

<b>Application Details</b>	
Application Reference Numbers:	38/23/0377
Application Types:	Full Planning Permission
Extension of Time:	14 February 2024
Description:	Erection of 2 No. apartments in place of approved community facility building at Rochester Road, Taunton
Site Address:	Somerset
Parish:	38
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment area:	Within
AONB:	N/A
Case Officer:	Anna-Mari Galliot
Agent:	Nash Partnership
Applicant:	SOMERSET COUNCIL
Reason for reporting application to Members:	The application is a Somerset Council scheme and so must be decided by Committee.

## **1. Recommendation**

- 1.1 That Officers be given delegated authority to grant conditional approval of the application subject to no objections raised by Natural England to the shadow Habitats Regulation Assessment (sHRA).

## **2. Executive Summary of key reasons for recommendation**

- 2.1 Though the loss of community use of the site is regretted, attempts to implement the facility for community use have been unsuccessful. Moreover, the proposal would provide two affordable housing units, which is supported by the Housing Enabling Officer and a condition is imposed to secure this.
- 2.2 The proposal is considered to safeguard residential amenity and to be reflective of the character of the area and will provide low energy affordable homes in compliance with policies CP1 and CP4.

### 3. Planning Obligations, conditions and informatives

#### 3.1 Obligations

None

### 4. Proposed development, Site and Surroundings

#### Details of proposal

- 4.1 The development proposal is to convert the area of the building intended to be a community facility under ref: 38/18/0465 into 2no. affordable apartments (1no. 1-bedroom apartment and 1no. 2-bedroom apartment), following unsuccessful take up of the running of the facility.

#### Site and surroundings

- 4.2 The site is within a residential area in the urban area of Taunton and has an established historic residential use, having been dwellings before implementation of permission ref: 38/18/0465. The proposal relates to Phase 1 of a redevelopment of the Woolaway homes in this area of north Taunton to provide improved accommodation for the local residents.
- 4.2.1 The site originally housed Woolaway social homes which were demolished under permission ref: 38/18/0465. New affordable housing and a space for a community facility have been erected in its place under the same permission. The community facility occupies part of the ground floor of the erected building on the western side alongside Rochester Road.

### 5. Relevant Planning History

Reference	Description	Decision	Date
38/18/0465	Replacement of 26 No. Woolaway homes and the erection of an additional 21 No. dwellings and a community facility building, Phase 1, on parcels of land at Bodmin Road, Dorchester Road, Wells Close, Cambridge Terrace and Rochester Road, Taunton	Conditional approval	2 April 2020

5.1 Various non-material amendments approved to the above scheme.

## 6. Habitat Regulations Assessment

6.1.1 The site lies within the catchment of the Somerset Levels and Moors Ramsar site. Natural England has advised the Council that, in determining applications which may give rise to additional phosphates within the Ramsar catchment they must as competent authorities undertake a Habitat Regulations Assessment and undertake a project level appropriate assessment where a likely significant effect cannot be ruled out. While the site lies within the Somerset Levels and Moors catchment area and will drain to the existing foul sewer, the intention is to demolish existing flats elsewhere in town and so the development can be considered nutrient neutral, subject to a suitable grampian condition.

## 7. Consultation and Representations

7.1 Statutory consultees (the submitted comments are available in full on the Council's website).

### 7.2 Consultees

Consultees	Consultee Comments (and Officer Comment)
Taunton Town Council	<p>The committee conveyed their sadness at losing this much needed Community Centre for the people of North Taunton. Some of the eight alternative community facilities in the vicinity that were suggested as an alternative were found to be too distant for the elderly and disabled.</p> <p>Officer comment: Noted. Although community interest was shown at the initial community consultation, attempts to implement the facility through subsequent meetings have been unsuccessful and this is unlikely to change in the near future.</p> <p>Whilst there are existing community facilities within walking distance from the site and accessible via public transport, it is acknowledged that some of these facilities may be not be accessible for some elderly and disabled residents.</p> <p>Slinky is a door-to-door demand-responsive transport service funded by Somerset Council for people not served by or unable to access conventional transport. All the vehicles are accessible. The service can be used for various purposes including getting to local health appointments or attending social events. Further details can be found here: <a href="https://www.somerset.gov.uk/roads-travel-and-parking/slinky-services/">https://www.somerset.gov.uk/roads-travel-and-parking/slinky-services/</a></p>

Ecology	<p>Having reviewed the above application, the plan and photographs reveal the area of the existing building where the proposed extension is to be constructed to be negligible for ecological features.</p> <p>Officer comment: Noted</p>
Transport Development Group	<p>Standing advice</p> <p>Officer comment: Noted</p>
Housing Enabling	<p>The Housing Enabling Team are supportive of the above application. Affordable and accessible housing is in demand within Taunton and these dwelling will be a beneficial to our residents in need of this type of accommodation.</p> <p>As the apartments are accessible with the larger apartment being wheelchair adapted, we would advise that the application refer to the Technical Advice Note: Specification Guide for Disabled Units for any additional guidance. <a href="#">SCC - Public - technical-advice-note-specification-guide-for-disabled-units.pdf - All Documents (sharepoint.com)</a></p> <p>Officer comment: Noted</p>
Wessex Water	Unable to respond

### 7.3 Local consultation and representation

7.3.1 In accordance with the Council's Adopted Statement of Community Involvement application 38/23/ 0377 was publicised by letters of notification to neighbouring properties 09 November 2024. Site notices were displayed, and a press advert placed as part of the initial consultation.

### 7.4 Letters of support

No letters have been received.

## 8 **Relevant planning policies and Guidance**

### 8.1 Conditions

- 8.1.1 Time-limit
- 8.1.2 Schedule of plans
- 8.1.3 Grampian condition

- 8.1.4 Water consumption
- 8.1.5 Affordable housing provision
- 8.1.6 Cycle storage

## 8.2 Informatives

### 8.2.1 Statement of positive working

8.3 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

8.4 Relevant policies of the development plan in the assessment of this application are listed below.

### 8.5 Taunton Deane Core Strategy

- SD1 - Presumption in favour of sustainable development,
- SP1 - Sustainable development locations,
- CP1 - Climate change,
- CP4 - Housing,
- CP5 - Inclusive communities,
- CP8 - Environment,

### 8.6 Taunton Deane Site Allocations and Development Management Plan

- C4 – Protection of community facilities
- D7 - Design quality,
- D10 - Dwelling Sizes,
- D12 - Amenity space,
- D8 - Safety,
- A5- Accessibility of development
- A1 - Parking Requirements,

### 8.6 Other Relevant Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Somerset West and Taunton Council's Climate Positive Planning: Interim

Guidance Statement on Planning for the Climate Emergency (March 2022).

## 8.7 Neighbourhood Plans

8.7.1 There is no Neighbourhood Plan for this area.

## 8.8 The National Planning Policy Framework 2023

8.8.1 The revised National Planning Policy Framework (NPPF), last update December 2023 sets the Governments planning policies for England and how these are expected to be applied.

8.8.2 Relevant Chapters of the NPPF include: Sections 2, 5, 8, 9, 11, 12, 14 and 15

## 9. **Commentary on Development Plan**

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

9.1.2 As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council published a Local Development Scheme in October 2023 to set out a timetable for the preparation of the local plan.

## 10. **Local Finance Considerations**

### Community Infrastructure Levy

10.1 Creation of dwellings is CIL liable regardless of size. This proposed development measures approximately 151 sq. 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 £10,500.00. With index linking this increases to approximately £16,000.00.

## 11. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

### 11.1 Principle of development

11.1.1 The site is an existing built -up area within the town and as such is a sustainable location for redevelopment in compliance with policy SP1. The site forms part of the wider site which is being regenerated for affordable housing use under permission reference: 38/18/0465. The previous permission sought to utilise the building for community use. Whilst the community use of the building was never established, such uses are protected under policy C4 of the Site Allocations and Development Management Plan.

The policy C4: states' The loss or change of use of existing community, cultural and social facilities will only be permitted where:

- A. Evidence is submitted to demonstrate that there is no longer a
- B. community need for the facility; and
- C. B. The facility is no longer financially viable; and
- D. C. It could not be put to another similar, community use; or
- E. D. Replacement facilities are provided on site, or within the vicinity to meet the needs of the local population.

11.1.2 Although community interest was shown at the initial community consultation, attempts to implement the facility through subsequent meetings have been unsuccessful. A lack of take up for running the facility has made the facility, and likely similar community uses unviable in this location. There are already a number of existing community facilities within the immediate area surrounding the site. As such, it has been demonstrated that there is an adequate existing supply of community facilities within walking and cycling distance from the site and accessible via public transport.

11.1.3 Following unsuccessful take up of the running of the facility, the community use of the site has not been established. Whilst the loss of community use of the site is regretted, an assessment has been made in terms of the future viability of it being retained as a community space. On this basis, it is considered that the provision of two affordable homes would outweigh the retention of an unoccupied community facility, which currently does not provide any community benefits and is unlikely to do so in the near future. The principle of the redevelopment of the site is considered acceptable.

### 11.2 Design

11.2.1 The new community building has been positioned on the ground floor flat block along Rochester Road. The appearance is based on a limited palette of materials which includes soft buff creased multi brick to compliment the

housing. The internal footprint and configuration are well suited for conversion into full residential use with minimum alterations required internally in order to facilitate the change of use.

11.2.2 The proposed conversion involves internal alterations and new internal partitions proposed to divide the large open internal spaces of the intended community facility into the different apartments and the living/dining/kitchen, bathroom, bedrooms and associated circulation space. The access to the stairwell to the upper floors of the building from Dorchester Road remains unchanged and is outside of the red line of this application. The access from Rochester Road is mostly unchanged, with the doorway moved only slightly. A new entrance has been proposed on the rear elevation facing north-east and, on the front-right elevation facing east, allowing additional access to the proposed 2-bedroom accessible apartment.

11.2.3 The proposals also involve some modest changes to the exterior of the building, including changes to windows and doorways. The external changes are minor in nature and would result in minimal impact visually with no detrimental impact upon the character of the building or street scene. Overall, the proposals would create a coherent and balanced façade in terms of scale and proportion. Materials will match the existing. The proposals comply with policy DM1 and D7 in this regard.

### 11.3 Quality of Accommodation

11.3.1 The proposals will provide 2 no. self-contained affordable rented apartments. The accommodation provided (one 1 -bed and one 2- bed flat) is considered acceptable taking into consideration the intensity of the occupation envisaged and the character of the area.

11.3.2 The apartments will both be accessible, situated on the ground floor and the larger flat has been designed to be wheelchair adapted. Externally there is a bin store, three dedicated parking spaces and access to EV charging points. The flats also meet the required internal space standards of policy D10 and have access to external shared garden space to comply with policy D12. All habitable rooms will receive adequate daylight. This is in accordance with Policy DM1 and Paragraph 135 of the Framework which, among other provisions, seek to ensure that developments create places with a high standard of amenity for existing and future users.

### 11.4 Residential Amenity

11.4.1 The site is located in a densely populated urban area surrounded by residential properties. Given the scale and orientation of the building and the fenestration design, it would not harm privacy or amenity of existing or future occupiers of nearby dwellings. The proposal accords with policy DM1 in this regard.

## 11.5 Access and Highway Impacts

11.5.1 The addition of two small apartments within the complex is unlikely to lead to overloading of the road network. The site benefits from good public transport, cycling and pedestrian links, which will encourage travel by sustainable means. The Highway Authority have referred the application to their Standing Advice, which the proposal is considered to be in accordance with. One parking space per unit is provided in accordance with the policy requirements, and an additional space is provided with a direct wheelchair access to the ground floor accessible flat. Cycle parking will be provided in covered Sheffield stands. A condition to secure the above details is imposed.

## 11.6 Sustainability

11.1.1 The site is located in a sustainable location within walking and cycling distance from local services and facilities. The site is located approximately 2 miles from the centre of Taunton. Dorchester Road connects to Eastwick Road with a designated public cycle path. Rochester Road (SW-bound) bus stop is situated immediately outside of the site serving the number 1 bus route which connects the site to the centre of Taunton. This bus stop, along with the bus stop available on Oxford Place operates services mostly half-hourly Monday-Saturday, connecting the site to wider Taunton.

## 11.7 Ecology and the impact on the Somerset Levels and Moors Ramsar Site

11.7.1 There are no trees on the site affected by the development and no adverse ecology impact identified as a result of the proposed conversion works. The social housing scheme approved under application ref: 38/18/0465 will provide a comprehensive landscaping scheme which will be an enhancement as will the biodiversity gains recommended by the ecologist and conditioned as part of the implementation of the wider residential scheme. This is considered in line with policies CP8 and ENV2.

11.7.2 The development will drain to existing sewers and the proposed phosphate mitigation strategy to secure a nutrient neutral scheme proposes demolition of flats elsewhere in the town to compensate for the new build here. A similar off-setting methodology, using the Wordsworth Drive site to generate phosphate credits has been used in part in another Somerset Council development (re-development of Oxford Inn, Outer Circle, Taunton, planning reference 38/21/0463. The Shadow HRA details that sufficient number of flats remain at the Wordsworth Drive site to provide phosphate credit for the current mitigation strategy. The demolition of the flats at the Wordsworth Drive location in Taunton will be completed prior to the occupation of the new dwellings at Rochester Road and subject to no objection from Natural England, the mitigation can be secured through a planning condition or a similar legal agreement. The phosphates mitigation for application ref: 38/21/0463 was secured through a Grampian condition and Natural England were supportive of

this approach. It is recommended a similar condition is imposed to secure the phosphates mitigation for this development.

#### 11.8 Flood Risk and energy efficiency

11.8.1 The site lies within flood zone 1 and the development will not increase the flood risk in the area. The building has been constructed to meet modern standards in terms of energy and thermal efficiency with improved insulative properties in new construction. The proposal is therefore in accordance with Policy CP1 of the Taunton Deane Core Strategy.

#### 11.9 Any other matters

The Housing Enabling Team are supportive of the application and have confirmed this type of affordable and accessible housing is in demand within Taunton. The proposal accords with policy CP4 in this regard.

## 12 **Planning Balance and Conclusion**

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## 13 **RECOMMENDATIONS**

### 13.1 Recommendation:

13.1.1 That Officers be given delegated authority to grant conditional approval of the application subject to no objections being raised by Natural England to the shadow Habitats Regulation Assessment (sHRA) and subject to the following planning conditions, or any other or amended conditions necessary in respect of securing appropriate Phosphate mitigation.

- 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:

(A4) DrNo 22151-0001 Rev 1 Location Plan  
(A0) DrNo EW-01.5a Rev C Phase A (va) External Works Plan  
(A0) DrNo 2004 EW 01.5a Phase A (va) External Works Layouts  
(A0) DrNo 2004 BL02-06 REV J BLOCK PLANS 02 ELEVATIONS (1 of 2)  
(A0) DrNo 2004 BL02 02 Rev K BLOCK PLAN 02 GROUND FLOOR PLAN  
(A0) DrNo 2004 BL02-07 Rev J BLOCK PLAN 02 ELEVATIONS (2 of 2)

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

- 3) No occupation of the new dwellings hereby approved shall take place until evidence has been submitted to, and approved in writing by the Local Planning Authority, that the demolition of the two flats located in Wordsworth Drive, Taunton and identified in the updated Phosphate Mitigation Strategy 2024 has been completed.

Reason: To safeguard phosphate levels in the Somerset Levels and Moors Ramsar site and protect habitat as required under Policy CP8 of the Taunton Deane Core Strategy and in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

- 4) No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the Taunton Deane: Core Strategy Policies DM5 (the Supplemental Planning Document – Districtwide Design Guide) and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (Sept 2023).

- 5) The development shall not be occupied until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

i. the numbers and type of affordable housing provision to be made;  
ii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

iii. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing thereby approved shall meet the definition of affordable housing in the National Planning Policy Framework 2023 or any future guidance that replaces it, in perpetuity.

Reason: To ensure that the scheme is built as 100% affordable housing to ensure it meets the housing need in the area.

- 6) Details of the cycle storage facilities for each property shall be submitted to and approved in writing by the Local Planning Authority and the cycle storage facilities 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.