

38/18/0465

ADDENDUM TO REPORT BY GARETH CLIFFORD

SOMERSET WEST AND TAUNTON COUNCIL

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

Location: PARCELS OF LAND ON BODMIN ROAD, DORCHESTER ROAD,
WELLS CLOSE, CAMBRIDGE TERRACE AND ROCHESTER ROAD,
TAUNTON

Grid Reference: 323307.126587

Full Planning Permission

Proposal

Members may recall the application was considered at the Planning Committee meeting on 27 March 2019, where it was resolved to grant conditional approval subject to a Section 106 agreement to secure the play provision contribution and maintenance of the off site parking and street trees and clarification of the stopping up process prior to determination, the application to be delegated to Officers to determine.

The proposal is Phase 1 of a redevelopment of the Woolaway homes in this area of north Taunton to provide improved accommodation for the local residents. The proposal seeks to demolish the existing 26 dwellings which have deteriorating concrete frames and replace them with 47 new units together with a community building. The accommodation will be affordable and be a mix of 1, 2, 3 and 4 bedroomed properties with 21 flats, 6 bungalows, 5 x 3 bed chalets and 15 houses, including 5 disabled adapted units.

The S106 agreement has yet to be signed and, therefore the decision has not been issued.

The client is keen to commence the development as soon as possible and have requested changes to condition 09, which relates to a requirement for the submission of a strategy for the protection of wildlife prior to commencement of development. The request has been made to avoid a pre-commencement condition, which would delay the commencement of works.

Site Description

The site lies to the north of the existing shops at Priorswood and includes 5 separate sites, one north of Ludlow Avenue, one south of Cambridge Terrace, one north of Bodmin Road, one west of Dorchester Road and Wells Close and the site on the

corner of Rochester Road and Dorchester Road. All are occupied by two storey Woolaway type houses. Lyngford Lane lies to the east and the local shops to the south.

Relevant Planning History

None.

Consultation Responses

Following consultation of the proposed change to condition 09, the Ecologist has been reconsulted and the following response has been received:

"I understand that the above applications are due to go back to committee on the 14th November. Please could you replace the condition below for both applications as follows?

The application site lies within Band B of the Bat Consultation Zone for the Hestercombe House SAC which is designated for its lesser horseshoe bat feature. However, the proposed development is highly unlikely to have an effect on lesser horseshoe bats and therefore I do not propose to carry out a Habitats Regulations Assessment for the application.

An Ecological Impact Assessment of the application sites was carried out by Encompass Ecology in December 2018.

Bird surveys found that starlings and house sparrows, both listed on S41 of the Natural Environment and Rural Communities Act 2006 as a priority species for which the local planning authority has to have regard for the conservation of in carrying out its duties, and house martins were present. Swifts were also considered to be nesting on the site along Hereford Drive and potentially present into September. The following condition will therefore be required:

- No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 15th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist.

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy

The following is also required in order that nesting provision is reinstated and enhanced within the development. In addition provision will be required to replace bat roost sites (see below). The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. [Swallows

are loyal to nesting sites and have been in decline since the 1970's across Europe. I consider the replacement provision needs to be installed to ensure no net loss of biodiversity in accordance with Government policy.] [A bee brick would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall.] I recommend that the following is conditioned.

- The following will be integrated into dwellings or mounted up suitable trees / buildings unless otherwise agreed in writing by the Local Planning Authority:
 - a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevations of 28 dwellings
 - b) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level and away from windows on the north facing elevation of 1 dwelling
 - c) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves and away from windows of the north elevation of 10 dwellings
 - d) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 20 dwellings
 - e) Ten Schwegler 3S Starling Nest Boxes will be mounted on the northerly facing aspect of trees and maintained thereafter
 - f) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of each dwelling
 - g) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

Plans showing the locations of installed features will be submitted to and agreed in writing by the local planning authority prior to the completion of construction works.

Reason : In the interests of the 'Favourable Conservation Status' of populations of European protected species, priority bird species and in accordance with Government policy for the maintenance and enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

During the surveys a number of garden areas, mainly associated with derelict properties, were identified as potential areas in which further reptile surveys were required. It is likely that slow-worms are present in these areas. Compass Ecology suggest that a mitigation strategy be agreed for the site prior to commencement. It was also considered that hedgehogs, a S41 priority species, may also be present in gardens. This needs to be conditioned as follows:

- Prior to the removal of vegetation and or groundworks a ‘Reptile and Hedgehog Mitigation Strategy’ will be submitted to and approved in writing by the Local Planning Authority. The strategy shall specify a suitable translocation site if needed. The works shall then be carried out in strict accordance with the approved strategy unless modified with the written agreement of the Local Planning Authority.

Reason: In the interests of UK protected and priority species and in accordance with policy CP8 of the Taunton Deane Core Strategy

Figure 6 of the Compass Ecology report identifies locations of known bat roosts that would be affected by the proposed development. The roosts in these houses are likely to be damaged or destroyed and or bats harmed or disturbed and would require a European protected species licence in place before any works begin on them. The following is required to be conditioned in order that Somerset West and Taunton Council fulfils its legal duty of ‘strict protection’ of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998).

- Works to 2/4 and 14/16 Dorchester Road, 9 to 15 Dover Road, 2/4 Southampton Row, 10/12 Hereford Drive, and 1/3 Oxford Place shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified dwellings will require a licence.

Reason: In the interest of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

The following condition is also required again to ensure that the LPA fulfils its legal duty of ‘strict protection’ of European protected species:

- Works to dwellings will not commence until:
 - a) Construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the toolbox talk
 - b) Three 2FN Schwegler bat box to provide suitable alternative roosting locations, to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a

minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. Photographs showing their installation will be submitted to the Local Planning Authority

- c) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist. Any further findings shall be reported to the Local Planning Authority

Reason: In the interest of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

Badgers and hedgehogs are potentially present on the application site. Compass Ecology recommend that an angled plank be deployed as an escape from deep trenches. However, in reality this cannot be reasonably enforced through a condition. The following informative should be added to the planning permission.

- The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Determining issues and considerations

The ecological assessment submitted with the original application did not identify any adverse impacts on protected species and the site is of limited ecological interest. An enhancement of habitats across the sites is possible.

Somerset Wildlife Trust and Taunton Deane Swifts Group made representations regarding the wildlife implications of the development. It is considered that the changing to the wording and timing of the condition would satisfactorily address the issues they raised.

The proposed changes to condition 09 would ensure the protection of wildlife in accordance with EU legislation, the NPPF and adopted CP8, whilst ensuring the development can commence in a timely manner.

The application is recommended for approval subject to the above changes to condition 09, with all other conditions being retained and subject to a legal agreement.

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

Location: PARCELS OF LAND ON BODMIN ROAD, DORCHESTER ROAD,
WELLS CLOSE, CAMBRIDGE TERRACE AND ROCHESTER ROAD,
TAUNTON

Grid Reference: 323307.126587

Full Planning Permission

Recommendation

Recommended decision: Awaiting S106 Completion DO NOT ISSUE subject to a Section 106 to secure the play provision contribution and maintenance of the off site parking and street trees and clarification of the stopping up process prior to determination, the application be delegated to Officers to determine.

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 50089-0050 Rev C Phase 1 Drainage Strategy Sheet 1
(A1) DrNo 50089-0051 Rev C Phase 1 Drainage Strategy Sheet 2
(A1) DrNo 50089-0052 Rev C Phase 1 Drainage Strategy Sheet 3
(A1) DrNo 50089-0053 Rev C Phase 1 Drainage Strategy Sheet 4

(A1) DrNo 1939 007A Phase 1 1of 2
(A1) DrNo 1939 008A Phase 1 2of 2
(A3) DrNo L007 Rev B Phase 1 Location Plan
(A1) DrNo L008 Rev C Existing Phase 1 Plan
(A1) DrNo L012 Rev D Proposed Phase 1 Plan
(A1) DrNo L015 Rev C Proposed Phase 1 Plan
(A1) DrNo L015 Rev B Boundary Treatments Key & Typical ElevationsProposed Phase 1 Plan
(A3) DrNo L016 Rev C Phase 1 Location Plan (Proposed)

(A0) DrNo L017 Rev B Illustrative Phase 1 Plan

- (A3) DrNo 1010 Rev L 2 Bed 4 Person Narrow Fronted House Plans
- (A3) DrNo 1011 Rev L 3 Bed 5 Person Narrow Fronted House Plans
- (A3) DrNo 1012 Rev K 3 Bed 5 Person Wide Fronted House Plans
- (A3) DrNo 1015 Rev K 4 Bed 6 Person Wide House Plans
- (A3) DrNo 1016 Rev L 3 Bed 6 Person Chalet Plans
- (A3) DrNo 1017 Rev J 3 Bed 6 Person Chalet Elevations
- (A3) DrNo 1018 Rev J 1 Bed 2 Person FOG Plans
- (A3) DrNo 1019 Rev K 1 Bed 2 Person Bungalow Plans
- (A3) DrNo 1020 Rev K 2 Bed 3 Person FOG Plans
- (A3) DrNo 1021 Rev J 2 Bed 3 Person FOG Elevations
- (A3) DrNo 1022 Rev J Flats Wide Fronted Plans
- (A3) DrNo 1023 Rev H Flats Wide Fronted Elevations
- (A3) DrNo 1026 Rev J 1 Bed 2 Person Flat Plans
- (A3) DrNo 1027 Rev I 2 Bed 3 Person Flat Elevations _ N&S
- (A3) DrNo 1028 Rev I 2 Bed 3 Person Flat Elevations _ E&W
- (A3) DrNo 1030 Rev K 4 Bed 6 Person Narrow Fronted House Plans
- (A1) DrNo 1032 Rev I Flats & Community Centre (2B3P & 1B2P Ground & First Floors)
- (A1) DrNo 1033 Rev I Flats & Community Centre (2B3P & 1B2P Second Floors)
- (A1) DrNo 1034 Rev H Flats & Community Centre Elevations
- (A3) DrNo 1035 Rev D 2 Bed 3 Person Bungalow
- (A3) DrNo 1037 Rev D 2 Bed 4 Person Bungalow
- (A3) DrNo 1039 Rev G 4B7P Wheelchair
- (A3) DrNo 1041 Rev B 4B7P Wheelchair Side Elevations
- (A3) DrNo 1042 Rev A 3 Bed 6 Person Chalet Elevation
- (A3) DrNo 1043 Rev A 3 Bed 6 Person Chalet Elevation
- (A3) DrNo 1045 Rev D Street Elevation Phase 1
- (A1) DrNo 1046 Rev D Street Elevations Phase 1
- (A3) DrNo 1047 Rev D Street Elevations Phase 1
- (A3) DrNo 1048 Rev D Street Elevations Phase 1
- (A3) DrNo 1050 Rev B Dorchester Flats

(A1) DrNo 1052 Rev C Street Elevations Phase 1

- (A1) DrNo 1939 001 Rev A Landscape MasterPlan
- (A1) DrNo 1939 002 Rev A Landscape Masterplan
- (A1) DrNo 1939 003 Rev A Landscape Masterplan Phase 1
- (A1) DrNo 1939 007 Rev A Phase 1
- (A1) DrNo 1939 008 Rev A Phase 1
- (A1) DrNo 50089-0007 Rev A Highways Works Vehicular & Pedestrian Visibility Splays
- (A1) DrNo 50089-0031 Rev C Phase 1I Highways Works General Arrangement
- (A1) DrNo 50089-0032 Rev C Phase 1II Highway Works General Arrangement
- (A1) DrNo 50089-0033 Rev C Phase 1III Highway Works General Arrangement
- (A1) DrNo 50089-0034 Rev C Phase 1 IV Highway Works General Arrangement

(A1) DrNo 50089-0035 Rev D Phase 1V Highway Works General Arrangement
(A1) DrNo 50089-0050 Rev C Phase 1 Drainage Strategy Sheet 1
(A1) DrNo 50089-0051 Rev C Phase 1 Drainage Strategy Sheet 2
(A1) DrNo 50089-0052 Rev C Phase 1 Drainage Strategy Sheet 3
(A1) DrNo 50089-053 Phase 1 Drainage Strategy Sheet 4
(A1) DrNo L012 Rev D Proposed Phase 1 Plan
(A1) DrNo L015 ~Rev B Proposed Phase 1 Plan
(A3) DrNo L016 Rev C Phase 1 Location Plan (Proposed)
(AO) DrNo 17025 Lo17 Rev B Illustrative Phase 1 plan
Adendum to Planning, Design and Access Statement
Drainage Strategy
Transmittal

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) 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.

5. There shall be no occupation of plots 37-40 until a suitable means of access to the properties are provided.

Reason: In the interests of highway safety.

6. Details of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling on site. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved.

Reason: To ensure a transport choice is provided and to ensure that users

will travel to and from the site by means other than the private car.

7. 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.

8. An electric vehicle charging point shall be provided adjacent to the community facility building next to a visitor parking space prior to the building being brought into use.

Reason: In the interests of reducing vehicle emissions in the town.

9. 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 Encompass Ecology Ltd's submitted report, dated December 2018 and further survey and include:

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

1. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
2. Measures for the retention and replacement and enhancement of places of rest for the species
3. Details of any outside lighting
4. A Construction and Environmental management Plan (CEMP) and a Landscape and ecological management Plan (LEMP)

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 and bat boxes and related accesses have been fully implemented

Reason: To protect and accommodate wildlife.

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

10. The finished floor levels of properties next to the Priorswood Stream must be no lower than the existing property.

Reason: To prevent the increased risk of flooding.

11. The development permitted by this planning permission shall only be carried out in accordance with the Craddys email dated 1 Mar'19 50089sk0073B Priorswood Stream Easement – Existing & Proposed.

Reason: To prevent the increased risk of flooding.

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 Phase 1 of a redevelopment of the Woolaway homes in this area of north Taunton to provide improved accommodation for the local residents. The proposal seeks to demolish the existing 26 dwellings which have deteriorating concrete frames and replace them with 47 new units together with a community building. The accommodation will be affordable and be a mix of 1, 2, 3 and 4 bedroomed properties with 21 flats, 6 bungalows, 5 x 3 bed chalets and 15 houses, including 5 disabled adapted units.

Site Description

The site lies to the north of the existing shops at Priorswood and includes 5 separate sites, one north of Ludlow Avenue, one south of Cambridge Terrace, one north of Bodmin Road, one west of Dorchester Road and Wells Close and the site on the corner of Rochester Road and Dorchester Road. All are occupied by two storey Woolaway type houses. Lyngford Lane lies to the east and the local shops to the south.

Relevant Planning History

None

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - This application is for the replacement of 26 existing dwellings, together with the creation of an additional 21 new dwellings (ie a total of 47 dwellings replacing the existing 26 homes).

This forms part of Taunton Deane Borough Council's 'Woolaway Project' for a redevelopment within the Priorswood area of Taunton to replace or refurbish some 212 structurally defective Woolaway properties, mostly in District Council ownership, and create an additional 64 new properties (providing a new total of 276 dwellings). The 47 dwellings proposed within this application form the first phase of this project, with a separate outline application (with all matters reserved) having been submitted for the remaining phases of the project.

The Phase 1 works included within this application for full planning consent relate to five discrete sites within the overall regeneration area:

1. North of Bodmin Road;
2. South-West of Dorchester Road;
3. Wells Close;
4. West of Rochester Road; and
5. South of Cambridge Terrace.

Traffic Impact

A revised Transport Statement (TS) has been submitted in support of this outline application. The TS considers the redevelopment project as a whole, identifying the likely impact of a total development of 276 dwellings to replace 212 existing structurally defective properties and the provision of a new community facility of some 157.3 gross floor area. The TS concludes that the impacts of this regeneration project would be minimal. The Highway Authority considers that there is little risk of any severe impact from the proposals within the project, and thus does not object to the principle of this application.

Travel Plan

A Travel Plan (TP) is required for this phase of the project and the redevelopment as a whole but has not been submitted as part of either application. A suitable TP should be secured by agreement under Section 278 of the Town and Country Planning Act 1990. It is recommended that the TP be produced to cover all phases of the proposed development, including that within the remaining phases (currently subject to a separate outline planning application).

Parking

The optimal car parking provision for this site as set out in the adopted Somerset County Council Parking Strategy (SPS) for a residential development in a Zone A area such as this location is 73-83 spaces optimum with 76 Actual.

The proposed car parking is therefore generally in accordance with the optimum set within the SPS, and the Highway Authority therefore raises no objection to the proposals.

However, a point to note is that the allocation of parking space is not possible within the public highway, and any such spaces would remain available for all users. The applicant has proposed that the existing public highway be stopped up to provide dedicated parking spaces. This would require the completion of a legal process separate to any planning consent, the success of which cannot be guaranteed.

It is recommended that conditions be imposed on any planning consent to ensure appropriate provision for secure cycle parking, motorcycle/ scooter parking and electric vehicle charging within the final redevelopment proposals, to the approval of the Local Planning Authority.

Highway Works

The proposals include work within the existing public highway, which will require an appropriate legal agreement with the Highway Authority in order to progress, subsequent and separate to any planning consent. The applicant should bear in mind that the proposals will be subject to further detailed technical and safety audit as part of this process, which may result in amendments to the final proposals. However, the proposals also require the stopping up of the existing public highway. This would be achievable under Section 116 of the Highway Act 1980, or alternatively under Section 247 of the Town and Country Planning Act 1990 if the application specifically references this. The Highway Authority advises that stopping up under the Highways Act would not be appropriate or achievable in this instance. The application should therefore be made with specific reference to stopping up of the highway under the Town and Country Planning Act.

It should be noted that the stopping up procedure is subject to public consultation, and as such there is no guarantee that highway rights would be removed. Any permission granted on the basis of an area being stopped up would therefore not be implementable should this process fail. It is therefore recommended that the areas proposed for stopping up be agreed in detail with the Highway Authority prior to the grant of any planning consent, to ensure the stopping up process has the best chance of success.

However while the revised proposals have only been initially assessed, given the time available, a number of concerns have been identified which may affect the areas proposed for parking (and thus put forward by the applicant for stopping up). It is therefore recommended that the applicant hold further discussion with the Highway Authority to finalise the proposals and address these concerns, and thus confirm the areas to be put forward for stopping up, prior to the grant of any planning consent.

Other

Details of the proposed street lighting arrangements have been provided, but no comments are provided at this time. A detailed review of the proposal as they affect the existing and prospective public highway will be undertaken as part of the detailed technical review that is required within the approval process controlled by legal agreement with Somerset County Council.

Conclusions

The traffic impact of the proposals has now been assessed to the Highway Authority's satisfaction and this has identified that the proposals are unlikely to result in a severe impact on the existing highway network. No objection is therefore raised regarding the principles of this development.

The Highway Authority does not object to the proposed parking levels, but the allocation of spaces to individual properties is not possible within the public highway. The applicant has put forward areas where allocated parking will be provided on stopped-up public highway, but this would require the completion of a separate legal process, the success of which cannot be guaranteed.

It is recommended that any areas intended to be stopped up be agreed with the Highway Authority prior to the grant of any planning consent to provide the best chance of success with regard to the stopping up process.

In addition, a number of highway issues have been identified on the revised plans that will require amendment before an acceptable design is reached. As this may affect the areas put forward for stopping up, it is recommended that the designs be reviewed by the applicant, with input from the Highway Authority, and revised proposals submitted for consideration by the Local Planning Authority.

SCC - CHIEF EDUCATION OFFICER - I refer to the above-mentioned planning application received on 21 December 2018 and following consultation with colleagues I have comments regarding the implications of this development on Education provision :-

26 replacement & 21 new dwellings therefore only 21 additional would generate the number of children shown below for each education provider:

21 x 0.05 = 1.05 (2) Early years pupils
21 x 0.32 =6.72 (7) Primary school children
21 x 0.14 =2.94 (3) secondary school children

The 5 development locations are situated in the Wellsprings primary school catchments area, and children will go to the Taunton Academy for secondary. Wellsprings school is currently over capacity and Taunton Academy is forecast to have significant pressure. SCC would therefore require CIL funding to enable an expansion or improvement to the school to accommodate the children from this development.

Current pupil and build costs indicate that the following education contributions would be required:

2 x 17,074 = £34,148
7 x 17,074 = £119,518
3 x 24,861 = £74,583

An application for CIL funds will be carried out when the funding is required.

SCC - FLOOD RISK MANAGER - I am satisfied that whilst there is a slight increase in the discharge rate for some areas of the redevelopment, there is an overall betterment of at least 30% in terms of discharge (for the Q30) into the network which is consistent with brownfield sites.

SCC - ECOLOGY - Having looked at the ecology report and given the application site's location within the urban area of Taunton contrary to my previous email I do not need to carry out a Habitats Regulations Assessment for this application – unless Natural England states otherwise. The proposed development is highly unlikely to effect lesser horseshoe bats from the Hestercombe House SAC.

Further to Barbara's comments, and as the National Planning Policy Framework requires enhancement, paragraph 3 should mention examples of what would be required. I would recommend that a number of bat and bird boxes and bee bricks be built into the structure of the houses. Such as - Bat boxes should be of the

Habibat 001 type or similar that are built in the structure of buildings away from windows and over 4m above ground level generally on western elevations; bird nests should include house martin and swift nest cups, house sparrow nests and a variety of other types on northern elevations; and bee bricks about 1m above ground level on south elevations.

ENVIRONMENT AGENCY - initial comments

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

The culverted Priorswood Stream, a main river, runs along the edge of part of this development.

Prior to any permission being granted, it must be ensured that appropriate maintenance easements widths can be achieved alongside the watercourse. We have regulatory jurisdiction over any potential works that could occur within 8.0m either side of the culverts. Therefore, there must be no development within this space.

This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the culverted Priorswood Stream, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

In addition, based on the outputs of the emerging Northern Tributary Tone Model in Taunton this site is now solely located within Flood Zone 1. This is now deemed at a low flood risk and is the ideal flood zone to develop.

Further comments

The Environment Agency can now WITHDRAW its earlier objection, as the applicant has modified the layout of the development, with the houses now further away from the stream than the original houses, and subject to the inclusion of conditions which meet the following requirements:

CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the Craddys email dated 1 Mar'19 50089sk0073B Priorswood

Stream Easement – Existing & Proposed.

REASON: To prevent the increased risk of flooding

CONDITION: The finished floor levels must be no lower than the existing property.

REASON: To prevent the increased risk of flooding.

The following informatives and recommendations should be included in the Decision Notice.

The demolition and building work within 8m of the top of the bank may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. Erecting a fence along the boundary of the site or any other temporary works within 8 m of top of bank may also require a permit. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

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<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

BIODIVERSITY - Encompass Ecology Ltd carried out an ecological Impact assessment of the site in December 2018.

Findings were as follows:

Protected Sites - Hestercombe House SSSI and SAC is located 2km away so Larry Burrows will need to carry out a TOLSE.

Pyrland Park LWS, a site with an important assemblage of veteran trees, is located 1.2 km to the north west of the site.

Habitats - The site comprises of the houses, bare ground, scrub habitat, introduced scrub, amenity grassland, neutral grassland, scattered trees, hedgerow with trees along Lyngford Lane and running water.

Bats - Several buildings were identified as having potential for roosting bats. One property was visited and a further five loft inspections were undertaken but at all locations there was no evidence of current bat usage.

Further surveys were undertaken including remote bat detector surveys where common and soprano pipistrelle appeared to be the dominant species of bat in the area.

Pipistrelle bats were seen to emerge from several properties. Further bat surveys should be undertaken on properties due for demolition. Where a bat roost will be affected then a licence will be required from Natural England.

Results of bat surveys showed that no horseshoe bats were encountered. However I consider that Larry Burrows would still need to make a test of likely significance (TOLSE) although it is thought that the development would not impact on Hestercombe SAC.

Birds - Demolition of the buildings is likely to impact on nesting birds so works should take place outside of the bird nesting season. Removal of vegetation should also take place outside of the bird nesting season.

Badgers - No setts were found on site however there is potential for badgers to forage on site

Reptiles - During the PEA process a number of gardens were identified as having potential for reptiles. However due to the very hot summer in 2018 it was too hot to undertake reliable reptile assessments. Later many of the gardens had been strimmed therefore any reptiles would have dispersed. In consideration of this, a low level presence has been assumed

Prior to commencement of construction a reptile mitigation strategy is required as it is likely that reptiles will need to be translocated to a suitable receptor site

Water Voles - Despite a survey undertaken in August 2018 there was no indication of water vole on site.

Otters - No evidence of otters was found.

Hedgehogs - From discussions with residents, there were many records of hedgehogs being present on site. This presence was confirmed on site. I agree that gaps should be left under garden fences so that hedgehogs can forage between the garden areas.

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 Encompass Ecology Ltd's submitted report, dated December 2018 and further survey 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
- Details of any outside lighting
- A Construction and Environmental management Plan (CEMP) and a Landscape and ecological management Plan (LEMP)

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 and bat boxes and related accesses have been fully implemented

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

Bats are known to use the building(s) on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

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 throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal.

LANDSCAPE - No landscape objection. It is good to see that street trees are proposed. Mood board is acceptable but full landscape detail will be required.

WESSEX WATER - No comments

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

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 01/01/2018-31/12/2018 is as follows:-

Arson & Criminal Damage – 10 Offences (incl. 3 criminal damage to dwellings & 3 criminal damage to motor vehicles)

Burglary – 4 Offences (comprising 3 residential burglaries & 1 business & community burglary)
Drug Offences – 2
Miscellaneous Crimes Against Society - 1
Public Order Offences – 19 (incl. 14 causing intentional harassment, alarm, distress)
Sexual Offences - 2
Theft – 42 Offences (incl. 3 theft of pedal cycle and 29 shoplifting)
Vehicle Offences – 3 (all theft from motor vehicles)
Violence Against the Person – 42 Offences (incl. 6 assault ABH & 17 common assault & battery, 6 Harassment)
Other Offences - 1
Total – 126 Offences

This averages less than 11 offences per month, which is classed as a low level of reported crime.

General Comment – in December 2017, the Nash Partnership Architects contacted me requesting my input into the North Taunton Woolaway Project with regard to the police approved Secured by Design scheme and the benefits of designing out crime.

I was subsequently invited to attend the Residents Design Group Meeting on 17th January 2018, where I made a presentation to the group on all aspects of Secured by Design. I subsequently attended a further Design Group Meeting on 18th April 2018 to respond to queries arising regarding certain aspects of Secured by Design.

Design & Access Statement – further to this, the DAS at page 28 contains a section headed ‘**Secure by Design**’, which lists some fifteen areas of crime prevention design which were discussed with the Residents Design Group and which have been incorporated into this scheme. Without repeating them, I support the points made and the only other comment I would make at this stage is as follows:-

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 (including communal doors 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 fully aware of the police approved Secured by Design award scheme and 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

LEISURE DEVELOPMENT - Off site play provision for the upgrade in numbers will equate to a sum of £19,578.

HOUSING ENABLING - It is noted that a Structural Engineers report undertaken in 2013 concluded that the Woolaway units were showing signs of deterioration. This, along with subsequent assessments of other Council owned Woolaway properties that highlighted the situation to be worse than previously thought, has resulted in the need for this scheme.

The proposed scheme has been based on extensive consultation with the community, involving every household as far as possible. The proposed mix includes a range of property sizes and types in line with the results of the consultation and taking into account the needs of decants at later stages. The inclusion of 1 bedroom properties provides a broader mix, whilst any additional units has been based on Homefinder Somerset. As such, the scheme is considered to meet the local need.

SCC HERITAGE TRUST - No objections on archaeological grounds.

SOMERSET WILDLIFE TRUST - We would fully support the comments of the Authority's Biodiversity Officer in respect of the need for a TOLSE, various follow up surveys, bat and bird boxes etc. All of these proposals should be addressed with an agreed strategy before planning permission is granted.

HOUSING STANDARDS – No comments

TAUNTON DEANE SWIFTS GROUP – Given Encompass Ecology's findings that 'House Sparrows, a UK priority BAP species were recorded nesting on site in many locations. Juvenile Starlings, another UK BAP(P) species were also recorded nesting on site... obvious nesting species on site was House Martin, an 'amber' species listed by the RSPB as a declining breeding species (and) swifts were also considered to be likely nesting on site along Hereford Drive, again an 'amber' listed declining breeding species.'

we would strongly recommend that bird and bat boxes are built into the fabric of buildings, recreating natural cavities found in historic properties. Integral boxes are inconspicuous, simple and inexpensive to install and do not require ongoing maintenance. Swift boxes are preferred since, as well as swifts, they can be used by house sparrows, great tits, starlings and might be used by some species of bats. Boxes should be c. five metres above ground level in locations sheltered from prevailing weather and direct sunlight, and sited close to the eaves or barge boards. In larger buildings, optimal height and number will depend on the design of the building and the surrounding area. As swifts breed in colonies, a minimum of 12 cavities in groups of 2-3 should be created. In new residential developments, a minimum overall ratio of one cavity per dwelling should be provided. Swifts are site faithful so unless existing nest sites are replaced, the colony will be lost - to reduce the risk of this happening, a mitigation plan should be mandatory where buildings are being redeveloped or renovated.

The Priorswood area of Taunton supports a threatened swift population and this is an excellent opportunity to provide for endangered nesting bird species for generations to come.

Nesting bricks are a relatively inconspicuous and inexpensive strategy to cater for these threatened bird species and, as Encompass Ecology state, 'Much of the ecological provision can now be in-built (subject to housing construction method) as well as being incorporated into habitat design and enhancements of retained habitat areas.'

We can offer advice regarding the siting of these bricks if necessary.

WESTERN POWER DISTRIBUTION - All these premises have live power supplies. They will require disconnection prior to demolition utilising the correct protocol. All work in the vicinity of Western Power apparatus will be conducted in a safe manner. GS6 applies (Health & Safety Executive).

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comment.

OPEN SPACES MANAGER - No comment.

Representations Received

6 letters of objection and concern over

- design of community centre,
- nature of green space,
- boundary treatment
- overlooking
- impact on properties other side of Lyngford Lane
- impact on elderly occupiers causing stress,
- inadequate consultation,
- not enough support for the vulnerable
- lack of clarity
- no flexibility in plans and assumes sale or CPO of certain properties,
- Phase 1 should be included in the outline,
- Not in conformity with DM4 and will increase density
- poor design quality
- loss of amenity and private space
- overdevelopment and not enhance biodiversity
- not in compliance with parking policy A1 with under provision
- failure to provide decent open space
- open space will not be adequately maintained
- concern over height of new dwellings

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,
SD1 - Presumption in favour of sustainable development,
A1 - Parking Requirements,
A2 - Travel Planning,
D7 - Design quality,
D8 - Safety,
D9 - A Co-Ordinated Approach to Dev and Highway Plan,
D10 - Dwelling Sizes,
D12 - Amenity space,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 3680sqm.

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 £257,500.00. With index linking this increases to approximately £345,000.00.

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	£22,660
Somerset County Council	£5,665

6 Year Payment

Taunton Deane Borough	£135,963
Somerset County Council	£33,991

Determining issues and considerations

The main considerations with this proposal are the impact on the character of the

area, amenity impact, wildlife, access, parking and drainage.

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 scheme is a detailed one for 5 parcels of land over 1.05ha currently comprising 26 two storey properties. The proposal is to demolish the existing dwellings and provide 47 new homes in a mix of flats, bungalows and houses. The scheme has been considered by the Design Review Panel and is supportive of the development. A pair of bungalows is proposed on the corner of Ludlow Avenue and Rochester Road. South of Cambridge Terrace it is proposed to erect a terrace of 5 houses with parking plus a house and three flats on the corner with Rochester Road. There is over 21m wall to wall distance across Lyngford Lane to the properties to the east and given the design of the terrace there is considered to be no adverse amenity impact. 4 houses are proposed off Bodmin Road and these have been adjusted to maintain access to the culvert to the west. Two bungalows are proposed on the corner of Dorchester Road and replace a pair of houses and are related to local needs requirements.

The main area of change in Phase 1 is the corner of Dorchester Road and Rochester Road. The proposal is to provide two and three storey properties on the corner road frontage which reflects the scale of the local shopping centre to the south and provides a community centre facility on the ground floor frontage with Rochester Road. 16 flats are proposed on the Dorchester Road frontage and a terrace of 5 houses facing onto Rochester Road. A new close is provided off Rochester Road with flats over garages and a terrace of two storey dwellings an associated parking areas. Finally a new terrace of 4 houses is proposed facing Durham Place.

The design of these properties is considered to reflect the character of the area and steps down the road towards the local shopping centre. The materials will match in with the general area and are to be conditioned. The design is considered to preserve the amenity of existing properties in the area given height and distances involved.

An ecological assessment has been submitted with the application and there were no identified adverse impacts on protected species identified and the site is of limited ecological interest. An enhancement of habitats across the sites is possible and a condition to address protection and enhancements is recommended by the Biodiversity Officer.

Access to the site will utilise existing access roads that are adopted highways. The Highway Authority raise no objection to the principle of the scheme and consider the development would not adversely impact on traffic in the area and would be capable of providing the appropriate level of car parking in line with policy. A travel plan will be required and it is considered that this can be a condition of any approval. A suitable legal agreement will be required to deal with any works in the highway and to control future maintenance of any parking areas as well as trees in the highway. The proposal would involve stopping up of parts of the highway and the Highway Authority consider this process would need to be agreed as part of this detailed scheme before permission is granted to ensure the detailed layouts submitted can be implemented. While this would not affect the housing provision on the site it may impact in small areas of landscaping and parking. Consequently it is recommended that the application be delegated to officers to determine once any stopping

procedure has been addressed.

The site is drained by an existing system in terms of foul and surface water drainage and new connections will need to be made. This will be covered by existing legislation. As there will be new dwellings as part of the scheme a suitable means of surface water treatment is required and a condition to address this is considered appropriate. The Environment Agency has withdrawn its initial objection and recommended conditions be imposed.

The application site lies within easy walking distance of the existing public park to the south and the Leisure Officer considers that while there is no need for additional space on site a contribution in terms of the potential to upgrade play equipment in the park is required due to the uplift in numbers of dwellings. Consequently an agreement to secure the necessary sum for improved play facilities forms part of the recommendation.

In summary the redevelopment of the area as proposed is considered as an acceptable one and not to harm the character or amenity of the area, or wildlife, flood risk and highway safety and subject to a legal agreement and appropriate conditions is recommended for approval.

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

Contact Officer: Mr G Clifford