use condition would be difficult to enforce inviting contravention; the previous condition should be Upheld and the buildings removed from the site to result in a tasteful enterprise and not a commercial enterprise; the new owner was aware of the condition when buying the property; I would ask members of the planning committee to visit this site; removal of the southerly barn would restore views of the green wedge for local residents and walkers.

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BRITISH EQUESTERIAN FEDERATION I am writing to you in my capacity as the World Class Performance Manager for the GB Paralympic Dressage Squad. There are eight riders in the GB Squad and currently they are the Paralympic, World and European Team Gold medallists. Of the eight riders the most successful is Deborah Criddle, who, as well as being in the team, is also Paralympic and World Individual Champion. Deborah is an elite athlete and receives funding from UK Sport through the British Equestrian Federation. Deborah is a mainstay of the British squad, which is now training hard for the Beijing Paralympic Games. It is also highly likely that she will be representing her country at the London Games in 2012. However, her continuation in the squad is dependent on her being successful. Success for riders only happens with a lot of hard work, dedication and training of, not only their own sporting skills, but also those of their horse. Dressage is all about a harmonious and effective relationship between the horse and rider. It needs both of them to be operating at full capacity to be successful. Deborah and her husband Bruce have recently bought Haygrove Barn at Trull, near Taunton. They are in the early stages of renovating the barn and turning it into a lovely family home where Deborah hopes to keep and train her horses. In order for her to train effectively, and therefore have the best chance of continuing to compete for her country, it is important that she has the correct training facilities at her home base. There are not many suitable facilities in the West Country for Deborah to train at and if she has to travel too far it becomes totally impractical and takes up too much of her time (she is a full time mother, wife and bookkeeper for her husband's business). It is also very exhausting for her ~s she is not as physically strong as an able bodied rider. The only way for her .to put in the vital training she needs to do, is for her to have an outdoor manege at home that she can use six days a week. Therefore, I would be very grateful if you and your colleagues could look favourably at the revised planning applications that the Criddles are submitting to you. There are two existing agricultural buildings at Haygrove Barn. The smaller one could be converted into stables, wash down area, tack room and feed room. All these essential facilities would be under one roof and on the same level, making for easy access by a disabled person. The other larger building would be suitable for an indoor 'turnout area/lunging arena' and would be

particularly useful to Deborah (who has a very weak right leg) in bad weather, reducing the possibility of her slipping and falling on uneven and wet ground. They will also be applying to build an outdoor manege. Externally these buildings would not change, thus the nature of Haygrove Barn would remain in tact. I hope you are able to help Deborah and Bruce Criddle and if I can be of any help, or if you have any questions, please do not hesitate to contact me.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Taunton Deane Local Plan Policies S1 (General Requirement), EN13 (Green Wedges), EN16 (Listed Buildings), EN17 (Alteration/conversion/extension of Listed Buildings)

## **ASSESSMENT**

This application is for the retention of a group of three modern farm buildings as a horse training facility to be used by the new owner who is a paralympic and world individual gold champion at Dressage. The application site would enable her to have continual and level access to the training/schooling facilities near to her accommodation in the converted barns. The new owner has argued that searches for other suitable property have been un-successful and that this site offers the buildings and situation that would provide an ideal location suitable for her personal need. In addition, in training at home, it is argued that the proposal would result in a reduction of her movements to and from stables elsewhere in order to train.

The local farmer used the subject farm buildings intensively for agricultural purposes involving numerous farm vehicle movements. The existing permission secured the removal of those buildings resulting in a substantial reduction in the flow of traffic using the access.

The County Highway Officer has considered the traffic generation of the proposed use for the barns and raises no objection provided that the use is for a private use only. I consider that the proposed retention of the buildings is acceptable in highway terms. The Haygrove Farm Barns (both modern and traditional) were originally used in association with the agricultural use of the adjoining fields. The modern buildings are therefore in close proximity to the smaller listed traditional barns (5 m). An advantage of converting the barns, in terms of the listed building, was the removal of the modern buildings and reinstatement of the less developed setting of the listed complex. In allowing the buildings to remain for the current occupants, this advantage will be delayed. The Conservation Officer has commented that, if a personal need is established it may be weighed against the benefits to the setting of the listed building and a personal, temporary permission may be justified. In considering the specific need of this applicant I am satisfied that this site would fulfil the needs of the applicant, arising from her disability, and that the removal of the modern building would result in the need for new buildings elsewhere in the green wedge. The buildings exist and there would be no positive harm to the open character of the area. On balance I consider that the retention of the barns is justified in this case provided they are demolished when that specific need has expired. Permission considered acceptable

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, personal permission with demolition of the barns when this ceases, private use only, landscaping.

**REASON(S) FOR RECOMMENDATION:-** The barns are required for the personal and specific needs of Mrs Criddle (a paralympian) and it is considered that such facilities cannot easily be provided elsewhere. The retention of existing buildings would not result in a loss of the open character of the green wedge, nor an increase in highway danger. The proposal would result in the reinstatement of the setting of the listed barn in the longer term. The proposal is considered to be in accordance with the requirements of Somerset and Exmoor National Park Structure Plan policy 49, Taunton Deane Local Plan policies EN13, EN16 and S1(A).

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:

44/2006/004

MR RICHARD & PATRICK ALLISTONE

**ERECTION OF 50 BED ELDERLY MENTALLY INFIRM HOME TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING AND UPGRADED DRAINAGE SYSTEM, CHELSTON PARK RESIDENTIAL AND NURSING HOME, WEST BUCKLAND ROAD, WELLINGTON**

315296/120078

FULL

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**PROPOSAL**

The proposal provides for the erection of a 50 bed elderly mentally infirm (EMI) unit together with associated parking and an upgraded drainage scheme. The proposed new unit will be built largely in the grounds of and adjacent to the existing nursing and residential home. The existing home caters for 31 residents and there is an unimplemented planning permission for a further 17 bed extension. An adjacent paddock will also be used. An existing bungalow and garage will be demolished. Surface water will be attenuated prior to connection to an existing outfall and foul drainage is to be by means of a reed bed system. The proposal is for a predominantly 2 storey building with some single storey. The walls to the proposed building are to be render with reconstituted stone cills with areas of timber boarding. The roof materials are to be largely orange bold roll roof tiles to match the existing, with also areas of zinc roofing and grey membrane. The pitched roofs will have flat tops, similar to the existing extension, to keep ridge lines no higher than the existing building. Wildlife surveys have been carried out. No evidence of bats was found within or on the exterior of the bungalow, but further survey work is recommended. If bats or evidence of significant use is found then, a DEFRA licence would be required prior to demolition. Any pruning or felling of trees should be preceded by an inspection of trees or limbs to be removed for their potential to support roosting bats. Potential breeding ponds/suitable terrestrial habitat are present within the site and a presence/absence survey for great crested newt is therefore required and if found, a DEFRA licence would be required. A 'hand search' for reptiles by an experienced ecologist is recommended. There is a significant belt of mature monetary pine and other trees bordering the road. These trees are the subject of a group TPO and have been inspected by an arboriculturalist. He concludes that provided all necessary steps are taken to avoid root damage and soil compaction, the main group of trees should not suffer from the proposed development. The old brick walls of the walled garden would need to be demolished and the intention is to salvage the bricks for reuse in the garden areas.

**CONSULTATIONS AND REPRESENTATIONS**

HIGHWAYS AGENCY does not propose to give a direction restricting the grant of planning permission. ENVIRONMENT AGENCY flood risk is the only issue to be considered by the Agency. Because of the location of the proposal and the associated level of flood risk, the flood risk standing advice should be used. With regard to the proposed use of non-mains foul drainage system reference to various

guidance notes. CHIEF FIRE OFFICER means of escape and access for fire appliances should comply with Building Regulations and water mains should be of sufficient size to permit installation of fire hydrants conforming to British Standards. SOMERSET WILDLIFE TRUST site has the potential to support nesting birds, all species of which are legally protected species. Therefore recommend that any clearance of trees, hedgerows or other structures which have the potential to support nesting birds be carried out outside the bird breeding season so as to minimise the risk of disturbance. If clearance work is to be carried out during the bird breeding season, recommend that only allowed provided a survey has first been conducted confirming that nesting birds are not present and not likely to be disturbed by the work. Recommend that any additional planting consist of native species, ideally of a local provenance. Recommend conditions or obligations to secure the above.

LANDSCAPE OFFICER main concern is the proposed car parking within the canopy spread areas of the existing northern boundary conifers does not meet BS5837 and is likely to cause damage to existing roots. There may be scope for further car parking in the north east of the site to the south of the existing pasture field fence. The proposed tree works are acceptable. The widening of the access drive would not be acceptable as it would cause root damage to TPO trees. Details of proposed trees within the parkland area will be needed. DRAINAGE OFFICER note that foul flows are to be treated by means of a reed bed facility. Environment Agency consent for such a treatment process will be required. Note that surface water flows are to be attenuated prior to being connected to the existing outfall. Details of attenuation including calculations, sizing of tanks and hydrobrake should be approved before any works commence on site. The above should be covered by condition on any approval.

PARISH COUNCIL confirm their support for this planning application. Note the intention to use reed bed technology for waste water in the proposed new development and the existing nursing home and seek some assurances over sizing and effectiveness as the numbers of residents and staff on the site will be considerable. Also note that the development would require the removal of the laurel hedging on the north side of the site and consider that the roadside boundary should be planted with hedging as the existing monterey pine trees do not provide low level screening. Have concerns over the safety of pedestrians walking along the A38 Wellington bypass to the nursing home and to the future developments being considered in the area and advocate consideration be given by Somerset Highways to the provision of a tarmacadam pedestrian path alongside the bypass.

## **POLICY CONTEXT**

Policy STR1 of the County Structure Plan contains policies related to sustainable development.

Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments. Policy S2 of the same Plan states that development must be of a good design.



## **ASSESSMENT**

The proposal is effectively an extension of the existing nursing home facility. Although a large building is proposed, it is well screened from the A38 road and additional planting is proposed to soften any long term impact from the Blackdown Hills. The proposed design is considered to be acceptable.

## **RECOMMENDATION**

Subject to the views of the County Highway Authority, and any conditions that they may request, the Development Control Manager consultation with the Chair/vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, landscaping, protection of trees to be retained, no service trenches beneath tree canopies, no felling or lopping, parking, cycle parking, wildlife mitigation measures and drainage. Notes re disabled access, energy and water conservation, advice from and contact Environment Agency, Chief Fire Officer.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 and S2

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES:

44/2006/006

MR W E ROWE

**CHANGE OF USE AND CONVERSION OF BARN TO SINGLE DWELLING, BARN OFF LITTLE SILVER LANE, MIDDLE GREEN, WELLINGTON**

314017/1188567

FULL

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**PROPOSAL**

Permission is sought for the conversion of a redundant agricultural barn which forms an L shaped arrangement to provide a four bedroom residential dwelling. The existing external walls of the building are constructed of a mixture of red brick and stone walls with some cob. The roof is covered with roman tiles and galvanised sheeting. It is proposed to re-roof the dwelling with tiles to match the existing.

The barn is open fronted and the proposal seeks to provide a high degree of fenestration and new timber supports on the south elevation (facing onto the courtyard). On the outer external walls it is proposed to enlarge an existing high level window within the gable (south elevation). There are two new windows comprising three panes on west elevation, adjacent to the public right of way, and an additional window in the north elevation.

The proposed curtilage has been drawn relatively tightly around the building with a new stock proof fence and native hedge proposed to provide the boundary treatment along the east boundary of the site. The barn is located approximately 160 m along an existing muddy track to the south of the access with Little Silver Lane. The proposed access to the barn would be to the rear (south) and result in the loss of a small section of hedgerow. The existing overgrown court yard area would be cleared to provide an amenity garden area, access/turning and parking for the dwelling.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY Middle Green does not accommodate adequate services and facilities, such as, education, employment, health, retail and leisure, and the public transport services within the area are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provision of policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000). Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the re-use of the barn and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car. Access to the barn is via an existing track off of an unclassified road. Visibility at the point of access is very restricted to the west of the access and whilst traffic for the proposed development may generate a similar level of traffic to that of the agricultural use of the barn, the nature of the trip patterns connected with a residential use are likely to be very different with a higher level of

longer distance trips. Taking this point into consideration and in the interests of highway safety, I would recommend re-positioning the access to a position that would afford improved visibility for the benefit of all road users. ENGLISH NATURE advise that this was not an ideal time of the year to carry out a bat survey as bats are less active during October to April. However, evidence of bats was found in barn 1. English Nature would recommend that a summer emergence bat survey is carried out to determine if it is a breeding roost.

LANDSCAPE OFFICER the Oak tree in the south west corner of the site has high amenity value and helps to integrate the barn within the local landscape. The proposed access drive and parking area would detrimentally impact upon the health of the tree and would not meet the requirements of BS5837. However, subject to no construction or surfacing works within the tree canopy it should be possible to find an alternative layout for the drive and parking area. The predominantly Elm hedgerow should be coppiced – it already appears to be dying from ‘Dutch Elm Disease’ – and replanted with a mix of Hazel and Hawthorn with an Oak and Field Maple planted along its length. All the new boundary hedgerows should have a low bank and native species hedgerow to help integrate it into the local landscape. NATURE CONSERVATION & RESERVES OFFICER it is identified that there is a bat roost in Barn 1 and as such a DEFRA license is required. There is also evidence of nesting swallows within Barn 2 and as such should the development be approved provision must be made for swallows to nest within the converted building. Works must be avoided between the periods 1st April – 30th September in any year.

PARISH COUNCIL no comments to make.

1 LETTER OF OBJECTION has been received raising the following issues:- this lane is one of the main public footpaths to the monument which could prove dangerous if vehicle access is increased; the ditch on the applicant’s side of the lane is an open ditch into which water from land drains, it would be impossible to pipe because of the volume of water which comes from the fields during heavy rain, this would aggravate the flooding which occurs frequently further up the road; the owner of Byways has invested in flood prevention and is concerned by any additional run off from surface water as a result of the road being tarmaced; the proposed access would be in close proximity to the ‘Byways’.

## **POLICY CONTEXT**

RPG10 – South West

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPG3 – Housing, PPS9 – Biodiversity and Geological Conservation,

PPG13 – Transport

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), ST6 (Development Outside Rural Centres & Villages), Policy 5 (Landscape Character), Policy 49 (Transport Requirements of new Development).

Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), H7 Outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless; (A) the building proposed to be converted is of permanent and substantial construction and: (1) is in keeping with its surroundings; (2) has a size and structure suitable for conversion without major rebuilding or significant extension and alteration; (3) is unlikely to attract a suitable business re-use; and (4) is sited near a public road; (B) and the proposal: (1) will not harm the architectural or historic qualities of the building; (2) does not involve the creation of a residential curtilage which would harm the rural character of the area; and (3) will not lead to a dispersal of activity on such a scale as to prejudice town and village vitality. S7 (Outside Settlements), M4 (Residential Parking Requirements), EN4 (Wildlife in Buildings to be Converted or Demolished), EN5 (Protected Species), EN6 (Protection of Trees) and EN12 (Landscape Character Areas).

## **ASSESSMENT**

The pertinent issues in the determination of application are discussed below: -

### Sustainability

The agent has indicated that 'the barn is located in a particularly rural area which is accessed via a single track leading from an unclassified lane' and as such 'is unlikely to be suitable for business re-use' or would a prove viable option. No marketing information was therefore submitted with the application.

The site is sufficiently far from public transport and local amenities as to require a car to be used for most trips. In terms of traffic generation the nature of trip patterns connected with a residential use are likely to be very different with a higher level of longer distance trips than the agricultural use. As a consequence, occupiers are likely to be dependant upon private vehicles for most of their daily needs. The proposal would thus run contrary to one of the principal objectives set out in paragraph 4 of Planning Policy Guidance Note PPG13 – Transport, to reduce the need to travel, especially by car. As such the proposed location would be unsustainable.

### Visual Impact

The application site is designated as a Landscape Character Area. As such special consideration should be given to preserving the distinct character and appearance of the area. Furthermore national guidance contained within Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas' states that the Government's overall aim 'is to protect the countryside for the sake of' inter alia 'its intrinsic character and beauty...and wildlife...so it may be enjoyed by all'. PPS7 continues that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

The existing access track would need to be resurfaced and it is considered by reason of its distance from a public road the proposal would be contrary to the provision of local plan policy H7. Furthermore, it is considered the resurfacing of the

access track and the proposed access arrangement would detract from the rural character of the area which is open to wide ranging views from the west and east of the site.

It is considered the proposed conversion by reason of its isolated setting and access arrangements would have a detrimental impact upon the wider landscape. In addition the proposed parking area would harm the adjoining Oak tree considered to be of high amenity value.

### Design

The existing barns are located in the middle of agricultural fields open to public view along an existing public right of way. The barns are in a rather dilapidated state and a significant amount of rebuilding and alterations would be required. However it is considered on balance that overall the proposed alterations to the barns are considered acceptable.

The proposed curtilage would appear to be commensurate to the size of the proposed residential dwelling. However, the landscape officer expresses a number of concerns to the proposed landscape arrangements. It is imperative that suitable landscaping be agreed such is the isolated and prominent location of the barns in the wider landscape.

### Conclusion

To conclude there has been no serious effort made to attract a business use to the premises, likely to support the rural economy. It is clear that the area is predominantly rural, with very limited facilities within easy reach. Therefore, it is considered this is not a sustainable location and the use of the barn as a permanent dwelling would give rise to substantial car usage. Furthermore, the barns are located a considerable distance from a public road.

There are also concerns regarding the lack of information submitted in the wildlife report. The survey was produced outside of the optimum time for bat surveys and the report concludes, page 2, that Barn 1 could be a breeding site. As such further survey work should be carried out in accordance with government circular 06/2005 – Biodiversity and Geological Conservation.

As such it is recommended the application be refused.

### **RECOMMENDATION**

Permission be REFUSED for the reasons of (1) The site lies within open countryside, outside any recognised development boundary limits where it is remote from adequate services, facilities, education and employment opportunities and there is no access to public transport services, any residents of the proposed dwelling are therefore likely to be solely dependant on private vehicles for their daily needs; the proposal will therefore foster a growth in the need to travel and as such the proposal is contrary to the advice contained in PPG13, RPG10, and the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan

Review. (2)The required resurfacing of the access track by reason of its length would appear an incongruous and intrusive form of development detracting from the rural character and appearance of the area. Furthermore, the proposed parking arrangements would have a harmful impact upon the existing Oak tree and as such the proposal would be contrary to Taunton Deane Local Plan Policies H7, EN12 and EN6. (3) The wildlife survey identifies evidence of Bats in Barn 1, a potential breeding site. As such further survey work is required and this must be carried out within the optimum time for bat surveys 1st April – 30th September in accordance with paragraph 99 of government circular 06/2005 – Biodiversity and Geological Conservation. As such the existing wildlife survey is insufficient to enable a detailed assessment contrary to the provisions of the Taunton Deane Local Plan Policy EN4 and PPS9 – Planning for Biodiversity and Geological Conservation.

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

**CONTACT OFFICER: 356586 MR A PICK**

NOTES:

49/2006/006

MR & MRS D JAY

**DEMOLITION OF DWELLING AND ERECTION OF REPLACEMENT DWELLING AND CHANGE OF USE OF LAND FROM AGRICULTURAL TO DOMESTIC, AT HIGHER GRANTS, FORD, WIVELISCOMBE.**

08773/28651

FULL

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**PROPOSAL**

The proposal relates to the demolition of an existing two storey, four bedroom dwelling and its replacement with a two storey, four bedroom dwelling. The footprint of the existing dwelling measures approximately 150 sq m and the footprint of the proposed dwelling is approximately 190 sq m although the existing dwelling is attached to various other outbuildings.

The application is accompanied by internal and external photographs that indicate the substandard nature of the dwelling, a structural report indicating that to refurbish the dwelling it would have to be reduced to its walls only, underpinned and reassembled. A builders quote for the referb works has also been submitted and the agent estimates that the works would be 50% - 60% greater than a newly built property. A wildlife survey also accompanies the application.

This application is also accompanied by application 49/2006/007, also to be heard at this committee meeting, for the conversion of an adjacent barn to residential accommodation. A garage subject to application 49/2006/005 has also been submitted and is due to be determined under delegated powers.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection to the principle however the development will use an existing substandard access and I would recommend that adequate visibility splays are incorporated.

NATURE CONSERVATION AND RESERVES OFFICER further survey work will be needed and a DEFRA licence prior to demolition due to the presence of bats. DRAINAGE OFFICER notes regarding soakaways and foul drainage.

PARISH COUNCIL in response to the various planning applications received in respect of higher Grants Farm the Parish Council object on the basis that the proposed new house is unsympathetic, substantial and constitutes development in the open countryside.

**POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (design), H8 (Replacement Dwellings Outside Settlements) and EN5 (Protected Species).

## **ASSESSMENT**

Despite being located outside of any settlement boundary the Local Plan Policy H8 does make provision for replacement dwellings to be constructed. The latter policy requires that the existing dwelling has not been abandoned and that it would be uneconomic to bring it up to a modern standard. The proposal should be for a one for one replacement which should not be substantially larger than the existing dwelling and the scale, design and layout should be compatible with the rural character of the area.

The application has been submitted with a substantial amount of information which concludes that the cost of refurbishment would be 50%-60% greater than the cost of new build. Refurbishment of the existing building is therefore considered uneconomical and the principle of a replacement dwelling is considered acceptable.

The proposed dwelling is some 40 sq m greater in footprint than the existing dwelling, however the existing dwelling is attached to various other outbuildings and is seen within the context of a large group of buildings. Given that some of the buildings are proposed to be removed, the overall visual impact will be reduced. Coupled with the fact that the existing dwelling could be extended by 70 cubic metres without planning permission, the proposed dwelling is not considered to be substantially larger.

The footprint of the replacement dwelling would overlap the existing footprint however the new dwelling would be located further to the east in order to increase the distance from the proposed barn conversion. It is considered important that the existing and proposed footprints at least overlap to ensure that the existing building is indeed demolished.

In terms of design, the proposed dwelling incorporates features of the existing dwelling such as the external chimney and hipped roof. Furthermore the proposal incorporates cottage style features and utilises materials that are sympathetic to the rural character of the area. The use of slates has been requested rather than concrete tiles as initially proposed.

There are no neighbouring properties that would be detrimentally affected and the Nature Conservation and Reserves officer is satisfied that subject to further survey work and the issue of a DEFRA licence that bats will not be unduly harmed. and for the reasons above the proposal is recommended for approval.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, landscaping, boundary treatments, services located underground, GDO extensions, parking spaces, visibility, DEFRA licence required, further surveys for bats. Notes re soakaways, foul drainage, use of slate, use of native species hedge to south garden boundary.

## **REASON(S) FOR RECOMMENDATION:-**



The replacement dwelling is a one for one replacement which is not substantially larger than the existing dwelling and the scale, design and layout is compatible with the rural character of the area. As such the proposal accords with Taunton Deane Local Plan Policies S1, S2, H8 and EN5.

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

**CONTACT OFFICER: 356586 MR R UPTON**

NOTES:

49/2006/007

MR & MRS D JAY

**CONVERSION OF BARN TO DWELLING, HIGHER GRANTS, FORD, WIVELISCOMBE.**

08722/28623

FULL

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**PROPOSAL**

The proposal relates to the conversion of a stone barn to living accommodation and the removal of attached modern, less vernacular agricultural buildings.

The application is accompanied by a structural survey which indicates that the barn is structurally sound. A wildlife survey also accompanies the application.

This application is accompanied by application 49/2006/006, also to be heard at this committee meeting, for a replacement dwelling adjacent to the barn. A garage subject to application 49/2006/005 has also been submitted and is due to be determined under delegated powers.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the site is remote from facilities and is likely to foster the need to travel however it is a matter for the Local Authority to decide whether the re-use of the barn outweighs transport policies that seek to reduce reliance on the private car. The development will use an existing substandard access and I would recommend that adequate visibility splays are incorporated.

NATURE CONSERVATION AND RESERVES OFFICER further survey work will be needed and a DEFRA licence prior to demolition due to the presence of bats. DRAINAGE OFFICER notes regarding soakaways and foul drainage.

PARISH COUNCIL objects to any new development in the open countryside including any change from current agricultural use and stress that the barn conversion should be assessed against the appropriate Local Plan policy and Planning Policy guidance, which should include considering non-residential uses.

**POLICY CONTEXT**

Policies S1 (general requirements), S2 (design), S7 (development outside settlement limits) and H7 (barn conversions) of the Taunton Deane Local Plan are relevant to this application.

**ASSESSMENT**

The proposal comprises the conversion of a traditional stone barn into a two storey, four bed-roomed dwelling. The conversion utilises existing openings with the

exception two small windows to the north elevation. The existing galvanised roof is also proposed to be replaced with a new slate roof incorporating 5 rooflight windows. Overall therefore the conversion is not considered to involve significant alterations or re-building. The proposal is considered not to harm the residential or visual amenity of the area nor harm the character and appearance of the barn, making the conversion in keeping with the surroundings. A wildlife survey has indicated the presence of protected species and appropriate mitigation measures are proposed.

The Parish Council have objected to the principle of the development due to its location outside of any settlement limit, however policy H7 provides specific provision for this form of development. The Parish Council rightly point out that commercial re-use of barns is preferred to residential use however this option was disregarded at the pre-application stage due to commercial traffic using the unsuitability of poor approach roads and junctions. It is also considered that Policy H7 outweighs the Highway Authority transport policies that seek to reduce reliance on the private car.

There are no neighbouring properties that would be detrimentally affected and the Nature Conservation and Reserves officer is satisfied that subject to further survey work and the issue of a DEFRA licence that bats will not be unduly harmed. and for the reasons above the proposal is recommended for approval.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, schedule of works to ensure stability, schedule of repairs, second hand materials, details of guttering, landscaping, hard landscaping, boundary treatments, GDO extensions, outbuildings, fencing, windows, contamination, 2 parking spaces, visibility, DEFRA licence, further protected species survey work and further survey for owls. Notes re awareness of bats on site, soakaways and foul drainage.

**REASON(S) FOR RECOMMENDATION:-** The building is worthy of retention and the approved scheme satisfactorily respects the traditional character of the building and would not harm visual or residential amenity and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2 and H7.

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

**CONTACT OFFICER: 356469 MR R UPTON**

NOTES:

52/2006/004

MR & MRS P DUNNING

**ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSION AT 37 SCAFELL CLOSE, TAUNTON**

21226/23390

FULL

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**PROPOSAL**

The proposal is for a two-storey extension wrapping around the side and rear and a single storey extension to the rear. The two storey element will measure approximately 6.25 m x 3.5 m along the rear and 5 m x 3.1 m along the side of the property. The single storey element abuts the south eastern side boundary, measuring 3.5 m x 2.4 m. The extension will have ground and first floor windows to the front and rear. Materials will match existing.

**CONSULTATIONS & REPRESENTATIONS**

WESSEX WATER require conditions re surface water and foul sewer.

PARISH COUNCIL supports proposal.

**POLICY CONTEXT**

Taunton Deane Local Plan Policy H17 supports extensions to dwellings provided they do not harm; the residential amenities of surrounding properties or the amenities of the site; the form and character of the dwelling and are subservient to it in scale and design. Policy S1 sets out general requirements for development. Policy S2 seeks good design.

PPG 1 General Policy and Principals

**ASSESSMENT**

The main issues in respect to this application are overdevelopment of the site and the potential impact it could have upon the amenities of the adjoining property. It is considered that a two storey side extension may be acceptable on this site, but that the proposed extension is too large in relation to the house and therefore not subservient. Due to the 3.5 m projection at the rear being only 2.4 m from the adjoining property the extension would affect the outlook from the first floor windows of the adjoining property. The proposal involves the erection of a 2 m high fence running along the footpath. It is felt that by increasing the height of the fence, the character of the street scene will be affected by making the footpath feel enclosed and overshadowed.

## **RECOMMENDATION**

Permission be REFUSED for the following reasons (1) that it is considered that the proposal is not subservient to the existing dwelling and would adversely affect the amenities of the adjoining property. The proposal is contrary to Taunton Deane Local Plan Policies H17, S1 and S2. (2) the proposed fence, by reason of its height, adversely affects the character and appearance of the street scene, contrary to Taunton Deane Local Plan Policy S2.

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

**CONTACT OFFICER: 356313 MRS F WADSLEY**

NOTES:

## **PLANNING COMMITTEE – 19TH APRIL, 2006**

### **Report of the Development Control Manager**

#### **ENFORCEMENT ITEM**

**Parish:** Wellington

1. **File/Complaint Number** E345/43/2005
2. **Location of Site** Taunton Road, Wellington.
3. **Names of Owners** Discount Tile Warehouse, Unit 7, Poole Industrial Estate, Wellington.
4. **Names of Occupiers** As above

5. **Nature of Contravention**

Display of advance sign.

6. **Planning History**

The sign came to the Authorities attention in November 2005. Details of the company responsible for displaying the sign were obtained and in January 2006 a letter was sent to the owner informing him that advertisement consent was required for the display of the sign, however it was the opinion of the Local Planning Authority that an application to retain the sign would be unsuccessful. In view of this it was requested that the sign be removed. The owner responded in February stating that the size and siting of the sign was a direct result of advice given by a member of the Highway Department. He also confirmed that he would temporarily remove/cover the sign whilst the matter is resolved. The Highways Department were contacted and they confirmed they had spoken with the owner but did not suggest a location but merely stated the sign should not be on Highway land and that contact should be made with Taunton Deane Borough Council for their approval. A further letter was sent on 9<sup>th</sup> February explaining the situation and thanking the owner for his willingness to remove the sign. Unfortunately the sign has not been removed and no advertisement application submitted.

7. **Reasons for taking Action**

The sign is located in a predominantly rural area where it is the policy of the Local Planning Authority to resist such advance signing in order to protect the visual amenities of the area. The sign is considered to be obtrusive and detrimental to the visual amenities of the area. It is also considered to be contrary to Policy EC 26 of the Taunton Deane Local Plan and with the Council's approved Supplementary Planning Guidance on Advertisement Control.

8. **Recommendation**

The Solicitor to the Council be authorised to commence prosecution action on both the owner of the sign and the owner of the land on which the sign is currently being displayed.

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

**CONTACT OFFICER: Mr J A W Hardy Tel: 356479**

## PLANNING COMMITTEE – 19 APRIL 2006

### Report of the Chief Solicitor

#### Miscellaneous Item

#### Certificate of Lawful Use; Land at rear of Young Oaks Wrantage (Application No 24/2005/033LE)

At its meeting on the 28 September 2005 Members considered the above application for a Certificate of Lawful Use in relation to open storage on a piece of land to the side and rear of Yew Tree Cottage at Wrantage. Whilst such applications are usually determined at officer level based solely on the strength of the evidence submitted, this application was referred to the Committee because the partner of the applicant was a member of staff.

Members recommended that the Certificate be granted and this was done. However, subsequently there were two separate complaints that the evidence submitted was incorrect or lacking in credibility and that the Certificate should not have been issued. The applicant was advised of the nature of the complaints in a meeting with officers, together with the fact that if the complaints were substantiated the Committee might need to consider revoking the certificate.

The applicant subsequently submitted a rebuttal of the facts alleged by the complainants, together with additional evidence in support of his claim. Copies of this were sent to the complainants who have indicated that although they remain concerned they do not wish to pursue their complaint through the Planning Committee.

I remain of the view that there is sufficient evidence to support the issue of the Certificate, and that the additional information supplied by the complainants is insufficient to warrant revocation of the Certificate.



## **RECOMMENDATION**

It is therefore **RECOMMENDED** that the position be noted and that no further action be taken in respect of application no 24/2005/133LE in respect of the Certificate of Lawful Use relating to land at the rear of Young Oaks Wrantage.

### **Chief Solicitor**

**Contact Officer Judith Jackson 356409 or  
j.jackson@tauntondeane.gov.uk**