

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool on 12 September 2018 at 6.15 pm.

Agenda

- 1 Apologies.
- 2 Minutes of the previous meeting of the Planning Committee - To Follow.
- 3 Public Question Time.
- 4 Declaration of Interests.

To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors or Town or Parish Councillors will automatically be recorded in the minutes.
- 5 53/18/0005 (Pages 5 - 26)

Application for approval of reserved matters for outline application 53/16/0012 for up to 30 dwellings, 3 live/work units, public open space, landscaping, and associated highways, engineering and infrastructure works at Land to the East of North and West Villas, Dene Road, Cotford St Luke, Taunton(Amended plans including details such as internal layouts and elevational treatment. Additional plans to address handing where previously missing)
- 6 38/18/0185 (Pages 27 - 52)

Proposed demolition of swimming pool and erection of mixed use development comprising of retail, commercial, restaurant, residential, car park and associated public realm at Coal Orchard, Taunton
- 7 38/18/0173 (Pages 53 - 72)

Erection of 88 assisted living extra care apartments (Use class C2) with ground floor restaurant and associated car parking, mobility scooter parking, cycle stores, private landscaping and public art at Quantock House, Paul Street, Taunton

- 8 38/18/0165 (Pages 73 - 74)
- Variation of condition 03 (occupation of annexe by seasonal farm workers) of planning approval 38/11/0687 at Cutliffe Farm, Sherford
- 9 38/18/0144 (Pages 75 - 88)
- Reserved matters for the approval of layout, scale, appearance and landscaping for the proposed development of Area I, Firepool Lock to provide 44 residential dwellings
- 10 38/18/0108 (Pages 89 - 112)
- Re-development of the Lyngford House site into 45 (C2 use class) assisted living dwellings consisting of 6 apartments, 33 new build houses, conversion and refurbishment of Lyngford House into 3 apartments and communal facilities, conversion and refurbishment of associated listed cottages (Coach House and Stables) into 3 houses. All with associated landscaping. Demolition of the conference centre and apartment block, closure of the Lyngford Lane site entrance, changes for pedestrians and cyclists and relocation of the Selworthy Road entrance to allow for a new key view and approach to Lyngford House as amended by plans 918/109B, 113A, 105A, 115 and 918/410 Rev B, 402C, 405 and 412B
- 11 Latest appeals and decisions received (Pages 113 - 132)

Bruce Lang
Assistant Chief Executive

4 September 2018

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under "Public Question Time" is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council's Planning Committee and details of the "rules" which apply at these meetings can be found in the leaflet "Having Your Say on Planning Applications". A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



The meeting rooms at both Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



An induction loop operates at Shire Hall to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact the Democratic Services on 01823 219736 or email democraticservices@tauntondeane.gov.uk

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Planning Committee Members:

Councillor R Bowrah (Chairman)
Councillor M Hill (Vice-Chair)
Councillor J Adkins
Councillor M Adkins
Councillor W Brown
Councillor S Coles
Councillor J Gage
Councillor C Hill
Councillor S Martin-Scott
Councillor I Morrell
Councillor S Nicholls
Councillor J Reed
Councillor N Townsend
Councillor P Watson
Councillor D Wedderkopp

53/18/0005

LARKFLEET HOMES SOUTH WEST LTD

Application for approval of reserved matters for outline application 53/16/0012 for up to 30 dwellings, 3 live/work units, public open space, landscaping, and associated highways, engineering and infrastructure works at Land to the East of North and West Villas, Dene Road, Cotford St Luke, Taunton(Amended plans including details such as internal layouts and elevational treatment. Additional plans to address handing where previously missing)

Location: LAND EAST OF NORTH AND WEST VILLAS, DENE ROAD,
COTFORD ST LUKE, TAUNTON

Grid Reference: 317224.12751 Reserved Matters

Recommendation

Recommended decision: Conditional Approval subject to the views of the County Highways Authority and Local Lead Flood Authority.

Recommended Conditions (if applicable)

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

- (A3) DrNo P1644:01 Location Plan
- (A1) DrNo 2283/520-1 Rev C Engineering Layout (1 of 2)
- (A1) DrNo 2283/520-2 Rev A Engineering Layout (2 of 2)
- (A1) DrNo 2283/530-1 Rev A Section 38 Plan (1 of 2)
- (A1) DrNo 2283/530-2 Rev A Section 38 Plan (2 of 2)
- (A1) DrNo 2283/535 Footpath Link Details
- (A1) DrNo 2283/550 Rev A Off-Site Highway Works General Arrangement Plan
- (A1) DrNo 2283/555 Off-Site Highway Works Swept Path Assessment
- (A1) DrNo 2283/600 Rev A Road Longitudinal Sections
- (A1) DrNo 2283/700 Drainage Construction Details
- (A1) DrNo 2283/701 Pipe Bedding Details
- (A1) DrNo 2283/710 Rev A Manhole Schedules
- (A1) DrNo 2283/720 Rev A Detention Basin Details
- (A1) DrNo 2283/730 Highway Construction Details
- (A1) DrNo P1644:03 Rev C Proposed Site Layout
- (A1) DrNo P1644:04 Rev C Site Concept Analysis
- (A1) DrNo P1644:05 Rev C Site Layout Analysis
- (A3) DrNo P1644:06 Refuse Strategy
- (A3) DrNo P1644:09 Boundary Treatments 1 of 2
- (A3) DrNo P1644:10 Boundary Treatments 2 of 2
- (A3) DrNo P1644:11 Rev A Type 2308 Floor Plans
- (A1) DrNo P1644:12 Rev B Proposed Garages
- (A3) DrNo P1644:13 Rev A Type 2224 Brick Variant Plot 9 & 21 (Plans and Elevations)

(A3) DrNo P1644:14 Rev A Type 2224 Brick Variant (Plans & Elevations)
 (A3) DrNo P1644:15 Rev A Type 2324/2323 Render (Floor Plans & Elevations)
 (A3) DrNo P1644:16 Rev A Type 2318 Render (Plans & Elevations)
 (A3) DrNo P1644:17 Brick Variant Elevations
 (A3) DrNo P1644:18 Render Variant Elevations
 (A3) DrNo P1626:19 Floor Plans & Elevations
 (A3) DrNo P1626:20 Rev A Type 2B Brick (Floor Plans)
 (A3) DrNo P1626:21 Rev A Type 3B Brick (Floor Plans)
 (A3) DrNo P1644:22 Rev A Type 2428 Render (Plans & Elevations)
 (A3) DrNo P1644:23 Rev A Type 2409 Render (Plots 10 & 12)
 (A3) DrNo P1644:24 Rev A Type 2404 Brick (Plot 9)
 (A3) DrNo P1644:25 Rev A Type 2404 Plans (Plot 9)
 (A3) DrNo P1644:26 Rev A Type 2502 Render (Elevations)
 (A3) DrNo P1644:27 Rev A Type 2502 Brick (Elevations)
 (A3) DrNo P1644:28 Rev A Type 2502 Plans (Plot 1)
 (A3) DrNo P1644:29 Rev A Type 1302 Floor Plan (Plot 7)
 (A3) DrNo P1644:30 Rev A Type 1302 Render Plot 7 (Elevations)
 (A3) DrNo P1626:31 Type 2B Brick (Elevations)
 (A3) DrNo P1626:32 Type 3B Brick (Elevations)
 (A3) DrNo P1644:33 Type 2409 Render Variant (Plots 4, 11, 18 & 19)
 (A3) DrNo P1644:34 Type 2404 Brick (Elevations Plot 20)
 (A3) DrNo P1644:35 Type 2404 Floor Plans (Plot 20)
 (A3) DrNo P1644:36 Rev A Type 2502 Floor Plans (Plot 6, 21)
 (A3) DrNo P1644:37 Type 1302 Floor Plan (Plot 8)
 (A3) DrNo P1644:38 Type 1302 Render (Plot 8)
 (A3) DrNo P1644:39 Live Work Unit Plans and Elevations (Plot6)
 (A2) DrNo R/2109/1 Rev D Landscape Masterplan
 (A2) DrNo R/2109/2 Rev A Landscape Details
 (A2) DrNo R/2109/3 Rev A Landscape Details

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

2. Before any part of the development hereby permitted 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 soil levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health.

3. Prior to construction above floor slab level of the dwellings hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

4. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

Notes to Applicant

Proposal

Application for approval of reserved matters for outline application 53/16/0012 for up to 30 dwellings, 3 live/work units, public open space, landscaping, and associated highways, engineering and infrastructure works at Land to the East of North and West Villas, Dene Road, Cotford St Luke, Taunton

Amended plans have been submitted, including details such as internal layouts and elevational treatment and additional plans to address handing of properties where previously missing

Site Description

This site comprises part of an agricultural field on the northwest of Cotford St. Luke. The application site is the south western part of this, broadly rectangular, field; the eastern and northern parts of the field are excluded from the application site. The land falls gently from north to south. The field is bordered by hedges. To the east is open countryside, to the north is Dene Road, the main access route into Cotford St. Luke from the Bishops Lydeard direction.

To the west is North Villas, a row of mainly semi-detached dwellings that pre-date the development of Cotford St. Luke. They currently face towards the application site and many have paved over front gardens to provide parking. To the south is land that has been granted outline planning permission for residential development – this site slopes away steeply from the current application site.

Relevant Planning History

The Site Allocations and Development Management Plan (SADMP) was adopted in December 2016.

Policy MIN1: East of Deane Barton, Cotford St Luke

Land East of Dene Barton, Cotford St. Luke, as indicated on the Policies Map, is allocated for around 60 dwellings and small scale Class B employment units on approximately 0.25 hectares of the site. Proposals will need to demonstrate a comprehensive approach to the planning of the site, ensuring a degree of permeability between northern and southern parcels. Development proposals shall also comply with other policy requirements in the plan including any strategic landscaping and planting, other environmental matters, affordable housing, design and mix of dwellings and recreational space, where appropriate.

Application No: 53/16/0012 - Outline planning application with all matters reserved, except for access, for a residential development of up to 30 No. dwellings, 3 No. live/work units, public open space, landscaping and associated highways, engineering and infrastructure works on land east of North and West Villas, Dene Road, Cotford St Luke as amended.

This outline planning application as granted on 22 June 2018 subject to conditions.

Consultation Responses

COTFORD ST LUKE -Date 13 June 2018

Cotford St Luke Parish Council objects to the above Application for the following reasons:

- Prematurity of Application as the Outline Planning Application, 53/16/0012 was never approved and therefore, there are no section 106 and CIL agreements in place.
- Highway safety and traffic congestion due to the increased access/egress of traffic in North Villas due to the development
- The Parish Council understood from Larkfleet Homes architect that a temporary road was to be constructed off Dene Road (near Sunnydene) to the development to ensure construction traffic did not access/egress the development via North Villas and to protect driver and pedestrian safety. This temporary road was subject to a separate Planning Application which seems not to have been submitted.
- The working hours of the live/work units has not been specified
- Children's play provision is not specified

Further comments dated 9 August 2018

Hedgerow

- Opposed to the removal of the ancient hedgerow

Car Parking

- The parking allows approximately 3 spaces per house. In our experience the majority of people do not put their cars in the garages provided. More often

than not garages cannot accommodate anything but the smallest of cars and there is no additional space available within the houses for storage of bikes etc. In most cases the three spaces would be taken by resident's cars. It is likely that there will not be enough additional parking for visitors and trade vehicles etc.

Access via North Villas and Speed Limit

- There are concerns about the access via North Villas. The impact this will have on North Villas of the additional traffic into the development such as poor sight lines etc. I understand that the alternative is a roundabout on Dene road, but is this not a better alternative?
- The existing 20mph limit should be moved back to the current 30mph position, thus slowing the traffic flow and safety improvement for pedestrians and vehicles entering and leaving the access road to the development and North Villas.

Children's Play Space

- The total of 500 sq. mtrs. to be shown on plans for the children's play space (equipped and non-equipped). The LEAP should comply with D. Arscott's recommendations covered by her letter to Mr Belli dated 11.6.18.

Landscape Details, Maintenance and Wildlife Strategy

- Full Landscape details to be provided before approval plus the maintenance schedule for the whole site. An updated survey and wildlife strategy to be submitted. Close attention and action as appropriate to the points raised by the Policing Support team's letter dated 4.7.18 addressed to Mr K Bines-Planning Officer.

Flood Risk Management

- Somerset County Council's letter dated 13.7.18 to K Bines from the Flood Risk management Team to be adhered to in all respects as well as all the sub-headed comments within this letter signed by Ben Willmott-Planning Liaison Officer Traffic & Transport development Group and the Economic and Community Infrastructure Commissioning.

Allotments

- There is no provision for allotments.

Route Protection Zone Regulation and Overhanging Problems

- The Tree Officer (Planning) letter to K Bines dated 19.7.18 requires action particularly to Route Protection Zone Regulation and subsequent overhang problems with regard to Plot 1 occupants.

Agreements with Law Enforcement in place to prevent the eventual loss of this tree. Also Section b of this letter supports the feelings of all the North Villas residents as shown.

BIODIVERSITY - Date 28th June 2018

No wildlife survey has been submitted with this application. The survey previously submitted is dated April 2012 and so is now over six years old.

An updated survey and wildlife strategy should be submitted. This is particularly important as the proposal involves the removal of a section of hedging.

I would like to see an element of biodiversity enhancement for this application in the form of additional native planting and the provision of bird and bat boxes.

Further comments dated 2 August 2018

I have no further biodiversity comments

LANDSCAPE - Date 28th June 2018

The application site is on the eastern side of Cotford St. Luke on high land exposed to views to the east.

What are the proposals for land to the immediate east of the site?

The removal of the existing roadside hedge will have a great impact on north villas.

Removal of hedging should take place outside of the bird nesting season.

The proposed landscaping is generally fine but I consider there is scope for further tree planting particularly within plots 1,1,12, 21 and 26.

Full landscape details are required as is a landscape maintenance schedule for the whole site is required.

Further comments dated 1 August 2018

I have no further landscape comments.

Further comments dated 28 August 2018

I still think it's a shame about the loss of native hedgerow, and wonder whether we could insist on mixed native hedge as replacement, rather than beech?

Further to your emails, the landscape details are generally satisfactory. However I could not find the planting details for plots ,1,4,5,21,24,25 and 31.

I did previously suggest some further tree planting in the gardens of plots 11,12,21 and 26 but this has not be carried out .

I am happy for the beech hedge to be changed to hawthorn as suggested by David.

The Quantock Hills AONB Office –

The primary purpose of AONB designation is the conservation and enhancement of the landscapes natural beauty. The Quantock Hills AONB service, on behalf of its Joint Advisory Committee, undertakes its work according to this primary purpose-to ensure this beautiful and nationally protected landscape remains outstanding now and into the future. Please accept the following within this context. To help protect the landscape beauty of the nationally protected Quantock Hills AONB a Statement of Significance is included as Appendix 2 to the currently statutory Management

Plan 2014-19. This Statement outlines what makes this landscape outstanding and needs to be protected and includes: Spectacular view\Views from the hilltops, this also forms an objective of the plan Development and Infrastructure Objective 3: To protect the views in to and out of the AONB through involvement in the planning process. In the Outline Consent documentation the only reference to wider landscape issues appears to be under the Determining Issues and Considerations section: Visual impact and character of the area. The site is fairly elevated in the landscape and the development will be visible from various locations....From the east, it will be visible from various locations...From the east, it will mean that the eastern edge of the settlement is extended, however, with the additional buffer planting proposed, this edge of the settlement can be softer than it is presently. The landscape officer initially made comments about the eastern boundary and the need for a greater amount of landscaping than proposed. Landscaping is a reserved matter and this will be considered further at this stage, however the indicative layout plan has been amended and the removal of a footpath from within the buffer zone means that there would be wider and more dense planting opportunities along this buffer strip. It is, therefore, considered that the landscape impact of the development is acceptable. Now that the reserved matters are being considered we ask that the landscape impacts of this development on views from sensitive receptors at popular sites in the Quantock Hills including Cothelstone Hill and Wills Neck are fully considered in the design and screening of the site-it may be that this would require a Visual Amenity Assessment to be carried out. I hope these comments help you in your determinations and thank you for your time.

SCC - TRANSPORT DEVELOPMENT GROUP - Dated 16 July 2018

I refer to the above-mentioned planning application received on 6 June 2018 and have the following observations on the highway and transportation aspects of this proposal. I apologise for the delay in our response.

It is noted by the Highway Authority that the site was subject to a previous outline application (53/16/0012). Initially there were Highway Authority concerns raised with regards to the proposed road alignment. However, the majority of the concerns were addressed by the applicant subject to elements being secured by s106 agreement and our recommended conditions as dated on our response to the Local Planning Authority on 23/3/17.

The current application is for reserved matters, following the granting of online planning permission (53/16/0012) in June 2018 and the submitted details have since been assessed.

Parking

The applicant states in the Design and Access document that there will be 68 allocated vehicle parking spaces and 32 garages to accommodate the proposal, equating to 100 spaces overall. However, the proposed number of spaces in the drawing titled 'Site Layout Analysis' appears to conflict this figure. The Highway Authority would appreciate clarity on the exact parking figure and specify how many parking spaces will be allocated for each of the dwellings whilst stating the number of bedrooms. Parking should be in line with the Somerset Parking Strategy (SPS).

The SPS sets the optimum provision for both motorcycle and cycle parking, and states that all dwellings should be provided with facilities for electric vehicle charging. These do not appear to have been addressed within the application.

It is therefore recommended that the applicant provide additional information to confirm that the optimum car parking, motorcycle and cycle parking provision can be achieved within the development for each dwelling, and that appropriate facilities will be provided for electric vehicle charging.

Travel Plan

No Travel Plan has been submitted to date by the applicant.

For clarity, a Measures-only Travel Statement would be required for this proposed development and agreed once the relevant information is received. It is noted that no Travel Plan fee has been stated, a development of this size would require a fee of £700 plus VAT. The applicant should be mindful a suitable TP will need to be secured via a S106 agreement.

Estate Road

The following highway related comments are with reference to submitted drawing numbers 1644:03/- and 2283/530-1.

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code.

Allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers.

The Highway Authority would require that layout design be amended to ensure that grass margins are removed (between plots 7 and 8 and outside plot 9) and replaced with bituminous footway spec.

It is recommended that the proposed estate road be of one uniform width throughout this scheme, meaning no requirement of the rumble strips.

The driveway serving plot 8 should either be reduced in length to 6.0m or extended to 10.5m, as measured from the back edge of the prospective public highway boundary.

The proposed footpath/cyclepath link at the southern end of the application site will need to be surfaced in red pigment bitumen macadam with adoptable visibility splays measuring 2.0m x 20.0m in both directions being provided at the southern end of the link. There shall be no obstruction to visibility within the splays that exceeds a height greater than 300mm above the adjoining ground level. The visibility splays shall be clearly indicated within all future revisions of the layout drawings.

It is preferable for the proposed footpath link between plots 29 and 30, connecting the site onto the existing public highway, to be constructed as a 3.0m wide footpath/cyclepath. Adoptable margins as above will need to be provided at the western end of the link should this be the case.

Should gates be provided at the field access located at the north-eastern corner of the site, then they should be set back a minimum distance of 5.0m from the back edge of the prospective public highway boundary and hung to open inwards.

Before entering or breaking into an existing sewer or drain, notice shall be given to the Drainage Undertaker responsible for the pipe to which the connection is to be made, appropriate permission obtained and fees paid.

Existing sewers and drains within the bounds of the site, which are to be abandoned and which are less than 1m depth below formation level shall, where practicable, be cut off and removed. The excavation shall be backfilled with type 1 material, and the ends of the remaining pipes sealed with concrete for a length of 0.5m.

A section 50 licence will be required for sewer connections within or adjacent to the highway. Licences are obtainable from BSupport-NRSWA@somerset.gov.uk – At least four weeks' notice is required.

All private drainage is to drain away from the adopted highway or into private water discharge system. The applicant/designer will need to provide a letter of consent to drain the water from the adopted footpaths to the adjacent areas of said footpaths

The next submission should show the location and depth of all public and private services affected by the works. Experience has shown that if the obligation is put upon the contractor to locate the services, this leaves insufficient time to carry out any required design amendments, or service alterations.

The applicant will need to confirm any statutory diversions that is expected to be carried out in relation to this scheme. Evidence demonstrating that the utility companies have viewed the proposals and have raised no concerns or objections regarding their existing apparatus are required.

If there is a traffic plan for the deliveries to this site within such a built up area, a copy of the construction phase H&S Plan will need to be submitted.

Drainage

There is no objection to the surface water management strategy is as per that proposed in the Flood Risk Assessment and Drainage Strategy version 3 dated 2 November 2016, prepared by Messrs. Clive Onions Ltd and submitted in support of the outline planning application 53/16/0012. However the Highway Authority would like to advise the following.

The proposals are to construct the driveways with permeable paving to encourage infiltration with fin drains connecting to the underground drainage system. Careful consideration will need to be given to the design of such areas that directly abut prospective public highway areas to ensure that a suitable interface detail is

achieved. Interceptor drainage channels may also be required for driveways that fall towards the prospective public highway to reduce the potential for surface water run-off onto the roads should the paving not be maintained.

It is possible that the development entrance and frontage works could affect the existing highway carrier drain within North Villas and it is requested that extensive investigations are undertaken as part of the design to identify this and any other apparatus that may be affected by the proposals.

The highway drainage design will be reviewed in detail by the Estate Roads Officer as part of the Advance Payments Code/Section 38 submission.

Conclusions

Based on the information set out above the Highway Authority raises no objection to this proposal although a suitable Travel Plan will need to be secured under a S106 agreement. If planning permission were to be granted the following conditions would need to be attached.

1. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement , and thereafter maintained until the use of the site discontinues.

2. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

3. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before construction commences and thereafter maintained at all times.

5. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments,

visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

6. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

7. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

8. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

9. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

10. There shall be an area of hard standing at least 6m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Note

The applicant will be required to secure an appropriate legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

HOUSING ENABLING - Dated 5th June 2018

25% of the new housing should be in the form of affordable homes, with a tenure split of 60% social rented and 40% intermediate housing in the form of shared ownership.

The suggested mix shown below is considered to meet the current demand:

- 2 x 1b2p, 2 x 2b4p, 1 x 3b5p – social rented
- 2 x 2b4p, 1 x 3b5p – shared ownership

The location of the affordable units is deemed broadly acceptable, although there may be management difficulties where there is a mix of Shared Ownership and Social Rented properties within the same block, as is the case with plots 32 and 33,

although it is noted that some Housing Associations no longer perceive this as a problem.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

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

LEISURE DEVELOPMENT - Dated 11 June 2018

In accordance with TDBC Adopted Sites Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings.

The development proposes 28 x family sized 2bed+ dwellings for which 20square metres per dwelling of both equipped on non-equipped play space should be provided. A total of 28 x 20=560 square metres.

The development should therefore provide an equipped LEAP of at least 400 square metres. The LEAP should be overlooked by the front of properties to promote natural surveillance and not be screened by trees as proposed. The LEAP should contain at least 5 pieces of play equipment to cover the disciplines of swinging, sliding, rocking, balancing and climbing, a seat, sign and bin should also be provided. All equipment should have a manufacturer's guarantee of at least 15 years. TDBC Open Spaces should be asked to approve both the layout and content of the LEAP.

TDBC Open Spaces should also be consulted on landscaping layout.

S.C.C. Public Health- Dated 10 August 2018

I wish to make a brief comment on this application in relation to cycling from a public health perspective. As you will be aware if resident's are to actually make regular use of cycles, for example for short journeys, then access to cycles must be at least as convenient as to cars. I am concerned that the suggestion of dedicated cycle sheds for some properties will not meet this essential requirement, if that means garden sheds at the rear of the property. It would also be contrary to the SADMP para 1.8.30 which requires that sheds are only permitted where cycle storage to the frontage of the dwelling is not possible. "Not possible" is a high barrier, especially in the context of copious on plot car parking at the maximum permitted levels, if not beyond. I cannot see a travel plan, but this maximum provision of car parking would suggest a very carcentric development which is generally contrary to TDBC policy and the NPPF expectations of prioritising sustainable travel. I do acknowledge the lack of alternatives to the car in this location however for non-local transport, but would urge the developer to consider the scope for a communal car club or similar as part of the travel plan enabling reduced on plot car parking provision and even perhaps the potential for additional housing rather than car parking. It should not be assumed that the maximum car parking provision allowed under policy is a target to be aimed for, especially when

car clubs/sharing is now a viable option. I would ask for a condition to require secure cycle parking to the front of dwellings without garages, whether that be provided individually or communally. If communal they should be cycle hangers or similar and overlooked.

The footway indicated at the southwest of the site should be a dual use footway/cycleway with smooth flush (not dropped) kerbs to the highway at each end.

LOCAL LEAD FLOOD AUTHORITY - Dated 13 July 2018

The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has not provided any further details relating to how surface water will be managed on the site. The LLFA would require a more detailed drainage design and supporting calculations to be submitted and therefore requests the same condition be applied to the application as was applied at outline, should it be granted approval.

Condition: No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the

lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

TREE OFFICER - Dated 19 July 2018

Further to my original brief comment to Steve Belli regarding the outline application, my two concerns about this application are:

a) The proximity of the house in the north west corner to a fine, veteran oak that is protected by Tree Preservation Order TD545, which is situated on the west side of the adjacent old lane, but not shown on the development plan (see map attached). This is a large, mature, wide-spreading specimen, which may have a Root Protection Zone with a radius of 15 metres because of its size. The proposed house is very close to the current hedge boundary, and any future residents there are likely to have issues with shading, overhanging branches, leaf-fall and possible branch or tree failure;

b) The removal of a long stretch of native hedgerow, which would be classed as an 'important' hedgerow under the Hedgerow Regulations. Although I understand that the removal of the hedge has been proposed in a TD design guide, in my opinion it should be retained for its aesthetic value, and for its value as wildlife habitat. It is an old hedgerow that almost certainly dates from before the Inclosure Acts of the mid-19th century. It also contains numerous species, which is generally indicative of age and is beneficial for biodiversity. I believe that a layout could be designed so that most of the hedgerow was retained, save or some access points.

I would also make the point that the hedgerow to the south would not be protected by the Hedgerow Regs once adjacent to housing, so its protection would need to be secured in other ways. Ideally these hedgerows would be retained within public open space.

Further Comments Dated 23 August 2018

It's better now that the house has been moved further from the oak – it looks as though it's about 14-15 metres distant, so with the lane already there it shouldn't be harmed too much by the development.

I still think it's a shame about the loss of native hedgerow, and wonder whether we could insist on mixed native hedge as replacement, rather than beech?

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No response

I have no further observations to make on the amendments to this application.
Dated 4 July 2018

Summary Response

No Objection – Subject to comments

Crime Prevention Design Advisor's (CPDA) working in partnership within the South West region, have a responsibility for Crime Prevention through Environmental Design projects within the Taunton Deane Borough Council area. As a Police Service we offer advice and guidance on how the built environment can influence crime and disorder to create safer communities addressing the potential of the fear of crime and anti-social behaviour.

Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

"Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."

Guidance is given considering 'Crime Prevention through Environmental Design', 'Secured by Design' principles and 'Safer Places.

Comments:-

Crime Statistics – reported crime for the area of this proposed development during the period 01/07/2017-30/06/2018 (within 500 metre radius of the grid reference) is as follows:-

Burglary - 2 Offences (both residential burglaries)

Criminal Damage - 7 Offences (incl. 1 criminal damage to motor vehicle)

Drug Offences - 1

Fraud/Forgery - 1

Other Offences - 5

Theft & Handling Stolen Goods - 8 Offences (incl. 1 theft of motor vehicle)

Violence Against the Person - 34 Offences (incl. 4 assault ABH, 9 common assault & battery & 14 causing harassment/alarm/distress or related offences)

Total - 58 Offences

This averages less than 5 offences per month, which is classed as a low level of reported crime.

Layout of Roads & Footpaths - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features such as road surface changes by colour or texture, rumble strips or similar within the development helps reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The fairly short cul-de-sac nature of the development with one vehicular entrance in and out also has advantages over through roads from a crime prevention perspective in that it can help frustrate the search and escape patterns of the potential offender.

Orientation of Dwellings – all dwellings appear to overlook the street and public open space which allows neighbours to easily view their surroundings and also makes the potential criminal feel more vulnerable to detection. The dwellings in the centre of the development are also ‘back to back’, which improves their security by restricting unlawful access to the rear, which is where the majority of burglaries occur.

Public Open Space & LEAP - communal areas have the potential to generate crime, the fear of crime and ASB and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. The LEAP appears to be overlooked by 2/3 dwellings but the POS running along the eastern and northern perimeter of the development backs onto the rear of dwellings and the boundary protection may need to be upgraded along this perimeter.

Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. Vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as the adjacent fencing and lockable. The plans indicate that these recommendations will be complied with, with dwelling frontages being mainly laid to lawn and lowgrowing shrubs and side/rear boundaries comprising 1.8 metre walls or fencing.

Car Parking – all parking appears to be on-plot garages and parking spaces, which complies with police advice.

Landscaping/Planting – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. From a safeguarding children perspective, this is particularly relevant in respect of the LEAP and POS along the eastern boundary. From the plans, this also appears to be complied with.

Street Lighting – all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.

Physical Security of Dwellings – in order to comply with Approved Document Q: Security - Dwellings, of building regulations all external doorsets and ground floor or easily accessible windows and rooflights must be tested to PAS 24:2016 security standard or equivalent.

Secured by Design - if planning permission is granted, the applicant is encouraged to refer to the ‘SBD Homes 2016’ design guide available on the police approved Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.

Representations Received

At the time of preparing this report a total of 24 letters of objection had been received.

These raise objections based on the following points;

- Loss of hedgerow onto Dene Road with its historic connections and the attendant loss of habitat.
- Increased traffic movements with resultant reduction in highway safety and capacity.
- Reduction in pedestrian safety.
- Harm to the landscape setting of the Village and the historic dwellings on Dene Road.
- Impact on views from The Quantocks AoNB.
- School at capacity.
- Impact on amenities of occupiers of neighbouring properties through loss of light, loss of a view, overbearing affect, increased noise and pollution through increased traffic, and loss of outlook.
- Impact on current occupiers as a consequence of construction traffic and construction work.
- Loss of Greenfield Site outside the defined settlement.
- Residents promised that there would be no development to the east of Dene Road.
- There is insufficient parking proposed for the development.
- Increased flood risk off site.
- Lack of electrical and sewerage capacity within the Village.
- Live/work Units not needed.
- Access points should be different.
- Lack of amenities and facilities in the Village to support more housing.

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

EN12 - TDBCLP - Landscape Character Areas,
A1 - Parking Requirements,
A3 - Cycle network,
C2 - Provision of recreational open space,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,
D7 - Design quality,

D8 - Safety,
D9 - A Co-Ordinated Approach to Dev and Highway Plan,
D10 - Dwelling Sizes,
D12 - Amenity space,
MIN1 - East of Dene Barton, Cotford St Luke,
SD1 - Presumption in favour of sustainable development,
CP1 - Climate change,
DM1 - General requirements,
DM4 - Design,
DM5 - Use of resources and sustainable design,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 4130sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £516,250.00. With index linking this increases to approximately £686,750.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£35,609
Somerset County Council	£8,902

6 Year Payment

Taunton Deane Borough	£213,655
Somerset County Council	£53,414

Determining issues and considerations

Proposal

This application seeks approval of the matters not determined at the Outline Application stage which are layout, appearance, scale and landscaping. The Local Planning Authority (LPA) in determining this application is only able to consider aspects of the development which relate to these matters. The principle of the development and its access, which will include the capacity of the highway network to

accommodate the additional traffic generated and associated matters such as air quality cannot be reconsidered.

A number of the representations submitted in connection with this application raise objections based on the principle and matters relating to access. The LPA should not attach any weight to these specific matters as they are not for consideration in connection with this application.

Layout

The application site is part of an allocation for 'around' 60 dwellings and small scale Class B employment units' and the delivery of 30 dwellings with 3 live-work units was accepted by the LPA as meeting the requirements of this allocation in respect of the northern half of the overall allocation.

The proposed layout is in general accordance with the Design Brief relating to Policy MIN1 with an outward face to the east and dwellings running along the eastern boundary. The Design Brief envisaged that the dwellings along the eastern boundary would have an outlook to the east. Given the extensive landscaping to the east of the housing required and this element is not considered fundamental to the development of the site. The proposal does, however, provide for a limited number of dwellings to take advantage of eastern views by providing dual aspects where they are not behind the landscaping belt.

The overall layout is considered to be an appropriate response to the development of the site given the Design Brief and the form and nature of the site.

Appearance

The proposed dwellings would reflect the existing mix of designs within Cotford St Luke with elevations being either render or brick, and roofs with grey or red/brown tiles. The windowing would be UPVC with the requisite form of opening.

The roofs would be all ridged roofs with interest added by inset gables either as a pure design feature or running in from a rear extension. No dwelling is seeking to provide floorspace within the roof and therefore no rooflights or dormers are proposed

Scale

Of the proposed dwellings two are single storey with the remainder being two storeys.

The housing in Cotford St Luke is overwhelmingly two storey and the development will reflect this character.

The dwellings will be a mix of detached, and semi-detached properties with one property being divided into two flats. This is reflective of the development in the locality.

Landscaping

A matter which has raised a great number of the objections relating to this

application is the loss of the substantial indigenous hedge which forms the current western boundary to the site onto Dene Road.

The adopted Sites Management Plan includes a design brief for the development of the overall allocation which incorporates this site. This sets out the design and layout anticipated by the LPA in respect of any proposal for the site. MIN1 specifically identifies this hedge and states;

'It is expected that the development of this site will incorporate the following principles;

Removal of the existing hedgerow on the eastern side of the northern part of Dene Road and the provision of frontage development to mimic North Villas.'

The AoNB Service has identified that the site is likely to be visible when viewed from the Quantock Hills AoNB and requested additional work to assess the overall impact including the carrying out of a visual impact.

In allocating the site for development the LPA would have taken into account the potential visual impact of the overall development of the site. The policy specifically identifies that the development of the site should provide 'Substantial new tree planting on the western part of the site' and development facing out towards the new landscaped area to the east.'

The proposal has been amended to provide a mixed indigenous hedge along the Dene Road frontage. The planting to the east of the site will provide an appropriate level of mitigation so as to soften the impact of the development on the overall landscape, including views from The Quantock AONB taking into account the overall landscaping of the site the submitted scheme is considered to be acceptable.

Impact on Amenities

The application site is predominately discrete with its location on the edge of the built up area of Cotford St Luke. The exception to this is the sites western boundary which is defined by a section of Dene Road which runs north/south and has the existing housing on its eastern side.

The proposed development would front onto Dene Road with the existing housing also facing onto the road. The separation distances between the existing and proposed dwellings would be 19m at the southern end of the site gradually increasing to 21m at the northern end. The level of inter-divisibility between the proposed and existing dwellings would be at such a distance that there would be no loss of privacy so as to warrant refusal of this reserved matters application.

The proposed dwellings would be to the east of the existing dwellings. This separation distance combines with the height of the proposed dwellings would preclude any loss of light/overshadowing such as to warrant the refusal of the application.

Whilst the existing residents have raised concerns regarding the loss of the hedge and the associated change in the views from their dwellings this of itself is not a material planning consideration. Whilst there will be a substantial change the impact

on the outlook of the existing dwellings given the separation distances and form of development opposite with semi-detached properties, would not be such so as to warrant refusal.

Flood Risk

The principle of development at the grant of outline planning permission established that it is possible to develop the site without risk of flooding to the new properties and without increasing the risk of flooding off site. This is subject to a separate condition attached to the grant of outline planning permission, details to discharge this condition have been submitted. The consultation response of the Lead Local Flood Authority in respect of their assessment of the submitted details is awaited.

Highway Related Considerations

The principle of the point of access to serve the development was established at the outline application stage. The detail for consideration through this application is the internal road layout, and the availability of the supporting car, motor bike and cycle parking, including visitor parking.

In terms of the details of the internal road layout the Highway Authority at the time of writing this report has not provided their consultation response on the amended scheme. The layout does provide a total of 100 car parking spaces for individual dwellings with the submitted plans showing 13 visitor spaces.

The maximum residential parking standard contained in the Sites Management Plan would be 97.5 spaces and the Somerset optimum standard would be 101.5. The three live work units may generate a low level of parking demand which will be met on the site of the individual units or within the identified visitor parking spaces. The level of car parking is considered to be in accordance with the relevant policies.

Amended plans are also sought to ensure that the footpath/cycle link through to the southern site is delivered as required.

The Highway Authority in their initial consultation response sought amendments to the application as submitted, and amended plans were submitted in response to these comments. The further consultation response of the Highway Authority is awaited and will be reported to the Committee.

Tree Preservation Order

An Oak tree is located adjacent to the north western corner of the site next to the footpath cycle link. This tree is subject to a Tree Preservation Order. The initial layout for the site proposed a dwelling outside of this trees Root Protection Zone, although it would still be close enough to potentially imperil the tree due to the impact it might have on the occupiers of the dwelling. Given this the proposed dwelling has been moved to the east with its garaging and driveway placed closer to the tree. It is considered that this would minimise the potential impact to a point where the development would be acceptable.

Minimum Space Standards

The individual dwelling types proposed are in general accordance with the Minimum Space Standards set out in Policy D.10.

The garaging/car parking proposed also meets the minimum dimensions set out within Policy A1 (Appendix E)

Biodiversity

This is a matter of principle that it considered at the outline planning application stage. A condition was attached to the grant of Outline Planning Permission which requires submission of a Wildlife Strategy but this does not, and was not submitted with this reserved matters application. It is therefore to be discharged by way of a separate application at a later date.

Conclusion

The principle of the development for housing was established through the sites allocation within the adopted Plan, and the subsequent grant of outline planning permission, including the identification of the point of access to it.

The details of the reserved matters addressing appearance, scale, layout and landscaping are considered to be in general accordance with the form of development envisaged in Policy MIN1 and the associated Design Brief. There is not considered to be any consequences of the proposed elements that would justify the refusal of this application for reserved matters approval.

Subject to the consultation response of the Highway Authority, and the Local Lead Flood Authority, the recommendation is therefore one of approval 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: Keith Bines

38/18/0185

TAUNTON DEANE BOROUGH COUNCIL

Proposed demolition of swimming pool and erection of mixed use development comprising of retail, commercial, restaurant, residential, car park and associated public realm at Coal Orchard, Taunton

Location: CAR PARK, COAL ORCHARD, TAUNTON, TA1 1JJ

Grid Reference: 322759.124865

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval subject to a legal agreement to secure affordable housing and a children's play contribution and variation of the previous agreement to secure the highway works and travel plan

Recommended Conditions (if applicable)

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

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

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

(A1) DrNo COT-LL-ZZ-00-DR-L-90-200-S4 Rev B Steps/Seating Steps Sections

(A1) DrNo COT-LL-ZZ-00-DR-L-90-002-S4 Rev B Planting Strategy - Sheet 1

(A1) DrNo COT-LL-ZZ-00-DR-L-90-003-S4 Rev A Planting Strategy - Sheet 2

(A1) DrNo COT-LL-ZZ-00-DR-L-90-001-S4 Rev D Illustrative Master Plan

(A1) DrNo COT-LL-ZZ-00-DR-L-90-000-S4 Rev C Hardworks & Levels

(A1) DrNo COT-LL-A-ZZ-DR-A-20-001-S4 Rev P02 Site Location and Block Plans

(A1) DrNo COT-LL-A-03-DR-A-20-013-S4 Rev P01 Roof Plan

(A1) DrNo COT-LL-A-01-DR-A-20-012-S4 Rev P04 Second Floor Plan

(A1) DrNo COT-LL-A-01-DR-A-20-011-S4 Rev P04 First Floor Plan

(A1) DrNo COT-AHR-E-ZZ-DR-A-20-152 Planning Elevations - Block E - Sheet 2

(A2) DrNo COT-AHR-D-01-DR-A-20-050 Rev P01 Planning GA - Block D - First Floor Plan

(A1) DrNo COT-AHR-E-ZZ-DR-A-20-151 Rev P01 Planning Elevations - Block E - Sheet 1

(A2) DrNo COT-AHR-E-03-DR-A-20-050 Rev P01 Planning GA - Block E - Roof Plan

(A2) DrNo COT-AHR-E-02-DR-A-20-050 Rev P01 Planning GA - Block E -

Second Floor Plan

(A2) DrNo COT-AHR-E-01-DR-A-20-050 Rev P01 Planning GA - Block E - First Floor Plan

(A2) DrNo COT-AHR-E-00-DR-A-20-050 Rev P01 Planning GA - Block E - Ground Floor Plan

(A2) DrNo COT-AHR-D-03-DR-A-20-050 Rev P01 Planning GA - Block D - Roof Plan

(A2) DrNo COT-AHR-D-02-DR-A-20-050 Rev P01 Planning GA - Block D - Second Floor Plan

(A2) DrNo COT-AHR-D-00-DR-A-20-050 Rev P01 Planning GA - Block D - Ground Floor Plan

(A3) DrNo COT-AHR-C-01-DR-A-20-050 Rev P01 Planning GA - Block C - Roof Plan

(A3) DrNo COT-AHR-C-00-DR-A-20-050 Rev P02 Planning GA Block C Ground Floor Plan

(A3) DrNo 42312/2001/100 Rev C Vehicle Turning Area Option 1

(A3) DrNo 1634/TLP Rev A Tree Location Plan

(A1) DrNo 04115-SDS-XX-EX-DR-E-70XX-1003 Rev P02 External Lighting

(A1) DrNo C161148-C502 Post Development Overland Flow Routes

(A1) DrNo 04115-SDS-XX-EX-DR-E-70XX-1003 Rev P02 External Lighting

(A1) DrNo 42312-2001-500 Surface and Foul Water Drainage Layout

(A1) DrNo COT-AHR-D-ZZ-DR-A-20-152 Rev P01 Planning Elevations - Block D - Sheet 2

(A1) DrNo COT-AHR-D-ZZ-DR-A-20-151 Rev P01 Planning Elevations - Block D - Sheet 1

(A1) DrNo COT-LL-A-ZZ-DR-A-20-200-S4 Rev P03 Proposed Sections

(A1) DrNo COT-LL-A-ZZ-DR-A-20-103-S4 Rev P03 East & West Elevation

(A1) DrNo COT-LL-A-ZZ-DR-A-20-102-S4 Rev P03 North and South Elevations

(A1) DrNo COT-LL-A-ZZ-DR-A-20-101-S4 Rev P03 Proposed Elevations

(A1) DrNo COT-LL-A-ZZ-DR-A-20-100-S4 Rev P03 Contextual South Elevations

(A1) DrNo COT-LL-A-00-DR-A-20-010-S4 Rev P04 Ground Floor Plan

(A1) DrNo COT-AHR-C-ZZ-DR-A-20-151 Rev P01 Planning Elevations - Block C - Sheet 1

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

3.

No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities,

means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.

- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

4. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Grass Roots submitted report, dated April 2016 and October 2017 and up to date surveys and include:
1. Details of protective measures to include method statements to avoid

- impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 3. Measures for the retention and replacement and enhancement of places of rest for bats and birds;
 4. Details of any lighting.

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

Reason: To protect and accommodate wildlife.

6. The improved footway to Coal Orchard shall be provided prior to occupation of any flat and there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the car park access and extending to points on the nearside carriageway edge 33 metres either side of the access or as agreed if less. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

7. No new construction shall take place until the applicant, or their agents or successors in title, has secured the implementation of the agreed programme of archaeological work in accordance with the written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority and any finds shall be recorded and reported.

Reason: To ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, ENV4 of the Site Allocations and Development Management Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2016 Hydrock ref: R/C161148/001.02, and the Technical Note plans dated 10 April 2018, and the following mitigation measures detailed within the FRA:
 - 1- No residential dwelling below 15.62 m AOD.
 - 2- Provide flood resilience to the ground floor of the building.
 - 3- Provide floodplain compensation storage for the building located in Flood zone 3.
 - 4- No interruption to the overland flood route.The mitigation measures shall be fully implemented prior to occupation and

subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: 1-To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters.

10. No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:
1. Site security.
 2. Fuel oil storage, bunding, delivery and use.
 3. How both minor and major spillage will be dealt with.
 4. Containment of silt/soil contaminated run-off.
 5. Disposal of contaminated drainage, including water pumped from excavations.
 6. Site induction for workforce highlighting pollution prevention and awareness.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

Reason: To prevent pollution of the water environment.

11. The electrical vehicle charging points shall be provided within the public car park prior to the occupation of the 20th residential unit.

Reason: In the interests of discouraging vehicle emissions in the town centre.

12. The development shall provide for covered and secure cycle storage facilities, details of which shall be submitted as part of the **condition**. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with policy A1 of the Site Allocations and Development Management Plan.

13. Notwithstanding the materials shown on the submitted drawings and prior to the construction of any buildings, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

14. A contract shall be let for the construction of the replacement building in place of the swimming pool within one month of the demolition completion.

Reason: To ensure no adverse long term impact on the conservation area.

15. No demolition works to which this consent/permission relates shall commence until a programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority

Reason: In the interests of recording the building, its setting and any features of historic or architectural interest that it possesses.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Notes at the request of the Biodiversity Officer:
 - The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal.
 - It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
 - Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).
3. Notes at the request of the Environment Agency:
 - Measures should be taken to prevent the runoff of any contaminated

- drainage during the construction phase.
 - We recommend that the applicant produces a flood warning and evacuation plan in consultation with the Emergency Planners at North Somerset Council. There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
 - There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
 - Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.
 - This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for some of the proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Tone, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
 - The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
4. Note at the request of the Canal & River Trust:
- The Canal & River Trust act as Navigation Authority only for the adjacent river. However, the river is hydraulically linked to the Bridgwater & Taunton Canal. We would therefore wish to ensure that no pollution of the water environment takes place during the demolition and building phase and that all works comply with the environment Agency's guidance and best practice.

Proposal

The proposal is a full application for the demolition of the swimming pool and erection of a mixed use scheme comprising retail, commercial, restaurant, residential, car park and associated public realm works. The scheme includes 840sqm of retail/office/commercial uses, 1070sqm of restaurant space and 42 residential units (28 x 1 bed and 14 x 2 bed). There would also be a reduction of car parking spaces from 120 to 42 spaces (including 2 accessible) with 3 electric car charging points.

The development proposal gives further details to the outline development

38/16/0357 for the demolition of the swimming pool and erection of a mixed use development comprising of retail, commercial, restaurant, residential, car parking and associated public realm which was considered and approved by members in June last year. The details do not meet some of the conditions on the outline in terms of scale of development and so the current application has to be a full planning application for the development.

The development is designed in four blocks, A, C, D and E, being a mix of single storey, two storey and three storeys in height. Block A provides for a flexible mix of retail/business uses (A1/A2/A3/B1) on the ground floor, with also a potential large element as a D2 leisure/entertainment use and 12 residential units (4 x 2 bed and 8 x 1 bed) on each of the first and second floors. Block C is single storey providing retail/business uses. Block D provides a restaurant at ground floor, with further restaurant space on the first floor and 2 apartments spanning the first and second floors. Block E consists of two restaurant units at ground floor level with 4 x 2 bedroom apartments and 4 x 1 bedroom apartments on each of the first and second floors. The outline application also included a Block B, on the site of the former cycle park, but this element has been deleted from the current scheme.

The riverside blocks would be of contemporary design incorporating large elements of glazing, along with a mix of materials, including buff bricks, timber cladding and zinc cladding. The scheme would also include a river front plaza alongside Blocks D and E incorporating a stepped terrace down to the river, with the parking square alongside Blocks A and E. Block A would be more traditional to reflect St James Street and the Conservation Area.

The application is accompanied by a Planning Statement, Design & Access Statement, Topographical Survey, Affordable Housing Statement, Arboricultural Impact Assessment Report, Archaeology and Heritage Statement, Bat Survey Report, Building Services Engineering Utilities Report, Coal Orchard Car Park Availability Document, Ecological Appraisal, Environmental Noise Impact Assessment, Flood Risk Assessment and Technical Design Note, Framework Travel Plan, Heritage Statement and Certificate of Immunity, Transport Assessment and Transport Statement, Written Scheme of Investigation of Archaeological Works.

Site Description

The site consists of the existing car park and swimming pool, together with the open space adjacent to the river. The site is bounded by the river to the west, the Broomhouse to the north, a medical centre, public house and church to the east and St James' Street and Riverside Place to the south. The eastern part of the site to the east of 8 St James Street and including the pool lie within the revised St Mary and St James Conservation Area.

Relevant Planning History

38/16/0357 - Outline Planning Application with all matters reserved for the demolition of the swimming pool and erection of a mixed use development comprising of retail, commercial, restaurant, residential, car parking and associated public realm on land at Coal Orchard, Taunton - CA 23/4/18

Consultation Responses

DESIGN REVIEW PANEL - This is the second time the Design Review Panel has reviewed a proposal for this site. A scheme on this site has previously been reviewed by The Design Review Panel on 19th May 2016.

The Panel raised the following points: -

Generally, subject to the comments within this feedback document, the Panel is very supportive of the proposals presented.

The Panel continues to consider that the proposals on this site result in a positive repair to the urban block and result in good connections to the immediate surroundings, also generally result in a positive street layout. The opening up of, and provision of access to, the river frontage is also still considered to be extremely positive.

The Panel remains very supportive of the proposal to use the proposed central car park as an urban square / flexible space; the Panel is also supportive of the proposed materials and detail proposed for the hard landscape in this regard. As previously suggested, the Panel feels that it may be beneficial for electric car charging points to be integrated into the proposals. It is also again strongly suggested that raised curbs should not be incorporated, so as to ensure that the space may embody the feeling of an urban square in accordance with the stated aspirations.

The mature trees proposed to be provided at key points around the perimeter of the proposed square are welcomed, however the Panel do have a concern that the trees previously proposed for the proposed urban square have been removed. It is felt that it would be beneficial for trees to also be provided within the square, in order to provide a structure and sense of green space. It is accepted that the number and grid shape of the proposed trees may differ from the previous proposals/approved scheme.

It is felt that the proposals result in very strong routes through the site, and this is supported by the Panel. Furthermore, the Panel welcomes the provision of a cycle path that is separate from the proposed pedestrian route.

Notwithstanding the above, the Panel feels that the proposals may benefit from there being a defined destination at the end of the route, which is not currently present. It is however acknowledged that the proposals create an opportunity for complimentary future development in this area, which is supported.

The Panel feels that the proposed Blocks feel sensitive to the character of the surrounding conservation area, whilst at the same time successfully proposing a contemporary sense of place. In particular, it is considered that Blocks D and E work well in terms of façade and articulation; which it is felt provides a ghost of agricultural vernacular which the Panel consider to be contextually appropriate for Taunton, being the county town of Somerset.

The Panel is very positive in regard to the design of Block A, and feels that its' diversity picks up upon the diversity within the conservation area along St James Street. It is felt that the proposed ground floor active street frontages work well and ties in well with the existing.

The mix of materials is considered to be very positive, and it is felt that these are appropriately reflective of the conservation area. It is however reiterated that the quality of detailing and materials should be carefully considered to ensure that the proposals meet the stated aspirations.

The Panel notes the loss of the small business incubator units which were aimed at technology and creative startups / small live work units, that were approved within the previous scheme. However, the Panel notes the flexibility provided within the proposals which may allow adaptability of future uses and this is supported.

In terms of ecology, it is considered that the proposals would benefit from the incorporation of ecological measures within the scheme; for example, such as bat boxes that are integrated into the building structures. It is also felt that the proposed buildings offer an opportunity to incorporate Swift boxes at high level. It is suggested that it may be beneficial to the proposals to create a biodiversity budget for the whole scheme, in order to be able to compare the overall biodiversity impact of the proposals; which the Panel suggest should be able to demonstrate an overall gain.

SCC - TRANSPORT DEVELOPMENT GROUP - Comment awaited

LANDSCAPE - The scheme makes the most of the river frontage and so, I consider, improves this area of Taunton. However I would like to see some soft edges with native waterside planting adjacent to the riverside.

I have no objection to the felling of the conifers.

The choice of planting material, with the exception of bed 5 which should have some native species, is generally satisfactory but a full planting plan is required.

HERITAGE - The potential impacts were considered in outline by both Historic England and the Design Review Panel. There were four issues that I raised. The setting of the Grade II Listed Old Brewery House adjacent to the site. The setting of the Grade II* Listed Church of St James. The demolition of the former 1928 Swimming Baths which are on the Historic Environment Record so represent an undesignated heritage asset (listing was declined by Historic England) and the setting of the wider Saint Mary and Saint James Conservation Area.

It is evident from the detailed submission that the scheme will have an impact. However I consider that it will be 'less than substantial harm' as prescribed in paragraph 196.

As envisaged the setting of the church will in my view be improved by the scheme. The setting of the Old Brewery and the Saint Mary and Saint James Conservation Area will be harmed, but this will be 'Less than substantial harm' as prescribed in

paragraph 196 of the National Planning Policy Framework.

The demolition of the swimming pool which is an undesignated heritage asset will proceed, but the harm can be mitigated by a detailed recording condition to retain evidence of the historic use.

If you are clear that the public benefits of this scheme offset the harm as prescribed in National Planning Policy Framework Paragraph 196, I am content that you approve this application.

ECONOMIC DEVELOPMENT - No comments received

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comments received

ENVIRONMENTAL HEALTH - FOOD SAFETY - No comments received

HISTORIC ENGLAND - On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

LEISURE DEVELOPMENT - In accordance with TDBC Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play space should be made for the residents of these dwellings.

An off-site contribution for children's play of £3,263 per each of the 2 bed dwellings should be made. The contribution should be index linked and spent on play equipment within the vicinity of the development.

SCC - CHIEF EDUCATION OFFICER - No comments received

WESSEX WATER - No comments received

ENVIRONMENT AGENCY (Comments following receipt of revised technical design note) - The Environment Agency can now WITHDRAW our objection to this proposal, providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) have been met, and subject to the inclusion of the following conditions within the Decision Notice:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2016 Hydrock ref: R/C161148/001.02, and the Technical Note plans dated 10 April 2018, and the following mitigation measures detailed within the FRA:

- 1- No residential dwelling below 15.62 m AOD.
- 2- Provide flood resilience to the ground floor of the building.
- 3- Provide floodplain compensation storage for the building located in Flood zone 3.
- 4- No interruption to the overland flood route.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason

- 1-To reduce the risk of flooding to the proposed development and future occupants.
- 2- To reduce the impact of flooding on the proposed development and future occupants.
- 3- To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
- 4- To prevent flooding elsewhere.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters.

No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

Reason: To prevent pollution of the water environment.

NOTE:

Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

In the event of planning permission being given we request that the Decision Notice contains the following information:

We recommend that the applicant produces a flood warning and evacuation plan in consultation with the Emergency Planners at North Somerset Council.

There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for some of the proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Tone, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) - The Canal & River Trust act as Navigation Authority only for the adjacent river. However, the river is hydraulically linked to the Bridgwater & Taunton Canal. We would therefore wish to ensure that no pollution of the water environment takes place during the demolition and building phase and that all works comply with the environment Agency's guidance and best practice.

BIODIVERSITY - The survey area is located in an urban setting but the River Tone (a Local Wildlife Site) forms the western boundary of the survey area.

The majority of the site is hard standing with two buildings (swimming pool and a small single storey modern brick building)

There are a few trees (Ash and Leyland cypress) located within the survey area. Grass Roots Ecology carried out an Ecological Appraisal of the site dated

April 2016. A bat report was carried out in October 2017. Findings were as follows

Bats - Pipistrelle, brown long eared, whiskered, Brandt and daubentons bat have been recorded in the area.

Trees on site were checked for roosting potential

The swimming pool was in good condition and considered not to offer roosting potential for bats

The smaller building offers potential for bats in the small roof voids present along the eaves.

Two bat emergence surveys were carried out on this smaller building in September 2017.

No bats were seen to emerge/enter the building during the surveys with only low levels of activity attributed to occasional Common Pipistrelle and Soprano Pipistrelle.

If works do not commence before the 2019 active season then a further check of the building will be required.

I agree that a sensitive lighting scheme is required for the proposed development, due to the presence of bats using the river for foraging.

I support the recommendation to install bat boxes within the new development

Otter and water Vole - The river offers potential for otters. Local surveyors consider that a holt is present on/or near this section of the river.

Birds - A juvenile herring gull was observed flying over the survey area during survey.

The swimming pool provides opportunities for ground nesting birds such as gulls. I agree that demolition should take place outside of the bird nesting season.

I support the introduction of bird boxes in the new development and possibly a green or brown roof to provide habitat for Black redstarts

The trees and amenity planting areas provide minor foraging and nesting opportunities for birds so vegetation should only be removed outside of the bird nesting season.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Grass Roots submitted reports, dated April 2016 and October 2017 and up to date surveys and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance

3. Measures for the retention and replacement and enhancement of places of rest for bats and birds
4. Details of any lighting

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

Reason: To protect and accommodate wildlife

Informative Note

The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

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

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes, with a tenure split of 60% social rented and 40% intermediate housing. On the basis of 42 dwellings, this would equate to 10.5. It is noted that a viability assessment has been submitted with the application.

Following detailed discussions regarding viability, the proposal includes 8 x discounted open market apartments to be sold at no more than 75% of the open market value.

In order to meet current local demand, Housing Enabling would suggest these are provided as 5 x 1 bedroom apartments and 3 x 2 bedroom apartments.

Subsequent comments following receipt of affordable housing plan – Housing Enabling are satisfied with the Affordable Housing Scheme shown on the submitted plan COT-LL-A-ZZDR-A-20-400 dated 7/4/18, incorporating 8 discounted units.

PLANNING POLICY - The scale and mix of uses is generally in conformity with Policy CR2 of the TCAAP.

One major concern is the failure of the proposals to reinstate the pre-1920s building line in St James Street. When the swimming pool was built, the building

line was set back, a fact that is quite noticeable when viewed from the adjoining sections of the street. Setting back was also done to the section opposite St James' church, to allow for widening of the street throughout its length. The widening was not completed, and will now never be carried out, but the street scene has been spoilt. The building line therefore should be brought forward again, by about 4.5m. It seems wrong to be retaining a 1920s road widening apparently to make room for a limited number of servicing spaces - could these not be moved elsewhere?

LOCAL LEAD FLOOD AUTHORITY - LLFA - The applicant proposes to redevelop the existing Coal Orchard site to provide a mixed use development. As part of the application the developer has submitted a flood risk assessment (FRA - July 2016), plus a technical note (November 2016), produced for a previous outline planning application at the site.

A further technical note dated April 2018 covers floodplain storage compensation issues.

We support the Environment Agency's response that a revised technical note to address overland flow routes, based on the revised site proposals, should be submitted prior to any approval. Overland flow routes must not be impeded by the proposals as this may increase flood risk elsewhere. The July 2016 flood risk assessment submitted with this application provides no information about the drainage regime at the site in terms of existing and proposed development runoff rates. We would expect to see this information at this stage of planning, and recommend that this information is submitted prior to approval.

As this is a brownfield development, we would usually expect to see at least a 30% betterment over existing drainage conditions, which is in line with the West of England SUDS Handbook, for all events up to and including the 1 in 100 year (+ 40% climate change) event. However, as this site discharges to the River Tone runoff from the site should be discharged at either 2 l/s/ha or the average annual peak flow rate (i.e. the mean annual flood QBAR), whichever the more stringent.

The FRA proposes that the addition of permeable paving at the site will provide betterment on the existing situation, but does not provide details to quantify this betterment or any further information to demonstrate feasibility. Any opportunities to further explore sustainable drainage techniques should be taken as part of the drainage strategy for the proposed site. If you are minded to grant permission for this development, we would request that the following condition is attached.

Condition: No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

SOMERSET WILDLIFE TRUST - Potential light spill onto the river corridor. Work has been undertaken in recent years to protect this valuable corridor for wildlife including bats and otters. Fully support comments of Council's Biodiversity and Landscape Officer regarding measures for mitigation and enhancement. Request all of her proposals are incorporated into the Planning Conditions if permission is granted.

Representations Received

A petition signed by 1138 signatures requesting the Council to withdraw their proposals under planning application 38/18/0185 on the grounds that:

- The development is premature and disregards the Council's own planning policy of providing a cultural quarter with independent shops, offices, workshops, artists studio and galleries.
- The reduction of car parking spaces from 120 to 42 and disabled spaces from 8 to 2 is unacceptable.
- The proposed servicing is inadequate and will lead to congestion.
- There is no affordable housing and the lack of dedicated car parking for all 42 flats is unworkable.
- The proposed buildings are out of scale and out of character with the area.

1 letter of support on the grounds of:

- It will make a positive contribution to leisure, utilising a great waterfront site.
- Less parking and cars restricted would not spoil views of river.
- Support idea for larger restaurant based units.
- Proposals will enliven the waterfront and create a real asset.

38 objections (including one from Pegasus Court Residents Association) raising issues of:

- Proposed development conflicts with plans for Garden Town and green corridor from Firepool to town centre, area should be an extension to Goodlands Gardens.
- Loss of open space along the river.
- The riverside site could be a green space and a real asset to the town.
- Proposed development would be overcrowded with little open space. Design would be more suited to a larger site. Form and materials are alien to the existing buildings.
- Proposed buildings block views of iconic church tower/Tone bridge and overpowers listed Brewhouse building. Wharf building is too high and unsuitable. Buildings would be more appropriate to a city canal, river or harbourside development, out of place in Taunton.
- Failing to retain swimming pool facade is unacceptable given the number of people that wanted it retained, it should have been listed.
- Plans do not reflect the vision for Coal Orchard in the Taunton Rethink document. Does not meet Council's policy of creating intimate spaces, a fine grained urban structure and small specialised shopping.
- Outline application attempted to meet Council's objective, this application ignores them.
- Current proposals conflict with original 'ideals' of the Council. Complete redesign is required.
- Conflicts with future plans for Brewhouse and Cricket Club. Future plans of both will result in increased pedestrians on summer evenings, conflicting with more traffic movements in a small area.
- Town already has oversupply of cafes/restaurants and gyms nearby.
- Small shops nearby are regularly changing hands so more are not required.
- Query viability of attracting sufficient new business to fill the site and likely impact on the rest of the retail activity in the town.
- Concerns regarding unfinished site and empty premises.
- Suggest redesign of commercial uses.
- Plans do not include starter units, small specialised shops or facilities for artists/craftsmen as promised.

- Proposed ground floor uses are not a mixed development and street scene will be bland.
- Town has an abundance of flats especially at Firepool. More pressure on traffic and medical facilities that are already not coping.
- Insufficient space for pedestrians, mobility scooters, cyclists, etc.
- Design results in poor pedestrian links.
- Pedestrian flow from Morrisons and town centre is life blood of Coal Orchard shops and will be diverted away from these.
- Concerns regarding lack of parking and loss of existing parking.
- Lack of parking will make apartments unattractive to potential purchasers.
- Parking needed for success of Brewhouse Theatre, Church and local retailers. Details of Car Park Availability and Capacity Map indicates closeness of other car parks, actual routes on the ground are much longer and not obvious to visitors.
- Concerns over reduction of disabled parking. Query whether this meets Council's inclusivity policy.
- Many visitors to the Church and Halls rely on car parking being unable to walk the longer distance from other car parks, particularly those with toddlers and wheelchair users.
- Closing car park for a week in January had a significant impact upon footfall and turnover of local businesses within that week.
- Little consideration given to traffic needed to serve the development. Turning head/delivery bay is insufficient and access dangerous.
- Access is required to Pegasus Court garages and by service/emergency vehicles.
- More parking would encourage people to support town centre.
- Suggest quick turnaround parking bays on side of street and cheap parking for quick visits to encourage, not deter, people to visit the town centre.
- No provision for secure cycle park.
- National cycle route passes through the site but no allowance made for this.
- Suggest one-way traffic system.
- Concerns that adequate provision has not been made for buses or coaches, which are important to the proposed enlarged theatre and town centre.
- Nearby medical practice has expanded significantly in last 18 months and needs good access, adequate parking, relatively unencumbered egress from the site and preserving space for a possible extension to the front of the medical centre.
- Concerns regarding health and safety. Oversize steps on river edge are particularly hazardous.
- Unique riverside site has become little more than a housing site.
- Scheme should include some useful employment.
- Scheme includes no affordable housing.
- Scheme should include more first time buyer/social housing to increase social mix.
- Query future of Annual Dragon Boat Day and Somerfest.
- Seek assurance over minimal disruption during construction.
- None of objections to original application have been addressed.
- Query validity of original application.
- Concerns regarding noise and smell of flats over restaurants.
- Large buildings will affect sunlight on the Plaza area
- Concerns that hard and soft landscaping will not be maintained.
- Query future of valuable Ginkgo trees.

- Very little green areas or grass proposed.
- Pegasus Court are not starter homes and may not sit happily alongside social housing/starter homes in the proposed plan.
- Concerns that phasing may mean swimming pool is developed last and may never be developed, if site stalls, to detriment of amenity of Pegasus Court. Suggest phased program is agreed.
- Council is taking a huge financial risk in undertaking this development. Concerns that this could impact upon future Council Tax charges. Query why a private developer is not undertaking the project.
- The town already has several areas closed off, eyesores waiting for development to start and give a negative feeling to the town.
- Alternative schemes suggested for site including town houses with undercroft parking, an attractive footpath from the pedestrian bridge to St James Street, extend the car park.
- Concerns that application is premature as there is still a great deal to be agreed e.g transport plan.
- Proposals not in the public interest.

Letter received from Taunton Area Cycling Campaign support the principle of the cycle route between the riverside paths and St James Street. Suggest moulded inlays rather than white paint, adequate slip resistance, at least 3 metres of width should be allocated for cycling. Suggest visibility issues are addressed where route joins St James Street. Welcome further discussion on cycle parking provision, including security, location. Suggest car club vehicle is provided.

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

TTCD - Taunton Town Centre Design Code 2008,
 CP1 - Climate change,
 CP3 - Town centre and other uses,
 CP4 - Housing,
 CP6 - Transport and accessibility,
 CP8 - Environment,
 DM1 - General requirements,
 CR2 - Coal Orchard car park,
 ED1 - Design,
 F1 - Flooding,
 A1 - Parking requirements,
 A2 - Travel Planning,

A3 - Cycle network,
A5 - Accessibility of development,
D7 - Design quality,
ENV4 - Archaeology,
ENV5 - Development in the vicinity of rivers and canals,
D10 - Dwelling Sizes,
D12 - Amenity space,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

The application is for residential and retail development in Taunton Town Centre where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development. CIL is not chargeable on commercial or business uses.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£45,318
Somerset County Council	£11,340

6 Year Payment

Taunton Deane Borough	£271,908
Somerset County Council	£67,998

Determining issues and considerations

The main considerations with the submission are compliance with policy in terms of the principle of the redevelopment, together with impacts on the heritage assets of the area, design, access and parking and flood risk.

Principle

The site lies within the town centre and is identified within the adopted Taunton Town Centre Area Action Plan as an area for development under policies Cr2 and Cr3. These policies relate to development of Coal Orchard Car Park and the Brewhouse Theatre. Policy Cr2 states:

Redevelopment of the Coal Orchard car park will provide:

- a. an additional 3,000sqm gross of comparison and convenience retail floorspace
- b. leisure retailing, such as restaurants and bars
- c. approximately 50 dwellings on upper floors, including 25% affordable housing
- d. space for small-scale offices and creative industries

- e. potential for active frontages at ground level as shown on the proposals map
- f. an improved riverside walkway and cycle route to The Bridge
- g. secure covered cycle parking
- h. enhancement of St James Street adjacent to the site
- i. replacement swimming provision elsewhere in the town centre before the current pool is closed

Policy Cr3 states:

Land adjacent to the Brewhouse Theatre will be safeguarded for its potential expansion. New facilities will be made available for appropriate community use.

These policies stem from the 2008 Taunton Town Centre Area Action Plan. The scheme has been designed with a view to retaining space around the Brewhouse building for possible extensions/alteration in compliance with Cr3. The 2008 Action Plan is considered out of date in terms of the quantum of new retail provision required.

The submission provides for 840sqm of new retail/office/commercial space, 1070sqm of restaurant/café space as well as 42 residential units, which is considered in keeping with the provision of providing a sustainable redevelopment scheme in this location. This reduced scheme is considered to be compliant with the general redevelopment aims of the policy. In addition, given the nature of the scheme, it will address active ground level frontages, enhance routes through the site and provide for covered cycle parking. The replacement of the St James Street swimming pool has already been provided at Blackbrook.

The red line area of the development extends to the north to encompass potential public realm improvements, however it does not result in the loss of open space in front of the Brewhouse for cultural and theatre space. Block E does not encroach on the theatres forecourt and there is not considered to be a conflict with Paragraph 92 of the NPPF. The scheme safeguards necessary land and does not therefore prevent future expansion of the Brewhouse. The development is considered to accord with policies CP1, CP2, CP3 and CP4 of the Core Strategy.

The outline permission was granted without provision for affordable housing as required by policy C4, due to the understanding that the vacant building credit off set this policy requirement, given the scale of the scheme. There has been some confusion that the current application also fails to provide affordable housing, as is referred to in many objection letters and the submitted petition. This application does however, include 8 units of affordable housing, in the form of discounted open market properties to be sold at 75% of Open Market Value. Due to viability this has been accepted by the Housing Enabling Lead as an appropriate affordable housing scheme and a plan indicating the 8 units to be provided has been agreed.

The enhancement of St James Street next to the site is addressed through the new block fronting the street and is being addressed through other town centre proposals such as pedestrianisation, The retention of the highway area in front of the old pool is considered necessary by the Highway Authority for servicing the area and so it is not considered possible to pull the new building forward to the original alignment. The scheme reflects the principles of the scheme put forward at outline stage.

Heritage Assets

The application site lies partly within the conservation area and to a degree will affect the setting of the listed buildings of the St James church, the terrace at 5-8 St James Street and former Old Brewery House adjacent to the Brewhouse Theatre. Consequently sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply. These require special regard to be had to the desirability of preserving or enhancing the character or appearance of that area and of preserving listed buildings or their settings. The swimming pool could also be considered as an undesignated heritage asset, although a statement of immunity from listing has been issued.

The development will see the demolition of the St James Street pool and its replacement with a three storey building (Block A) that will house flexible use units on the ground floor, with apartments over the first and second floors. This building will reflect the scale of the buildings along St James Street and is not considered to harm the views of the Church tower or harm the adjacent terrace which historically would have continued along the street. The existing pool building is not considered to be listable and an immunity from listing has been granted. As it is a heritage asset a recording condition has been suggested. It is considered that the scale of the replacement building indicated in this location is acceptable and in keeping with the character of the conservation area while removing a negative feature identified in the Conservation Area Appraisal.

The new block C is a small single storey building of contemporary style on the edge of the Conservation Area and is not deemed to have any adverse impact on any listed buildings. Block D is two storey, with accommodation within the roof of part, whilst Block E is three storey. These buildings lie outside the conservation area and Block D is not considered to adversely impact on the setting of any listed building. The new build block E will be 3 storey and will encroach towards Old Brewery House. This is introducing a structure closer to the river, where there historically was one and this reinstatement of an urban block was supported by the Design Review Panel. The provision of this block can be considered to cause an element of harm to the setting of the listed building. Paragraph 196 of the NPPF states where a development will lead to less than substantial harm to the significance of a designated heritage asset, then the harm should be weighed against the public benefits of the proposal. No objection is raised by Historic England and it is considered that the benefits of the redevelopment of the site in terms of jobs and urban realm enhancements outweigh the limited harm of the new buildings' impact on the setting of the listed buildings and loss of the old swimming pool in respect of the character of the conservation area.

The area has been identified as being in an area of archaeological interest and both the Somerset Industrial Archaeological Society and the County Archaeologist have identified that there needs to be an investigation of the area. This requirement is also reflected in policy ENV4 and a condition to secure the necessary investigation and recording is considered appropriate to include to ensure suitable mitigation is provided.

Design

The design approach stems from the Taunton town centre design code which was

adopted as a supplementary planning document following the Area Action Plan in 2008. The design principles for the area were to establish a robust movement framework connecting the riverside with St James Street, North Street and East Street via a network of attractive safe lanes; to promote active ground floor uses to create a vibrant street scene with residential development on upper floors; to encourage start up units and creative industries and studio/workshop space; to encourage cafes and small restaurants in the area, especially along the waterfront; and to promote a character with buildings designed to reflect the scale and massing of the existing historic buildings in the area, whilst allowing a modern interpretation. The scheme is considered to broadly reflect these principles. It is noted that limited start up units are provided but the alternatives proposed are considered to provide more flexible options for businesses.

The original scheme was considered by the Design Review Panel in May 2016 and the revised design was considered again in February 2018. Their response was very supportive of the proposal presented. The scheme provides the positive repair of an urban block, with good connections to the surroundings and opens up access to the river frontage. The panel were very supportive of the urban square and proposed materials for this, along with the mature perimeter trees and consider the overall design allows for complimentary future development to the surrounding area. Following their comments regarding electric car charging points, these have been incorporated into the scheme. The proposed Blocks are considered sensitive to the character of the surrounding conservation area in terms of design and materials, with Blocks D and E deemed contextually appropriate for Taunton in terms of façade and articulation. The diversity of the design of Block A reflects that of the conservation area along St James Street, with ground floor active street frontages complimenting those already present. The bricks proposed have been revised and subject to a condition to control this element, the recommendation in terms of design is acceptable and reflects paragraph 129 of the NPPF.

Whilst the loss of smaller start up units set out in the outline permission is noted, the replacement units are considered to provide flexibility and potential adaptability for future uses, including B1 business use. The incorporation of ecology measures as suggested has also been endorsed by the Councils Biodiversity Officer and a condition to this effect is recommended.

Access and Parking

A considerable amount of public responses to the scheme have revolved around the parking provision and concerns regarding the reduction. The original policy Cr2 of the Town Centre Area Action Plan envisaged the development of the whole of the area and loss of the car park entirely. This was based on the provision of increased parking at the Park and Ride sites and new multi-storey car parks. The current scheme retains an element of on-site parking (42 spaces including two accessible spaces), although this is a reduction from the current 120. The concern over parking stems from the level of use of the existing car park, together with a concern that the new area will be insufficient to meet the evening requirement of the Brewhouse and the day time requirement of the doctors, as well as the on site users. However, given that the current proposal is an improvement on the parking provision of that envisaged in the original policy, where it would have been totally lost, it is considered that the use of this car park is down to its management by the Council, which is not

an issue that can be controlled under the planning legislation. The new flats in the area are proposed to be car free, given the central sustainable location of the site which would comply with policies A1 and A5 of the Site Allocations and Development Management Plan and this is considered acceptable.

The Highway Authority has yet to comment, however it is considered that the scheme will achieve the necessary footway improvements and turning on Coal Orchard as required under the outline scheme.

The main issue for Members, in light of the many comments received, is whether there is sufficient parking to serve the adjacent uses. The parking strategy for the town identifies sufficient spaces and in view of the adopted Area Action Plan and the current parking policy, given the central location of the site, the provision of a smaller car park here is considered acceptable.

Flood Risk

The site lies within the flood risk zone of the River Tone and a Flood Risk Assessment was submitted as part of the development. The site is identified as a redevelopment site within the adopted Local Plan and has previously been assessed in terms of the SFRA and so a separate sequential test is not required. The site may be subject to overland flows from the river at times of extreme events, however the scheme is designed to maintain such routes. The scheme will not reduce storage capacity and will provide mitigation through the creation of steps down to the river and so the risk to other sites elsewhere is not worsened. The area may be subject to contamination and a condition is required requesting details of remediation of any contamination if found. The Environment Agency raises no objection following the receipt of the revised technical note including overland flow routes for the new layout and recommends conditions to ensure that the development is undertaken in accordance with the FRA and updated technical note and to address necessary mitigation of any contamination found or any instances of pollution during construction.

The surface water drainage to the current area is dealt with by either the existing surface water system or by run off directly to the river. The LLFA seek betterment over the existing situation and suggest a condition requiring a drainage strategy to ensure that surface water runoff is attenuated and discharged at an appropriate rate.

Other Issues

There is currently no indication of protected species using the site, although it is clear that bats use the river corridor, as well as potential for otters and ground nesting birds. The Biodiversity Officer is satisfied that appropriate conditions can be imposed to address necessary mitigation measures such as bat box provision, lighting details and the appropriate timing of works to minimise disturbance. The Landscape Officer requires a full planting plan to ensure that the landscaping contributes to public realm enhancement. Conditions to cover these aspects are therefore recommended.

Concerns have been raised regarding the impact upon the amenities of the

occupiers of the apartments due to the noise and smells from the restaurants below. The close proximity of residential units to restaurants/hot food establishments is a common situation, particularly in town centre locations and it is not considered that this would result in harm that would outweigh the benefits of the scheme as mitigation can be designed into the construction.

The receipt of the New Homes Bonus and Community Infrastructure Levy is noted, however, it is considered that this matter carries very limited weight in this case.

Conclusion

The scheme is considered to safeguard the character and appearance of the conservation area and while it will impact on the setting of the Old Brewery House, this impact is not considered substantial and the benefits of the redevelopment of the area in terms of townscape and employment is considered to outweigh the limited harm. The parking provision retained on the site is considered suitable to serve the development and adjacent uses subject to suitable management of the car park. There are no objections from the main statutory consultees and the development is considered to be in line with the sustainable planning objectives set out in paragraph 8 of the NPPF. As such the scheme is considered an acceptable redevelopment of the site and is recommended for approval.

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

Contact Officer: Mr G Clifford

38/18/0173

QUANTUM TAUNTON LLP

Erection of 88 assisted living extra care apartments (Use class C2) with ground floor restaurant and associated car parking, mobility scooter parking, cycle stores, private landscaping and public art at Quantock House, Paul Street, Taunton

Location: QUANTOCK HOUSE, PAUL STREET, TAUNTON

Grid Reference: 322826.1243

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Subject to:

1. The view of the Highway Authority on the access position, and
2. The applicant varying the Section 106 agreement to secure:
 - Improvements to the pedestrian crossing facilities at the signalised Paul Street/Mary Street junction.
 - A travel plan
 - The inclusion of public art within the development

Recommended Conditions (if applicable)

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

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

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

(A3) DrNo 903A-100 Location Plan
(A1) DrNo 903A-101 Topographical Survey
(A1) DrNo 903A-200 Site Layout - Lower
(A1) DrNo 903A-201 Site Layout - Upper
(A3) DrNo W15376_SX Topographical Survey
(A1) DrNo 903A-202 Site Layout - Roof
(A3) DrNo 903A-300 Lower Ground Floor
(A1) DrNo 903A-301 Upper Ground Floor
(A3) DrNo 903A-302 Floor Plans - 1st - 7th
(A1) DrNo 903A-400 East Elevation
(A1) DrNo 903A-401 South Elevation
(A1) DrNo 903A-402 West Elevation

(A1) DrNo 903A-403 North Elevation
(A1) DrNo 903A-404 East Elevation
(A1) DrNo 903A-405 South Elevation
(A1) DrNo 903A-406 West Elevation
(A1) DrNo 903A-407 North Elevation
(A1) DrNo 903A-500 Sections A-A B-B
(A1) DrNo 903A-501 Sections C-C, D-D
(A1) DrNo 903A-600 Site Details

(A1) DrNo 903A-203 Site Layout - Lower
(A1) DrNo 903A-601 Site Layout - Tracking

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

4. Before development construction commences (including demolition and site clearance and any other preparatory works) the protective fencing and ground protection detailed on Hellis Arboriculture & Landscape Design Drawing "Tree Protection Plan ref: TPPQH) received 05 July 2017 shall be erected/installed. The protective measures shall be maintained and retained for the full duration of works at the site or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

5. The archaeological investigations detailed in the Written Scheme of Investigation produced by AB Heritage, project no. 60025 dated 04/05/2017 and as updated by the addendum dated 01/06/2017 shall be fully carried out prior to the commencement of any other work on the site. The results of the investigations shall be recorded and reported in accordance with the WSI dated 04/05/2017 prior to the occupation of the building hereby permitted.

Reason: To ensure the recording of archaeological remains.

6. Other than the demolition of the existing building, site clearance and any highway works, no development shall be commenced until the detailed design for the surface water drainage scheme, based on submitted proposed drainage strategy, together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume which provides a minimum of 30% betterment over existing runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of

surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development in accordance with the NPPF.

7. Prior to their installation, samples panels of the materials to be used in the construction of the external surfaces of the development measuring at least 1m x 1m shall be built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such.

Reason: To ensure that the proposed development is compatible with the character and appearance of the area and the settings of listed buildings.

8. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of development and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety.

9. Other than the demolition of the existing building and other site preparatory works, no work shall commence on the development hereby permitted until the details of the access junctions generally in accordance with drawing number 903-201 Rev A Site Plan LGF Level, 903-202 Rev A Site Plan UGF Level, 903-203 Rev A Site Plan LGF Level Delivery Entrance have been submitted to and approved in writing by the Local Planning Authority. The access shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use.

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

10. Prior to its installation, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

11. (i) Prior to its implementation, a landscaping scheme, which shall include

details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

- (ii) The scheme shall be completely carried out within the first available planting season from the date of first occupation of the development.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

12. The applicant shall undertake all the recommendations made in Peach Ecology's Ecological assessment report dated September 2016, and provide mitigation for bats and birds as recommended.

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and accommodate wildlife.

13. Prior to first occupation a servicing statement detailing measures to ensure that deliveries and refuse collection vehicles can safely move into the delivery area and avoid any conflict in entering and exiting vehicles shall be submitted to and approved in writing by the Local Planning Authority. Following occupation of the building, the measures detailed in the approved statement shall thereafter be fully complied with.

Reason: In the interests of highway safety.

14. Taxi and ambulance bays as detailed by drawing number 903A-600 shall be formed at the point of access in accordance with the detailed plan and specifications. Such bays shall be completed before the development hereby permitted is first occupied and shall be available for the parking and checking of vehicles at all times. The bays shall at no time be used other than for the parking of vehicles on a short-stay basis.

Reason: In the interests of highway safety.

15. The access, parking and turning spaces detailed on the drawings hereby permitted shall be properly consolidated and surfaced in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

18. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access/egress and extending to points on the nearside carriageway edge 33 metres either side of the delivery and exit access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interest of highway safety.

19. The Restaurant/Bistro/Community Meeting Room space (shown coloured light pink) on Level 01 (drawing 903-301) may be used for any purpose within classes A1, A3, D1 or D2 of the Schedule to the Use Classes Order 1987 as amended.

Reason: To allow flexibility of the uses in order to ensure a viable and usable floorspace is provided.

Notes to Applicant

Proposal

The proposal is a revised scheme for the redevelopment of Quantock House and proposes 88 age restricted assisted living extra care apartments over 7 floors together with a service basement for parking and storage. The development includes supplementary services involving a health and wellbeing facility along with services such as hairdressers, kitchen, laundry, treatment rooms, resident's lounge, dining area and quiet lounge. A ground floor restaurant is included which will also benefit the local community, as will a community room for hire and the offering of a selection of classes. This revision alters the design of the previous scheme and results in a smaller footprint by 349sqm and lower overall height by 0.8m.

Site Description

The site is located on the corner of Mary Street and Paul Street, to the south of the library and multi-storey car park. It was the site of Quantock House, an 8 storey

1960s tower block of utilitarian design. There was a two-storey 'wing' to the south of the building, closest to Mary Street and the whole site is set behind mature trees on the corner of Mary/Paul Streets. An open parking area is provided to the north of the building, accessed from Paul Street on the east site boundary.

The building was former Government offices, but has since been demolished.

Relevant Planning History

38/16/0345 - Demolition of office block and erection of care led facility inclusive of 62 No. ensuite bedroom care home, 58 No. assisted living extra care apartments (Use Class C2), ground floor retail space (Use Class A1, A3, D1 & D2), car parking, mobility scooter parking, cycle stores, ancillary buildings with public and private landscaping at Quantock House, Paul Street, Taunton - CA 6/7/17

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - Comment awaited.

LANDSCAPE - I generally support the findings of the submitted LVIA and favour the locations of the chosen viewpoints.

From studying the submitted images, the proposed building appears to be less intrusive within the local area than the extant design and is certainly an improvement on the existing DEFRA building.

I welcome the retention of the existing trees on Mary Street and the proposal to carry out further tree planting along the Old Pig Market Road.

The floorplan of the new building is unconventional, but this is a matter of taste.

POLICE CRIME PREVENTION - Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

"Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."

Guidance is given considering 'Crime Prevention through Environmental Design', 'Secured by Design' principles and 'Safer Places'.

Comments:-

1. **Crime Statistics** – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/05/2017-30/04/2018 is as follows:-

Arson - 1 Offence (not endangering life)

Burglary - 27 Offences (comprising 5 residential burglaries & 22 business and community burglaries).

Criminal Damage - 41 Offences (incl. 11 criminal damage to motor vehicles)

Drug Offences - 8

Other Offences - 32

Robbery - 4 Offences (all personal property)

Sexual Offences - 5

Theft & Handling Stolen Goods - 541 Offences (incl. 452 shoplifting, 36 theft of pedal cycles & 3 theft from vehicles)

Violence Against the Person - 257 Offences (incl. 2 wounding, 38 assault ABH, 58 common assault & battery, 3 assault police, 125 causing

harassment, alarm distress or threatening behaviour)

Total - 916 Offences

This averages 76 offences per month, over 17 per week which are considered to be locally 'high' reported crime levels, partly due to the proximity to the town centre. Offences are spread fairly evenly throughout the week with peak offending times being afternoons and either side of midnight. Although a large proportion of these offences relate to retail premises and the night time economy, a proportion could easily be displaced to this development e.g. criminal damage and theft.

2. **Defensible Space** – it is important that boundaries between public and private space are clearly defined and existing boundaries comprise a half height wall to the rear and hedge to the side abutting the adjacent public car park. These will be supplemented by metal railings to protect the private gardens. However, the open nature of the frontage of this development, with public gardens fronting Mary Street and to a lesser extent Paul Street, has disadvantages from a crime prevention perspective in that it enables easy access by the potential criminal to the shell of the building and associated areas including private and formal gardens, undercroft car park and cycle storage area. Bearing in mind this is an assisted-living development, additional attention should therefore be paid to the security of these areas, including any street furniture or fittings which should be vandal-resistant and securely fixed to prevent removal or vandalism.

3. **Natural Surveillance** – optimum natural surveillance should be incorporated whereby residents and staff can see and be seen, this should include unobstructed views from the development of all external spaces, including footpaths, roadways, communal areas and landscaping. Any recesses, blind corners or potential hiding places should be eliminated. Consideration could also be given to providing a monitored cctv system covering the site area with particular focus on key access points and the undercroft car park.

4. **Public Access** – the security of the assisted living areas of the development is enhanced by discouraging casual intrusion by non-residents, so public access to these areas should be restricted, either by Reception staff or a suitable electronic access control system or a combination of both. There should be no unnecessary paths which could be used to gain unobtrusive access and escape. Good signage should be displayed to deter unauthorised access and assist emergency services.

5. **Lighting** – appropriate lighting should be designed to cover potential high risk areas including main site access points, undercroft car park, footpaths associated to main building, cycle stores, bin stores and any other secluded areas around the site. Also main entrance doors, secondary access doors and fire exit doors. All lighting should be vandal-resistant and automatically controlled by photo-electric cell or time switch with manual override. There is existing street lighting around the site.

6. **Landscaping/Planting** – should not impede opportunities for natural surveillance and must not create potential hiding places for intruders, especially adjacent to footpaths and buildings where it may obscure doors and windows. In areas where visibility is important shrubs should be selected which have a mature growth height of no more than 1 metre and mature trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. Defensive planting (prickly shrubs) could be used in appropriate locations to deter unauthorised access.

7. **Car Parking** – for residents is in the undercroft car park, however, there does

not appear to be any indication in the DAS or on the plans that an access control system will be applied to the vehicular entrance to prevent unauthorised access into the car park, which I consider essential. Normally, such system is in the form of a roller grille or similar which can be remotely operated by the driver whilst sitting in the vehicle. In addition, lighting to BS 5489 standard should be installed in the car park, and walls and ceilings should have a light coloured finish to maximise the effectiveness of the lighting. The external and internal doors providing access to the Mobility Scooter Store, doors leading from the undercroft car park to the stairs and lift lobby, and residential floors should also be part of the access control system.

8. **Cycle and Bin Stores** – the integral bin store appears to be of substantial construction and should be lockable to prevent misuse of wheelie bins for climbing or arson. I have concerns regarding the location of the covered cycle spaces for staff in the undercroft car park, which does not appear to be secure and is accessible through the car park. Although the DAS does state that the Mobility Scooter Store could be used for the storage of cycles if the need arose. Bearing in mind the level of theft of pedal cycles in the surrounding area, I recommend that a secure cycle store be incorporated in the design or the Mobility Scooter Store used as suggested.

9. **Climbing Aids** – as the building design incorporates balconies, any potential climbing aids should be avoided.

10. **Doorsets & Windows** – all external ground floor doorsets (including communal doors), all flat entrance doorsets and ground floor or easily accessible windows and rooflights must be tested to PAS 24:2016 security standard or equivalent.

11. **Internal Security Issues** - I note from the DAS that the Assisted Living element will be staffed 24/7, which should assist the personal safety and security of all residents. In addition, the Assisted Living apartments will be fitted with burglar alarms which can double up as personal alarms connected to a central call point for assistance should the need arise. The main entrance appears to be well overlooked by Reception/Manager's Office and the public restaurant by the bar, both of which are beneficial.

12. **Secured by Design(SBD)** – if planning permission is granted, the applicant is advised to refer to the additional comprehensive information available in the 'SBD Homes 2016' design guide available on the on the police approved SBD website – www.securedbydesign.com.

HERITAGE - No comment.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comment received.

LEAD LOCAL FLOOD AUTHORITY - The flood risk assessment states that the developer's consultants have spoken with my colleagues who provided pre-application advice. However, it relates to a previous application at the site (38/16/0345), for which we provided comments in our letter dated 22/09/16. The developer needs to provide assurance that drainage element is still applicable for the new proposals.

The FRA states that the developer will provide 30% betterment in terms of post development runoff rates in accordance with the West of England SUDS guide. Providing that Wessex Water is happy with the proposals to connect to their sewer (at the rates stated in the FRA) and the drainage scheme can be adopted/ maintained for its lifetime, we would have no objections to the proposals. Any

opportunities to further explore SUDS features as part of the design on the site should be explored.

As part of detailed design, the developer must provide more details in terms of how surface water will be managed at the site during storm events that exceed the capacity of the sewer system. The FRA states that storage of surface water in car park and landscaping areas, but should provide information about likely volumes and depths. There must be no risk to property for all events up to and including the 1 in 100 year (+40%) climate change.

We would like to amend our previous condition slightly to provide more clarity and in order to address the above.

CONDITION

No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume which provides a minimum 30% betterment over existing rates and volumes. Such works shall be carried out in accordance with the approved details.

- Detailed information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution.

- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

LEISURE DEVELOPMENT - No comment

WESSEX WATER - No comment

BIODIVERSITY - Peach Ecology carried out an ecological assessment of the site in July 2016 and April 2018.

The reports makes reference to the DEFRA building but as this building was demolished in 2017, I will make little reference to it here.

Bats

I support the erection of four 2FR bat tubes to be installed into the fabric of the new building.

The existing trees have potential to support foraging bats so should be protected from light spill.

Birds

I support the suggested mitigation for birds which includes

- Four No. 17A Schwegler Swift Nest Boxes (Triple Cavity) to be built into the fabric of the new building or attached at a suitable location externally.
- A peregrine nest box to be located on top of the new replacement building.

Condition for protected species:

The applicant shall undertake all the recommendations made in Peach Ecology's submitted Report dated April 2016 and provide mitigation for bats and birds as recommended.

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

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate bats and breeding birds

Informative Note

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

Representations Received

10 letters of support

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan

(2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP1 - Climate change,
CP3 - Town and other centres,
CP4 - Housing,
CP5 - Inclusive communities,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
A1 - Parking Requirements,
A2 - Travel Planning,
A5 - Accessibility of development,
D1 - Taunton's skyline,
D13 - Public Art,
D7 - Design quality,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV4 - Archaeology,

This takes into account the recent adoption of the SADMP.

Local finance considerations

The proposed development falls within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and, therefore, would not be CIL liable nor result in the payment of the New Homes Bonus.

Determining issues and considerations

The principle of a care home type use in a multi storey building has already been considered and accepted by Members in this location in February 2017. The current proposal is a revision to the approved scheme as it has been difficult to fund the mixed care use of the previous proposal. The design of the building has therefore been revised and the height and floor area both reduced as part of the current submission.

The main issues in the consideration of this application are as before, the principle of the development and the design of the proposal, connected to its impact upon heritage assets. The impact on highways, ecology and surface water drainage must also be considered.

Principle of development

The site is allocated within the Taunton Town Centre Area Action Plan (TTCAAP) for retail development. It is part of a larger allocation east of the High Street which seeks to deliver substantial additional retail floor space for the town. Policy Hs1 indicates that the 'East of High Street' allocation should deliver a minimum of 20,000 sq. m gross of additional comparison and convenience retail space, 120 dwellings, 440 parking spaces and the relocation of the Taunton library. Policy Hs2 sets out design principles and indicates that buildings should be a maximum of 5-7 storeys high with good permeability and active frontages at ground level. There should be a new public square and public realm improvements to (*inter alia*) Mary Street and Paul Street and the provision of public art.

The proposal aims to provide some retail space. However, this would be accessed from the Mary Street side of the building and poorly connected to the surrounding retail offer. Therefore, whilst the provision of ground floor retail might, strictly speaking, be policy compliant it is unlikely to contribute towards delivering the aims of the policy.

In this context, your officers have commissioned independent advice from Savills in respect of the impact of the proposal on the retail allocation. Savills' advice is that the development of the Quantock House site in isolation will render the remainder of the East of the High Street Allocation undeliverable. This is because there would no longer be sufficient critical site area remaining for a commercially viable scheme. In granting permission, therefore, the Council would have to accept that the long proposed retail expansion on land East of the High Street would not take place. The TTCAAP allocation policies make clear that a comprehensive development of the area is intended. It is clear that the proposals would conflict with Hs1 in a number of ways and the proposal is, therefore contrary to policy.

Savills' advice goes on to assess the impact of such a decision. Based upon up to date assessments of retail capacity and spending forecasts, there is no longer a need to deliver the quantum of retail floorspace proposed by the TTCAPP. In light of the retail allocations at Firepool and Coal Orchard, Savills consider that there is sufficient retail capacity in the short to medium term to deliver the town's retail needs and avoid a threat from any out of town proposals. In this context, Savills advise that the Council would not be able to demonstrate the need to retain the retail allocation east of the High Street and accordingly its loss would not cause significant harm to the vitality and viability of the town centre. Given the lack of harm, the social and economic benefits stemming from the delivery of care facilities and associated accommodation in the town centre, on a highly accessible brownfield site can be afforded sufficient weight to outweigh the policy conflict and this makes the development acceptable in principle.

The proposed use itself is a home with assisted living/close care apartments. This use is considered to be appropriate in a town centre location. The applicant has submitted substantial arguments around the types of tenancy agreements that residents of the apartments would receive and the facilities that would be available to them. These facilities include mandatory care packages, which means that any residents must be in need of some type of care in order to occupy the apartments. The level of care can increase as the needs of the occupants change and this, along with the scale of ancillary facilities provided within the building is considered to bring the use firmly into the C2 use class. Such means that the development does not trigger affordable housing or children's play contributions.

Design of the building, its visual impact and the impact on the setting of heritage assets

These matters, in this case, are inextricably linked and are therefore considered here as one main issue. There are numerous listed buildings in the vicinity of the site and some further afield likely to be affected due the scale of the building proposed.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving a listed building, its setting and any features of historic or architectural interest when deciding whether to grant planning permission. The site is also visible from the Vivary Park conservation area and the Crescent Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area when deciding whether to grant planning permission.

The design of the building has undergone significant evolution from initial pre-application discussions, following consideration by Devon and Somerset Design Review Panel. Amendments have been made to the design of the building and the Panel have accepted that this is all positive and this has seen a significant reduction in height from the previously approved scheme. The design of the building, in itself, is now considered to be acceptable.

The settings of the affected listed buildings are considered below. With regard to the NPPF, the impact on a heritage asset can be considered to result in no harm, less than substantial harm, or substantial harm. The NPPF explains that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

In drawing the conclusions below, then, it should be noted that a conclusion that any harm is ‘less than substantial’, this does not mean that the harm is unimportant, it

merely means that in NPPF terms, that harm can be legitimately weighed against the public benefit of the proposal in the planning balance.

Buildings on Paul Street

In terms of the immediate street scene and setting of the closest listed buildings on the opposite side of Paul Street, it is considered that the impact will be mostly influenced by the lower floors – the ‘plinth’ section of the building. Here, the latest amendments to the scheme have resulted in a well-proportioned building in well landscaped grounds. Compared to the existing building, both the quality of the building and the landscaping of the grounds is not considered to result in a significant change to the setting of these buildings closest to the site, which is already dominated by the existing Quantock House, and in some respects may provide a slight improvement in the amenity of the area.

Buildings on Mary Street and Billetfield

The impact on the setting of the buildings to the south on Mary Street is likely to be greater. The existing building, whilst considered by many to be unattractive, is a slender building that, at close range, is largely masked by the trees from street level during the summer months. The proposed new building will be bulkier and around 4.5m taller. The top floor is not set in from the building and it will have a significant presence at close range, the trees will have less effect on masking the building as a whole and it will be much more present in any views. Given that the settings of the buildings are mainly defined by the row in which they sit, however, it is considered that any harm to the setting will be less than substantial.

Greater impacts will start to be felt from slightly further afield in the views along Mary Street towards the site (from both directions). To the west, the tree cover is good and in the summer months will help to assimilate the building into the townscape. There are further listed buildings to the west along Mary Street, Upper High Street and the southern end of High Street, although their settings are largely derived from the immediately surrounding townscape. Part of that is formed by views along the street and the new building, being deeper than the existing, will have a greater presence in the street, which will cause an impact. However, given the attributes that define the setting of these buildings, this is considered to result in less than substantial harm in NPPF terms. Opposite Temple Methodist Church, these views are also within the Vivary Park Conservation Area, although its setting is unlikely to be harmed by the proposal.

The same can be said in respect of views from the east along Billetfield, where the building can be seen in glimpsed views between other buildings. The increased bulk and height of the proposed building will make it more present in views where the current building blends into the background. However, the townscape is relatively dense in these locations and it is considered any additional harm would be less than substantial.

Mount Street/Vivary Park conservation area and associated listed buildings

The existing building is also very present in certain views within Vivary Park and, therefore, key views within the Mount Street/Vivary Park conservation area. The impact of the development is likely to be similar to that on the settings of those listed buildings set further back from the site – the new building, being taller and bulkier is likely to be more present and, therefore, more harmful. The setting of the War Memorial (grade II) within the park would also be affected in this way, as the new building would appear in views, whereas the existing building barely breaks the ridgeline of the dwellings in the foreground. However, the revised scheme significantly reducing the height of the building will mean that the impact is reduced to a low level. Furthermore, the setting of the war memorial is considered to be largely derived from the park itself, rather than the backdrop of the townscape and overall, therefore, it is considered that there would 'low level' less than substantial harm to its setting.

The buildings on the northern end of Mount Street are important to the character of Vivary Park and, although it is their rear elevations that are visible from the park, they provide an attractive backdrop to it. The rear elevations and their relationship to the park is also considered to be as important to the setting of the listed buildings as the front. Here the dwellings sit nestled against the relatively low rise, albeit slightly higher buildings, behind with the roof of Quantock House sitting quietly above. The proposed building, will be more visible than the existing, due to its increased height, but it is not considered overly detracting to the setting of these buildings. As with the war memorial, their settings are largely derived from the relationship with the park, so it is considered that this harm will be less than substantial in NPPF terms.

Further south, The Keep at Jellalabad Barracks (grade II) towers above the surrounding townscape. The proposed building will sit in a gap between this and other nearby buildings at a low level such that the Tower will remain very imposing. In this regard, it is considered that the proposal would not have an adverse impact upon the setting of this building.

St Mary's and St James' Church

Following the reduction in the height of the building, only the top of the building is likely to be visible from St. Mary's churchyard. The proposed top floor will tend to blend with the sky and it will be seen above the very cluttered townscape at the north end of Magdalene Lane and the plant on the top of the car park and Orchard Centre. These views are not fundamental to the setting of the church itself and, therefore, any harm is considered to be less than substantial. There will be more impact upon the setting of the church in mid-distance views.

In views from Cotlake Hill, St. Mary's church tower can be seen rising off the northeast corner of Quantock House, behind the multi-storey car park. The increased bulk of the proposed building will mean that it stands in greater conflict with the church tower, when viewed from this location. That said, the church tower is already compromised in these views, so it is considered that less than substantial harm to its setting would arise from this impact.

From the north and west, the church towers are a significant feature of the townscape. The proximity of St. Mary's and St. James' mean that they are

frequently seen together (especially from the north) and their relationship is part of each building's setting. From viewpoints around the station (which will be similar to views from the NIDR, when open) the church towers punctuate the Blackdown Ridge. In these views, they do not have to compete with other buildings for dominance in the townscape. The submitted photo montage imagery of views from these locations is not of good quality due to the weather conditions and it is difficult to discern the relationship of the proposal with the Blackdown Ridge. However, your officer's view is that the building will not break the ridgeline of the hills and, therefore, the dominance of the churches and their respective settings will be preserved. The same can be said for classic views of the churches from within the Somerset County Cricket Ground – at ground level, the churches clearly dominate the skyline and will continue to do so. The increased bulk of the building will mean that it is more prominent in the townscape, but overall it is considered that it will result in less than substantial harm to the setting of these churches in NPPF terms.

The masterplan for the Firepool site was designed, in part, to frame the views of the churches along the new boulevard. Although there is no approved scheme for that site, there is a high likelihood that the two church towers and new building would be in near perfect alignment along the proposed boulevard if the masterplan were followed. It is not considered that this cause's substantial harm to the setting of the churches as this view does not currently exist.

The Market House

The impact on this building has been of significant concern to your officers. The Grade II* listed Market House, is a symmetrical building that is framed by North Street. Whilst the multi-storey car park and existing plant tower on Quantock House are visible from North Street these are only a thin sliver across the top of the buildings on Fore Street. As originally proposed, the new building would have towered above the existing buildings and been very dominant in the setting of the Market House.

The new scheme however sees a further reduction in height which now means that the proposal will sit fairly quietly above the top of the multi-storey car park. The view is already harmed by the clutter of the various plant towers and the proposal will no longer significantly detract from this. It is, therefore, considered that the harm to this view will be limited and will be less than substantial in terms of the setting of the Market House.

Fore Street and around

As with the market house, the previous proposal would have been highly visible in views of Fore Street from Corporation Street. This includes the Grade II listed nos. 16 and 17 and 21 and the Grade I listed Tudor Tavern. It is likely that the top of the building will be visible above the multi-storey car park, slightly detracting from the setting of these buildings but given that these buildings are part of the street scene rather than stand-alone 'focus buildings' the harm would be less than substantial in NPPF terms.

The Crescent

The setting of the main terraced buildings on the Crescent will be unaffected as the buildings are too high for the proposal to stand above. However, there are gaps at either end where there will be impact. The building will be visible between 14 Bath Place and Unison House (both grade II) when looking from Park Street, where the existing building is also clearly visible as an incongruous feature of the townscape. Its increased bulk is much greater than the existing and, therefore, the building will be very visible, however, given the distance from the application site compared to the closeness of the listed buildings in the view, it is not considered to cause substantial harm.

There is a similar impact adjacent to the Masonic Hall (Grade II*) and 21 The Crescent (grade II), although the gap is relatively narrow and the setting of the buildings is not considered to be substantially harmed by the development, given that their settings are so clearly defined by the local street scene.

The views of the proposal through these gaps and also down Crescent Way towards the surface level car park are considered to detract from the character and appearance of the conservation area – they change the character by introducing clearly visible bold ‘city style’ architecture, whereas the existing buildings (including Quantock House) sit relatively quietly. That said, the special characteristics of The Crescent will, by and large, be preserved and, therefore, overall, there will be less than substantial harm to these heritage assets.

Other visual impacts

The height of the proposal means that it has the potential to cause significant impact upon Taunton’s skyline. This is, in itself, considered to be a regionally significant non-designated heritage asset given that it is defined by the distinct church towers that rise prominently above the surrounding townscape. Furthermore, Policy D1 of the Site Allocations and Development Management Plan (SADMP) states that ‘Development which would detract from the distinctive character and attractiveness of Taunton’s skyline will not be permitted’.

It is perhaps surprising that the existing building is not actually that prominent in key views from the north such as from the railway station and Obridge viaduct. It can be seen – and does detract – from the surrounding townscape, but it sits independent to the key tall listed buildings from these viewpoints. The new building would be finished in shinier (glass) materials at its higher levels. From the north, this is unlikely to cause significant reflection and glare. That said, its additional height could mean that it comes close to breaking the ridgeline of the Blackdown Hills from Obridge. This is likely to be a similar view to those from the NIDR, once open, but the evidence suggests that the building will sit below the ridgeline of the hills.

From the south, there are key views across the townscape from Cotlake Hill – a popular (and promoted) walking route. From here Quantock House is clearly visible within the townscape and is reasonably prominent. It is possible that the new building will be more recessive – the glass façade is generally likely to be darker than the white concrete of the existing building. That said at certain times of day, there could be significant glare from the façade, which could increase the

prominence.

Taken in the round, then, it is considered that the proposal would detract from the distinctive character and attractiveness of Taunton's skyline, being more prominent than the existing building and, therefore, conflicts with Policy D1 of the SADMP. It is perhaps for these reasons that Policy Hs2 of the TTCAAP sets a maximum storey height of 5 storeys for this part of the site which would have reduced the impact from the existing situation to the overall benefit of the skyline. However, with the design alterations and reduction in height, it is not considered that the impact on the skyline would be so harmful as to warrant refusal of the application in itself.

In terms of general wider impacts, it is clear that the proposal would become a defining part of Taunton's character, visible from a large number of locations. The submitted Landscape and Visual Impact Assessment picks up on these and suggests that the experiences of people visiting the town will not be significantly harmed by the proposed building. Your officers concur with these points in terms of the general amenity of the town. Therefore, it is considered that the impacts on the settings of the various listed buildings are more important than the general visual impact.

As noted above, paragraph 134 of the NPPF advises that "where the development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal". The above analysis has demonstrated that each of the impacts can be categorised as less than substantial in their own right, so this test is engaged. However, there will be some harm to the settings of many buildings and this must be weighed against the benefits.

The proposed development will provide care facilities and accommodation for older people. The applicants have provided a substantial amount of information on the demographics of the local area, and that there are an increasing number of people requiring care and suitable accommodation in older life. Whilst there is no planning policy setting a target for such accommodation, it is accepted that there is an increasing need for older persons accommodation and this development provides a new model for providing accommodation that allows people to stay in private accommodation for longer. It could also go some way to reducing pressures on hospital wards to the overall benefit of the wider population. In addition, the proposal would release some of the general housing stock for family accommodation. The proposal would also generate 79 FTE jobs, bringing a significant economic benefit. These are considered to be weighty public benefits and sufficient to outweigh the less than substantial harm to the heritage assets and the conflict with Policy D1 (skyline impact).

Impact on the highway network

Having considered the submitted transport assessment and additional information provided by the applicant, the Local Highway Authority had previously confirmed that they have no objection to the proposal in terms of the impact on the highway network in terms of likely traffic generation, which is likely to be lower than if the previous office use were put to its full potential.

The Highway Authority has yet to comment on the revised detail of the access/egress arrangements, in particular for service vehicles who will have to manoeuvre out onto the highway opposite Marks and Spencer. These comments are awaited and if there were to be an issue the layout could revert back to that previously agreed. Subject to the Highway Authority clarifying this point the access is considered acceptable.

There was previously a concern about pedestrian safety in the vicinity of the site, particularly for those who are visually or mobility impaired. The development proposes to reconfigure the uncontrolled pedestrian crossing facilities onto the top of Paul Street, outside the library which is acceptable. However, given the busyness of the road, some users would prefer to use the signal controlled crossing at the junction of Paul Street and Mary Street. These facilities would also likely be used by pedestrians crossing towards Sainsbury's, Marks and Spencer and those wishing to visit Vivary Park. Safety audits have revealed that these crossings are significantly below standard, with poor facilities for pedestrians. There is a particular concern over the safety of users of mobility scooters given the configuration of the signals, crossing points and central island (this is echoed by some of the representations received from the public). The Highway Authority believe that there will be a significant increase in the users of these crossing points over and above any office use and that more of those users are likely to be visually or mobility impaired. They believe that it is necessary for the signalised crossing to be upgraded to meet modern standards. The detail of this will be controlled through a S106 agreement.

Provided that the necessary junction safety improvements are carried out, it is considered that the impact on the highway network is acceptable.

Ecology

Wildlife surveys undertaken have revealed that the site has limited potential for wildlife. The protection of nesting birds, along with proposals to enhance the site for wildlife can be secured by condition as before.

Drainage

The development proposes underground surface water attenuation tanks. On this highly constrained brownfield site, this is considered to be appropriate. The proposal will result in a 30% reduction in surface water discharge from the current site and, accordingly, the proposal should contribute to a reduction in off-site flood risk.

Conclusions

The proposed development is considered to be an acceptable town centre use. The provision of retail floor space accords with the retail allocation within which the site sits. The development of the site will render the retail allocation undeliverable, there is currently sufficient allocations for retail development elsewhere. Therefore, whilst there is a conflict with the development plan in terms of the use of the site, it is considered that this is not harmful and the benefits of providing high quality

accommodation of this type in a highly accessible location is considered to outweigh the conflict with the plan. The proposal is, therefore, considered to be acceptable in principle and the main issue is the design of the development, its impact upon heritage assets and visual impact generally.

In terms of the visual impacts, the presence of the new building would be felt from a good many locations across the town. However, this is unlikely to cause a significant adverse visual impact in its own right to the detriment of the general amenity of the area. The current scheme is lower than that previously approved. There will clearly be an impact on the skyline, contrary to Policy D1 of the SADMP and that the proposal will impact upon the setting of many heritage assets. Your officers consider that the proposal will cause less than substantial harm to the setting of heritage assets and that, on balance, this is outweighed by the benefits of providing bespoke elderly persons accommodation in this highly accessible location, in accordance with Paragraph 196 of the NPPF. Other matters can be satisfactorily mitigated by conditions and it is, therefore considered that the proposal is acceptable and it is recommended that planning permission is granted.

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

Contact Officer: Mr G Clifford

Supplementary Item

38/18/0165

Cutliffe Farm, Sherford, Taunton

Introduction

The above application was recommended for approval and approved by the Chair of Planning Committee on 8 July 2018. The conditional approval was issued on 11 July 2018. A copy of the report and decision are attached in Appendix 1.

However under the Taunton Deane Borough Council Delegated Powers the application should have been reported to Planning Committee for consideration and determination as four submissions and an objection from the Ward Councillor were received during the assessment of the application.

Update of Report

For clarification, the following submissions were received:

Five representations received objecting to the application on some or all of the following grounds:

- protection of the Vivary Green Wedge
- increase in traffic using Sherford Road
- increased hazard for cyclists and pedestrians
- the units are being let out to hospital workers not just seasonal farm workers

One representation was received from the Ward Councillor, Councillor Berry, making the following comments:

This item was the subject of an earlier dispute in which the planning committee reversed a recommendation by officers.

I wish to record my objection to this proposal. The Vivary Green Wedge needs to be protected and allowing the annexe at this farm to be used for letting to non-agricultural workers (and or non-seasonal workers) would drive a coach and horses through this Council's continuing policy of protecting the green spaces around the town. As well as allowing permanent lets in the green wedge, it would affect traffic by vastly increasing the usage of Sherford Road. This accommodation was built to accommodate seasonal agricultural workers and if this purposes has changed then it should be a full application. Such an application would likely to be refused.

There may of course be a good legal/technical reason for allowing this application to be approved. I do hope not but if there is it should be explained in an open session of the Planning Committee.

Recommendation

That Planning Committee endorse the recommendation to approve the application.

38/18/0144

UNAVEND TAUNTON LTD

Reserved matters for the approval of layout, scale, appearance and landscaping for the proposed development of Area I, Firepool Lock to provide 44 residential dwellings

Location: AREA I, FIREPOOL LOCK, TAUNTON, TA1 1PJ

Grid Reference: 323143.125406 Reserved Matters

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

(A1) DrNo 2072-MAL-01-ZZ-DR-A-003 C Floor Plans
(A3) DrNo 2072-MAL-01-ZZ-DR-A-002 Site / Landscape Plan
(A3) DrNo 2072-MAL-01-ZZ-DR-A-001 B Location Plan
(A1) DrNo 2072-006 East, West Elevation
(A1) DrNo 2072-005 North, South Elevation

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

2. No development, excluding site works, shall begin until a panel of the proposed materials has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

3. No dwelling shall be occupied until the parking and turning spaces have been laid out in accordance with the submitted plans. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted

Reason: to ensure that adequate parking and turning is provided and in the interests of highway safety

Proposal

This is a reserved matters application for 44 apartments in a single block. It follows the grant of outline planning permission in 2015 for 99 dwellings of which 55 have been constructed in the new McCarthy and Stone and Gadd apartment blocks on the southern side of the NIDR (recently named Trenchard Way). This proposal makes up the balance of dwellings and would provide a mix of one, two and three bedroom apartments in a six story block between Trenchard Way and the railway line to the north.

The submitted details accompanying the application state that the applicants have been considering a proposed hotel development which has been discussed with the council and taken through the design review panel. The agents also state that the hotel that was proposed may not be coming forward and the land owner wishes to preserve the extant outline pound commission the 44 aims through the submission of this reserved matters application.

Site Description

The site is on the northern side of the Trenchard Way between the new road and railway line. It is to the east of the car parking area for Taunton Station and west of the existing apartments that were constructed by Crest and number of years ago. The site is currently brownfield and unused and is triangular in shape, being approximately 125 metres long and 20 metres wide at the eastern end.

Relevant Planning History

An outline application was submitted in 1999 to redevelop the former East Goods Yard for a mix of uses including residential, B1 employment, conversion of pumphouse, access road and new canalside walkway. Permission was granted in August 2004 (ref 38/99/0394).

In 2006 a further application to vary the time limit and masterplan conditions was submitted and subsequently approved. This extended the time period for the submission of reserved matter applications for 6 years until 19 May 2012 and required the submission of an indicative masterplan. (ref 38/06/0135).

In 2007, following a public consultation and presentation to the Regional Design Review Panel, as masterplan was submitted and agreed by TDBC. This document was referred to as the Design and Access Statement and allocated/zoned 10 areas for a mix of uses that were predominantly residential. It proposed 460 dwellings comprising 443 apartments and 17 houses at an average density of 140 dwellings per hectare.

In April 2007 a reserved matters application for B1 office development on Area I (with additional surface level car parking on Area J) was submitted. This included 7,200 sq m of B1 office space in a building ranging from 5 to 7 stories. Permission was granted in December that year but has not come forward. (ref 38/07/0193).

A reserved matters application for 100 apartments and 4 town houses was submitted in 2008 for Area A. This had a Planning Committee resolution to approve subject to a variation in the Section 106 Agreement, but was subsequently withdrawn once planning permission was granted for an alternative development

In 2009 a reserved matters application was submitted by Knightstone Housing Association for 108 apartments that was compliant with the approved masterplan and is under construction. This provided the affordable housing element of the outline planning permission. (ref 38/09/0190)

In December 2011, two applications for 240 houses and apartments were submitted by Crest on Areas A,B,C,D and J. Planning permission was granted and these are currently under construction.

In April 2015, outline planning permission was granted for the erection of up to 99 dwellings on areas H and I with vehicle access off the Northern Inner Distributor Road (NIDR). This current reserved matters application forms part of that outline planning permission. Area H had a reserved matters consent granted in March 2016 for McCarthy and Stone and Gadd to build 2 blocks of 45 and 10 apartments respectively. This have been constructed

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP –

I refer to the above-mentioned planning application received on 1 May 2018 and have the following observations on the highway and transportation aspects of this proposal:-

The application is for the approval of 44 residential dwellings, with associated parking and ancillary accommodation. The site is part of a larger site that benefits from outline planning permission (38/13/0477) which permits potential development of up to 99 dwellings.

The site is situated on land within the redevelopment area of Firepool, located to the north of Taunton town centre. Access to the proposal site will be via an existing access on the Northern Inner Distributor Road (NIDR/A3087). There are existing pedestrian and cycle routes which were constructed in relation to the NIDR development.

Trip Rates have previously been agreed as part of the outline application therefore no further comments are to be made.

With reference to submitted drawing number 2072-MAL-01-ZZ-DR-A-002/A the internal arrangements of the site will not be adopted and therefore will remain within

private ownership. The Highway Authority would require the applicant to provide full contact details of the Management Company who will be responsible for the future maintenance of the application site.

The extent of the red line site boundary does not appear to include the access that will provide access onto the adjoining highway. The applicant will need to have been granted rights over the access to enable them to access the highway.

Any proposed planting along the back of the existing footway, fronting the site, will require the submission of a comprehensive planting schedule to the Highway Authority for checking/approval purposes.

Any planting adjacent to parking bays, shall be of a low-level variety so that visibility for motorists is not effected in any way.

No surface water from the application site, will not be permitted to discharge onto the publicly maintained highway.

The applicant/developer will be held responsible for any damage caused to the public highway by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the applicant/developer representative in the presence of the Highways Authority Highway Supervisor showing the condition of the existing public highway adjacent to the site and a schedule of defects agreed prior to works commencing on site.

The applicant/developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times and ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

Any existing services located within the carriageway/footway fronting this development that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services shall be lowered to a depth to allow full road construction, inclusive of capping, to be constructed over. The design must comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major works (diversionary works) under Section 84 NRASWA 1991.

Existing road gullies/drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the site works. If any extraneous matter from the development site enters an existing road drain or public sewer, the applicant/developer will be responsible for its removal.

The existing public highway must not be used as site roads for stockpiling and storing plant, materials or equipment. The applicant/developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

The applicant has proposed one parking space for each dwelling. However the number of bedrooms to be provided within each of the dwellings does not appear to

of been specified. The number of parking spaces provided should identify with the Somerset Parking Strategy (SPS). The applicant will need to provide a designated, safe, covered cycle and motor cycle parking area for the proposal. Cycle parking should be provisioned to one per bedroom within the site, in line with the SPS. Electric car charging points would also be recommended.

There doesn't appear to be any refuse vehicle tracking within the internal layout of the site. The Highway Authority would require all associated vehicles with the site to be able to enter the public highway in a forward gear, including the construction phase. Subject to approval and given that the site is to remain private the applicant would need to contact the local waste management company to discuss waste pick up arrangements.

No Drainage details would appear to of been submitted to date, the Highway Authority would require further information on this to ensure there is no discharge of surface water run-off from the development onto the public highway formed by application site.

A Travel Plan for the proposed development has not been submitted It is understood that there was a Framework Travel Plan agreed in principal during the early phases of the Firepool Development, however no legal agreement was produced to secure the plan, therefore the Highway Authority look to the individual development to produce a detailed Travel Plan in line with the Somerset County Council Travel Planning Guidance, adopted November 2011 and in line the National Planning Policy Framework. As in line with the Highway Authorities guidance, at a minimum a measures only statement would be required as part of the application.

With the above in mind there is no objection from the Highway Authority. If the Local Planning Authority are minded to grant planning permission the Highway Authority would recommend the following conditions to be attached:

The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;

- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.

The area allocated for parking and turning on the submitted plan, drawing number 2072-MAL-01-ZZ-DR-A-002/A, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Prior to first occupation of the development hereby permitted, access to covered cycle, motor cycle and electric vehicle charging points will need to be available to all dwellings. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

LANDSCAPE –

I would like to see further tree planting along the road, where space allows. Full planting details are required.

HOUSING ENABLING –

Owing to the decision made at Outline application stage which deemed it unviable for affordable housing to be provided on this site, Housing Enabling have no comments to make on this application.

LEISURE DEVELOPMENT –

I have no observations to make on this application other than Open Spaces should be asked to comment on the landscaping plan.

WESSEX WATER – – no comments received

ENVIRONMENT AGENCY – – no comments received

THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) –

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based upon the information available we have no comment to make.

ECONOMIC DEVELOPMENT - – no comments received

ENVIRONMENTAL PROTECTION CONTAMINATED LAND - – no comments received

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - – no comments received

HERITAGE - – no comments received

BIODIVERSITY –

Reptiles and nesting birds may be present on this site.
I suggest that a wildlife survey and strategy be submitted prior to development

NATURAL ENGLAND –

Natural England has no comments to make on this application.

NETWORK RAIL –

Thank you for your email dated 25 April, together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as

planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, soakaways/attenuation ponds/septic tanks should not be constructed within 20 metres of Network Rail's boundary. Surface / foul water is to be discharged into the public sewer. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land. The Land Drainage Act is to be complied with.

SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. The developer must liaise with Network Rail's Asset Protection at the earliest point, with at least 3 months' notice, prior to work starting, to ensure the continued safe operation of the railway. The close proximity of the proposed site could bring a risk to the railway and Asset Protection involvement may be required. The applicant/developer may need to sign into a Basic Asset Protection Agreement, contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

NOISE

Network Rail would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary. The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

LANDSCAPING

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not are provided below and these should be added to any tree planting conditions: Permitted:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby

Salix), Thuja Plicatata “Zebrina” Not Permitted:

Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

WESTERN POWER DISTRIBUTION –

Western Power has high and low voltage apparatus on this site. As long as this apparatus is observed or deviated to avoid damage/interference we have no objection

SCC - NOW HISTORIC ENV SERVICE (AS NOT PART OF SCC 2015) – no comments received

ASC - CRIME PREVENTION DESIGN ADVISOR – no objection subject to comments:

Representations Received

2 letters of OBJECTION received which raise the following issues:

- Scale of building is inappropriate for the area.
- Mass of the building is too large.
- The site is too small to accommodate 44 dwellings –resulting in an uncomfortably large building.
- This will attract additional traffic in an area that is becoming congested.

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local

Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP1 - Climate change,
CP3 - Town centre and other uses,
CP4 - Housing,
CP6 - Transport and accessibility,
CP7 - Infrastructure,
CP8 - Environment,
SP1 - Sustainable development locations,
SP2 - Realising the vision for Taunton,
DM1 - General requirements,
DM4 - Design,
FP1 - Riverside content,
FP2 - Riverside transport,
FP3 - Firepool Lock,
TR2 - Parking Standards,
TR3 - Accessibility,
ED1 - Design,
ED4 - Density,
IM1 - Priorities for developer funding,
IM2 - Approach to viability,
C4 - Protection of community facilities,
D1 - Taunton's skyline,
D7 - Design quality,
D8 - Safety,
D10 - Dwelling Sizes,
D12 - Amenity space,
A1 - Parking Requirements,
A3 - Cycle network,
A5 - Accessibility of development,
ENV2 - Tree planting within new developments,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable. The proposed development measures approx. 4036sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £282,500.00. With index linking this increases to approximately £375,750.00.

New Homes Bonus

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

Homes Bonus.

1 Year Payment

Taunton Deane Borough	£47,479
Somerset County Council	£11,870

6 Year Payment

Taunton Deane Borough	£284,874
Somerset County Council	£71,218

Determining issues and considerations

As this is a reserved matters application, the principle of residential development and the total number of dwellings has already been established through the granting of outline planning permission. The reserved matters that are for consideration are layout, scale, appearance and landscaping. The access to the site was determined at the outline stage and is off Trenchard Way at the south eastern part of the site. This access also serves the 3 blocks of 36 apartments to the east.

The site is long and narrow as it sits between Trenchard Way and the railway line to the north and it has always been envisaged that the site would accommodate a tall building of up to 6 stories. This is set out in the adopted Design Guide that followed the Taunton Town Centre Area Action Plan. In 2007, planning permission was granted for office development on this site in a six storey building. This has not come forward for development and in 2015, outline consent was granted for an alternative residential use. Although the use may have changed, the importance of delivering an efficient use of land in a building that is appropriate in the local context has not. The site is triangular at the western end which allows for a focal point to be created that makes an architectural statement at the western end of the East Goods Yard site. The previous proposals for offices did this and so does this current proposal. Acting as a gateway, to the development the building will be 6 stories high at the western end and the rear wall projects beyond the proposed balconies, creating the slender focal point and dominating design feature. This is considered to be an appropriate response to the shape of the site. The building drops down to 5 stories at the eastern end where there are existing 3 storey apartment blocks beyond.

The proposed building design was presented to the Design Review Panel (albeit for a different use as a hotel) and the response was positive. The panel did have some comments in regard to the internal layout, but these related more to the use, rather than the outward appearance of the building. The panel supported the scale and elevational treatment of the building.

The use of glass and set back of the top floor and core helps to reduce the mass of the long building and visually break it up into two elements.

Due to the narrowness of the site and the railway line to the north, it is difficult to accommodate a significant amount of landscaping, however the western end of the site (where it narrows to a point) is the most appropriate area for specimen tree planting that would help soften the corner of the building. Low level shrub planting and hedges would be planted between the building and Trenchard Way and further specimen tree planting at the eastern end of the building. It is considered that the

landscaping is appropriate to the area and would tie in with the other surrounding developments.

The proposals include a mix of external and undercroft parking. There would be 1 parking space for each apartment which is considered to be an appropriate level of provision given the location of the site directly adjacent to the railway station and within walking distance to the town centre.

Overall, the design of the site is considered to be acceptable and would result in an efficient use of land and makes a positive contribution to the urban environment and a gateway point to the East Goods Yard site. It is therefore recommended that reserved matters consent be granted.

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

Contact Officer: Mr B Kitching

38/18/0108

MR JULIAN SHAFFER

Re-development of the Lyngford House site into 45 (C2 use class) assisted living dwellings consisting of 6 apartments, 33 new build houses, conversion and refurbishment of Lyngford House into 3 apartments and communal facilities, conversion and refurbishment of associated listed cottages (Coach House and Stables) into 3 houses. All with associated landscaping. Demolition of the conference centre and apartment block, closure of the Lyngford Lane site entrance, changes for pedestrians and cyclists and relocation of the Selworthy Road entrance to allow for a new key view and approach to Lyngford House as amended by plans 918/109B, 113A, 105A, 115 and 918/410 Rev B, 402C, 405 and 412B

Location: LYNGFORD HOUSE, LYNGFORD LANE, TAUNTON, TA2 7LJ

Grid Reference: 323529.126886

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval subject to a S106 agreement to secure the C2 use and the Travel Plan

Recommended Conditions (if applicable)

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

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

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

(A1) DrNo 918-413 House Type F Plans, Elevations & Section Plots: 29 - 36

(A1) DrNo 918-409A House Type E Plans, Elevations & Section Plots: 17 - 19

(A1) DrNo 918-406 House Type B Plans, Elevations & Section Plots: 11&12, 15&16

(A1) DrNo 918-405 House Type C1 Units 9&10

(A1) DrNo 918-404 House Type A Plans, Elevations & Section, Plots: 7&8, 13&14

(A1) DrNo 918-402C House Type C Plans, Elevations & Section Plots: 3&4, 5&6

(A1) DrNo 918-401A Type D1 Plans, Elevations & Section Plot: 2

(A1) DrNo 918-400 House Type D Plans, Elevations & Section Plot: 1

(A1) DrNo 918-303 Proposed Elevations & Section Coach House & Stable

(A1) DrNo 918-302 Proposed Plans Coach House & Stable
(A1) DrNo 918-213 Proposed Sections (2/2) Lyngford House C-C, D-D, E-E
(A1) DrNo 918-212 Proposed Sections (1/2) Lyngford House A-A, B-B
(A1) DrNo 918-211 Proposed Elevations (2/2) - Lyngford House East & South
(A1) DrNo 918-210 Proposed Elevations (1/2) - Lyngford House West & North
(A1) DrNo 918-209 Proposed Plans (3/3) - Lyngford House Roof Plan
(A1) DrNo 918-208 Proposed Plans (2/3) Lyngford House First Floor &
Second Floor
(A1) DrNo 918-207 Proposed Plans (1/3) - Lyngford House Basement &
Ground Floor

(A1) DrNo 918-114 Proposed Plots 12 & 13 / 22 Feversham Way Overlooking
& Overshadowing
(A1) DrNo 918-113A Proposed Plots 9 & 10 / 20 Feversham Way /
Overlooking & Overshadowing
(A1) DrNo 918-112 Proposed Plots 7 & 8 / 16 & 18 Feversham Way
Overlooking & Overshadowing
(A1) DrNo 918-109 Proposed Site Sections
(A1) DrNo 918-105A Proposed Site Plan - Roof Plan
(A1) DrNo 918-104 Demolition Plan
(A1) DrNo 918-100 Location Plan
(A1) DrNo 918-115 overlooking plots 27/28 Fletcher Close
(A1) DrNo 918-109 Rev B Proposed Site Sections A-A, B-B, C-C
(A1) DrNo 918-410 Rev B House Type G Plans, Elevations & Sections
Plots:23-26
(A1) DrNo 918-412 Rev A House Type G1 Plans, Elevations & Section Plots
27 & 28

(A1) DrNo 918-105 Rev B Proposed Site Plan - Roof Plan

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

3. Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

4. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be

replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

5. Prior to the wall construction of any buildings, a hard landscape scheme shall be submitted to and approved in writing by the Local Planning Authority showing details of existing and proposed walls, fences, ground levels, other boundary treatment and hard surface treatment of the open parts of the site, and a programme of implementation.

Reason: In the interests of the appearance of the development and the surrounding area.

6. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

7. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the new access is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of Highway Safety.

8. The area allocated for parking and turning on the submitted plan, drawing number 1408_GP_100 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking and turning of vehicles clear of the highway, in the interests of highway safety.

9. Prior to first occupation of the development hereby permitted, access to covered cycle, motor cycle and electric vehicle charging points shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the sustainability of the site.

10. Prior to first occupation of the development hereby permitted, pedestrian and

cycle visibility splays onto Lyngford Lane shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11. No residential occupation of the site shall take place until a Traffic Regulation Order (TRO) on the southern side of Selworthy Road opposite the access to the site restricting parking has been implemented.

Reason: In the interests of highway safety.

12. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Wildwood Ecology's Ecological Impact assessments report (Bats) dated August 2017 and the Badger Mitigation Strategy and include:
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for the badgers, bats and birds
 4. Details of external lighting

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

Reason: To protect bats, birds and badgers and their habitats from damage bearing in mind these species are protected by law.

Reason for pre-commencement: To ensure no harm to protected species during construction.

13. The development hereby permitted shall not be commenced until details of a scheme for the provision of a replacement badger sett has been agreed and provided and no development shall occur until the method statement for the protection of badgers during construction has been submitted to and approved in writing by the Local Planning Authority. The development shall be thereafter carried out in accordance with the approved scheme.

Reason: To protect the badgers and limit harm or disturbance during development operations.

Reason for pre-commencement: To ensure no harm to protected species.

14. No development shall be commenced until details of the surface water drainage scheme in accordance with the principles outlined in the Flood Risk Assessment, report ref. 3373/CIV/1803/02 and Drainage Strategy Statement, together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than Greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure no risk of flooding elsewhere.

15. i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
- ii) Such fencing shall be erected prior to commencement of any other site operations and following a site meeting with the Council to agree its installation.
- iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

Reason for pre-commencement: To ensure no harm to protected trees during construction.

16. Detail of the public art element to be designed into the public realm of the site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of any dwelling.

Reason: To ensure public art is designed into the scheme in accordance with policy D13.

17. The first floor windows in the east elevations of plots 29-36 shall be obscured glazed and limited opening. The type of obscure glazing and limit of opening shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of adjoining residents.

18. The first floor windows in the south west or west (rear) elevations of plots 4-8, 11 & 12 shall be obscured glazed and limited opening. The type of obscure glazing and limit of opening shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason To protect the amenities of adjoining residents.

19. Details of the obscure glazing to the second floor privacy screen and first floor windows to the north and side elevations of plots 27 & 28 shall be submitted to and agreed in writing by the Local Planning Authority and installed prior to occupation and thereafter so retained.

Reason: In the interests of the amenity of adjoining residents.

20. The arboricultural method statement submitted with the scheme shall be strictly adhered to.

Reason: In the interests of protecting the trees to be retained on the site in accordance with policy ENV1.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The condition relating to wildlife requires the submission of information to protect badgers, bats and birds. The Local planning Authority will expect to see a detailed method statement clearly stating how badgers bats and birds will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the badgers, bats and birds that are affected by the development.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

It should be noted that the protection afforded to badgers under the Protection of Badgers Act 1992 is irrespective of the planning system and the applicant should ensure that any activity they undertake on site must comply with the legislation. A strategy to protect badgers through the development phase and provide a new sett will require that work is done under license.

All site operatives must be advised that badgers are active on site and if encountered must be left undisturbed.

Nesting birds are present on site and all operatives on site must be

appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

Proposal

The proposal is a redevelopment of the Lyngford House site to retain the main building and listed outbuildings and to demolish the modern conference and accommodation building while then replacing them with 33 new build extra care homes (Class C2). Six apartments are provided within the existing buildings and six in the extension to the main house resulting in a total of 45 units. Parking and landscaping are proposed as part of the development as well as a new access to the highway and closure of the one off Lyngford Lane.

The submission is accompanied by a number of supporting documents including a Design & Access Statement, a Planning Statement, a Use Class statement, an Ecological Assessment, an Arboricultural Assessment, a Heritage Impact Assessment, a Transport Statement, Travel Plan and FRA.

Site Description

The site consists of the former NHS conference centre based around the listed house with a modern two storey accommodation block to the rear and a single storey conference building at the front. The site is well landscaped with a significant number of trees around the site. Access is currently achieved off Lyngford Lane to the north as well as the main access to Selworthy Road to the south.

Relevant Planning History

No relevant recent history.

Consultation Responses

HERITAGE - Due to the layout of the main listed building Lyngford House it does not easily lend itself to residential conversion. To facilitate this an additional two stories are proposed to be built above the service accommodation in the north wing. The existing garden wall is retained to preserve the setting. This will result in a detrimental impact on both the surviving historic structure and the setting of the main listed house. I consider that the harm will be less than substantial as described in paragraph 196 of the National Planning Policy Framework. I would place this in the medium area of the spectrum of less than substantial harm.

The service buildings to the rear of the site are well intact, but have had some alteration. The proposed conversion is well considered. Accordingly I consider that the development will again cause low level less than substantial harm as defined

in paragraph 196 of the National Planning Policy Framework.

The main impact that this development and particularly the new housing will have will be on the setting of Lyngford House and its associated buildings. The removal of the two modern buildings modern buildings can be considered to be a public benefit. Also the reinstatement of the green bowl in front of the house can be considered as positive. The introduction of 33 new build houses does cause greater concern. These buildings although dramatically reduced from the original scheme, will in my view, cause high level 'less than substantial harm' as prescribed in paragraph 196 of the new National Planning Policy Framework.

Paragraph 196 states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

I am content that the current proposals do represent the optimum viable use for the site. There is clear public benefit to the setting in removing the two 20th century buildings. In terms of wider public benefit, this will be covered in the main planning report.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal is to redevelop the existing Lyngford House site into assisted living dwellings, comprising of a total of 45 units.

It is important to note that it's unclear whether the applicants red line plan reaches the public highway boundary from the proposed access points, which the applicant need to clarify. The following information is on the basis that this is the case. If this is not clarified/demonstrated by the applicant, the Highway Authority will have no alternative but to recommend refusal due to insufficient information.

The applicant will also need to clarify if the stretch of verge along the site frontage onto Selworthy Road is within their ownership/part of this application. The proposal site is situated in the northern area of Taunton. The primary access to the site is served off the unclassified Selworthy Road. The posted speed limit is 30mph. Observed vehicle speeds appeared to be at or around this. No recorded accidents have occurred in relation to the proposed access off Selworthy Road over the past 5 years.

Access

Vehicular visibility spays of 2.4m x 43m based on standards set out in Manual For Streets (MFS) from the proposed access junction would be required in this instance.

Whilst the applicant has not submitted any proposed visibility splays it would appear that the required splays from the primary access are achievable in both directions to the nearside carriageway edge onto Selworthy Road. No obstruction to visibility within the splays shall exceed a height greater than 300mm above the adjoining carriageway level.

The Highway Authority would recommend that improvements are made to the existing access to ensure safe operation for two way traffic (e.g. a minimum width of 5m for at least the first 6m from the carriageway, with radii of 6m minimum provided and the existing tactile paving amended to suit if required). This would ensure traffic entering the site can safely manoeuvre from the main road even if

traffic is waiting to leave the site.

The applicant should also ensure safe pedestrian movement to and from the site onto Selworthy Road, with any potential conflict with vehicle movements being eliminated. The footway to the east of the primary access appears to be in the region of 1.6m across the site frontage. Once the red plan query above is clarified there appears potential to improve and widen the footway to a minimum of 1.8m to allow a safer passing width for all footway users. This will require a suitable legal agreement.

The Highway Authority view it necessary for a section of Selworthy road opposite the primary access to have a parking restriction area to ensure all associated vehicles can pass one another on Selworthy Road and enter/exit the access site without vehicle confliction.

There is a secondary access off the unclassified Lyngford Lane, although the Highway Authority understands that this is to be stopped up for vehicle access and used for pedestrian and cycle access only. However, no suitable pedestrian or cycle visibility splays has been submitted from the access onto Selworthy Road or Lyngford Lane which is required by the Highway Authority.

Estate Roads

It is to our understanding that the internal layout of the site is to remain private.

The applicant should be aware that it is likely that then internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code. For our purpose of records, full contact details of the Management Company who will be responsible for the future maintenance of the site are required.

Allowances shall be made to resurface the full width of the carriageway where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway in order to ascertain the depths of the existing bituminous macadam layers.

The applicant/developer will be held responsible for any damage caused to the public highway by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the applicant/developer representative in the presence of the Somerset County Council (SCC) Highway Supervisor showing the condition of the existing public highway adjacent to the site and a schedule of defects agreed prior to works commencing on site.

The applicant/developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times and ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

Any existing services located within the carriageway/footway fronting this development that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services shall be lowered to a depth to allow full road construction, inclusive of capping, to be constructed over. The design must comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major works (diversionary works) under Section 84 NRASWA 1991.

Existing road gullies/drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the site works. If any extraneous matter from the development site enters an existing road drain or public sewer, the

applicant/developer will be responsible for its removal.

The existing public highway must not be used as site roads for stockpiling and storing plant, materials or equipment. The applicant/developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

A Section 50 licence will be required for sewer connections within or adjacent to the public highway. Licences are obtainable from

BSupport-NRSWA@somerset.gov.uk.

At least four weeks' notice will be required.

Only contractors with the Streetworks Accreditation registered with SCC will be permitted to carry out works on the highway.

If highway lighting is to be provided within the site, the applicant should be aware that due to the site remaining within private ownership, a separate power source to the one being used by SCC will have to be sought to energise any lighting units.

The applicant has not appeared to have demonstrated that the largest associated vehicle with the proposed development (e.g. an 11.4m refuse vehicle) can safely manoeuvre into and from the site, whilst entering the highway in a forward gear. A swept path analysis needs to be submitted by the applicant. The Highway

Authority would recommend that the applicant contact the local waste management company to discuss the viability of bin collection arrangements within the private site.

Drainage

With reference to the Flood Risk Assessment (ref. 3373/CIV/1803/02 issue 2) and the Drainage Strategy Statement (ref. 3373/CIV/1802/01 issue 2), both dated 29 March 2018 the following comments relate to the Highway Authority's interests in both the existing public highway network and the internal access road serving the development.

There are road gullies within the existing driveway access off Selworthy Road which prevent the discharge of surface water run-off from the driveway out onto the public highway. As the internal driveways serving this development will remain private, interceptor drainage will need to be retained at this location for the same purpose.

If it is considered that the Advance Payments Code applies to this development then the Highway Authority will need to approve the means by which the surface water run-off from the internal access roads/driveways is managed in addition to approving the design of the roads/driveways themselves.

Transport Statement

A trip generation assessment was undertaken in support of the proposal with reference to the TRICS trip rate database.

The Transport Statement (TS) has stated that the extant land use of the site (a conference centre) can accommodate up to 130 visitors, and assuming half of all visitors travel to and from the site by car, this would result in 130 daily vehicle movements. The trip generation assessment has demonstrated that the proposed development is predicted to generate slightly less daily traffic.

It is the view of the Highway Authority that the assessment is robust enough to consider the proposal is unlikely to have a severe impact on the local highway network. However it is important to note that this is with reference to the current proposed development for assisted living. Should the nature of the use of the site change that would be likely to generate a material increase in vehicular movements further transport details and assessments may be required by the Highway Authority.

The TS has stated that the proposed development of 45 extra care independent living units (that will consist of 100 bedrooms) will be allocated a total of 48 car

parking spaces (including 5 disabled spaces). This proposal of 48 car parking spaces is suitable based on the standards set out in the Somerset County Council Transport Strategy 'Parking Strategy' 2013.

The TS has stated that the provision of cycle parking will be in-line with the SCC standards of 1 space per 7 bedrooms. Based on these standards, the applicant is expected to provide 15 cycle spaces to accommodate the proposal that should be covered, safe and secure. Whilst no covered motorcycle or electric car charging points have been proposed, the Highway Authority would welcome such proposal in association with our recognised parking strategy.

The TS has provided limited information regarding the provision of pedestrian access to the site. The applicant needs to clarify the pedestrian infrastructure that will be provided, e.g. the width of the footways, dropped kerbs / tactile paving, and street lighting.

The TS has also not demonstrated the pedestrian visibility at either of the proposed access junction.

Travel Plan

A Travel Plan (TP) was submitted to support the application which has been assessed under audit. The audit identified a number of significant issues that will require addressing to achieve an acceptable TP. Nomis data can be made available to the applicant to assist preparing a suitable document.

A Framework Travel Plan was submitted on behalf of the applicant and has since been reviewed by the Highway Authority. The standard has been met, albeit conditioned by the comments set out in the rest of this Travel Plan Audit report. The Travel Plan (TP) needs to demonstrate that the additional trips generated by the development as set out in the TA will be offset by a reduction in Singular Occupancy Vehicle use and an increase in sustainable modes. The measures proposed in the TP must be robust enough to achieve this. Showing targets in absolute numbers as well as modal split will aid demonstration of this. Census Data 2011 at ward level generates a baseline figure for people travelling to work. The Local Planning Authority need to consider how realistic the proposed targets are.

The TP will only be approved when further to the TP being agreed, it has been registered on the system, uploaded on the system, and the relevant approval data relating to site synopsis, action plan and targets uploaded onto the system.

There was no mention of TP Fee in the framework travel plan. The fee should be stated in the travel plan. Subject to agreement, this is required to be paid in full to SCC prior to commencement of the development. Clarity is sought for additional land uses on top of dwellings, i.e. staff offices or accommodation.

With regards to the Conference Centre the applicant states "The extant planning permission would allow these activities to resume at Lyngford House at any time". However the on-line application states the demolition of the Conference Centre –the status needs to be confirmed by the applicant.

Lyngford Lane will still be open to pedestrians and cyclists. The applicant may need to consider the presence of footways, adequate lighting and CCTV.

Use of mobility scooters would require continuous footways to nearby facilities to include dropped kerbs, tactile paving and formalised crossings. The Highway Authority would recommend that the The applicant will need to provide a list of key facilities and their distance from site.

The applicant will need to identify first and last bus services times and whether the stops have adequate facilities, such as timetable information, shelters, etc.

Conclusion

With the above in mind there is no objection from the Highway Authority, subject to a suitable Travel Plan being agreed to and secured under a S106 agreement. If the Local Planning Authority were to approve the application, the following conditions are recommended:

1. No work shall commence on the development hereby permitted until details of amendments to the existing access including visibility splays onto Selworthy Road road have been submitted to and approved in writing by the Local Planning Authority. Such works to the access shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, before the development is brought into use.

2. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement, and thereafter maintained until the use of the site discontinues.

3. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

4. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.

6. The area allocated for parking and turning on the submitted plan, drawing number 1408_GP_100 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

7. Prior to first occupation of the development hereby permitted, access to covered cycle, motor cycle and electric vehicle charging points shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

8. Prior to first occupation of the development hereby permitted, pedestrian and cycle visibility splays onto Lyngford Lane shall be submitted to and approved in

writing by the Local Planning Authority.

9. Prior to commencement the developer has applied for a suitable Traffic Regulation Order (TRO) on the southern side of Selworthy Road opposite the access site, for a distance to be agreed in writing in conjunction with the Local Planning Authority. The TRO if successful shall be implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to occupation.

10. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

11. Prior to occupation the footway across the site frontage east of the access on Selworthy Road will be widened to an overall width to be agreed in writing in conjunction with the Local Planning Authority. The works shall be implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation.

Note

The applicant will be required to secure an appropriate legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

LANDSCAPE - The scheme is an improvement on the scheme initially submitted. The arrangement of the new buildings, with the exception of the plots backing on to Fletcher Close, generally respect the listed buildings.

I am happy with the palette of hard materials and planting but will require full details.

TREE OFFICER - On the whole, I would agree with the tree survey assessment of the trees that remain on the site. Early in 2017, some trees were felled, and most of the rest were severely ring-barked, with the aim of preventing them from being ultimately removed. Some of the ones that were felled were good, mature or early-mature oaks. Apart from the five mature trees that were protected by TPO in 1985, and the belt of mature trees on the western boundary, most of the remaining trees are not of particularly high quality, being relatively young groups of pine, birch, cherry, hawthorn and plum, although these trees do currently provide some screening for the surrounding residents, and provide wildlife habitat. Given that most of them have been severely ring-barked, it is almost certain that they will not survive for long. I would therefore have no objection to the tree removals that are now proposed for this development.

I do have some concerns about the proximity of certain buildings to the largest trees, particularly the 'F'-style house in the south east corner. This house is well within the theoretical 'Root Protection Zone'. I suspect that, in practice, building this house without causing significant damage to the roots of T11 Wellingtonia would be difficult. The 'G'-style house in the north east corner is also quite close to T18 oak, whose RPA seems to be surprisingly modest given the size of the tree.

As well as potential root damage, trees that are as large as oaks and Wellingtonias often cause concern to nearby residents if they are too close, which

results in applications to prune or fell once the houses are occupied. Residents and their properties might be affected by shading, falling leaves and other minor debris, sap and bird droppings. They may also be intimidated by the proximity of such large trees, due to their potential to drop branches or fail entirely in extreme weather.

Although I have concerns about the laying of driveways and parking within the RPAs, it is technically possible to do it in a way that causes minimal damage and disturbance to roots, using a 'cellular confinement' system, so long as the guidance in the Arboricultural Method Statement and the manufacturers recommendations are strictly adhered to. I do foresee issues with the car parking underneath the oak (T18), due to the issues mentioned above – falling leaves, sap etc.

I fear that a number of the large trees along the western side, which are shown to be retained, will not survive much longer, due to the ring-barking. The large cedar has already succumbed. If/when these trees fail, we will have powers under the 2017 TPO to ensure that they are replaced by new trees.

On the subject of replacement trees, I would like to see a more interesting scheme (than is shown on the arboricultural survey plan TC2) that attempts to replace some of larger trees that have either already been removed, or are likely to require removal and replacement soon. Species such as Quercus, Fagus or Tilia would be good. These would be more in keeping with the character of the listed building, rather than street trees such as Chanticleer pears, or hedgerow trees such as field maple. The Tulip Tree and the Indian Bean Tree are good – more trees like these would be better, which could give the site an 'arboritum' feel. From a landscape point of view, the lack of any space for planting along the eastern boundary might be an issue for residents on both sides of the boundary.

I understand that some more trees at the northern end may need to be removed to enable the badger setts to be moved. A scheme for the replacement of these trees will be required.

To conclude, if the scheme is to be granted permission, it is essential that all the points in the Arboricultural Method Statement are strictly adhered to, and that a project arborist is employed by Quantum to oversee the various operations that would be necessary in close proximity to the important trees. These must be preceded by a site meeting with this council to agree the installation of the tree-protection fencing etc.

ENGLISH HERITAGE NOW HISTORIC ENGLAND (ALL CONSULTATIONS) -

Thank you for your letter of 24/04/2018 regarding the above application. On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are below.

SOMERSET BADGER GROUP - We believe that with the closure of a 'main sett', without definite evidence that a suitable natural alternative is readily available, requires the provision of a suitable artificial alternative. The "infrequent use" of one

entrance does not in our opinion constitute a suitable natural alternative. In the latest report the consultant uses phrases like 'it is hoped' the badgers may use the suggested 'annex sett'. An artificial sett could be constructed with due regard for the existing badger activity and the work could be licensed if required. It would be our view that at the artificial sett should be provided and proved to have been explored by the badgers (using food placements and monitoring) prior to the exclusion and destruction of the main sett within the site.

The badgers have been proved to be using much of the site to forage and that is expected to include adjacent gardens. The proposal will exclude them from these established foraging areas. The suggestion that the arable fields to the north will be adequate foraging is speculation and again avoids having to provide badger corridors around the site. It would be simple to incorporate wildlife corridors at least along the northern boundary to join with the open area, and along part of the western boundary. With the development of land off Nerrols Drive and Maidenbrook Lane in the east it is highly likely that before long the arable fields will be developed.

HOUSING ENABLING - Section 1.14 of the adopted Affordable Housing SPD (second para) states "Care homes, residential and nursing homes (class C2) that do not provide individual units of self-contained accommodation are not required to provide affordable housing."

Having considered the 'C2 Use-Class Statement', it is proposed to provide self-contained units but alongside a level of community facilities.

In terms of whether this constitutes a C2 use or a C3 use, I would raise the following points. It is noted that the properties would only be occupied by a person that is a minimum of 55 years old, whereas on other care schemes of this nature, this has been a minimum of 70 years old. Whilst it is acknowledged that a large amount of communal facilities, 24 hour care and daily cooked meals are made available, there is nothing to say that residents would take advantage of any of these if they were not yet at that stage in life.

On the basis that these services would only be used by those who wish to use them/need them, the remainder of residents would be occupying the self-contained accommodation independently as would be the case for a C3 dwelling.

If you, as case officer, are satisfied that this is classed as a C2 use, there would be no affordable housing requirement. However, if you consider the proposal (or an element of the proposal) to be a C3 use, the policy requirement of 25% affordable housing would apply to this C3 use.

LEAD LOCAL FLOOD AUTHORITY –

The LLFA have no objections to the proposed application in principle, but recommend that should the planning authority be minded to approve the application, the following planning condition is attached.

Condition:

No development shall be commenced until details of the surface water drainage

scheme in accordance with the principles outlined in the Flood Risk Assessment, report ref. 3373/CIV/1803/02 and Drainage Strategy Statement, report ref. 3373/CIV/1802/01, together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than Greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include:

- Detailed drainage layout, including the proposed attenuation and SUDS features;
- Drawings showing details of the proposed attenuation storages and other SUDS features;
- Written confirmation from Wessex Water that the proposed discharged rate to the public sewer was agreed with them;
- Revised drainage calculations based on FEH 2013 rainfall data. Calculations should demonstrate that the proposed surface water drainage system has been designed to show no flooding from the system for up to and including the 1 in 30 year event, and how water that may potentially occur above ground for events greater than 30 year and up to and including the 1 in 100 year with climate change, will be managed within the site boundary;
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system for up to and including the 1 in 100 year event with climate change;
- Attenuation storage calculations. The calculations should be based on FEH 2013 rainfall data;
- The results of the survey of the existing drainage system, including information on invert levels of the public sewer where surface water runoff from the site is proposed to be discharged. If the results of the survey show that gravity drainage is not feasible on site, the Applicant shall submit a revised site layout which accommodates a package pumping station.
- Details regarding the management of surface water runoff during the construction phase to ensure no increase in flood risk to the development or elsewhere.
-

COMMUNITY LEISURE - I have no comments to make on this assisted living application, however Open Spaces should be asked to comment on the landscaping proposals.

WESSEX WATER - No comment.

BIODIVERSITY - Wildwood ecology carried out an ecological Impact assessment report of the site in August 2017 and a European badger Mitigation Strategy in September 2017.

Findings were as follows

Bats

A daytime inspection of Lyngford House was undertaken as part of the assessment of the nearby Hestercombe SAC in 2008. A possible lesser horseshoe bat night roost was identified under an arched entrance passage at the west side of the building. Another potential LHB night roosting site was found under the archway of the door to the cellars on the eastern aspect of Lyngford House.

Apart from the preliminary roost assessment, two emergence surveys were also undertaken in 2017. Activity surveys identified common and soprano pipistrelle, brown long eared, noctule, and serotine bats in the area.

As well as the two potential on site lesser horseshoe night roosts, a historic brown long eared bat feeding perch roost was identified in the southernmost turret room of Lyngford House by the presence of bat droppings and feeding signs.

No other bat roosts were identified on site although remaining trees on site may offer potential for roosting bats

I agree that there should be no illumination of bat flight lines and dark corridors must be maintained to the potential LHB night roost locations

Nesting Birds

The on site buildings trees, scrub all offer potential to nesting birds. Removal of vegetation should take place outside of the bird nesting season

I support the erection of bird boxes on site.

Badgers

Badger setts are present on site.

In order to develop the site the developer will need to close the setts under licence and create an artificial sett off site. The report recommended that the new sett is constructed by October 2017 but this has not happened to date. The new sett should be monitored for two years post exclusion.

Badgers are thought to be foraging both on and of site. Access to major foraging areas must be maintained.

Japanese knotweed

I agree that a specialist contractor will be required to provide advice and recommendations on the eradication and management of the on site Japanese knotweed

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Wildwood Ecology's Ecological Impact assessments report (Bats) dated August 2017 and the Badger Mitigation Strategy, dated September 2017 and include:

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing

by the Local Planning Authority and thereafter the resting places and agreed accesses for badgers, bats and nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new badger sett and bird and bat boxes and related accesses have been fully implemented

Reason: To protect bats, birds and badgers and their habitats from damage bearing in mind these species are protected by law.

Informative Note

The condition relating to wildlife requires the submission of information to protect badgers, bats and birds. The Local planning Authority will expect to see a detailed method statement clearly stating how badgers bats and birds will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the badgers, bats and birds that are affected by the development.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

It should be noted that the protection afforded to badgers under the Protection of Badgers Act 1992 is irrespective of the planning system and the applicant should ensure that any activity they undertake on site must comply with the legislation. A strategy to protect badgers through the development phase and provide a new sett will require that work is done under license.

All site operatives must be advised that badgers are active on site and if encountered must be left undisturbed.

Nesting birds are present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

NATURAL ENGLAND - Natural England has **no comments** to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

SCC - NOW HISTORIC ENV SERVICE(AS NOT PART OF SCC 2015) - No comment.

Representations Received

12 letters of objection received raising the following concerns:

- Design of proposed buildings with roof terraces out of keeping with area.
- Limited parking spaces proposed for proposed units, staff and visitors. Query whether there is space for additional parking spaces.
- Will exacerbate on road parking problem.
- Relocation of entrance onto Selworthy Road may compromise safety due to existing on road parking and nearby junctions.
- An access from Lyngford Lane, which is already dangerous and narrow could cause safety concerns for pedestrians and cyclists.
- Inadequate cycle parking provision for residents, visitors and staff.
- An area of Japanese Knotweed is present within the site and will be a threat to neighbouring property. Request details of proposed treatment.
- Drainage strategy provides incorrect information regarding number of properties the public foul sewer serves. There have been drainage problems to neighbouring property following root ingress from trees.
- Overbearing impact of new build dwellings on neighbouring property due to scale, mass, raised platform and proximity.
- Loss of outlook from neighbouring property due to close proximity.
- Mutual overlooking of windows and amenity space (of both neighbouring dwellings and proposed properties). Obscure glazing proposed is not sufficient to resolve this. Concerns that illustrations provided are inaccurate.
- Loss of privacy to neighbouring properties from roof terraces, much worse than from the first floor windows. Proposed privacy screens may be acceptable if they prevented downward viewing when standing, are of sufficient obscurity and they (or a suitable alternative) always remain in situ.
- Noise, disturbance and unwelcome surveillance would be exacerbated by cumulative effect of numerous properties adjacent to neighbouring property where separation distances are significantly less than a recent appeal case.
- Increased surface water run-off to neighbouring properties which are on a lower level.
- Proposed access road close to boundary with neighbouring property could weaken foundations of fence; deeper excavations for drainage gulleys and removal of tree roots extending into neighbouring properties could cause subsidence to garden, shed and summerhouse.
- Query whether proposal is C2 (care home) or C3 (dwellings) due to minimal care package requirements and parking level being higher than that recommended for C2 use, indicating greater level of independent living. Proposal for two storey dwellings, some with a third bedroom in loft space indicates occupiers would be capable of running and living in these types of dwellings.
- Harm to the setting of the listed building and parkland by the proposed modern dwellings. Query whether single storey housing could be included that would be less damaging.
- Public consultation to include neighbours took place in January 2018, information submitted states pre-application consultation in July 2017.

Following receipt of amended plans:

- Amended design of plots 9 and 10 improves perception of surveillance and

proximity of first floor. However these still create a loss of outlook, are overbearing due to scale, mass, raised platforms and proximity; and still result in a loss of privacy and claustrophobic environment.

- Amended design of plots 27 and 28 includes privacy screening but no level of obscurity provided and only 1.7 metres high. The opaque and fixed glazing only applies to bathroom windows and not bedroom windows, compromising privacy due to close proximity to boundary.

4 letters of support on the grounds of:

- Good quality development.
- Asset to Taunton, need for more supported living, will enable people to live at home longer reducing the burden on care homes and hospitals.
- Creation of new jobs.
- Adequate links to pedestrian cycle network.
- Support provision of the car club and car sharing.

Quantum Group also submitted the results of their Public Consultation, which included 83 letters of support, 3 letters of objection and 6 letters making comments. It should be noted that some households had also submitted representations directly to the Council and these are therefore already summarised above.

Whilst there were a significant amount of letters broadly in support, the following comments and concerns were also included within these support letters:

Insufficient parking; too many properties resulting in an overcrowded development; lack of eco-friendly products including solar PV and grey water systems; increase in traffic on Selworthy Road; properties too close to the boundaries with neighbouring dwellings; site being open to the public will promote crime and should be a gated community; the provision of rented accommodation was hoped for; pedestrian and cycle access concerns from Lyngford Lane; query whether provision is made for the storing and recharging of electric buggies; the badger sett should be protected; there are no bungalows for the elderly; damage/subsidence to neighbouring properties; there should be provision of a sculpture by a local artist, water feature and raised beds for those in wheelchairs; request a more aesthetic design; an area of lawn should be sacrificed for more parking; trees have already been lost, trees should be retained; Selworthy Road should have double yellow lines to prevent on road parking.

Planning Policy Context

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP1 - Climate change,
CP4 - Housing,
CP5 - Inclusive communities,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
DM4 - Design,
SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
A1 - Parking Requirements,
A2 - Travel Planning,
D7 - Design quality,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,
D12 - Amenity space,
D13 - Public Art,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

N/a

New Homes Bonus

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

Determining issues and considerations

The main issues for consideration are the principle of the development, impact on the setting of the listed building, design, impacts on residential amenity, wildlife, landscaping, drainage, traffic and parking.

Principle

The site lies within the settlement limits of Taunton and therefore the principle of a residential care scheme for the elderly is considered appropriate. The applicant has submitted information supporting the need for such a development and given the location close to existing shops and doctor's surgery the location is considered to be a sustainable one. The use would be limited to occupants of 55 or over who would have access to on site communal facilities and a personal care package. As such the use is considered to fall within a C2 use class and a legal agreement is proposed to secure this. On this basis the use in this location is considered to be

acceptable subject to no significant adverse material impacts.

Listed Building Setting and Design

The development involves the development of Lyngford House, a Grade II listed building and its surroundings. The scheme has been considered on a number of occasions by the Design Review Panel and the current layout determined as a result. This retains important areas of green open space to the south and east of the main building while allowing for development of detached properties round the periphery of the site.

The extension to the main building is located on the northern side where it is considered that it would be the least harmful impact and results in the removal of the later additions to the main building. The extension is modern in design and three storeys set behind the historic wall to the frontage. This provides for 6 new units in a form that is still considered subservient to the main building. The Stable building to the rear is converted to a single unit in its current form while the Coach House is subdivided into two with a traditional lean-to extension on the rear.

The new housing to the periphery is largely two storey with traditional materials and pitched roofs while the 3 modern dwellings to the north of the site are 3 storey with bedrooms opening onto roof terraces. Clearly the provision of this scale of elderly care housing has an adverse impact on the setting of the listed building. Section 66 of the Planning (Listed building and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any feature of historic or architectural interest when deciding whether to grant planning permission. The Conservation Officer considers that this development is at the upper high end of less than substantial harm to the heritage asset. As such in line with the NPPF the harm to the setting and the building has to be weighed against the public benefits of the proposal. On balance the benefits of securing a long term use for the listed building and the provision of care for the elderly in a sustainable location is considered to outweigh the harm of the new development on the setting of the building. The revised access will also give a better public view of the building.

Residential Amenity

A number of concerns have been raised by local residents in terms of the impact on the amenity of their properties as a result of the new development. The areas of concern lie to the north east and east of the site given that the new build element of the scheme are located on the periphery of the site. The northernmost new build element is a modern 3 storey block (plots 27/28). This block is 7m off the northern boundary which has established planting. Concern over loss of privacy and overlooking has been raised, particularly as these units have a roof terrace. The design has therefore been revised to provide a privacy screen to 1.7m which would be obscure glazed and prevent views down to neighbouring gardens. The details of this are covered by condition.

The new properties along the eastern boundary are between 19 to 25m away window to window, although as the land on the site is higher there would be a greater degree of potential garden overlooking as a result. Consequently a condition

to address this concern in terms of first floor windows in the eastern elevation is proposed. In terms of the western side of the site, here there has been a concern over levels and the proximity of some of the new plots to the boundary. Window to window distances vary between 13-18m and in the worst case this has been addressed by the change in the house type so that the height of the building is moved further away from the boundary and there are no rear looking windows to cause overlooking only high level rooflights. In other instances along this boundary obscure glazing of the first floor windows on the rear is proposed and this is covered by condition.

Wildlife

An ecological survey was submitted with the application and the standard condition to secure protection during construction and enhancements are proposed as part of the scheme. The main wildlife concern has related to the impact on badgers and appropriate mitigation. It has been agreed that a new artificial sett will need to be constructed on site. This will enable the closure of the existing one and the ability to treat the Japanese knotweed that has been discovered. A separate condition with regard to the timing of the works related to the badgers is proposed.

Landscaping

An indicative landscaping scheme has been submitted with the proposal which the Landscape Officer considers is suitable in principle subject to precise details which can be the subject of a condition. The Tree Officer has also commented in relation to the works and the need for root protection and a more interesting replacement tree scheme. Both of these elements are considered to be reasonable and are proposed as conditions.

Drainage

The proposal was accompanied by a Flood Risk Assessment and drainage strategy. The site does not lie within a flood risk zone and surface water is proposed to be attenuated on site before being discharged to the public surface water system. Foul drainage will be to Wessex Water sewer. Details of connection will need to be agreed and a condition to secure a suitable surface water scheme is proposed as suggested by the Local Lead Flood Authority.

Access and Parking

The access to the site is currently off both Lyngford Lane and Selworthy Road and the proposal is to close off the vehicular access to the lane and provide a new access onto Selworthy Road. The parking provision is for 48 spaces which is more than 1 per unit and given the nature of the occupiers of the site not all residents will be able to drive and there is considered sufficient parking in compliance with policy A1. The Highway Authority raise no objection in principle and suggest a legal agreement to secure the travel plan and the provision of a number of conditions. The splays onto Selworthy Road are shown on the plan and do not need to be

conditioned. The pedestrian splay onto Lyngford Lane needs to be controlled as does surface water discharge. The control of contractors and vehicle movements are not something that can be suitably enforced as a condition. Parking and turning on site and cycle parking are reasonable conditions to attach as is the provision of entrance gates. A grampian condition in terms of the restriction of parking opposite the entrance through a TRO is considered appropriate. It is unclear that the widening of the footway can be achieved as it lies outside of the red line site. The traffic associated with development is of a scale that would not give rise to congestion and issues on the local road network and consequently there is no reason to object on highway and access grounds.

Conclusion

In summary the proposal will provide a scheme of assisted care for the elderly in a sustainable location and meeting an identified need. It will safeguard the future use of the listed building and provide local employment. These identified benefits are considered to outweigh the harm to the setting of the listed building created by the new build elements of the scheme. The impact on the amenity of the adjacent residents can be suitably addressed through conditions as can the wildlife impacts of the development. Consequently the development is considered to be a sustainable one in line with the NPPF and the scheme is recommended for approval subject to the necessary legal agreement and conditions.

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

Contact Officer: Mr G Clifford

Agenda Item 11

Site: STONEY RIDGE, LANGPORT ROAD, WRANTAGE, TAUNTON, TA3 6BZ

Application number: 24/17/0046

Proposal: Variation of Condition No's 01 (restrictions of occupier and limited period) and 03 (number of caravans) of application 24/11/0017 at Stoney Ridge, Langport Road, Wrantage

Appeal Decision: 16 Aug 2018

Site: ALLERFORD FARM, ALLERFORD ROAD, NORTON FITZWARREN, TAUNTON, TA4 1AL

Enforcement Number: E/0162/27/16

Alleged Breach: Alleged non-compliance with planning approval at Allerford Farm, Norton Fitzwarren

Appeal Decision: Dismissed

Site: CHERRY ORCHARD LODGE, CHERRY ORCHARD, TRULL, TAUNTON, TA3 7LF

Application number: 42/17/0012

Proposal: Erection of 1 No. detached dwelling with detached double garage and associated works on land to the south east of Cherry Orchard Lodge, Cherry Orchard, Trull as amended by email dated 31 October 2017 and plans 2930/01C, 2A, 3A, 05A and 3D Visuals.

Appeal Decision: Allowed

Site: LAND ADJACENT TO TWO TREES, MEARE GREEN, WEST HATCH, TAUNTON

Application No: 47/17/0007CQ

Proposal: Prior approval for proposed change of use from agricultural building to 2 No. dwelling houses (Class C3) and associated building operations on land adjacent to Two Trees, Meare Green, West Hatch

Appeal Decision: Allowed



Appeal Decision

Site visit made on 17 July 2018

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16th August 2018

Appeal Ref: APP/D3315/W/17/3191282

The Cottage, Stoneyhead, Wrantage, Taunton TA3 6BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr J Small against the decision of Taunton Deane Borough Council.
- The application Ref 24/17/0046, dated 21 August 2017, was refused by notice dated 10 November 2017.
- The application sought planning permission for retention of the mobile home sited on land adjacent to (and in lieu of) the lawful caravan site approved on 12th June 2008 under reference 24/08/0011LE (Use of land for stationing a caravan for residential purposes), The Cottage, Stoneyhead, Wrantage without complying with conditions attached to planning permission Ref 24/11/0017, dated 16 June 2011.
- The conditions in dispute are No 1 which states that: "1. *The use hereby permitted shall be carried on only by Amy Penfold and shall be for a limited period being the period during which the caravan site pursuant to this permission is occupied by Amy Penfold. The caravan and all materials and equipment brought on to the site in connection with the use shall be removed within three months from cessation of occupation*"; and condition No. 3 which states that "3. *No more than 1 caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed within the application site as shown edged red on plan number 4949 at any time.*"
- The reasons given for the conditions are: 1. "The site is in open countryside where the siting and occupation of a caravan on the land is not permitted other than for the personal circumstances of Amy Penfold who has lived on the adjacent site for 30 years. Such personal circumstances are considered to outweigh the harm to the Somerset and Exmoor National Park policies STR1, STR6 and 49; Taunton Deane Local Plan policies S1, S2, S7 and EN12 and National policies contained within the Planning Policy Statements 1 and 7; Planning Policy Guidance note 13 and Regional Planning Guidance 10 for the period of her occupation"; and 3. "In order to ensure that an additional caravan is not sited on the application site resulting in an intensification of the residential use on the site which is located in the open countryside in a non-sustainable location where such an intensification would be contrary to Somerset and Exmoor National Park policies STR1, STR6 and policy 49; Taunton Deane Local Plan policies S1, S7 and EN12 and Planning Policy Statements 1 and 7, Planning Policy Guidance note 13 and Regional Planning Guidance 10."

Decision

1. The appeal is allowed and planning permission is granted for retention of the mobile home sited on land adjacent to (and in lieu of) the lawful caravan site approved on 12th June 2008 under reference 24/08/0011LE (Use of land for stationing a caravan for residential purposes), The Cottage, Stoneyhead, Wrantage in accordance with

the application Ref 24/17/0046, dated 21 August 2017 without compliance with condition numbers 1 and 2 previously set out in planning permission Ref 24/11/0017, granted on 16 June 2011 by Taunton Deane Borough Council but otherwise subject to the following condition:

1. No more than 1 caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed within the application site as shown edged red on plan number 4949 at any time."

Procedural Matters

2. Condition 2 on the planning permission granted in 2011 relates to the submission and carrying out of a landscaping scheme. There is nothing in the evidence to suggest this condition has not been fully complied with. Accordingly it is not necessary to impose this condition on the new permission which is granted by my decision.
3. Whilst the appeal seeks the removal of two conditions, one seeking the removal of an occupancy condition and the second seeking to increase the number of caravans on the site, the effect of my decision is to allow the appeal only in respect of the first of these conditions.
4. Since the Council made its decision, the National Planning Policy Framework has been revised. References elsewhere in my decision are to the revised Framework, published on 24 July 2018. The main parties have been given the opportunity to comment on the revised Framework.

Main Issue

5. The main issue is whether the conditions are necessary to prevent additional residential accommodation taking into account the site's location outside any defined settlement boundary.

Reasons

6. The evidence indicates that a named person lived on the site from 1980 occupying a caravan adjacent to The Cottage and subsequently occupying a mobile home further to the east of The Cottage. In 2008, a Certificate of Lawfulness for an Existing Use was granted in respect of the use of land adjacent to The Cottage for the stationing of a single caravan for residential purposes. The basis for granting the certificate was that the use of the land had begun more than 10 years previously.
7. Planning permission was granted in 2011 for a mobile home on the appeal site ("the 2011 permission") with condition 1 restricting occupation to the named person and requiring cessation of the use of the land for this purpose when occupation by this person ceases. At the time of the 2011 permission, the mobile home was already in place. The certificate of lawful existing use relates to a smaller area of land than the land identified in the 2011 permission. However the 2011 site encompasses the land covered by the certificate. A caravan or mobile home could therefore be occupied within part of the appeal site without any restriction upon who occupies the caravan. Consequently, I find no harm would arise from removing the occupancy restriction on the mobile home, as the mobile home could occupy a different part of the appeal site and would then not be subject to any occupancy restriction.

8. The appeal site lies beyond the eastern end of a short row of houses at Stoneyhead. The site is outside any defined settlement boundary and therefore in the open countryside in terms of development plan policy. The appellant seeks to increase the number of caravans which would be used for residential purposes on the appeal site from one to two. A caravan or mobile home for permanent occupation is appropriately considered in the context of housing policies and, in this case, against relevant policies for residential developments in the countryside.
9. The National Planning Policy Framework promotes sustainable development in rural areas and housing in locations where it will enhance or maintain the vitality of rural communities. Isolated homes in the countryside are to be avoided unless they would meet one or more identified circumstances, none of which apply to the appeal proposal. The appeal site is not isolated in that it is not remote from the small number of dwellings at Stoneyhead. However, the proposed additional caravan or mobile home would fail to comply with the development locations identified in Policy SP1 of the Taunton Deane Borough Council Core Strategy 2011 – 2028, adopted in September 2012 (CS). This policy prioritises the most accessible and sustainable locations, maximising the use of previously developed land and minimising pressures on the natural environment.
10. CS Policy DM2 of the addresses development in the countryside, identifying the uses which will be supported in countryside locations. The siting of residential (non-touring) caravans or mobile homes is not one of the uses supported by Policy DM2. The policy seeks, amongst other matters, to protect the intrinsic character of the open countryside.
11. The appellant is of the view that there is a fallback position such that at least two mobile homes could be located on the land covered by the certificate of lawful use and that the Council would have no control over the number of caravans. The certificate refers to a single mobile home. Whether more mobile homes could be sited on the land under the terms of the certificate is not a matter for me to determine under a Section 78 appeal. However, notwithstanding the terms of the certificate, it is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.
12. I have noted that the appellant considers the conditions imposed on the 2011 planning permission were unreasonable. However, the site which is the subject of the 2011 permission differs from that covered by the certificate of lawful existing use. Furthermore, the location of the site is not one where residential development would normally be allowed.
13. I find that the removal or variation of Condition 3 to increase the number of caravans or mobile homes on the site would conflict with the development plan and the material considerations are insufficient to outweigh the conflict with the development plan.

Conclusion

14. For the reasons given above I consider that the appeal should be allowed but only insofar as it relates to the removal of condition 1.

J E Tempest

INSPECTOR



Appeal Decisions

Site visit made on 30 May 2018

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2018

Appeal Ref: APP/D3315/C/17/3189840

**Land at Allerford Farm, Allerford Road, Norton Fitzwarren,
Taunton TA4 1AL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Michael Edwin James against an enforcement notice issued by Taunton Deane Borough Council.
- The enforcement notice, was issued on 30 October 2017.
- The breach of planning control as alleged in the notice are:
 - i. The construction of a concrete car parking area that is larger than that permitted by planning permission 25/15/0007 edged/hatched orange on the attached plan;
 - ii. Without planning permission, the construction of a concrete track in the approximate position shown edged/hatched green on the attached plan;
 - iii. The erection without planning permission of external lighting at the car parking area;
 - iv. The construction of concrete pathways that are not in accordance with approved drawing Z21/23C of planning permission 27/15/0026 in that they are not porous shown coloured pink on the attached plan; and
 - v. Without planning permission the construction of foundations for a new "store" building in the approximate position shown edged/cross-hatched purple on the attached plan.
- The requirements of the notice are:
 - i. Remove the part of the concrete car parking area that is larger than that permitted by planning permission 25/15/0007 as shown edged/hatched orange on the attached plan;
 - ii. Remove the concrete track that has been constructed in the approximate area edged/hatched green on the attached plan;
 - iii. Remove the external lighting at the car parking area;
 - iv. Remove the concrete pathways that are not in accordance with approved drawing Z21/23C of planning permission 27/15/0026 in that it is not porous, coloured pink on the attached plan; and
 - v. Remove the foundations for a new "store" building and services to it in the approximate position shown edged and cross-hatched purple on the attached plan.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(b) and (c) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The enforcement notice is quashed.

Preliminary Matters

1. Within the grounds of appeal, the appellant has made various comments regarding the merits and reasons for the alleged breaches of planning control.

However an appeal has not been brought on ground (a). I cannot therefore consider the planning merits of the case.

The referenced planning permissions

2. The notice has been issued with respect to s171A(1)(a) of the Town and Country Planning Act 1990 as amended (the Act), therefore alleging "carrying out development without the required planning permission". Reference is however made to planning permissions within some of the allegations. The appeal site is subject to a complex planning history. The notice refers to application references '25/15/0007' and '27/15/0026'. However the Council acknowledges that reference to '25/15/0007' was incorrect and it should in fact have been '27/15/0007'. That error has not apparently confused the appellant who has understood which planning permissions are relevant.
3. The notice does not refer to any breaches of planning conditions imposed on those decisions. Planning permission granted with reference '27/15/0007' is quoted in the notice in order to define the nature and extent of the developments as alleged within paragraphs (3)(i) and (3)(iv). The wording of the allegations does not tell the recipient what has been done wrong without reference to that document and also an attached plan (to which I return to below). It would simplify the complex and confusing wording of the notice if the allegations in paragraphs (3)(i) and (3)(iv) referred to the nature of the development undertaken without planning permission. It would then be preferable to require at paragraphs (5)(i) and (5)(iv) that the development complies with the terms and conditions of the relevant permission (as allowed for by s173(4)(a) of the Act). As well as being more straightforward, due to s173(11) of the Act, that would also ensure the ongoing effect of other relevant planning conditions.
4. However, from the information before me, there are complications with the relevant planning permissions which neither party has fully addressed. It is therefore unclear whether such corrections would be appropriate. Planning permission '27/15/0007' was approved on 28 May 2015, and to remain lawfully extant would need to have been implemented by 28 May 2018. Subsequently, planning permission '27/15/0023' which has not been referenced on the notice, was submitted under the provisions of s73 of the act, (referred on the decision as a "variation of condition") and also had to be implemented before 28 May 2018. There are therefore 2 alternative planning permissions that may have been implemented with respect to the overall use of the site as well as related physical works that have been undertaken. Furthermore, as well as the time limitation, the decisions contain a number of pre-commencement conditions which could affect which of those decisions has been implemented.
5. The Council states that 27/15/0007 has been implemented but goes on to say that it could be argued that the subsequent permission (which I have taken to mean 27/15/0023) has been implemented. They also refer to plan 'Z21/12C' car park area plan as referred to in the notice as being common to both permissions but it is still necessary to know which decision is applicable. However based upon the submitted evidence, I do not know which permission

has been lawfully implemented. I would need to be confident that the terms and conditions of any permission referred to in the requirements of the notice could still be enforced.

6. Based upon the evidence available I cannot correct the flaws in the allegations

at paragraphs (3)(i) and (3)(iv) or the requirements at paragraphs (5)(i) and (5)(iv) in a way that could resolve my concerns.

Other concerns with the notice

7. The erection of external lighting is referred to within paragraph (3)(iii). It was confirmed at the site visit that the notice is targeted at the light columns around the central car parking area. However, there are also similar light columns elsewhere on the site, such as those along the driveway leading into the site, which the Council confirmed at my site visit, are acceptable. I saw that cars also park in that area alongside the driveway and so this is confusing. The number of light columns is not specified and no positions are shown on the plans. The notice is imprecise with respect to this allegation and therefore with respect to the corresponding requirements.

Inaccuracy of the 'notice plan'

8. At the site visit, the Council officers took measurements. The appellant had an opportunity to comment on the position of the items referred to on the notice and the accompanying plan. It was clear to me that the plan is inaccurate in a number of respects. Of particular note, the pathways indicated in red are not accurately shown and the track shown in green is several metres from the position indicated on the plan, relative to the parking area. The inaccuracies give me insufficient confidence that the other elements are shown accurately.
9. The plan cannot be relied upon and should be deleted from the notice. However the allegations and requirements of the notice are less clear without an accurate plan. This on its own would not be fatal to the validity of the notice. However given this along with the other flaws, the recipient of an enforcement notice cannot find out from within the four corners of the document what has been done wrong or what is required.

Conclusions

10. It is clear that the notice overall relates to Land at Allerford Farm which is sufficient to satisfy the Enforcement Notice Regulations¹. I could delete the inaccurate and ambiguous notice plan from the notice. However, I consider that this along with the other concerns that I have means that the notice cannot be corrected without causing injustice.
11. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control and the steps required for compliance. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act as amended, since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances, the appeal on the grounds set out in section 174(2)(b) and (c) of the 1990 Act as amended do not fall to be considered.

Formal Decision

12. The enforcement notice is quashed.

A Harwood INSPECTOR

¹ The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002

Appeal Decision

Site visit made on 11 July 2018

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28th August 2018

Appeal Ref: APP/D3315/W/18/3196961

Cherry Orchard Lodge, Cherry Orchard, Trull, Taunton TA3 7LF.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dan McCarthy against the decision of Taunton Deane Borough Council.
 - The application Ref 42/17/0012, dated 5 May 2017, was refused by notice dated 8 December 2017.
 - The development proposed is a detached 3 bed residential dwelling with garage and associated landscaping on the land to the south east of Cherry Orchard Lodge.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached 3 bed residential dwelling with garage and associated landscaping on the land to the south east of Cherry Orchard Lodge, at Cherry Orchard Lodge, Cherry Orchard, Trull, Taunton TA3 7LF in accordance with the terms of the application, Ref 42/17/0012, dated 5 May 2017, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

2. The planning application was determined on the basis of revised plans within which the scale and layout of the development changed considerably. As such Part E of the appeal form indicates that the description of development has changed, but whilst a different description has been given, this is not the same as the Council's description. The Council's description itself erroneously references a superceded plan, '05A'. I have been provided with no indication that either the Council's or the appellant's changes to the description were agreed between the parties. Therefore I have used the description given on the original planning application in the heading above but amended it by substituting '4 bed residential dwelling' for '3 bed residential dwelling', so that it accurately describes the revised proposal.

Main Issue

3. The main issue in this appeal is the effect that increased use of the existing access onto Church Road would have on the safety of other road users and pedestrians.

Reasons

4. The Council has raised no objection to the development of the new dwelling, garage and associated landscaping. The Council's objection arises solely in

- regard to the increased use of Cherry Orchard by vehicles, and the corresponding increased use of the junction of Cherry Orchard with Church Road.
5. Cherry Orchard serves as an existing means of access for several dwellings. Its junction with Church Road is also partly shared with the driveway of a dwelling immediately adjacent to it. The Council indicates, and I agree that the junction currently fails to provide clear visibility from Cherry Orchard for 43 metres in either direction along Church Road. This is a value provided in Manual for Streets based on the safe stopping distance of a vehicle travelling at 30 miles per hour. Manual for Streets 2 however indicates that in absence of local evidence to the contrary, a reduced distance may not be a problem. In this regard, and in view of the fact that the junction already exists, the Council has provided no evidence to explain why visibility across 43 metres is essential.
 6. Survey data presented by the appellant suggests that vehicle speeds along Church Road generally fall below the 30 miles per hour speed limit. I see no reason to question this having observed that a combination of road width, on-street parking, shared use of the road with pedestrians, and bends which reduce forward visibility act to naturally calm traffic speeds. Within this environment I consider that in practice the majority of vehicles are therefore likely to require less than 43 metres to stop.
 7. In terms of the practical use of the junction, I observed that visibility from Cherry Orchard along Church Road is limited in both directions and that there is little scope for improvement. Visibility to the north-west is greatly restricted by a combination of the boundary wall and hedge of the adjacent property, and the way in which Church Road bends to the west. To the south east visibility is slightly less restricted, again by boundary treatments and the direction in which the road bears. In exiting Cherry Orchard it is therefore necessary for a driver to edge forward into Church Road creating the potential for collision.
 8. I observed however that visibility of the junction from Church Road extends across a longer distance than visibility from the junction itself, and significantly so approaching from the south-east. I consider that a vehicle edging out of Cherry Orchard should be visible to a driver or cyclist travelling from this direction at a sufficient distance to enable them to slow and to comfortably avoid any collision. I have indeed been presented with no evidence of past collisions between vehicles travelling from the south-east and vehicles using the junction that would indicate otherwise.
 9. Approaching from the north-west, visibility for an approaching driver or cyclist is more limited. The extent of limitation appears subject to variation dependent on whether or not cars are parked on the left hand side of Church Road, which can occur up to its junction with Mill Lane. In the absence of parking I consider that having travelled slightly beyond Mill Lane, an approaching driver or cyclist should have sufficient space to see a vehicle edging out of Cherry Orchard to avoid a collision. In the presence of on-street parking a vehicle approaching from the north-west would however be forced onto the right hand side of Church Road. A vehicle edging out of the driveway would therefore only be visible to an approaching driver in much closer proximity.
 10. Whilst in theory this would increase the potential for collision, I consider that the limitations placed on forward visibility for persons forced into this road position give rise to other more pressing hazards. These include the potential of

collision with other vehicles travelling in the opposite direction, and pedestrians. In my opinion this combination of potential hazards requires drivers and cyclists to proceed with due caution and low speed, such that the potential for collision with a vehicle edging out of the driveway is significantly reduced. Again, I have been presented with no evidence of past collisions between vehicles travelling from the north-west and vehicles using the junction that would indicate otherwise.

11. Though I have been provided with an anecdotal report of “angry confrontations” occurring between road users at the junction, the details are too vague and lacking in detail for me to attach any weight to this.
12. The existing right hand splay at the junction provides sufficient space for a driver exiting Cherry Orchard to see pedestrians approaching on either side of Church Road from the south-east. A pedestrian should likewise be able to see a vehicle. Inter-visibility also exists where pedestrians approach from the north-west on the left hand side of Church Road. However, clear inter-visibility does not exist where pedestrians approach from the north-west on the right hand side of Church Road. As pedestrians approaching from this direction also have poor visibility of oncoming traffic, there seems a high likelihood that they would cross the road before encountering this danger. Even if not doing so, the width of the junction and very slow speed at which drivers are likely to enter it from Cherry Orchard would, in my opinion, greatly reduce the chances of collision. Furthermore, I have been presented with no evidence of past collisions between pedestrians and vehicles using the junction that indicates otherwise.
13. The appellant’s survey data has been criticised for not fully capturing the afternoon time slot when Church Road is most heavily used by traffic generated by the village school. Use of the road by people attending social venues in the village has also been noted, for which times would further vary. However whilst I agree that the data has its limitations, nonetheless, the road appears to be generally lightly trafficked. As such, I find it reasonable to consider that my characterisation of the interaction between vehicles using the junction, other road users and pedestrians set out above should also hold generally true.
14. The fact that pedestrians and vehicles share use of Church Road acts to provide an environment in which all road users are required to exercise extreme caution and vigilance in order to avoid accidents. This is reasonably assumed to include adult supervision of children walking along the road to and from school. In this context, and in the absence of any evidence of past collisions noted above, even had the appellant’s data been extended to fully include the suggested time slot, my view would be unchanged.
15. Third parties have raised the issue of limited turning space within Cherry Orchard, although this is not a concern shared by the Council, with whom I agree. The scheme provides ample space for vehicles to turn on site, and I note that in order to enable vehicular access to the site space at the end of the Cherry Orchard would need to be kept free of parking in the future. As such, the development could in fact improve the current availability of turning space within Cherry Orchard.
16. Whilst the proposed dwelling would give rise to a moderate increase in the number of vehicles using the junction of Cherry Orchard with Church Road, I am mindful that this could also arise if vehicle ownership and/or use increased amongst existing residents of dwellings along Cherry Orchard. There is indeed

no reason to consider that levels of vehicle ownership and/or use will remain static in the future. Dismissal of this appeal would not therefore prevent potential intensification in the use of the junction, though this might be less certain to occur.

17. In view my findings above, and in the absence of evidence to the contrary, I am drawn to conclude that the moderately increased use of the existing junction arising from the development would not be likely to have an adverse impact on the safety of other road users and pedestrians.
18. As such I find that the development would not be in conflict with part b of Policy DM1 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028, which seeks to ensure that additional road traffic arising from development does not lead to road safety problems, amongst other things.

Other Matters

19. The potentially adverse impact of the new dwelling on local drainage and sewers has been raised as an issue. The water authority has however indicated that subject to surface water being drained into a soakaway, it would have no objection. This should indeed help to avoid the reported occurrence of sewers overflowing at times of heavy rain. Though the Council states that drainage will be dealt with under the Building Regulations, and I agree that design and construction standards are covered in this way, I consider that use of a condition would be an appropriate means of securing the provision of a site specific scheme of surface water drainage featuring soakaways.
20. It has been claimed that the development would have an adverse impact on the living conditions of the occupants of the Coach House which neighbours the site, as a result of overbearing, overshadowing and loss of sunlight, noise and disturbance, and on the occupants of 16 Church Road as a result of overlooking. The Council has not raised concern on grounds of overbearing, overshadowing and loss of sunlight given the existing presence of a very tall 'hedge' along the boundary. I agree that this represents such a considerable existing feature that the proposed dwelling would have a minimal effect in itself. The boundary with No 16 similarly has a good level of screening and only the very bottom of the large and irregularly shaped garden would be affected.
21. Whilst some noise and disturbance would inevitably arise during the construction of the dwelling, this would be of limited duration and unlikely to extend outside normal working hours. Noise and disturbance would otherwise arise from use of the access into the site which is close to the frontage of the Coach House. However, as existing parking in this space would cease in order to enable access, benefits to the occupants of the Coach House would also arise given the removal of noise and disturbance associated with parked vehicles, and given improvements to the visual setting of the Coach House. As a result, I consider that these benefits would reasonably balance any perceived harm.
22. The boundary of Trull Conservation Area runs close to the junction of Cherry Orchard with Church Road. However, in my opinion, the moderately increased use of the junction would have no discernible effect on the existing setting of this designated heritage asset.
23. A broader adverse visual impact on the setting of the adjacent playing field has been claimed, but again the Council does not share this view given the

character of the existing setting. With particular regard to the scheme as amended, I see no reason to disagree.

24. Issues regarding legal rights of access along Cherry Orchard and access to the sewer network have been raised. Notwithstanding this, I have been provided with no evidence to suggest that these matters cannot be addressed under legislation dealing with private legal rights.
25. The Parish Council has raised objections in terms of the development of a garden and increased density being at odds with Policy H6 of the Trull and Staplehay Neighbourhood Plan. Nevertheless, from the evidence before me, I see no reason to disagree with the Council's assessment that the development would be appropriate when viewed within its context.

Conditions

26. I have added conditions setting out the time limit for commencement of the development, and identifying the approved plans for sake of certainty. In addition to a condition requiring the details of surface water drainage and soakaway provision to be agreed, I have added one further condition requested by the Council regarding the agreement of materials samples to ensure the development is visually harmonious. However, I have used modified wording to that supplied by the Council in order to comply with the relevant advice within the Planning Practice Guidance.

Conclusion

27. For the reasons set out above, and having had regard to all other matters raised, the appeal is allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16.2930/01 Rev C, 16.2930/02 Rev A, 16.2930/03 Rev A, 16.2930/05 Rev B.
- 3) Development shall not commence until full details of a scheme of surface water drainage, including the use of soakaways has been provided to and agreed in writing by the local planning authority. The scheme must then be completed in accordance with these details prior to the first occupation of the dwelling hereby approved, and thereafter maintained.
- 4) No construction of the outer surfaces of the building shall commence until samples of external facing and roofing materials have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.

Appeal Decision

Site visit made on 17 July 2018

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th August 2018

Appeal Ref: APP/D3315/W/18/3194074

Land adjacent to Two Trees, Meare Green, West Hatch, Taunton, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by Mrs D Barrett against the decision of Taunton Deane Borough Council.
 - The application Ref 4/17/0007/CQ, dated 30 May 2017, was refused by notice dated 26 July 2017.
 - The development proposed is change of use from agricultural building to 2 no. dwelling houses (Class C3) and associated building operations.
-

Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use from agricultural building to 2 no. dwelling houses (Class C3) and associated building operations at land adjacent to Two Trees, Meare Green, West Hatch, Taunton, Somerset in accordance with the application Ref 4/17/0007/CQ made on 30 May 2017 and the details submitted with it including plan numbers M1, M2, M3, M4, M5 and F1758 pursuant to Article 3(1) and Schedule 2, Part 3, Class Q.

Preliminary Matters and Main Issue

2. The description of development is taken from the Council's decision notice.
3. The application was made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended ("the GPDO"). Class Q permits development consisting of (a) change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and (b) building operations reasonably necessary to convert the building.
4. Development falling within Class Q is deemed to be granted planning permission by the GPDO provided it would comply with the limitations listed in paragraph Q.1.
5. The GPDO also states at paragraph W(11) of Schedule 2 that development under Part 3 must not begin before one of the following:

- (a) The receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (b) The receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
 - (c) The expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
6. The requirement for prior approval is akin to a pre-commencement condition attached to the grant of permission by Article 3(1). Development which takes place not in accordance with the terms or conditions of the permission would be at risk of enforcement action. However, the prior approval procedure set out under the relevant Part of the GPDO makes no provision for any determination to be made as to whether the development would be permitted development. Consequently, whether or not the proposed development would be permitted under the various restrictions and conditions relating to Class Q is outside the remit of this decision.
7. The **main issue** in this appeal is therefore whether the Council notified the applicant of its decision within the statutory period.

Reasons

8. The declaration date on the application form is 30 May 2017. The documents are stamped as having been received by the Council on 31 May 2017 and the Council forwarded a letter to the appellant advising that the application was registered on 31 May 2017 and that the Council would inform the appellant within 56 days ie by 26 July 2017 whether or not the Council's approval to the development was required. The Council decision confirming that prior approval was required and was refused is dated 26 July 2017, with the words "First Class" underneath the date. A photocopy of an envelope provided by the appellant provides a post mark of 27 July 2017. Whilst there is nothing which definitively links the envelope to the decision, the Council do not provide any evidence to indicate that any method other than first class post was used to deliver their decision and do not dispute the failure to notify the appellant of their decision in accordance with the provision of the GPDO.
9. Section 7 of the Interpretation Act 1978 sets out that unless the contrary is proved, service is deemed to have been effected at the time at which the letter would have been delivered in the ordinary course of the post. Consequently, on the balance of probability based on the available evidence, the Council did fail to notify the appellant with the requisite 56 day period and therefore prior approval is deemed to be granted on the expiry of the statutory period for the Council to notify the developer of its determination.

Other Matters

10. The Council's reasons for refusing the application include the proposed works not falling within the scope of Q1(b) and also that the proposals would result in a danger to highway safety.
11. I have noted the points raised by some local residents with regard to works carried out to the building prior to 2013 and questioning whether the building

which is the subject of this appeal is lawful. Article 3(5) provides that planning permission granted by Schedule 2 of the GPDO does not apply if the building operation or use is unlawful. However, this is a matter for the Council in the first instance and is not a matter for this appeal.

12. I have also noted points raised by and on behalf of local residents with regard to whether the site is in solely agricultural use, and the Council's views that the works proposed do not fall within the scope of Class Q(b). However, as permission is deemed to have been granted these matters fall outside the remit of this appeal.
13. The appellant points out that visibility at the point of access to the public highway could be improved by works on land within the appellant's control and the public highway. Whilst I agree that this is the case, as I have found that permission is deemed to have been granted, I am unable to impose conditions as part of this appeal.

Conclusion

14. For the reasons given above, I conclude the appeal should be allowed and prior approval is deemed to be granted.

J E Tempest

INSPECTOR

APPEALS RECEIVED – 12 September 2018

Site: 30 LAWN ROAD, STAPLEGROVE, TAUNTON, TA2 6EH

Proposal: Erection of ground floor extension on the west elevation and alterations to roof to create dormer bungalow at 30 Lawn Road, Staplegrove

Application number: 34/18/0007

Appeal reference: APP/D3315/D/18/3207001
