

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool on 6 February 2019 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 and record any declarations of disclosable pecuniary interests or personal or prejudicial interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

5 48/18/0014 (Pages 5 - 8)

Installation of a heat pump unit for central heating on garage roof (retention of works already undertaken) at Glenrose, 89 Greenway, Monkton Heathfield

6 43/18/0097 (Pages 9 - 38)

Demolition of buildings and replacement of with rebuild and extension of 3 Cornhill to create 4 No. Flats, erection of 34 No. Dwellings and conversion of 4 - 6 Cornhill into 4 No. Dwellings with associated access roads, car parking, landscaping and associated works on land to the north of Fore Street, Wellington

7 43/18/0098/LB (Pages 39 - 46)

Conversion with various internal and external alterations into 4 No. town houses at 4 and 5 Cornhill, Wellington

8 38/18/0423 (Pages 47 - 62)

Demolition of care home and erection of 9 No. detached 4 bedroomed dwellings with associated access road and car parking at Orchard Court Nursing Home, Harp Chase, Taunton

9 38/18/0427 (Pages 63 - 66)

Erection of a two storey extension to the side of 28 Spencer Avenue, Taunton

10 38/18/0432 (Pages 67 - 72)

Erection of 1 No. attached two storey dwelling with associated works in the garden adjacent to 28 Spencer Avenue, Taunton (resubmission of 38/18/0207)

11 06/18/0017 (Pages 73 - 90)

Erection of 10 No. dwellings with associated landscaping, open space and drainage infrastructure, to the west of the site, at Station Farm, Station Road, Bishops Lydeard

12 Latest appeals and decisions received

Bruce Lang
Assistant Chief Executive

29 January 2019

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.

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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 Governance and Democracy Team on 01823 356356 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

48/18/0014

MR M ELLIS

Installation of a heat pump unit for central heating on garage roof (retention of works already undertaken) at Glenrose, 89 Greenway, Monkton Heathfield

Location: GLENROSE, 89 GREENWAY, MONKTON HEATHFIELD, TAUNTON,
TA2 8NH

Grid Reference: 325420.127453

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

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 external finishes of the works hereby permitted shall match in material, colour, style, type, size, pointing, coursing, jointing, profile and texture those of the existing building.

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

3. As per the email dated 11/07/2018 foam shall be inserted between the rafters of the roof used to shield the unit within one month of the date of this permission

Reason: To safeguard the amenity of the neighbouring properties.

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.

Proposal

Permission is sought for the installation of a heat pump unit for central heating on the garage roof (retention of works already undertaken).

Amended plans submitted by the applicant show the heat pump to be screened by interlocking tiles to form a false roof. This was proposed by the applicant to form a screen from the neighbouring properties and the highway as well as to buffer and to reduce the noise impact.

This application was considered by the planning committee in June 2018 where members deferred the decision to see if the applicant could relocate the device and/or provide mitigation measures, including a noise assessment.

To date no noise assessment has been submitted by the applicant and the heat pump remains in place, albeit with the proposed screen now erected.

Site Description

Glenrose is a detached brick built bungalow with a flat roofed garage. The central heating unit is situated on the flat roofed garage.

Relevant Planning History

No relevant planning history.

Consultation Responses

WEST MONKTON PARISH COUNCIL - The street scene is affected by the installation. It is suggested that the heat pump unit is turned through an appropriate degree (applicant suggested 30 degrees) to diminish the sound and direct it into the trees. The Parish Council recommends that acoustic louvres are fitted around the heat pump unit to reduce the sound and to turn the heat pump through 90 degrees which would not reduce air flow, but would reduce the impact on the street scene. The Parish Council would support the written recommendation from the TDBC Environmental Health Officer who attended the property.

Representations Received

8 letters of objection making the following comments (summarised):

- Emits a constant noise
- industrial appearance
- the impact on wildlife
- effect on the streetscene
- Elevated position dominates the neighbours

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.

DM1 - General requirements,
D5 - Extensions to dwellings,

Determining issues and considerations

The main consideration in determine this application is the impact upon the neighbouring properties.

The application was deferred to see if the heat pump could be relocated to an alternative location which may not require planning permission and be classed as permitted development.

For the installation of an air source heat pump to be considered permitted development the noise levels should be 48 dB as stated by the MSC Planning Standards. The noise levels generated by the installed heat pump is 62 dB, the proposal would therefore not be considered permitted development regardless of location. The noise generated from the pump is lower than the noise generated by a dishwasher or a running shower, however it is noted that the pump would be on continuously.

Environmental Health have closed their case as they have considered the noise to not be a statutory nuisance.

Discussions were had with the applicant about the possibility of relocating the unit, this was considered an unviable option. Therefore in an email dated 11th July 2018 the applicant has proposed to inset foam between the rafters of the roof screen to further absorb any noise.

At the time of writing the applicant has not submitted a noise assessment it is therefore being presented to committee for further consideration.

It was originally recommended for approval and at that time, the proposal included the erection of a visual screen. That screen has now been erected and therefore members will be able to make a decision as to whether this mitigates the visual harm of the heat pump.

The original officer recommendation remains, albeit with an addition condition

proposed that would ensure that foam material is inserted between the rafters of the screen.

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

Contact Officer: Briony Waterman

43/18/0097

FREEMANTLE CAPITAL PARTNERS (WELLINGTON) LTD

Demolition of buildings and replacement of with rebuild and extension of 3 Cornhill to create 4No. flats, erection of 34No. dwellings and conversion of 4 - 6 Cornhill into 4No. dwellings with associated access roads, car parking, landscaping and associated works on land to the north of Fore Street, Wellington

Location: LAND ADJOINING NORTH STREET CAR PARK, FORE STREET,
WELLINGTON

Grid Reference: 313798.120573 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval subject to a legal agreement to secure appropriate equipment on the nearest play area to the site.

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 P2944/100 Existing Site Plan
- (A1) DrNo P2944/101 Existing Floor Plans
- (A1) DrNo P2944/102 Existing Elevations
- (A1) DrNo P2944/103 Proposed Site Plan - Ground Floor
- (A1) DrNo P2944/104 Proposed Site Plan - First Floor
- (A1) DrNo P2944/105 Proposed Site Plan - Attic Floor
- (A1) DrNo P2944/106 Proposed Site Plan - Roof Plan
- (A2) DrNo P2944/107 Units 1 - 6 : Proposed Plans & Elevations
- (A2) DrNo P2944/108 Units 7 - 14 : Proposed Plans & Elevations
- (A2) DrNo P2944/109 Units 15 - 23 : Proposed Plans
- (A2) DrNo P2944/110 Units 15 - 23 : Proposed Elevations
- (A2) DrNo P2944/111 Units 24 - 27 : Proposed Plans & Elevations
- (A2) DrNo P2944/112 Units 28 - 31 : Proposed Plans & Elevations
- (A2) DrNo P2944/113 Units 32 - 34 : Proposed Plans & Elevations
- (A2) DrNo P2944/114 Units 35 - 42 : Proposed Plans
- (A2) DrNo P2944/115 Units 35 - 42 : Proposed Elevations

(A2) DrNo P2944/116 Site Sections & Strip Elevations
(A1) DrNo P2944/117 Proposed Site Plan : Drainage Strategy
(A3) DrNo P2944/118 Bin Store Details
(A3) DrNo P2944/119 Cycle Store Details
(A3) DrNo P2944/120 Existing Site Plan : Demolition
(A4) DrNo P2944/121 Location Plan
(A1) DrNo 1305-01 Rev B Landscape Strategy Proposals

(A1) DrNo 1305-02 Planting Proposals
(A1) DrNo 1305-03 Hard Landscape Proposals

(A1) DrNo P2944/103 Proposed Site Plan - Ground Floor
(A1) DrNo P2944/104 Proposed Site Plan - First Floor
(A1) DrNo P2944/105 Proposed Site Plan - Attic Floor
(A1) DrNo P2944/106 Site Plan - Roof
(A2) DrNo P2944/107 Units 1-6 Proposed Plans & Elevations
(A2) DrNo P2944/108 Units 7-14 Proposed Plans
(A2) DrNo P2944/109 Units 15-23 Proposed Plans
(A2) DrNo P2944/110 Units 15-23 Proposed Elevations
(A2) DrNo P2944/111 Units 24-27 Proposed Plans & Elevations
(A2) DrNo P2944/112 Units 28-31 Proposed Plans & Elevations
(A2) DrNo P2944/113 Units 32-34 Proposed Plans & Elevations
(A2) DrNo P2944/114 Units 35-42 Proposed Plans
(A2) DrNo P2944/115 Units 35-42 Proposed Elevations
(A2) DrNo P2944/116 Site Sections & Strip Elevations
(A1) DrNo P2944/117 Proposed Site Plan - Drainage
(A1) DrNo P2944/120 Existing Site Plan - Demolition
(A4) DrNo P2944/121 Location Plan
(A2) DrNo P2944/122 Units 7-14 Proposed Elevations

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

3. No development of the new build dwellings (plots 1-34), excluding demolition of existing structures on site, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a 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.

Reason: To ensure the preservation of archaeological remains.

4. No demolition or alteration to numbers 4 - 5 Cornhill shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to and agreed in writing with the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the demolition or alteration of the existing buildings.

Reason: To help record the archaeological heritage of the district.

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 Ethos ecology's submitted report, dated July 2018 and include:
 - a. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - b. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 - c. Measures for the retention and replacement and enhancement of places of rest for the species.

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 bird boxes and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

6. 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.

Reason: In the interests of highway safety.

7. Prior to the occupation of the new build development (plots 1-34) hereby permitted, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented in accordance with the details agreed within the travel plan.

Reason: To encourage travel by means other than the private car.

8. The proposed estate roads, footways, footpaths, cycleways, sewers, drains, vehicle overhang margins, junctions, visibility splays, accesses, carriageway gradients, drive gradients, car 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. The approved details shall be implemented such that each dwelling is served by a properly consolidated surface, at least to base course level, prior to its occupation. The scheme shall be completed prior to occupation of

90% of the new build dwellings (plots 1-34) hereby permitted.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site and in the interests of the visual amenities of the area.

9. 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.

Reason: In the interests of highway safety.

10. 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.

Reason: In the interests of highway safety.

11. Prior to first occupation of the development hereby permitted access 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.

Reason: To enable a sustainable form of development.

12. The works to 4 – 5 Cornhill hereby permitted shall be carried out such that the buildings are capable of occupation prior to the occupation of 50% of the new build dwellings (plots 1-34).

Reason: To ensure that the works to Cornhill are carried out to secure the enhancement and improvement of Cornhill, in the interests of preserving the character and appearance of the conservation area.

13. The applicant shall ensure that all construction vehicles leaving the site are in such a 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 construction commencing, and thereafter maintained until the use of the construction on-site discontinues.

Reason: To prevent the discharge of debris onto the highway, car parks and footpaths surrounding the development in the interests of pedestrian and highway safety.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, shall be added to the building(s) other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

Notes to Applicant

1. 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.

Proposal

This application seeks full planning permission for the erection of 34 dwellings and the conversion, alteration and extension of 4 - 5 Cornhill to provide four town houses. At the south west half of the site, three terraced blocks will be sited perpendicular to the existing buildings on Fore Street. Units 1 - 6, 7 - 14 and 15 - 23 will front onto new private driveways and back onto an existing pedestrian path leading to Fore Street. Units 15 - 23 will back onto an access running from Fore Street to the Wellington Silver Band building. At present, this access terminates at the Silver Band building and is understood to be a vehicular as well as pedestrian access. This access is currently gated at the Fore Street end and is closed at night. In both cases, the existing walls fronting these lanes will be kept intact. Small private amenity areas will be provided to the rear and these would also include a parking space at the front for each of these 23 dwellings. The site will be accessed by vehicular traffic from the North Street Car Park via a shared surface roadway, with new private streets providing access to the front of the dwellings and the associated parking spaces.

Towards the western end of the site, the shared surface roadway from the North Street car park will lead to three terraces. Units 24 - 17 and 28 - 31 will back onto commercial properties in North Street (a tyre depot and cycle shop) and will front onto the new private drive. Beyond that, a further terrace of three dwellings will be sited in the centre to the south. From here, a pedestrian link into Cornhill will be provided, via a new path to the south of no. 3 Cornhill. This will provide a new link from North Street car park to the west to Cornhill.

The listed Cornhill properties, which are in a poor state of repair, will be altered and converted into four town houses. Numbers 4 and 5 are listed buildings and the required internal alterations to these properties are the subject of associated listed building consent application (43/18/0098/LB).

A small public open space will be provided behind the Cornhill properties.

Site Description

The site comprises numbers 4 - 5 Cornhill at its eastern extent and an area of 'backland' in the centre of Wellington. This area is bordered by existing properties on Fore Street and North Street. To the east of the site lies the North Street car park. The site is currently unkempt and overgrown and contains a number of dilapidated structures. A large Willow Tree, subject to a Tree Preservation Order, is a prominent feature when viewing the site from the North Street car park.

The site is currently accessed via a number of points: An existing pair of wooden gates forms the only vehicular access from the North Street car park. Adjacent to this is a passageway that leads from the car park to Fore Street. Further to the east, there is a further pedestrian access adjacent to 17 Fore Street that leads to a large stone building, currently owned and used by Wellington Silver Band (the "Silver Band Building" and "Silver Band access"). This access also provides access to the rear of properties on Fore Street, including a mews of terraced dwellings behind number 15. The ground floor of the Silver Band building and adjacent ground to the east, within the site, is in retail use.

Relevant Planning History

Outline planning permission and listed building consent was granted on 2012 for the demolition of existing structures and the erection of 30 dwellings and the conversion and extension of no's 4 - 5 Cornhill to provide 4 shops and 6 apartments. This was subject to a Section 106 agreement to secure an off-site financial contribution to children's play equipment. The permissions have now lapsed but are a material consideration in the determination of this application.

Three applications were submitted for residential development in 2007. Together they proposed the erection of 78 apartments in 5 blocks arranged across the site. Permission was refused for all 3 applications on the general grounds that the form of the development had poor regard for the existing townscape and conservation area; the proposals did not adequately provide for the comprehensive development of the area, including the properties in Cornhill; that there was no provision for affordable housing or contributions towards leisure facilities; the scale of the development was out of character with neighbouring properties and was, therefore, un-neighbourly and cramped; and that further ecological assessment was required.

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - (Original Comments)

For clarity, in terms of traffic impact it is the view of the Highway Authority that the proposed development is unlikely to have a cumulative impact on the public highway network that can be considered severe.

The proposal site lies just north of Fore Street in Wellington town centre. The proposed access point is via an existing access off North Street which serves a car park. It is to our understanding that the proposed development will remain private. The Highway Authority has no intention to adopt the internal aspects of the site.

Parking

It is noted that the proposed parking number is noticeably below the Somerset Parking Strategy (SPS) optimum standard. Consideration is taken given the sites proximity to local transport network links, public car parks and the previous consent of the site. However, the Local Planning Authority should note that there is greater potential for vehicles to park on the nearby highway with this proposed parking figure.

It is important that sustainable methods of travel are made available to future residents of the proposed development whilst also considering the shortfall of proposed vehicle parking as noted above. The proposed cycle parking is currently below the SPS optimum standard and it would appear no motorcycle parking is proposed. It is required the applicant provides safe, secure and sheltered cycle parking in line with the SPS and motorcycle parking that identifies with the SPS.

Access

It appears that the swept path analysis is based upon a 10.6m refuse vehicle. The swept path of an 11.4m refuse vehicle should be used. On the information provided

to date it is unclear whether a 10.6m refuse vehicle can safely manoeuvre within the internal layout and enter the public highway in a forward gear. Drawing Number: TR03 would appear to show vehicle confliction with a brick wall within the plans. It has to be demonstrated to ensure all vehicles are able to enter the public highway in a forward gear.

It is therefore recommended that the applicant provides a further swept path analysis, based upon a 11.4m refuse vehicle or contacting the local waste management company to establish which type of vehicles are likely to service the development and, given that the site is to remain private, whether they are satisfied to serve the proposed development. The applicant should be mindful of recommended distances over which refuse bins can be transported by operatives/residents as set out within 'Manual for Streets'.

Internal Layout

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 (APC).

However, given the constraints of the site, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road(s) should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

Full contact details of the management company responsible for the future upkeep of the site will need to be submitted to SCC together with a schedule outlining what the management company will be responsible for.

As part of a S106 obligation, it will be requirement that a condition survey of the existing public highway will need to be carried out jointly between the developer and the Area Highway Service Manager, and agreed prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer to the satisfaction of the Area Highway Service Manager prior to occupation of the development. It is recommended that contact be made with the Area Highway Service Manager to arrange for such a survey to be undertaken.

The developer will be held responsible for any damage caused to public highways 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 developer's representative in the presence of the SCC Highway Supervisor showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.

Despite the site is to remain private, the lack of footways throughout the site causes slight concerns bearing in mind the number of dwellings proposed and associated use of motor vehicles.

Private surface water will not be permitted to discharge onto the publicly maintained

highway. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to SCC.

The entrances to the private drives located to the south-east of this road should ideally be constructed 5.0m in width to allow for two-way vehicle passing. The width of the entrance to the private drive between units 8 and 23 only measures 4.2m. This would help avoid any unnecessary vehicle queuing within the private road that runs south-west/north-east through the site.

If it is the intention to light the site the developer will need to energise the lights via a private power source and not one being used by SCC.

It is noted a pedestrian access will be provided onto the unclassified, no through Cornhill Road to the east of the site. The applicant should consider pedestrian safety for all users when entering Cornhill from the proposal site.

It should be noted that any retaining wall structure owned by others within 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary will need the design details checked and approved by the Somerset County Council Structures Section.

Travel Plan

A Travel Plan Statement was submitted as part of the application. This has been reviewed and there are a number of issues identified, that will require addressing to achieve an acceptable Travel Plan (TP) that will require securing via a S106.

The key points that require addressing are:

- The TP should state that it will be registered on iOnTRAVEL prior to approval and that the iOnTRAVEL system will be used for the duration of the Travel Plan from registration and approval through to implementation and monitoring.
- There is no mention of TP Fee in the travel plan. The fee should be stated in the travel plan. For a development of this size, the fee is £700 plus VAT to be paid in full to SCC prior to commencement of the development.

The site Audit will require the following:

- Include photos of the site and surrounding area.
- Include information on local cycle routes including (off road routes).
- Include details and times of all bus services in a tabular format with key commuter times included. Full timetables can be included in an appendix.
- Give details of comfort of use of pedestrian/cycle routes (how busy, widths of paths etc).
- Details of nearest facilities with walk/cycle times including schools, doctors surgeries etc.

The action plan will require the following:

- The action plan should be in tabular format showing the measure, who is responsible for implementing it and when it will be implemented.
- Measures from Table 3.1 should be included along with the action plan in section 3.5.

- There is reference to a £500 voucher for sustainable travel but it's not clear what this can be redeemed against or if it's available to all dwellings. Please clarify as vouchers should be made available to all dwellings.
- Green travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property for a period of five years from each occupation, to aid with uptake of smarter travel choices in accordance with SCC Travel Plan guidance 2011.

The TP must state the following:

- The TPC will be responsible for implementing the TP and reporting against the travel plan targets and action plan entered via www.iontravel.co.uk. The TPC function will be fulfilled from the construction of the development, to occupation and for the agreed monitoring period (5 years after 80% occupation).

The following should also be noted:

- The TP must also state the amount of time per week that the TPC will have to manage the TP (please refer to Table 3.2 of the SCC TP guidance for guidelines) and give a commitment to getting the TPC qualified further to training provided by ACT Travelwise. The TPC should be given a budget to implement TP initiatives.
- Physical measures and features are not shown clearly in the figures provided in the Travel Plan. The TP shall include clear figures showing the location of proposed measures/features, and demonstrate that they are being considered in the planning of the development.
- A commitment to electric vehicle charging points has not been included in the TP. This is an SCC policy requirement. For this development, it would be appropriate to provide Electric Vehicle Charging points.
- Cycle parking has been mentioned but appears to be below SCC standards at the 3 bed dwellings as lockers for 2 cycles are being proposed. No motorcycle parking is referred to in the TP. This should be in line with the SPS.
- A Travel Plan Management Fund (to cover promotional events) should be provided and an appropriate fee to be agreed.
- The TP should state that a S106 agreement will be used to secure the TP. The S106 agreement should contain a Travel Plan schedule and the agreed TP should be appended to the agreement.

Conclusions

With the above information in mind, there is no objection to the principle of the proposal however it is advised the applicant addresses the following prior to the Highway Authority recommending suitable conditions.

- Demonstrate a suitable swept path analysis of an 11.4m refuse vehicle.
- Update the submitted Travel Plan as advised above (secure via s106).

- Clarify cycle and motorcycle space numbers and policy compliance.

Revised Comments (November 2018)

Refuse parking

In our previous comments (dated 9 November 2018), Drawing No: TR03D appeared to show swept path vehicle conflict with a wall. The applicant has since provided revised drawing TR03E of the swept path analysis which now appears to have removed the conflict.

The applicant has also provided evidence of contact with the local Waste Management Company regarding what private companies may be able to serve the site. The Waste Management Company have also advised the applicant/developer to incorporate larger vehicles for the site for any avoidance of doubt. To reiterate, the Highway Authority has advised that the applicant consider/provide a swept path analysis based upon larger vehicles that have been proposed by the applicant to date. The Highway Authority would require that all associated vehicles have the capacity to enter the public highway safely, in a forward gear from the proposed development.

Cycle and Motor Cycle Parking

The applicant has not proposed any motorcycle spaces to accommodate the proposal, however has suggested that a number of spaces could be provided if necessary in North Street carpark. The Highway Authority would welcome this, however the LPA should weigh up any potential loss of parking spaces to the public car park within the planning balance.

The applicant has proposed 80 cycle spaces to accommodate the proposal. The Somerset Parking Strategy (SPS) states 1 cycle space per dwelling should be provided. Whilst it would be difficult to sustain an objection on the current number of cycle spaces, the Highway Authority still maintain that cycle parking should be provided in line with the SPS where there appears scope to do so (and considering the limited car parking at the site). It is noted however, that no cycle parking has been indicated on the current plans, the applicant needs to demonstrate how suitable cycle parking will be accessible to any future residents, subject to planning being granted. Cycle parking should be safe, secure, sheltered and easily accessible.

Travel Plan

The applicant has not provided any amendment to the Travel Plan as advised and has suggested that a Full Travel Plan can be secured via a S106, that could be submitted in full and agreed prior to first occupation of any dwelling. The Highway Authority consider it necessary however, given the nature of the site and the necessity of providing sustainable travel that a suitable Travel Plan be submitted to and approved in writing that will be secured under the S106 agreement prior to the commencement of any works. The LPA should note that this is a larger scheme than past consented scheme 43/11/0083 where our recommendations for the previous application (43/11/0083) was for a suitable Travel Plan to be agreed in full

prior to the commencement of the development and therefore our view on this remains.

Conclusion

With the above and our previous comments dated 15 October 2018 in mind, if the LPA are minded to grant planning permission for the development proposed, the Highway Authority recommend that a suitable Travel Plan is agreed in writing, in full and secured via a S106 prior to commencement of works at the site (please also note the S106 obligations below). The Highway Authority would also recommend the following conditions 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.
- 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 development hereby permitted shall not be first occupied until an agreed number vehicle parking spaces for the development have been provided and, in a position, approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.
- 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.
- Prior to first occupation of the development hereby permitted access 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.
- 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.

S106 Obligations

- Green travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property for a period of five years from each occupation, to aid with uptake of smarter travel choices in accordance with SCC Travel Plan guidance 2011
- There is no mention of TP Fee in the travel plan. The fee should be stated in the travel plan. For a development of this size, the fee is £700 plus VAT to be paid in full to SCC prior to commencement of the development.
- The TP should state that it will be registered on iOnTRAVEL prior to approval and that the iOnTRAVEL system will be used for the duration of the Travel Plan from registration and approval through to implementation and monitoring.
- The TPC will be responsible for implementing the TP and reporting against the travel plan targets and action plan entered via www.iontravel.co.uk. The TPC function will be fulfilled 3 months prior to first occupation and for the agreed monitoring period (5 years after 80% occupation).
- Cycle parking in accordance with Somerset County Council Travel Plan Guidance 2011 – a minimum of 1 space per bedroom. Cycle parking needs to be safe, secure, sheltered and accessible.
- A Travel Plan Management Fund to be submitted and agreed.
- A condition survey of the existing public highway will need to be carried out jointly between the developer and the Area Highway Service Manager and agreed prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer to the satisfaction of the Area Highway Service Manager prior to occupation of the development.

Note

The applicant will be required to secure an appropriate licence 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.

(Final Comments): With reference to the above application and the drainage detail proposals attached the Highway Authority would like make the following observations on the surface water management proposals as they relate to the both the existing public highway and the internal access roads serving the development.

1. The design of the pavement foundation for the internal access roads should take into consideration that the subsoil will be saturated due to the presence of the soakaways.
2. Soakaways should be located a minimum of 5 metres from any structure.
3. Positive drainage measures must be provided in all the internal access roads to collect surface water run-off and discharge to either soakaways or the existing drainage network on site. Surface water should be prevented from discharging onto the adjacent car park as this could eventually. With the above in mind it is advised that condition 2 is imposed in the event of planning permission being consented.

WELLINGTON TOWN COUNCIL - It was recognised that the principle of residential development of this site had previously been established. However, the concerns regarding conflicting traffic movements were shared by the Council.

HERITAGE - The development of the site at North Street lies within the Wellington Conservation Area which is a heritage asset at Risk. The development is required to be of a high quality on order to preserve the historic integrity of the Conservation area and enhance the historic designation. The area of development constitutes a large part of the Conservation Area which is currently neglected, overgrown back-land development. The scheme would save two listed buildings and other buildings of merit in the Conservation Area. The development should be contingent on the works being carried out to the listed buildings and the other designated heritage assets.

I am satisfied with the layout of the scheme following pre-application discussions, although remain concerned with the two blocks on the north of the site which I feel are problematic in regard to the topography of the site and the neighbouring properties and also the loss of boundary historic walls.

Following on from advice received at pre-app from TDBC and Historic England the applicants have improved the layout to the site including improvement to the rear (setting of the listed buildings) by removing parking provision and moving the neighbouring block further from the rear of the buildings. The layout of the blocks also respects the line of the burgage plots in line with the historic development of the town.

There remains a significant amount of demolition in the proposals within the Conservation Area. The loss of fabric will have a negative impact on the character

of the Conservation Area. Walls have been retained where possible and the inclusion of the historic wall within the design is a positive factor.

HISTORIC ENGLAND –

Significance

The proposed development site is located within the centre of Wellington Conservation Area, currently identified as a Conservation Area *at Risk*. The site is bound by the historic routes of Fore Street, Cornhill and North Street and retains a back-land character, being made up of the rear plots of the principle buildings along the aforementioned streets. A number of these properties are listed at grade II, while many of the others have been identified as buildings that provide a positive contribution to the conservation area.

The site is located within Zone 1 of the conservation area appraisal's identified character areas. The area had formed the medieval core of Wellington but underwent extensive growth and redevelopment in the 18th and 19th century through the commercial expansion of the town. Although many of the early buildings were lost, vestiges of the medieval layout remained through the survival of the burgage plots.

These can still be seen through the delineation of the boundary walls and ancillary buildings that reinforce the town's urban grain.

The proposed site is overgrown but does contain vestiges of the former burgage plots and ancillary buildings. The principle character is green and lush reflecting its former use as a garden but also contains a number of functional buildings reflecting its role as an ancillary space to the principle buildings. This sense of hierarchy is still clearly read from the publically accessible car-park that borders the site. The sense of privacy and intimacy of these rear plots is also appreciated in views from the car-park due to the sense of enclosure created by the surrounding buildings and strong boundary line.

Background

Consent was granted in 2012 for the redevelopment of the site. Historic England commented on the scheme at the time and raised a number of points that required further consideration. Our main concern was the demolition of the ancillary buildings and loss of boundaries that would result in the erosion of the character and appearance of the area.

Impact

The demolition of the ancillary buildings and the boundary walls that delineate the former burgage plots will result in significant harm to the conservation area through the erosion of a surviving feature of the settlement's early development. This is an important feature in terms of the archaeology of the settlement as well as the resulting impact on the surviving townscape and urban grain.

If the case can be made for the demolition of these buildings, further consideration needs to be given to the layout, massing and design of the proposed development to ensure that it preserve or enhanced the character and appearance of the conservation area.

The linear nature of the structures does look to follow the existing strong grain held within the conservation area, although could better respond to the former bargage plots. We would encourage the buildings to be set back from the main range of buildings along Fore Street, many are listed and consideration will need to be given to their setting.

In terms of scale and massing of the new development, this responds to the sense of hierarchy within the site. The new build remains subservient to the principle structures.

We were not wholly convinced by the end ranges of the blocks containing units 7 – 14 and units 15 - 23. However, these are within the footprint of the overall depth of the range and could be accommodated if the design is appropriate.

In terms of the design approach, the proposal is for domestic ranges of terraced housing. The character of the area is back-land, articulated with ancillary and functional structures with a connection to the garden. The scheme needs to reflect these qualities within the design and we are not convinced at present that this has been achieved due to the overtly domestic appearance and the hard landscaping associated with the associated car-parking.

Part of the heritage benefits offered by the scheme, is the repair of the grade II listed pair of cottages (4 & 5 Cornhill - List Entry Number 1344794). As it is grade II listed, we do not wish to offer detailed comments but would highlight the need for the new works to sympathetically respond to surviving internal features in order to allow the conversion to be sensitively achieved. This includes chimney breasts and staircases.

We are pleased that the walls along the boundary of the current passageway are being retained without any further interventions. Where we consider further thought will need to be provided is the entrance into the site from the car-park. The area has retained a sense of intimacy and privacy due to the back-land character and the sense of enclosure from the surrounding buildings and boundary walls. Therefore the approach to the point of access into the site needs careful consideration in order to respect the character of this area. It needs to create a clear transition from the open and public character of the car park to the more intimate sense of place within the proposed development site. At present this has not been demonstrated and raises concern.

Policy and Position

As the application affects a conservation area, the council has a statutory requirement to pay **special attention** to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72(1), Planning (Listed Buildings and Conservation Areas) Act 1990).

In our view the demolition of the outbuildings and structures including walls within the site will result in harm through the loss of the evidence they provide for the development of the settlement of Wellington and the positive contribution they make to the urban grain, the sense of hierarchy within the town. The council need to be satisfied that the justification for the loss of these structures has been clear and convincingly demonstrated (Para 194, NPPF).

In terms of the proposed development, this needs to preserve or enhance the character and appearance of the area as required under national legislation as well as the NPPF (Chapter 12). We consider that further attention should be given to the overall design approach to address their overly domestic appearance and to reflect the greater ancillary and functional quality of the area. This needs to be balanced against the requirement for a robust landscaping scheme that will help retain some of the positive qualities of the site through its role as garden.

The other issue that needs addressing is the point of arrival. There needs to be a clear distinction and change of character at the point of access from the car park. The site holds a sense of intimacy and privacy, which needs to be retained within the design.

At present, we have concerns that the development is unable to satisfy the majority of the requirements of Para 127, NPPF through the current design response. Consequently, it will be unable to meet the requirements of Para 200 in terms of preserving or better revealing the significance of the asset.

Further steps should be taken within the design approach to address the points raised above and to ensure that the scheme responds positively to the conservation area.

This should look to address the requirements of Para 190, NPPF, where conflict between development and the conservation of the heritage asset is identified steps should be taken to avoid or minimise the harm identified.

The current scheme in our view will result in harm to the character and appearance of the conservation area. This harm needs to be considered against the public benefits of the scheme, which should demonstrably outweigh the harm identified (Para 196, NPPF). Public benefit can include conservation gains and we would encourage ways in which elements of the surviving buildings and structures could be reused within the scheme.

Recommendation

Historic England has concerns regarding the applications on heritage grounds. Harm will be caused by the loss of the ancillary structures within the back-land area. Consequently, any new development should look to enhance or preserve the character and appearance of the conservation area. At present, we are not convinced that the development through the design of the new builds, the landscaping or the access responses to the significance of the asset: an area characterised by gardens, functional utilitarian structures and a sense of intimacy and privacy.

DESIGN REVIEW PANEL - Summary of key recommendations:

- The Panel is generally very supportive of the project's aspirations;
- The site may provide a desirable place to live and residential development in this location is encouraged;
- Further consideration should be given to assessing the wider context and a Conservation Area Appraisal should be provided:

- The buildings appear overly monolithic;
- It would benefit the scheme to look less suburban;
- The site should become a predominantly pedestrian area;
- Consider creating three different character areas within the site;
- The massing and form should be traditional although contemporary materials can be used;
- The bay windows on the gable ends should be re-considered;
- The gardens look very small;
- The scheme should have more of a mews character with good quality, well detailed hard surfaces;
- The external spaces should be tightened up to create both narrow and wider gaps to create character and identity.

ENVIRONMENT AGENCY - No comment.

BIODIVERSITY - The application is for the demolition of buildings and removal of garden vegetation with replacement and rebuild at Cornhill, Fore Street, Wellington

Biodiversity

Ethos carried out an ecological assessment of the site dated July 2018. The findings were as follows:

Hedgehog -The site was dominated by dense bramble which provided moderate potential for hedgehog

Badger - There was no evidence of badger on site.

Bats - The rear gardens form a small area of scrub and scattered trees which could provide limited foraging potential for bats.

The surveyor found no evidence of bats in the nine buildings on site. It was considered that the structures all offered negligible potential for roosting bats.

Birds - Two structures (6 and 7) on site were occupied by pigeons.

Vegetation on site offered potential for nesting birds.

I support the recommendation to erect bird boxes on site.

Reptiles - The dense scrub on site was densely overgrown with limited basking opportunities for reptiles. Disturbance could be avoided by using a suitable working method.

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 Ethos ecology's submitted report, dated July 2018 and include:

Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;

Details of the timing of works to avoid periods of work when the species could be harmed by disturbance

Measures for the retention and replacement and enhancement of places of rest for the species.

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 bird boxes and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

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.

TREE OFFICER - the existing trees are not of particularly high quality, being either smallish fruit trees, self-sown sycamore, cherry and one severely declining weeping willow. They would not constitute a serious constraint to development. However, the area has nevertheless been a reasonably green 'oasis' for some time, and some of the trees have been included in two Tree Preservation Orders – TD914 and TD1006. These trees have provided some amenity value in this urban area close to the car park and well-used footpath to the High Street. I therefore think that more effort should be made in the design of the development's layout to allow for some serious replacement tree planting, particularly around the car park and footpath area, so that the area is not just buildings and hard landscaping.

LANDSCAPE (original comments) -The existing garden vegetation provides a positive contribution to the conservation Area. Its complete removal will greatly impact on the character of the area mainly changing views from the public car park.

I would like to see additional landscaping proposed particularly near to the car park. Full landscape details are required.

Further Comments: This too flowery and more suburban rather than urban landscaping.

Regarding the hard landscape plan – this is unduly dominated by blacktop and where this is proposed for the highway for the access road and turning head this requires stone chippings to be less glossy in appearance. After the turning head area we are seeking a shared surface preferably in fibre deck gravel surface with a demarcated stone kerb and parking spaces picked out using a raised stone sett. Kerbing throughout the scheme should be natural stone. We do not wish to see

blocking paving rather car parking spaces picked out with a raised stone sett. Our preference is for pavements in flags of random length (not 450 x 450 slabs).

HOUSING ENABLING - It is noted from the Affordable Housing Statement, that an independent viability appraisal is to be submitted shortly. Housing Enabling are unable to comment on this application, until such time as the viability appraisal becomes available.

WESSEX WATER - No comment.

DRAINAGE ENGINEER - The proposed development will increase the impermeable area, and will result in an increase in surface water runoff.

The drainage proposals are to discharge surface water from retained buildings to an existing surface water sewer, and new buildings to soakaway. However, the storage has only been designed to accommodate the 1 in 100 year (+20% climate change). However, new climate change figures have been published by the Environment Agency, and 40% allowance is required.

The applicant should submit revised calculations on that basis, to ensure sufficient storage is provided.

In addition the applicant needs to provide further details of what will happen in an exceedance event, where the drainage system is overwhelmed. It should be demonstrated that surface water should be managed within the site, without resulting in flooding to properties, until such time as it can discharge back into the drainage system.

SOUTH WEST HERITAGE TRUST -

The site lies within the Wellington Area of High Archaeological Potential. I agree with comments from Historic England regarding the potential for medieval occupation in this area. The Heritage Statement has also identified the potential significance of the buildings.

For this reason I recommend that the developer be required to carry out a programme of archaeological investigation to include building recording and site investigation and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted.

"Programme of Works in Accordance with a Written Scheme of Investigation (POW)
Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried

out in accordance with the approved scheme."

SCC PUBLIC HEALTH -

- The proposed cycle parking provision is well below standard, a minimum of 101 spaces is needed;
- It is not acceptable to have cycle storage in the back gardens without access other than through the dwellings;
- Whilst the proposed car parking is below the maximum standard, it could be even lower in this urban location
- Some of the car parking spaces could be used for cycle parking;
- The developer should be considering car club provision;

LEISURE DEVELOPMENT - In accordance with SADM Policy C2 and Appendix D, provision for children's play should be made. The application proposes 42 dwellings of which 32 are 2 bed + dwellings. Developments of 20 or more 2 bed + dwellings trigger the provision of an on-site LEAP. However, on-site provision would not appear to be possible.

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

SCC - CHIEF EDUCATION OFFICER - No Comment.

POLICE ARCHITECTURAL LIAISON OFFICER –

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 proposed use of physical or psychological features i.e. surface changes by colour or texture, rumble strips and similar features within the shared areas, parking spaces and private drive should help define defensible space giving the impression that the area is private and deterring unauthorised access. The proposed new pedestrian link between the Cornhill and private drive also appears to fit the above criteria.

Orientation of Dwellings – all the dwellings appear to overlook the street and public areas which allows neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection.

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. More 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 adjacent fencing and lockable. The plans indicate 1.8 metre closeboard fencing between rear gardens, 0.9 -1.8 metre walls around rear gardens

(the latter being the recommended height) and 450mm dwarf wall with railings to communal garden area of flats (which is appropriate to aid surveillance).

Cycle/Bin Stores – should be capable of being secured to prevent theft of pedal cycles and use of wheelie bins for arson or as climbing aids. I have some concerns regarding the location of the ‘cycles for flats’ in the pedestrian link adjacent to No. 2 Cornhill, as any cycles left here are potentially vulnerable to theft. I recommend these cycle hoops be relocated inside the communal garden. Both pedestrian entrances to the communal garden should also be gated to deter unauthorised access.

Car Parking – all parking appears to be on-plot parking spaces which, in the absence of garages, is the recommended option.

Landscaping/Planting - should not impede opportunities for natural surveillance and must avoid 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. Generally speaking, this recommendation appears to be complied with.

Street Lighting – all street lighting for adopted highways and footpaths, private drive and pedestrian links 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 providing a means of access into a dwelling (incl. communal and flat entrance doorsets) and ground floor or easily accessible windows and rooflights must be tested to PAS 24:2016 security standard or equivalent.

Secured by Design(SBD) – if planning permission is granted, the applicant is advised to refer to the ‘**SBD Homes 2016**’ design.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No comment.

SOUTH WESTERN AMBULANCE SERVICE - No comment.

ENVIRONMENTAL PROTECTION CONTAMINATED LAND - No comment.

Representations Received

Eight letters of objection have been received from residents of Bishops Court and several local traders which are summarised as follows:

- Concern about the pedestrian link across the site from the corner of Bishops Court to the existing footpath serving Fore Street. Visibility at this corner is restricted and the new road should be of a smooth surface;

- There is no plan to show the existing public car park layout and how it will be affected by the proposed changes;
- The demolition of old and historically valuable should not be allowed as these buildings have been allowed to deteriorate; the replacement is cheap and unhistorical;
- The Cornhill buildings should not be converted into residential as there is a need for small retail units to serve independent traders;
- A right of way alongside the Wellington Silver Band building should remain closed off at one end for security purposes. It is not a public right of way and is used by vehicles as well as pedestrians.

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,
 DM5 - Use of resources and sustainable design,
 SD1 - Presumption in favour of sustainable development,
 SP1 - Sustainable development locations,
 SP3 - Realising the vision for Wellington,
 SB1 - Settlement Boundaries,
 ENV1 - Protection of trees, woodland, orchards and hedgerows,
 ENV2 - Tree planting within new developments,
 ENV4 - Archaeology,
 ENV6 - Wellington Burgage patterns,
 D7 - Design quality,
 D8 - Safety,
 D10 - Dwelling Sizes,
 D12 - Amenity space,
 C5 - Provision of Community Facilities,
 A5 - Accessibility of development,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

The application is for residential development within the settlement limit of Wellington 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.

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	£36,688
Somerset County Council	£9,172

6 Year Payment

Taunton Deane Borough	£220,130
Somerset County Council	£55,032

Determining issues and considerations

The Principle of Development

The site is in the centre of Wellington. The principle of development is acceptable due its location in the town centre which is sustainable in transport terms. A wide range of local facilities exist adjacent to the site with bus stops providing regular links to Taunton and beyond. The main issues in the consideration of this application are the impact on heritage assets; the detailed design and layout of the scheme; development viability and the impact on community facilities and infrastructure; the impact on the highway network; and impact on wildlife.

Heritage Issues

The site is centrally located within the Wellington Conservation Area which has been identified as being "At Risk" by Historic England. The site is overgrown but lies within the medieval town centre with remnants of old burgage plots, ancillary buildings and boundary walls. These contribute to the character of the Conservation Area and are defined as "heritage assets" (Annex 2 NPPF). A number of these existing structures and boundary walls will be demolished to enable the proposed development to proceed. The loss of these heritage assets will harm the positive contribution that they make to the area. The Council therefore has to assess the significance of these assets and satisfy itself that their loss can be justified under Paragraph 194 of the NPPF.

The Council is required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. NPPF 2018 guidance states 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, with any harm or loss requiring clear and convincing

justification. Paragraph 195 states that 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. Finally, paragraph 196 states that 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.

The site lies to the rear of a number of listed buildings on Fore Street. In addition, most of the site, particularly the western end, forms part of the historic burgage plots that formerly belonged to these properties. SADM Policy ENV6 seeks to retain the historic burgage patterns behind the Fore Street properties. The detailed layout proposes, at the western end, to site buildings within the historic and well defined burgage plots. This is welcomed by Historic England. The layout is such that the buildings would sit within the plots, extending in terraces perpendicular to the principle buildings on Fore Street. New access roads to the front of the dwellings would be driven through on this orientation, reinforcing the north-south pattern of development. Where the plot boundaries are already in the public realm, such as the accesses at Fore Street and to the Silver Band building, the historic walls will be retained. In the 2012 scheme, new individual pedestrian accesses to the new dwellings would have been punched through the walls. The historic walls along the pedestrian paths will now be retained unaltered. This is considered to pay good regard to the existing urban grain and character and appearance of the area.

Historic England has raised concerns about the overtly domestic appearance of the development, concerns which are echoed by the Design Review Panel. In particular, the design has been criticised for being too suburban and monolithic. The entrance to the site from the public car park was considered weak, particularly with regard to the gable ends. The treatment of the gable ends to Units 1-6, 7-14 and 15-23, as they front onto the new road and existing car park, has been the subject of much discussion. The gable elevations have been revised including facing the end of Units 1 - 6 in local stone. The elevations of the terraced blocks have been revised to show a greater degree of articulation and a slight variation in roof height. This goes some way to addressing Historic England and the Design Review Panel's concerns.

The development will result in the historic plots being severed from their host buildings in Fore Street permanently. Cross sections through the site have now been provided which illustrate the relationship between the new blocks and the listed buildings in Fore Street. There is no scope to set the new buildings further back into the site without compromising the development. Historic England acknowledge that the new build is subservient to the main structures. Despite the historic association with the backland burgage plots, the settings of the listed buildings on Fore Street are mainly derived from their relationship with the street and adjoining buildings. It is considered that this setting would be preserved by the development and it is acceptable in this regard.

Officers have concerns about the siting of Units 24 - 27 along the north boundary of the site. These dwellings will be sited between 1.5 to 6 metres from a tyre depot business. This is considered to be unacceptably close due to potential noise disturbance and poor amenity. The applicant has referred to the previous planning permission which had dwellings sited right up against the boundary. However, those

dwellings had no windows within the rear elevation, whereas the current proposal has dwellings with windows and small gardens abutting the commercial premises. Officers have been advised that if this block is removed from the scheme then the whole viability of the development is in doubt. This needs to be weighed against the overall benefits of delivering housing on this site.

Numbers 4 and 5 Cornhill are listed buildings and form part of the scheme. A separate listed building consent application deals with the physical changes to these buildings, which are generally considered to be acceptable. The rear of these properties will become much more important visually once the proposed new build is implemented, as the space will become public realm. The settings of the rear of 4 and 5 Cornhill will largely be retained and it is considered that they are preserved.

The large willow tree, subject of a Tree Preservation Order on the western part of the site is proposed to be removed as part of the development. This is regrettable due to its scale and visibility from the North Street car park. However, this tree is in poor condition and it is not possible to develop on the site with the tree in situ. In this instance, it is considered that the relationship of the site with the historic built environment is more important than the preservation of the single tree in this central area of Wellington's townscape. The opening up of new pedestrian and vehicular linkages through the town will significantly alter the way that this part of the town works, and the logic in the connectivity as proposed is considered to be important.

The case for the demolition of the ancillary structures and some boundary walls was accepted by the granting of the 2012 planning permission. Since that time, the condition of the buildings have deteriorated further. A revised Heritage Assessment has been submitted in response to Historic England's concerns, which gives a more robust assessment of the significance of the heritage assets on and adjoining the site. The three terraced blocks in the western part of the site will be sited in the same position as in the 2012 permission, to respect the burgage plots. The redevelopment of the site will result in the refurbishment of the listed buildings at 4 - 5 Cornhill which is a significant heritage benefit to the area. On balance, it is considered that the proposed development will result in less than substantial harm to the setting of the listed buildings and the wider Conservation Area. It will also result in public benefit from developing an untidy and neglected site. Accordingly, the proposal is considered to be acceptable in terms of its layout and impact on heritage assets.

Viability of Development

Under Core Strategy Policy CP5, affordable housing at a level of 25% is sought on sites of 5 or more dwellings. The application is accompanied by a viability assessment that indicates that it is not viable to provide affordable housing on this site. This is due in part upon the high costs of regenerating and repairing the listed Cornhill properties. These properties were in a poor condition at the time of the 2012 planning permission, when it was accepted that the site was not viable for affordable housing. Since that time, the buildings and ancillary structures on site have further deteriorated. The wider residential development can be viewed as providing an enabling development to allow the regeneration of the listed buildings. On this basis, it is accepted that the development as a whole would not be viable and that no contributions are being sought towards affordable housing.

It is considered, however, that the development of the new build element should be tied into the regeneration of the listed buildings by condition.

Community Facilities

Policy C4 of the SADM requires that contributions are made towards the provision of children's play and active recreation facilities in the locality. There is no requirement for contributions towards education provision on a development of this scale. As there is insufficient space within the site to provide a children's play area, an off-site contribution will be sought through a Section 106 Agreement.

Highway Issues

The only means of vehicular access to the site is via the North Street car park, which has entrances from both Fore Street and North Street. Egress is only available via North Street. The provision of 34 dwellings would create additional traffic loading on the junctions of the car park with the public highway, however, given the existing use as a town centre car park, with a high turnover of vehicles, it is not considered that the increased loading would have a significant impact on the local highway network.

The proposed access through the Council owned car park will result in the loss of 2 general parking bays and the relocation of 4 disabled parking bays and 2 general parking bays. In addition, it will also be necessary to reduce the width of a number of parking bays along an east/west alignment, to enable a 5 metre wide access to be achieved. Further information is being sought from the applicant on how the layout of the existing car park will be affected. However, the loss of these spaces and the creation of a private access across Council land is a matter to be agreed between the applicant and the Council's Assets team.

The area of greatest impact is likely to be the junction between the site and the car park, at the corner of the Fore Street. Visibility here is restricted by the high brick walls and the pedestrian route is heavily used. A number of residents of Bishops Court have raised concerns about the suitability of the proposed materials for those with mobility issues. The plans have been revised to show a smooth raised table which will link the end of the Fore Street path with the pavement opposite. The Highway Authority has raised no objection on this basis and, therefore, the arrangement is considered to be acceptable.

The existing access serving the Silver Band adjacent to no. 17 Fore Street will be opened up at the northern end to link into the new development. Concerns have been made by the Silver Band about security issues arising from making the path a through route. At present, the path is gated at night to prevent anti-social behaviour. Officers are of the opinion that the opening up of this path will lead to greater public surveillance. It will also improve the permeability of the site, providing a further link to the town centre.

The development proposes 41 car parking spaces to serve the 42 dwellings including those in the redeveloped Cornhill. This is well below the adopted parking standards. However, given the sustainable town centre location, the provision is considered to be appropriate. If additional parking is required, there is parking provision nearby in the public car park. Provision for cycle parking is shown with each dwelling having an enclosed cycle store within the rear gardens. This is not an

ideal arrangement as some 26 dwellings only have access to the cycle storage through the dwelling. No motorcycle parking is proposed. The applicant has suggested that motor cycle parking could be made available in the Council car park, but no details have been provided.

The proposed new estate road does not meet suitable standards for adoption. It is also not linked to the public highway (as access is required through the Council owned car park). The Highway Authority therefore do not wish to adopt the road. Revised details on the proposed surface materials have been submitted but require further refinement to achieve a high quality finish. This can be controlled by condition. For a development of this size, and where there is no direct point of access to the public highway, it is not considered reasonable to insist upon condition surveys of the local highway network.

In terms of the submitted travel plan, the Highway Authority has stated that there are a number of outstanding issues which have not been addressed as requested. Given that the site is well located in terms of public transport, and in light of the viability considerations detailed above, it is not considered necessary to insist upon travel vouchers to make this development acceptable in transport terms. The Highway Authority has advised that the travel plan can be secured by a Section 106 agreement. However, this was secured by by condition on the previous permission and is considered appropriate in this case.

Uses of Cornhill

It is proposed to repair the listed buildings for residential use. The previous permissions proposed that the ground floor of the Cornhill properties would be used for retail. Local traders have expressed concern that no retail use is currently proposed. The difficulty is that the retail units would have been very small and there were concerns over their future viability. The proposed residential use will be less intrusive in terms of the alterations to the fabric of the listed building.

Impact on Wildlife

A wildlife survey carried out in July 2018 found that the site may be used for foraging by bats. It may also be used by nesting birds and provides good habitat for reptiles. There was no evidence that bats were roosting within the existing structures on site. As the site appears to only be used for foraging, there would be no deliberate disturbance of the habitat caused by the development within the meaning of the Habitats Regulations 2010, and a licence from Natural England would not be required. Accordingly, it is appropriate to deal with the matter through the imposition of a planning condition. However, these impacts would be able to be mitigated provided that a suitable strategy was in place. This can be required by condition.

Conclusions

The proposal is considered on balance to be acceptable in terms of its design and impact on the character and appearance of the conservation area. The listed buildings 4 and 5 Cornhill will be preserved together with their settings and the settings of other listed buildings surrounding the site. It is considered that the viability of the development is marginal at best and that, in this case, the desire to undertake remedial works to the properties on Cornhill, thereby improving the character and

appearance of the town centre outweighs the need to provide affordable housing. It is recommended that planning permission is granted, subject to a Section 106 agreement to secure the financial contribution for children's play equipment.

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

Contact Officer: Ms A Penn

43/18/0098/LB

FREEMANTLE CAPITAL PARTNERS (WELLINGTON) LTD

Conversion with various internal and external alterations into 4 No. town houses at 4 and 5 Cornhill, Wellington

Location: 4 AND 5 CORNHILL, WELLINGTON, TA21 8LU

Grid Reference: 313798.120573

Listed Building Consent: Works

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

to be completed for the update sheet

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

3. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: external materials; window/doors; details of air extraction, works for compliance with Part L of the Building Regulations.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building.

4. The chimney breasts/fireplaces; wall plaster; lath and plaster ceilings; and ceiling beams should be retained.

Reason: To ensure that features of historic or architectural interest are preserved.

5. No roof timbers should be altered or removed without the further approval of listed building consent.

Reason: To ensure that features of historic or architectural interest are preserved.

6. No roof timbers should be altered or removed without the further approval of listed building consent.

Reason: To ensure that features of historic or architectural interest are preserved.

Notes to Applicant

Proposal

This application seeks listed building consent for internal and external alterations at 4 and 5 Cornhill, Wellington. The alterations will enable the buildings to be converted into townhouses..

Site Description

This application relates to two mid-terraced properties on Cornhill, a narrow street that runs between Fore Street and North Street. The buildings, along with their unlisted neighbours are in a relatively poor state of repair.

Relevant Planning History

Listed building consent was granted in 2012 to convert the buildings into retail units with flats above. The permission has now lapsed (ref: 43/11/0084).

Consultation Responses

WELLINGTON TOWN COUNCIL - Recommend that planning permission is granted.

HERITAGE - The listed buildings at 4-5 Cornhill are “at Risk” and in a poor state of repair. The proposed plan form of the buildings is improved from the previous consent and the existing plan form is largely retained, and some reinstated, from the existing form. Although the shop frontages are not to be reinstated the overall plan will benefit the listed buildings. The opportunity to secure the long term future of these buildings will be welcomed. There is a marked improvement from the

previous planning application where the buildings has retail and apartment provision by reducing the intervention in the listed buildings. This layout has also been improved during pre-app discussions.

No 3 and 6 Cornhill are not included in the listed building application but enhance the setting of the listed buildings. They are noted as unlisted buildings of merit in the Conservation Area and should be considered to be heritage assets. Although the fabric of no. 3 Cornhill is due to be demolished due to the deterioration of the existing fabric the presence and form of the building contributes to the setting of the listed buildings. There is more surviving fabric present in no.6 and is due to be retained which is positive to the Conservation Area. This scheme neglects to include a pedestrian walkway through the site (through historic carriageway) which is a positive enhancement to the scheme in heritage terms.

Considering the recommendations from the previous Conservation Officer report and during pre-app discussion the following points are noted:

- The stairs, chimney breasts/fireplaces; wall plaster; lath and plaster ceilings and ceiling beams should be retained.
- The shop windows must be repaired and retained in situ.
- The fenestration to the rear of the property should retain the pattern and proportion of the existing openings.
- Should the render be removed the original positions of doors windows and other features of interest must be recorded and given consideration, if appropriate, given to their reinstatement.
- The existing staircases should be remodelled and missing staircase inserted into the appropriate location.
- The historic doors recorded in the Architectural appraisal to be retained.

These are all details that can be controlled by condition.

HISTORIC ENGLAND -

Significance

The proposed development site is located within the centre of Wellington Conservation Area, currently identified as a Conservation Area *at Risk*. The site is bound by the historic routes of Fore Street, Cornhill and North Street and retains a back-land character, being made up of the rear plots of the principle buildings along the aforementioned streets. A number of these properties are listed at grade II, while many of the others have been identified as buildings that provide a positive contribution to the conservation area.

The site is located within Zone 1 of the conservation area appraisal's identified character areas. The area had formed the medieval core of Wellington but underwent extensive growth and redevelopment in the 18th and 19th century through the commercial expansion of the town. Although many of the early buildings were lost, vestiges of the medieval layout remained through the survival of the burgage plots.

These can still be seen through the delineation of the boundary walls and ancillary

buildings that reinforce the town's urban grain.

The proposed site is overgrown but does contain vestiges of the former burgage plots and ancillary buildings. The principle character is green and lush reflecting its former use as a garden but also contains a number of functional buildings reflecting its role as an ancillary space to the principle buildings. This sense of hierarchy is still clearly read from the publically accessible car-park that borders the site. The sense of privacy and intimacy of these rear plots is also appreciated in views from the car-park due to the sense of enclosure created by the surrounding buildings and strong boundary line.

Background

Consent was granted in 2012 for the redevelopment of the site. Historic England commented on the scheme at the time and raised a number of points that required further consideration. Our main concern was the demolition of the ancillary buildings and loss of boundaries that would result in the erosion of the character and appearance of the area.

Impact

The demolition of the ancillary buildings and the boundary walls that delineate the former burgage plots will result in significant harm to the conservation area through the erosion of a surviving feature of the settlement's early development. This is an important feature in terms of the archaeology of the settlement as well as the resulting impact on the surviving townscape and urban grain.

If the case can be made for the demolition of these buildings, further consideration needs to be given to the layout, massing and design of the proposed development to ensure that it preserve or enhanced the character and appearance of the conservation area.

The linear nature of the structures does look to follow the existing strong grain held within the conservation area, although could better respond to the former bargage plots. We would encourage the buildings to be set back from the main range of buildings along Fore Street, many are listed and consideration will need to be given to their setting.

In terms of scale and massing of the new development, this responds to the sense of hierarchy within the site. The new build remains subservient to the principle structures.

We were not wholly convinced by the end ranges of the blocks containing units 7 – 14 and units 15 - 23. However, these are within the footprint of the overall depth of the range and could be accommodated if the design is appropriate.

In terms of the design approach, the proposal is for domestic ranges of terraced housing. The character of the area is back-land, articulated with ancillary and functional structures with a connection to the garden. The scheme needs to reflect these qualities within the design and we are not convinced at present that this has been achieved due to the overtly domestic appearance and the hard landscaping associated with the associated car-parking.

Part of the heritage benefits offered by the scheme, is the repair of the grade II listed pair of cottages (4 & 5 Cornhill - List Entry Number 1344794). As it is grade II listed, we do not wish to offer detailed comments but would highlight the need for the new works to sympathetically respond to surviving internal features in order to allow the conversion to be sensitively achieved. This includes chimney breasts and staircases.

We are pleased that the walls along the boundary of the current passageway are being retained without any further interventions. Where we consider further thought will need to be provided is the entrance into the site from the car-park. The area has retained a sense of intimacy and privacy due to the back-land character and the sense of enclosure from the surrounding buildings and boundary walls. Therefore the approach to the point of access into the site needs careful consideration in order to respect the character of this area. It needs to create a clear transition from the open and public character of the car park to the more intimate sense of place within the proposed development site. At present this has not been demonstrated and raises concern.

Policy and Position

As the application affects a conservation area, the council has a statutory requirement to pay **special attention** to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72(1), Planning (Listed Buildings and Conservation Areas) Act 1990).

In our view the demolition of the outbuildings and structures including walls within the site will result in harm through the loss of the evidence they provide for the development of the settlement of Wellington and the positive contribution they make to the urban grain, the sense of hierarchy within the town. The council need to be satisfied that the justification for the loss of these structures has been clear and convincingly demonstrated (Para 194, NPPF).

In terms of the proposed development, this needs to preserve or enhance the character and appearance of the area as required under national legislation as well as the NPPF (Chapter 12). We consider that further attention should be given to the overall design approach to address their overly domestic appearance and to reflect the greater ancillary and functional quality of the area. This needs to be balanced against the requirement for a robust landscaping scheme that will help retain some of the positive qualities of the site through its role as garden.

The other issue that needs addressing is the point of arrival. There needs to be a clear distinction and change of character at the point of access from the car park. The site holds a sense of intimacy and privacy, which needs to be retained within the design.

At present, we have concerns that the development is unable to satisfy the majority of the requirements of Para 127, NPPF through the current design response. Consequently, it will be unable to meet the requirements of Para 200 in terms of preserving or better revealing the significance of the asset.

Further steps should be taken within the design approach to address the points

raised above and to ensure that the scheme responds positively to the conservation area.

This should look to address the requirements of Para 190, NPPF, where conflict between development and the conservation of the heritage asset is identified steps should be taken to avoid or minimise the harm identified.

The current scheme in our view will result in harm to the character and appearance of the conservation area. This harm needs to be considered against the public benefits of the scheme, which should demonstrably outweigh the harm identified (Para 196, NPPF). Public benefit can include conservation gains and we would encourage ways in which elements of the surviving buildings and structures could be reused within the scheme.

Recommendation

Historic England has concerns regarding the applications on heritage grounds. Harm will be caused by the loss of the ancillary structures within the back-land area. Consequently, any new development should look to enhance or preserve the character and appearance of the conservation area. At present, we are not convinced that the development through the design of the new builds, the landscaping or the access responses to the significance of the asset: an area characterised by gardens, functional utilitarian structures and a sense of intimacy and privacy.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Representations Received

None

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.

CP8 - Environment,

Determining issues and considerations

This application must be determined in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that the Local Planning Authority must ensure that the listed building, its setting and any features of historic or architectural interest are preserved when deciding whether to approve listed building consent.

The application proposes a minor intervention to the historic fabric to convert the buildings into residential use. The proposed residential use will be less intrusive to the layout of the buildings compared to the previously approved retail use. It will secure the future of these listed buildings to the wider benefit of the Conservation Area.

With regard to the above, it is considered that the changes will allow the building and features of historic or architectural significance to be preserved. It is, therefore, recommended that listed building consent is approved.

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

Contact Officer: Ms A Penn

38/18/0423

GADD PROPERTIES LTD

Demolition of care home and erection of 9 No. detached 4 bedroomed dwellings with associated access road and car parking at Orchard Court Nursing Home, Harp Chase, Taunton

Location: ORCHARD COURT NURSING HOME, HARP CHASE, TAUNTON,
TA1 3RY

Grid Reference: 323960.123248

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Subject to a legal agreement to secure appropriate equipment on the nearest play area to the site

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 2017/11/PL101 Rev E Site Layout
(A3) DrNo 2017/11/PL102 Rev A House Type A
(A3) DrNo 2017/11/PL103 Rev A House Type B
(A3) DrNo 2017/11/PL104 Rev A House Type C
(A3) DrNo 2017/11/PL105 Rev A House Type C Plot 1 Elevations
(A3) DrNo 2017/11/PL100 Site Location Plan
(A3) DrNo 2017/11/PL106 Rev B House Type C Plot 3 Elevations
(A3) 2017 11 PL107 Rev B House Type D Elevations & Floor Plans

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. 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 at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
- 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 trees to protect the amenity of the area.

6. 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 Abricon's Phase one habitat survey dated October 2018 and Western ecology's bat emergence survey dated May 2018 and any further survey 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 nesting birds

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

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Reason for pre-commencement: To ensure no wildlife is harmed as a result of the development.

7. The parking space/s in the garages hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

8. Details of the cycle storage facilities for 4 cycles per dwelling shall be submitted to and approved in writing prior to the occupation of the dwellings. The cycle storage facilities as approved shall be constructed and fully provided prior to the buildings being occupied, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport.

9. Prior to occupation of the dwellings, works for the disposal of surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To ensure the adequate provision of drainage infrastructure and ensure no water drains onto the highway.

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.

Proposal

The proposal is for the demolition of the existing nursing home and its replacement with 9 detached dwellings and garages as well as access and turning.

Site Description

The site is currently occupied by a largely single storey care home that is vacant and was unrestricted in terms of its use. It was closed in 2016 and currently does not meet the CQC requirements for modern care needs. It is surrounded by two storey residential development on all sides including the access route off Harp Chase.

Relevant Planning History

38/95/0160 - Erection of nursing home and construction of access road and associated parking on land off Shoreditch Road, Taunton – Approved - 24/7/1995
38/05/0184 - Retention of 1.8m high fence at Orchard Court, Harp Chase, Taunton – Approved - 7/7/2005
38/18/0029 - Demolition and erection of replacement two storey 78 No. bedroom care home at Orchard Court Nursing Home, Harp Chase, Taunton - Refused 26/6/18

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP -

The proposal is for the demolition of an existing vacant care home and the erection of 9 dwellings at the above address.

The proposal site sits off the unclassified no through Harp Chase road, which subsequently ties into the classified Shoreditch Road in the southern region of Taunton.

The development proposed would generate up to 72 vehicle movements a day however, the Highway Authority does not consider the current application would have severe traffic impact on the local highway network.

Internal layout

The following highway related comments have been made as a result of looking at submitted drawing number **2017/11/PL101** together with an untitled drawing showing the swept path analysis of an unclarified vehicle.

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 proposed carriageway should be 5.5m in width as per the existing carriageway within Harp Chase and 2.0m wide footways across the frontages of plots 1-2 and 4-9.

Adoptable 2.0m wide hardened margins will be required at the ends of the turning arms within the application site.

An adoptable 17.0m forward visibility splay will be required across the carriageway bend fronting plot 1. There shall be no obstruction to visibility within the splay that exceeds a height greater than 600mm above the adjoining carriageway level.

The proposed 500mm wide adoptable service margins will need to be constructed from a bound material.

The driveway serving plot 5 should be a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary.

Private surface water from all areas, including drives, will not be permitted to discharge onto the prospective public highway. Private interceptor drains must be provided to prevent this from happening.

The applicant will be required to submit a titled and scaled drawing showing the turning movements of a 11.4m 4 axle refuse vehicle (1:200 scale advised) within the proposed turning head as indicated within drawing number 2017/11/PL101.

A Section 50 licence will be required for sewer connections within or adjacent to the Highway. Licences are obtainable from (BSupport-NRSA@somerset.gov.uk) – At least 4 weeks' notice is required.

Parking

The applicant has proposed a total of 18 vehicle parking spaces to accommodate the proposal, each dwelling to be allocated two parking spaces. However, this falls below the Somerset Parking Strategy Optimum standard of 27 vehicle spaces before visitor parking (in this instance 2 spaces). This shortfall is likely to lead to vehicles parking on the public highway. The Highway Authority recommends that this parking figure and proposed layout is revised by the applicant and an appropriate parking figure is provided.

The applicant hasn't appeared to be committed to providing a definitive figure of cycle parking spaces. Cycle parking should be provided at a rate of 1 space per bedroom. Electric car charging ports within the garages in this instance are required and recommended by the Highway Authority to accommodate each dwelling.

Drainage

No drainage details have been provided. A suitable drainage scheme will be required and approved in writing by the Local Planning Authority prior to commencement of works at the site, subject to planning consent.

Conclusion

Whilst there is no objection to the principle of the application, it is advised that the applicant revisit the following for further assessment by the Highway Authority prior to any recommendations and conditions being made.

- Provide a suitably scaled drawing (1:200 advised) of an 11.4m refuse vehicle demonstrating safe entering, manoeuvring and egressing from the site/internal layout.
- Be mindful of the comments above for the design of the proposed estate road.
- Revisit the current car parking figure and provide an appropriate number of spaces for the application.
- Commit to providing a suitable number of cycle spaces in line with the SPS.
- Commit to providing electric car charging points for each dwelling.

BIODIVERSITY - Abricon carried out a phase one habitat survey the site in January 2018 in connection with application 38/18/0029. This was updated in October 2018.

Findings were as follows

Bats.

In the initial survey, the outbuildings were not deemed suitable for bats.

Trees on site did not have potential to support bats.

However features were present on the exterior and interior of the main building that were considered to be suitable for bats so an emergence survey was carried out in May 2018 by Western Ecology in connection with application 38/18/0029 although this submitted report makes no reference to this. No bats were seen to emerge from the building and the surveyor concluded that bats are not roosting within this structure.

However this updated report states that a further activity should be undertaken.

Birds - Vegetation on site has potential to support birds. Removal of vegetation should take place outside of the bird nesting season. Provision should be made in the new build for nesting birds.

Badgers - The site provided limited habitat for badgers.

Reptiles - The site provides reptile and hedgehog habitat including potential hibernacula in the form of log and brash piles. Due to the site being left unmanaged only since 2017, no survey is required as long as site maintenance is started before spring 2019.

Subsequently clearance of vegetation should take place in a precautionary manner.

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 Abricon's Phase one habitat survey dated October 2018 and Western ecology's bat emergence survey dated May 2018 and any further survey 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 nesting birds

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

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

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.

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 wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for nesting birds that may be affected by this development proposal.

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

WESSEX WATER - The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via soakaway.

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via soakaway.

The strategy is currently acceptable to Wessex Water, subject to agreement to

detail with the local planning authority.

The planning authority will need to be satisfied that soakaways will work and arrangements are clear for any shared obligations. Soakaways will be subject to Building Regulations. The use of soakaways currently attracts a discount in the sewerage infrastructure charge, proof of arrangements will be required when applying for foul sewerage connection.

There must be no surface water connections to the foul sewer network.

HOUSING ENABLING - The Ministerial Statement for Affordable Housing (HCWS50) issued in November 2014 states that any development of 10 units or less does not have to provide for Affordable Housing. TDBC made an executive decision in June 2016 to agree with this Government Guidance.

Based on the proposed scheme of 9 dwellings, there would therefore be no requirement for affordable housing.

LEISURE DEVELOPMENT - In accordance with TDBC adopted SADMP policy C2 and Appendix D provision for children's play should be made for the residents of these dwellings. An off-site children's play contribution of £3262 per each 2bed+ dwelling should be made. The contribution to be index linked and spent on additional play equipment within the vicinity of the development.

SOMERSET WILDLIFE TRUST - In the absence of recommendations for enhancements at this stage we would request the provision of at least two bat boxes and two bird boxes on site. We would also request that any external lighting is designed so as to minimise light pollution. Finally we would also request that all site boundaries are constructed to allow the free passage of small mammals.

TREE OFFICER - Regarding Orchard Court Nursing Home, mainly no objection from me, although I think that it would be better without plot 3, as I foresee issues with some root damage of off-site trees during construction, and issues with shading and safety concerns once this house is occupied.

The birch and off-site trees in the north-west corner should be fine. Can we have the usual condition for protection of the birch and all off-site tree roots during construction.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE - No comment received.

POLICE ARCHITECTURAL LIAISON OFFICER - **Sections 2, 8, 9 & 12** of the National Planning Policy Framework July 2018 refer to the importance of considering crime & disorder at the planning stage. Paragraph 127(f) states;

Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Comments:-

Crime Statistics – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/11/2017-31/10/2018 is as follows:-

Arson & Criminal Damage – 4 Offences (incl.3 criminal damage to motor vehicles)

Burglary – 1 Offence (Residential)

Public Order Offences – 3

Sexual Offences - 1

Theft – 2 Offences (incl.1 theft of pedal cycle)

Vehicle Offences – 5 (all theft from motor vehicles)

Violence Against the Person – 4 Offences

Total – 20 Offences

This averages less than 2 offences per month, which is classed as a very 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 i.e. surface changes by colour or texture, rumble strips and similar features within the development would help reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The single entrance/exit to the development has advantages from a crime prevention perspective over through roads in that this can help frustrate the search and escape patterns of the potential offender.

Orientation of Dwellings – all the dwellings appear to overlook the street and public open spaces which allows neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection. With the exception of Plot 1, all the proposed dwellings appear to back onto existing dwellings, which is recommended, as this restricts unlawful access to the rear of dwellings which is where the majority of burglaries occur.

Public Open Space – 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 proposed communal areas at the entrance to the development and along the northern inner edge appear to comply with this recommendation.

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. More 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 adjacent fencing and lockable. This recommendation also

appears to have been incorporated into the scheme.

Car Parking – comprises on-plot garages and parking spaces, which is the police recommended option.

Landscaping/Planting - should not impede opportunities for natural surveillance and must avoid creating 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. This is particularly relevant in respect of the areas of public open space.

Street Lighting – all street lighting for 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 providing means of access into a dwelling and ground floor or easily accessible windows and rooflights must be tested to PAS 24:2016 security standard or equivalent.

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

SOUTH WESTERN AMBULANCE SERVICE - No comment received.

Representations Received

WARD CLLR HERBERT - The application has a lot of positives for the area bringing a final definitive use of the site. Compared to the last application for a new care home which went right up to the boundaries of the site this is a far better proposition. However there do remain some issues with the proposal as it stands. The scheme does seem slightly cramped especially when you bear in mind the under supply of car parking spaces for each property. For houses of this size it is disappointing to only supply one real parking space, the garage although a space on paper is not a parking space in reality, especially when the space will quickly become more living space as can be seen at many other properties in the close. I would rather there was no garage at all and give two proper parking spaces, or ideally reduce the number of properties and seek to realign the units to give two spaces with a third space as a garage. Without adequate parking there is likely to be issues with access for the refuse collection and emergency services, which has been an issue in the close already with parked cars. The site layout in the main is sympathetic to the neighbouring properties in Tamar Avenue and Stoke Road with traditional back gardens adjoining which reduces any overlooking and helps with security. Overall I support the principle of the scheme but would like the correct allocation of parking per property.

COMMENT ON AMENDED PLAN

I have looked carefully at the amended plans and other than a few notes they have not materially changed. My concern about inadequate parking provision remains and providing cycle racks in the garages only reinforces the belief that garages are not, and will not be, used to park cars in. One real parking space for a four bedroom home is below standard and there are no provisions for visitor spaces at all, other than on street which will make the use of other driveways very difficult. Please consider revising this.

I can see that an attempt has been made to increase parking capacity which is appreciated. It is not an ideal solution to have spaces remote from the houses though and I am sure there must be potential for a better layout to still achieve the same number of plots.

Objection letters from 5 local properties raising issues of

- Overdevelopment and cramped scheme
- Insufficient parking and there should be 40.5 spaces according to Somerset Highways
- Plots 9 and 2 should be deleted
- Some parking spaces could be used by anyone
- drives inadequate
- 4 bungalows more suitable
- Loss of privacy
- overlooking
- Disturbance with more passing traffic
- Dangerous access to no.9 and garage is too close to boundary
- Increased street lighting disrupting sleep
- no children's play area
- private interceptor drains should be provided
- topographical cross sections are wrong.
- Disturbance and pollution during demolition
- Restrictive covenants on the site
- Retention of existing or bungalows would be better

3 letters of no objection

5 letters of support and request that as many trees and shrubs should be retained

1 letter of support subject to minimum off street 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,
CP2 - Economy,
CP4 - Housing,
CP5 - Inclusive communities,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
SD1 - Presumption in favour of sustainable development,
A1 - Parking Requirements,
A2 - Travel Planning,
C2 - Provision of recreational open space,
C4 - Protection of community facilities,
D7 - Design quality,
ENV1 - Protection of trees, woodland, orchards and hedgerows,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
Proposed dwellings measure approx. 1375sqm.

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 £96,250.00. With index linking this increases to approximately £128,000.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£9,712
Somerset County Council	£2,428

6 Year Payment

Taunton Deane Borough	£58,270
Somerset County Council	£14,567

Determining issues and considerations

The main issue here is the principle of development, the impact on the amenity of the area, parking and wildlife.

POLICY

The site lies within the built up area of Taunton is previously developed and so is a brownfield site. The NPPF encourages the use of such sites in sustainable locations which this is considered to be. Furthermore CP4 of the Core Strategy supports residential development in sustainable locations. Government guidance does not require affordable housing on sites that are not major developments and such policy cannot be applied retrospectively to adjoining land. Consequently affordable housing provision is not required on this site.

Policy C4 of the Site Allocations and Development Management Plan (SADMP) seeks to protect community facilities and the use of the site as a care home is considered to fall into that category. However the site is vacant has been for some time and it has previously been accepted that in its current form it is not viable or suitable for such a use and an alternative scheme to allow the site a viable use was refused as an overdevelopment. Consequently the current proposal for a residential scheme is considered suitable in principle given that the site is surrounded by such development.

AMENITY

The development of detached two storey dwellings raises the issue of impacts on the amenity of the surrounding dwellings. As amended plot 9 has no windows in the side elevation facing the neighbour there will be no overlooking and loss of privacy. The two storey section is set 35m way from the dwelling to the west and while there will be an element of overshadowing of the garden in the early morning, the impact of this on the amenity of the property is limited and considered an acceptable one. The properties in Tamar Avenue lie to the south and so there will be no impact on the light to the garden of these properties. The proposed plots 4 to 9 vary in garden length between 7 to 9m and the window to window distances will be in excess of 30m and so the impact on privacy and amenity is considered to be an acceptable one. Plot 3 has the shorter rear garden at 5m but a longer side garden. The window to window distances at the rear are over 26m. While there are windows at first floor level at the rear these serve bedrooms and are not considered to impact on the amenity of neighbours in the same way and the impact is considered acceptable. Plot 2 has an 8m garden and faces north towards Stoke Road. The Stoke Road properties have very long rear gardens and any window to window distance will be over 40m and even allowing for the slope of the land this is considered an acceptable distance not to warrant an objection on amenity grounds. Plot 1 backs onto the side of plot 2 and raises no amenity issues while the front of plot 1 faces the front of one of the original Harp Chase properties. However the window to window distance here is around 24m and the impact on the amenity of the front of this property is considered an acceptable one.

PARKING

The Highway Authority has raised no objection in principle and the access road and junction are considered suitable to serve the additional units. A condition is proposed to address surface water drainage and prevention of discharge to the highway. Street lighting would be controlled by the Highway Authority as part of any

road adoption and drives are a minimum 6m long.

The relevant parking policy is set out in the SADMP as policy A1. The allows for parking spaces per dwelling based on the number of bedrooms and allows for the reductions in levels of provision depending on locations and uses of individual sites. The maximum provision for 4 bedroomed properties in this location would be 3 spaces per dwelling. The proposed development is for 9 four bedroomed properties and the amended layout makes provision for at least one garage space and a parking space per unit plus an additional space for units 3 and 9 and 7 additional spaces. This equates to 27 spaces being provided for the 9 dwellings on site as well as cycle parking and an electric vehicle charging point. It is considered appropriate in light of the local concern over parking here to condition the garage use and control the provision of cycle parking.

WILDLIFE

The applicant has submitted a wildlife survey and further survey work has been carried out as the intention is to demolish the existing building. No bats were identified as roosting in the building and an appropriate condition can therefore be imposed requiring a strategy to protect wildlife on the site and incorporate any mitigation into the scheme.

OTHER MATTERS

Reference has been made to the lack of a play area on site. However this is not a requirement of planning policy given the scale of the development. The Community Leisure Officer has requested a contribution towards children's play in accordance with policy C2. However the Government Guidance is that provision for general payments in the form of tariffs for infrastructure on schemes less than 10 cannot be required. An appropriate payment for specific play equipment on the nearest play area however is considered reasonable and a legal agreement to secure this is the way to achieve this.

The land slopes from the site down to the Stoke Road properties and this has been illustrated previously. It is not considered that a further plan to clarify this is vital prior to the determination of the submitted scheme. The submitted scheme is for two storey dwellings not bungalows and a decision has to be made on this basis.

Comment has also been made with regard to the existence of covenants on the site. However these are civil matters and cannot be taken into account when determining this planning application.

CONCLUSION

The scheme as revised provides for 9 two storey dwellings together with garaging, parking and access. The residential use of this brownfield site within the built up area is considered appropriate. The impact on the amenity of neighbours is considered acceptable from the development as is the parking and the wildlife impact and subject to appropriate conditions and a legal agreement in terms of play

equipment it is considered the development is acceptable.

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

38/18/0427

MR A HAYES

Erection of a two storey extension to the side of 28 Spencer Avenue, Taunton

Location: 28 SPENCER AVENUE, TAUNTON, TA2 6JP

Grid Reference: 322340.125789

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

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 2018100 001 Location & Block Plan

(A3) DrNo 2018100 003 Floor Plans, Elevations & Site Layout Plan as Proposed

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

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 and has imposed planning conditions to enable the grant of planning permission.

Proposal

The application proposes the erection of a two storey side extension to provide additional accommodation. The extension is proposed to be constructed in brick and render with a pitched tiled roof, to match the existing dwelling.

A small porch is proposed to the front elevation. However the applicant has stated this will be constructed under permitted development rights.

Site Description

The site lies within the established residential area of Taunton within the settlement boundary, The site is surrounded by terraced two storey residential properties of a similar age and design. A garage court of ten garages lies to the south of the site. The main garden area to the property extends to the side (north-west).

Relevant Planning History

38/02/0362 - Outline application for the erection of end of terrace dwelling - Refused - 10 October 2002

38/01/0462 - Erection of dwelling on land between 26 & 28 Spencer Avenue - Refused - 21 February 2002 - Dismissed on appeal - 3 January 2003

38/18/0207 - Erection of attached two storey dwelling with associated works - Refused - 14 August 2018

38/18/0432 - Erection of attached dwelling - current application

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - No comments received.

WARD COUNCILLOR - As one of the Ward Councillors I wish to lodge my objection to this application. It is in fact more or less the same as the one lodged previously and was at that time recommended for refusal. I did lodge my objection at that time, so wish to do the same again.

WESSEX WATER - No objection

Representations Received

Sixteen representations have been received objecting to the proposal on the following grounds:

- lack of adequate space and over-development
- loss of privacy and increased overlooking
- difficulty in parking
- increased noise and traffic during construction
- impact on sewerage system
- detrimental to the open plan aspect of the area
- loss of light and air
- out of character and overall appearance of the residential area
- increase in car parking in the street

- access required to adjoining property for maintenance
- loss of views towards the Blackdown Hills

A petition objecting to the proposal and containing 14 signatures has also been received.

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.

DM1 - General requirements,
D5 - Extensions to dwellings,
A1 - Parking Requirements,

Local finance considerations

Community Infrastructure Levy

Not applicable.

Determining issues and considerations

Policy D5 sets out the criteria for extensions to existing dwellings.

The extension is slightly set back from the front elevation and with a slightly lower ridge height, but replicates the form and character of the existing. The extension would appear subservient to the main dwelling. The proposed materials will match the existing and would be in keeping with the dwellings in the vicinity of the site.

No windows are proposed to the first floor side elevation. It is considered that the development would not result in any additional overlooking or loss of privacy for existing dwellings. The residential amenity of other dwellings would not be harmed.

Adequate space would be retained within the curtilage of the dwelling to provide private amenity space, with sufficient space to provide cycle parking. No additional car parking spaces are proposed. Policy A1 requires a maximum of one car parking space for a 4 or more bedroomed house.

The provision of a five bedroomed dwelling would add to housing choice in the area.

A number of representations have been received regarding over-development of the site. However it is considered that sufficient space will be retained around the dwelling to allow the extension to fit comfortably in the site, with sufficient separation distance between the proposed and existing built form.

The proposal complies with the adopted policies and approval is recommended.

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

Contact Officer: Denise Grandfield

38/18/0432

MR A HAYES

Erection of 1 No. attached two storey dwelling with associated works in the garden adjacent to 28 Spencer Avenue, Taunton (resubmission of 38/18/0207)

Location: 28 SPENCER AVENUE, TAUNTON, TA2 6JP

Grid Reference: 322334.125792 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

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 2017041 001 Location & Block Plan
(A3) DrNo 2017041 003 Rev A Proposed Drawings, Floor Plans, Elevations
(A3) DrNo 2017041 004 Rev A Proposed Site Layout Plan
(A2) DrNo 2017041 005 Rev A Existing & Proposed Street Scene Layouts

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

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.

Proposal

The application proposes the erection of a three bedroomed dwelling in the form of

an extension to the existing terrace of two storey dwellings. The site is currently part of the side garden area of 28 Spencer Avenue. The new dwelling would be constructed in brick and render with a pitched tiled roof over. The materials would match the existing materials on the adjoining property. One car parking space is proposed with access taken from the access drive to the garage court to the rear of the site.

Amended plans have been received reducing the building footprint to mirror that of the adjoining property at 28 Spencer Avenue.

Site Description

The site lies within the established residential area of Taunton, within the settlement boundary. The site is surrounded by terraced two storey residential properties with small plots. A garage court with garaging for ten cars lies to the rear (south).

Relevant Planning History

38/02/0362 - Outline application for the erection of end of terrace dwelling - Refused - 10 October 2002

38/01/0462 - Erection of dwelling on land between 26 & 28 Spencer Avenue - Refused - 21 February 2002 - Dismissed on appeal - 3 January 2003

38/18/0207 - Erection of attached two storey dwelling with associated works - Refused - 14 August 2018

38/18/0427 - Erection of two storey side extension - current application

Consultation Responses

WARD COUNCILLOR - As one of the Ward Councillors I wish to lodge my objection to this application. It is in fact more or less the same as the one lodged previously and was at that time recommended for refusal. I did lodge my objection at that time, so wish to do the same again

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies

WESSEX WATER - No comments received

Representations Received

Sixteen representations have been received objecting to the proposal on the following grounds:

- lack of adequate space and over-development
- loss of privacy and increased overlooking
- difficulty in parking

- increased noise and traffic during construction
- impact on sewerage system
- detrimental to the open plan aspect of the area
- loss of light and air
- out of character and overall appearance of the residential area
- increase in car parking in the street
- access required to adjoining property for maintenance
- loss of views towards the Blackdown Hills

A petition objecting to the proposal and containing 14 signatures has also been received.

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.

CP4 - Housing,
DM1 - General requirements,
A1 - Parking Requirements,
D10 - Dwelling Sizes,
D12 - Amenity space,
D7 - Design quality,

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable.
Proposed dwelling measures approx. 84sqm.

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 £6000.00. With index linking this increases to approximately £8000.00.

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	£1079
Somerset County Council	£270

6 Year Payment

Taunton Deane Borough	£6474
Somerset County Council	£1619

Determining issues and considerations

The site lies within the established residential area of Taunton, within the defined settlement boundary. It is considered that the principle of development for residential purposes is acceptable.

Policy DM1 of the Core Strategy requires that the appearance and character of the street scene would not be unacceptably harmed by the development. Policy D7 requires that new housing creates a high standard of design quality and sense of place, by buildings which define and enhance the streets and spaces.

Amended plans indicate a built form with the same footprint as the existing dwelling and nearby properties.. It is considered that there is sufficient space within the curtilage of no.28 to accommodate an additional dwelling. Whilst the proposal would close the gap between the existing built form, it is considered that there is still sufficient distance between the proposal and the existing dwellings to retain the feeling of space. The accessway to the garage block provides a break between the built forms, with the proposed dwelling being approximately 12m from the front corner of the nearest property to the west. The proposed built form would result in a continuation of the existing terrace and would use materials to match. It is considered that the current application would not harm the character of the street scene.

Policy A1 requires a maximum of two car parking space for a three bedroomed dwelling. The application proposes one off street car parking space to the side, with access from the access driveway to the garage courtyard. There is sufficient space within the site to accommodate cycle and motorcycle parking. Given the location of the site in close proximity to essential services and access to alternative forms of transport it is considered that the proposal complies with the policy.

The amenity space is located primarily to the west is considered adequate for a dwelling of this size and complies with policy D12. The proposal complies with policy D10 in terms of room sizes within the dwelling. The concerns raised by local residents regarding the disruption during the construction are considered to be a temporary nuisance. Issues relating to noise and construction are dealt with under separate legislation.

It s considered that the proposed dwelling would not have an adverse impact in terms of overlooking or loss of privacy for existing residents. No windows are proposed on the side elevation at first floor level.

As stated above a previous application for an outline for an attached dwelling was refused and dismissed at appeal in 2003. Since that time the relevant policies have

been updated and the updates are considered significant enough allow the current application to be supported particularly in terms of making effective and efficient use of land in sustainable locations and adding to the housing stock. The current scheme has been revised reducing the size from the previous refusal and providing a suitable parking provision.

The proposal complies with the adopted policies and approval is recommended.

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

Contact Officer: Denise Grandfield

06/18/0017

TAYLOR WIMPEY EXETER

Erection of 10 No. dwellings with associated landscaping, open space and drainage infrastructure, to the west of the site, at Station Farm, Station Road, Bishops Lydeard

Location: STATION FARM, STATION ROAD, BISHOPS LYDEARD, TAUNTON

Grid Reference: 316275.128986

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval subject to an appropriate legal agreement to secure two 2-bedroom dwellings as discounted open market dwellings at 75% open market value (in perpetuity) and the provision and maintenance of public open space that includes suitable mitigation measures to provide a safe environment for children's play.

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 4832-LW-05 Rev F Landscape Proposals Soft works Plan
- (A1) DrNo 4832-LW-06 Rev C Landscape Proposals Hard works Plan
- (A1) DrNo 1127-120-1-S104 Rev G Section 104 Plan 1 of 2
- (A1) DrNo 1127-120-1-S104 Rev F Section 104 Plan 2 of 2
- (A3) DrNo 8915 PL101 Site Location Plan
- (A3) DrNo 8915 PL102 Existing Site Plan
- (A3) DrNo 8915 PL103 Proposed Site Plan
- (A3) DrNo 8915 PL104 Rev A Proposed Boundaries Plan
- (A3) DrNo 8915 PL105 Rev A Proposed Materials Plan
- (A3) DrNo 8915 PL107 Proposed Heights Plan
- (A3) DrNo 8915 PL115 Rev C Proposed Street Elevations
- (A2) DrNo 8915 PL120 Housetype NA20 Plans & Elevations
- (A2) DrNo 8915 PL121 Housetype NA32 Plans & Elevations
- (A2) DrNo 8915 PL122 Housetype NA45 Plans & Elevations
- (A2) DrNo 8915 PL123 Housetype NT41 Plans & Elevations

(A2) DrNo 8915 PL124 Housetype NT40 Plans & Elevations

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

3. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless agreed in writing by the local planning authority.

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

4. The applicant shall undertake all the recommendations made in EAD's letter report dated June 2018. 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.

Reason: To protect and accommodate wildlife.

5. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles, in accordance with the principles of the submitted FRA (Vectos – FRA Scheme 2 – June 2018), 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 QBar runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Information regarding the implementation and maintenance of drainage systems and pollution control measures during construction of the proposed development.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution. This should include details of the proposed point of connection to the watercourse. It should be noted that Land Drainage Consent may be required.
- Surface water drainage calculations to demonstrate that no part of the site will be allowed to flood during any storm up to and including the 1 in 30 event, and flooding during storm events in excess of 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 plan showing flood water exceedance routes both on and off site.
- 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).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

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

7. (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

- . 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.

Proposal

This application seeks planning permission for the erection of 10 dwellings with associated landscaping, open space and drainage infrastructure to the west of the site, at Station Farm, Station Road, Bishops Lydeard. This would include 3 x 2 bed properties, 4 x 3 bed properties and 3 x 4 bed properties. Each dwelling would have two car parking spaces, with the parking for plots 1-4 being accessed directly from the existing estate road, whilst the remaining plots would be served by a new road within the development. The dwellings would be a mix of render and brickwork with slate or tiles. The public open space is proposed to the south-west corner of the site.

The application is accompanied by a Flood Risk Assessment, Tree Impact Assessment, Ecology Assessment, Geotechnical Report, Marketing and Viability Report, Statement of Community Involvement, Transport Statement, Construction and Environmental Management Plan and Design and Access Statement.

An application for 9 dwellings with associated landscaping, open space and drainage infrastructure has also been submitted on the same site under application number 06/18/0018. An appeal has been submitted against this application due to non-determination.

Site Description

This site comprises an area of unused, vacant land, adjacent to a recent residential development, known as Station Green, to the west of Bishops Lydeard. The site falls within the defined settlement limit of Bishops Lydeard, which is identified as a Major Rural Centre.

To the south and west is a recently constructed development of 39 dwellings, with Station Farm to the east and the West Somerset Railway to the east of that. Just outside of the application site to the south-east is the Sewage Pumping Station, with the Electric Sub Station further to the south-east. The Station Road industrial park also lies in close proximity. To the north is Greenway Road and on the opposite side of the road lies the residential area known as Greenway. The site falls within the area of the adopted Bishops Lydeard and Cothelstone Neighbourhood Plan (adopted February 2016).

Relevant Planning History

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

Policy MAJ5: Land west of Bishops Lydeard Station identifies the site for tourism/recreation in connection with the West Somerset Railway expansion, or employment.

The site has not come forward for employment or tourism development and has been marketed with planning permission for a public house for many years.

06/16/0036 – ERECTION OF 3 DWELLINGS WITH ASSOCIATED CAR PARKING, LANDSCAPING AND DRAINAGE INFRASTRUCTURE, LOCATED ADJACENT TO

THE PROPOSAL SITE. Refused 6 APRIL 2017. Subsequently allowed at appeal.

06/11/0032 – ERECTION OF 39 DWELLINGS AND ASSOCIATED PARKING, ACCESS AND LANDSCAPING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD

Conditional approval 24 November 2011.

06/07/0027 - ERECTION OF MIXED USE DEVELOPMENT COMPRISING, TOURIST FACILITIES (A3 PLANNING USE CLASS), 29 OPEN MARKET HOUSES, 8 AFFORDABLE HOUSING UNITS AND ASSOCIATED HIGHWAY INFRASTRUCTURE AT STATION FARM, STATION ROAD, BISHOPS LYDEARD AS AMENDED BY LETTERS DATED 16 AND 22 AUGUST 2007 WITH ACCOMPANYING REPTILE SURVEY (JULY 2007), PROTECTED SPECIES SURVEY REPORT (JULY 2007) AND EXTENDED PHASE 1 HABITAT SURVEY (JULY 2007) AS FURTHER AMENDED BY LETTER DATED 31 AUGUST 2007 WITH ACCOMPANYING DRAWING NOS A2001 18/303B AND 304A AS AMPLIFIED BY LETTER DATED 4 DECEMBER 2007 WITH ACCOMPANYING DRAWING NO SPP/1363/1 AS AMENDED BY LETTER DATED 18 MARCH 2008 WITH ACCOMPANYING DRAWING NUMBERS A2001/18/PL303 REV C AND PL304 REV C AS AMENDED BY LETTER DATED 25 JUNE 2009 WITH ACCOMPANYING DRAWING NOS A2001 18 HT001 REV C, 002 REV D, 005 REV C, 006, 010 REV D AND 012 REV B, PL302 REV E, AND ECOLOGICAL REPORT AND DRAWING NO A2001 18 HT006 RECEIVED ON 5 AUGUST 2009 & INFORMED BY UPDATED ECOLOGICAL SURVEY & ASSESSMENT RECEIVED 26 JULY & 04 AUGUST 2011 & FLOOD RISK ASSESSMENT RECEIVED 21 JULY 2011. Conditional Approval 15 August 2011.

06/07/0028 - ERECTION OF INN WITH RESTAURANT (A4 PLANNING USE CLASS) AND ASSOCIATED HIGHWAY INFRASTRUCTURE, AS PART OF PROPOSED MIXED USE DEVELOPMENT COMPRISING TOURIST FACILITY AND HOUSING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD AS AMENDED BY LETTERS DATED 16 AND 22 AUGUST 2007 WITH ACCOMPANYING REPTILE SURVEY (JULY 2007), PROTECTED SPECIES SURVEY REPORT (JULY 2007) AND EXTENDED PHASE 1 HABITAT SURVEY (JULY 2007) AS AMPLIFIED BY LETTER DATED 4 DECEMBER 2007 WITH ACCOMPANYING DRAWING NO SPP/1363/1 AS AMENDED BY LETTER DATED 25 JUNE 2009 WITH ACCOMPANYING DRAWING NOS A2001 18 HT001 REV C, 002 REV D, 005 REV C, 006, 010 REV D AND 012 REV B, PL302 REV E, AND ECOLOGICAL REPORT AND DRAWING NO A2001 18 HT006 RECEIVED ON 5 AUGUST 2009 & INFORMED BY UPDATED ECOLOGICAL SURVEY & ASSESSMENT RECEIVED 26 JULY & 04 AUGUST 2011 & FLOOD RISK ASSESSMENT RECEIVED 21 JULY 2011. Conditional Approval 15 August 2011.

06/07/0042 - ERECTION OF 2 NO. DETACHED DWELLINGS ON PLOTS 38 AND 39 (LINKED TO PROPOSED MIXED USE DEVELOPMENT COMPRISING TOURIST FACILITIES, INN WITH RESTAURANT, HOUSING, OFFICES, WSR MUSEUM AND CARRIAGE SHED AND ASSOCIATED HIGHWAY INFRASTRUCTURE THE SUBJECT OF PLANNING APPLICATIONS 06/2007/027, 028, 043 AND 044), LAND AT STATION FARM, STATION ROAD, BISHOPS LYDEARD AS AMENDED BY LETTER DATED 22 AUGUST 2007 WITH ACCOMPANYING REPTILE SURVEY (JULY 2007) AS AMPLIFIED BY LETTER DATED 4 DECEMBER 2007 WITH ACCOMPANYING DRAWING NO SPP/1363/1

AS AMENDED BY LETTER DATED 25 JUNE 2009 WITH ACCOMPANYING DRAWING NOS A2001 18 HT001 REV C, 002 REV D, 005 REV C, 006, 010 REV D AND 012 REV B, PL302 REV E, AND ECOLOGICAL REPORT AND DRAWING NO A2001 18 HT006 RECEIVED ON 5 AUGUST 2009 & INFORMED BY UPDATED ECOLOGICAL SURVEY & ASSESSMENT RECEIVED 26 JULY & 04 AUGUST 2011 & FLOOD RISK ASSESSMENT RECEIVED 21 JULY 2011. Conditional Approval 15 August 2011.

Consultation Responses

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL –

It was noted that both applications are for residential development and, as such, are clearly in breach of the Council's Neighbourhood Plan with particular reference to Tourism. However, the Council is aware that a separate and smaller site formerly owned by Taylor Wimpey was the subject of a successful appeal for the grant of residential development at the end of last year. It was considered that the Inspector's reasons for granting that appeal might essentially be repeated in any appeal from a refusal on the subject applications, particularly as this parcel of land has been vacant for very many years. It was further noted that 06/18/0017 met with the approval of local residents.

In the circumstances, and very reluctantly, the Council resolved to support application no. 06/18/0017 but conditionally upon Taylor Wimpey withdrawing 06/18/0018.

Subsequent comments (NB Comments made in relation to other application for 9 dwellings 06/18/0018 but also makes reference to this application) - The Parish Council objects to the granting of permission for 06/18/0018 and has the following comments to make:

The Parish Council was surprised to note this amended application in the light of its previous comments made in July of this year both in relation to the original application and also in relation to 06/18/0017. The Parish Council's attention has been drawn to the fact that no advertising appears to have been undertaken by Greenslade Taylor Hunt since 2015 and, furthermore, an enquiry was made earlier this year as to the availability of this land to which there is no reference in the GTH marketing report.

In the circumstances, the Parish Council hopes that an early decision will now be made on 06/18/0017, which it supports, and which will then lead to the withdrawal of this application (06/18/0018).

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal is for the erection of 10 dwellings at the above address. The proposal site sits off Station Green, currently a private road. This serves Station Road to the north which goes on to serve the A358 approximately 350m to the east. With regards to traffic impact the proposed development has the potential to generate 80 vehicle movements per day. In terms of traffic impact this proposal will result in an increase in vehicle

movements but in this instance it would be unreasonable to raise an objection to this proposal based on traffic impact grounds.

The applicant has proposed 20 vehicle parking spaces for the proposal. The optimum parking standard in the Somerset Parking Strategy (SPS) in this instance is 27. It is technically possible and recommended by the Highway Authority to increase the number of proposed parking spaces to an acceptable number, with visitor parking to also be considered. Sheltered and secure cycle and motor cycle parking should be provided in line with the SPS. Electric Car charging points would also be welcomed.

The following highway related comments are in relation to submitted drawing number 8915/PL103/.

In regards to the locations of the proposed driveways/parking court, should the widths of the drives/parking courts interfere with existing highway lighting columns then the developer will be required to contact the SCC Highway Lighting Team prior to any works taking place to relocate the column(s).

Any existing carriageway gullies that will be located within the lengths of drop kerbs required to serve the proposed drives/parking court, will need to be provided with pedestrian friendly frames.

Due to the fact the parking bays serving plots 3 and 4 will immediately but up against a boundary hedge, to prevent any possible overhanging of the footway by parked vehicles, the parking bays should be constructed to a minimum length of 5.5m as measured from the back edge of the footway. Surface water from all private areas including drives and parking bays will not be permitted to discharge onto the public highway. Private interceptor drains shall be provided to prevent this from happening.

Drives serving garages should be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary. Tandem parking bays should be constructed to a minimum length of 10.5m. The applicant/developer will be held responsible for any damage caused to public highways by construction traffic to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the applicants/developers representative in the presence of the SCC Highway Supervisor showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site. The applicant will need to clarify if they intend to extend the existing footway at the western edge of the site along part of the site frontage which is implied on the submitted drawing.

It is advised by the Highway Authority that where possible, this is extended around the site frontage adjacent to Station Road to meet the existing private track to the north with details to be agreed at design stage. Any extension to the existing footway in this instance will require a suitable legal agreement/licence. Any development at the north western area of the site cannot compromise existing visibility splays to the east from Station Green onto Station Road.

These following comments are with reference to drawing 183795-PDL-001 Rev D appended to the submitted Flood Risk Assessment.

There is no objection to the surface water management strategy proposed in the report as it relates to both existing and prospective highway areas but the Highway Authority have the following observations that need addressing. The driveways to plots 1-2, the grouped parking serving plots 3-4 and the access road serving plots 5-10 should be designed to fall away from the estate road formed by Station Green such that any failure of these permeable paved areas doesn't simply result in surface water discharging onto the road. Some of the existing road gullies in Station Green will need to be relocated to accommodate the proposed plot driveways and the entrance to the access road serving plots 5-10.

The access road serving plots 5-10 will not be adoptable due to the construction specification proposed and will have to remain in private ownership. The applicant should note that an Advance Payments Code may apply and the design, construction and future maintenance arrangements of this permeable paved road may need to be approved by the Highway Authority. As this road will incorporate 'tanked' storage within the sub-base then careful consideration will need to be given to the routing of the service supply to the fronting plots.

With the above in mind there is no objection from Highway Authority. However please note the applicant will need to clarify the arrangement of the footway to the north-west of the site. In the event of planning permission being granted the following conditions are recommended.

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. 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 works commence onsite and thereafter maintained at all times.
3. 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.
4. The dwelling hereby permitted shall not be occupied until an agreed number of vehicle parking spaces for the development have been provided and approved in conjunction with the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.
5. Prior to first occupation of the development hereby permitted, access to covered cycle and motor cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

7. 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.

Note

The applicant will be required to secure an appropriate legal agreement/ licence 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.

TREE OFFICER - No comments received

LANDSCAPE - This site was originally scheduled for tourism. The species proposed in the landscape scheme are fine but full details are required.

BIODIVERSITY - At the time of the original survey in 2011, the site was dominated by improved grassland (Sub-Parish value) with a species-rich hedgerow (Parish value) to the immediate north. An updated Extended Phase 1 survey of the site was carried out by EAD in January 2018. The majority of the site comprised bare ground, tall ruderal and amenity grassland, all of which were of Sub-Parish or negligible ecological importance. The species-rich hedgerow to the immediate north of the site was still present in 2018. There has been no significant change in habitat type or extent. EAD has submitted a letter to confirm that the ecological impacts of the development site are low level. I would agree with this assessment.

I support the report's recommendations for the erection of bird and bat boxes.

Condition for protected species:

The applicant shall undertake all the recommendations made in EAD's letter report dated June 2018. 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.

Reason: To protect and accommodate wildlife.

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.

ENVIRONMENT AGENCY - No comments received

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes, which would equate to 2.5 dwellings. Paragraph 4.2.16 of the submitted Planning Statement refers to the Ministerial Statement for Affordable Housing (HCWS50), which states that any development of 10 units or less does not have to provide for Affordable Housing. The agent states that this supersedes the Council's Affordable Housing SPD adopted in 2014.

However the statement also went on to say:

For designated rural areas under Section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions. Within these designated areas, if the 5-unit threshold is implemented then payment of affordable housing and tariff style contributions on developments of between 6 to 10 units should also be sought as a cash payment only and be commuted until after completion of units within the development.

TDBC made an executive decision in June 2016 to agree with this Government Guidance.

The Parish of Bishops Lydeard, in which the application site lies, is a designated rural area, as described in section 157 (1) of the Housing Act 1985 and therefore a tariff style contribution would be sought as a commuted sum.

Based on the proposed scheme, this commuted sum would be £211,106.

Subsequent comments – Under the circumstances, Housing Enabling would be prepared to accept the 2 x 2 bed dwellings to be sold at 75% of the open market value. This has been based on the unusual circumstances in this instance and should not set any future precedent.

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

An off-site children's contribution of £3,263.00 per each 2 bed + dwelling should be made. The contribution to be index linked and spent on additional play equipment at the Westridge Way Play Area, Bishops Lydeard.

The proposed location of the public open space on the west side of the development would be subject to a greater traffic flow than the option for it to be located on the east side as in planning application 06/18/0018. Children chasing

balls, etc could run out onto the road. Should it be decided that application 06/18/0017 is the preferred option, then a trip rail should be installed on the road side of the public open space.

TDBC Open Spaces should be asked to comment on any landscaping proposals.

BUSINESS DEVELOPMENT - I would be happy to reinforce David Evans' observation that an adequate marketing exercise has been carried out for this application.

LOCAL LEAD FLOOD AUTHORITY - We have no objections to the proposed development. The applicant has demonstrated that the surface water will be dealt with by means of storage under permeable parking areas and driveways, utilising an existing connection to the watercourse along the northern boundary of the site.

However, we would wish to apply the following condition to secure the ongoing maintenance of the drainage scheme and to ensure the safety of the development and third parties during exceedance events.

Condition: No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles, in accordance with the principles of the submitted FRA (Vectos – FRA Scheme 2 – June 2018), 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 QBar runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Information regarding the implementation and maintenance of drainage systems and pollution control measures during construction of the proposed development.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution. This should include details of the proposed point of connection to the watercourse. It should be noted that Land Drainage Consent may be required.
- Surface water drainage calculations to demonstrate that no part of the site will be allowed to flood during any storm up to and including the 1 in 30 event, and flooding during storm events in excess of 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 plan showing flood water exceedance routes both on and off site.
- 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).

NETWORK RAIL - No comments received

WEST SOMERSET RAILWAY - No comments received

Representations Received

10 letters received raising the following comments:

- Provision of open space welcomed due to the lack of off-road leisure.
- Prefer application 06/18/0017 as location of public space will be safer, more accessible, more visible and enhance setting of area.
- Will be good to see site finished.
- Leaving land vacant or returning to farmland could result in occupation by travellers.
- Time has shown there is no demand for employment, commercial and leisure use.
- Land has been an eyesore for many years.
- Residential development scheme should now proceed.
- Existing roads narrow, roads should be wider if development goes ahead to enable access of larger vehicles.
- Additional off road parking and traffic calming should be provided.
- Welcome provision of 2 car parking spaces per dwelling and request this is enforced to prevent parking strain on rest of estate.
- Concerns regarding conflict of driveway in close proximity to the main road junction.
- Regrettable that there is no provision of affordable housing.
- Land is meant for commercial benefit to the village.
- Concerns regarding level of dwellings proposed and resulting highways and parking implications.
- Preference for the 10 dwelling scheme rather than the 9 dwelling scheme.
- Request fence to surround open space for safety purposes.

1 letter received from Somerset Wildlife Trust supporting the retention of the hedgerow and the proposal to provide Bat and Bird Boxes. Request external lighting should be designed to minimise light pollution.

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).

The site is also covered by the Bishops Lydeard and Cothelstone Neighbourhood Plan which there for forms part of the Development Plan in this area.

Relevant policies of the development plan are listed below.

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,
MAJ5 - Land West of Bishops Lydeard Station, Bishops Lydeard,
SD1 - Presumption in favour of sustainable development,
CP1 - Climate change,
DM1 - General requirements,
DM4 - Design,
DM5 - Use of resources and sustainable design,
CP2 - Economy,
CP4 - Housing,
CP5 - Inclusive communities,
SP1 - Sustainable development locations,
SP4 - Realising the vision for rural areas,
A5 - Accessibility of development,
(BL) H1 - Housing for Older People,
(BL) H2 - Housing for Families,
(BL) TR2 - Foot and Cycle Paths,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
Proposed development measures approx. 950sqm.

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 £118,750.00. With index linking this increases to approximately £158,000.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£10,790
Somerset County Council	£2,700

6 Year Payment

Taunton Deane Borough	£64,740
Somerset County Council	£16,190

Determining issues and considerations

Planning Policy

This is the key issue in the determination of this application as the site is allocated for recreational, tourism or other commercial employment generating uses by Policy MAJ5 of the Site Allocations and Development Management Policies Plan (SADMP) 2016.

The site was previously allocated in the Taunton Deane Local Plan for recreation and tourist development and in 2011, planning permission was granted for the erection of a an inn with restaurant as part of a larger development proposal of employment, tourism and residential uses at Station Farm.

Due to this previous allocation and planning permission being granted, the site was put forward as a specific allocation in the Site Allocations and Development Management Policies Plan (SADMP) 2016

The Neighbourhood Plan does not have any specific policies on the application site as it was not necessary to repeat the allocation in the SADMP. However, the Neighbourhood Plan does state:

“Planning permission exists for a range of commercial and tourism-based uses such as a restaurant on land to the west of Bishops Lydeard Railway Station... These facilities were granted planning permission as part of a scheme to boost tourism associated with the WSR. In order to ‘enable’ these uses, the project was made viable by the construction of 39 homes on land adjacent to the railway station. The remaining undeveloped land west of the railway station should be reserved for the purposes permitted and any further attempts to gain planning permission for alternative uses will not be supported. This approach is in accordance with Policy EC22 of the Taunton Deane Local Plan (“saved” by the Core Strategy) which allocates this land for recreational and tourist development and as such provides important support for the future development of the heritage railway and associated

tourism uses.”

It should be noted that Policy EC22 of the local plan has been directly replaced by Policy MAJ5, but the intent of the policy remains the same.

Core Strategy Policy CP2 seeks to resist the loss of identified business land to other uses unless the overall benefit of the proposal outweighs the disadvantages of the loss of potential employment on the site. Policy CP2 of the Core Strategy states that:

CP2 - Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.

It is clear that the policies in the Development Plan (Core Strategy, SADMP and Neighbourhood Plan) seek to retain this site for recreational, tourism, commercial and other employment generating uses. It is therefore considered that the loss of the site to residential development would be contrary to the above policies. It is therefore necessary to consider whether there are any material considerations that would outweigh the policies in the Development Plan. This is discussed in the sections below.

Marketing

In support of the application, the developer has commissioned a local estate agent, Greenslade Taylor Hunt to market the site for both the previously approved uses and alternative employment uses. A marketing report dated February 2018 accompanies the application and documents the marketing history of the site. It was first placed on the market in 2013 with planning permission for a public house and a guide price of £250,000. A full marketing campaign continued for 25 months and since May 2015, the site has been marketed by an on-site board and internet listings. The guide price was removed and despite an offer being received in late 2016 and agreed in 2017, the potential purchasers withdrew from the deal on the basis that increased build costs made it no longer viable.

The report considers the recent market for public houses has not been good and notes that more are closing than opening. It also considers the viability for light employment uses but concludes that due to increased building costs, such a development would be unviable and not provide a return to any developer – as seen by the withdrawer of the previously agreed offer.

Advice has been sought from the Councils Business Development Service who consider that an adequate marketing exercise has been undertaken by Greenslade Taylor Hunt.

The NPPF seeks to build a strong competitive economy and places significant weight on the need to support economic growth through the planning system. It requires local plan policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local

business needs and wider opportunities for development.

However, the NNPF also require the regular review of allocated employment sites and paragraph 120 states:

“Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”

The allocation of this site in the SADMP for recreational and tourism uses which support the visitor attraction of the West Somerset Railway, and other commercial, employment generating uses was review of the previous local plan policy EC22 which expands the range of uses that would be accepted on the site.

However, since the adoption of the plan in late 2016, no further proposals have been put forward for the land remains empty. When the Planning Inspector considered the appeal on the smaller site to the south, he concluded that a marketing period of over 4 years was sufficient to conclude that there is no realistic interest in the site being developed for commercial use. It has now been almost 6 years of marketing of the application site and although interest was shown by one potential commercial developer (which subsequently fell through), it is considered that the site should be released for alternative uses that contribute to the housing stock of the area (including affordable housing)

Affordable Housing.

The scale of development proposed requires the provision of affordable housing, but the written ministerial statement of 28 November 2014 states that in rural areas, developments of between 6 and 10 units, affordable housing should be sought in the form of cash payments. This is to be paid after the development is completed and the affordable housing contribution would be £211,106.

However, the on-site delivery of affordable housing is the preference of the Housing Enabling officer and she has negotiated the onsite provision of two 2-bedroomed dwellings to be sold at 75% of the open market value to address a particular need in the local area. The 75% discount would apply in perpetuity so that the dwellings would remain at an affordable level for future owners.

Design and Layout

The design and layout of the development is similar in form and density to the existing housing estate. Parking levels are proposed at 2 off-road spaces per dwelling which is greater than the parking ratios for the rest of the estate and

considered to be appropriate for a development in this location.

In terms of the planning layout and design of the proposed dwellings, the scheme would integrate with the existing development. It is considered that there would be no unreasonable adverse impact on the amenity of nearby residents.

Open space

The application includes an area of public open space as part of the proposal. This is unequipped but would allow for informal play to take place and is well overlooked by dwellings. It is next to the road and therefore, physical measures would need to take place to ensure that children do not run out into the road when chasing balls etc. It is considered that the onsite provision of an area of informal open space is (in this case) preferable to the off-site provision of additional play equipment to be provided at the recently upgraded Westridge Way play area on the other side of the railway station. The space would be available for existing residents as well as resident of the development proposed in this planning application.

Conclusions

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.

This application is not in accordance with the policies in the Site Allocations and Development Management Policies Plan (SADMP) and Core Strategy, nor is it in accordance with the adopted Neighbourhood Plan as the site is allocated for alternative uses.

The long term marketing of the site for the previously permitted and allocated uses is a material consideration that should be given significant weight in the determination of this application. A judgement has to be made whether there is a reasonable prospect of the site being used for the allocated purposes and in this case, it is considered that there is no reasonable prospect of the site coming forward for employment or tourism uses. The provision of housing (including on-site affordable housing) and onsite public open space is considered to contribute to meeting the needs of the local area that would justify allowing the development in accordance with paragraph 120 of the NPPF.

On that basis, the application is recommended for permission.

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

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