

38/18/0467

ADDENDUM TO REPORT OF GARETH CLIFFORD

SOMERSET WEST AND TAUNTON COUNCIL

Outline Planning Application with all matters reserved for the replacement and refurbishment of 186 Woolaway homes and the erection of additional dwellings to provide up to 230 No. dwellings on land located between Lyngford Lane and Dorchester Road, Taunton

Location: LAND LOCATED BETWEEN DORCHESTER ROAD AND
LYNGFORD LANE, TAUNTON

Grid Reference: 323355.126801 Outline 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.

The proposal is an outline application with all matters reserved for the replacement and refurbishment of 186 Woolaway homes and to provide up to 230 new dwellings on land between Lyngford Lane and Dorchester Road, north Taunton. All matters are reserved for approval, although illustrative plans have been submitted showing a potential layout. The intention is to address the structural issues with a large concentration of Woolaway properties by proposing to replace the majority and refurbishing some along the west side of Dorchester Road and the north side of Ludlow Avenue.

The application is accompanied by a Design & Access statement, an Environmental Assessment, a Flood Risk Assessment, a Transport Statement Ecological Assessment and a Statement of Community Involvement.

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 has requested changes to condition 04, 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 is an area of largely two storey concrete framed dwellings set along ten roads within an area north of the local shops at Priorswood. The area is

approximately 6.44ha and comprises 186 residential properties and access is via existing highway infrastructure.

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 04 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 04, with all other conditions being retained and subject to a legal agreement.

TAUNTON DEANE BOROUGH COUNCIL

Outline Planning Application with all matters reserved for the replacement and refurbishment of 186 Woolway homes and the erection of additional dwellings to provide up to 230 No. dwellings on land located between Lyngford Lane and Dorchester Road, Taunton

Location: LAND LOCATED BETWEEN DORCHESTER ROAD AND
LYNGFORD LANE, TAUNTON

Grid Reference: 323355.126801 Outline 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 any off site parking and street trees.

Recommended Conditions (if applicable)

1. Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of seven years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A3) DrNo L004 Rev D Site Location Plan
(A3) DrNo L005 Rev C Existing Site Plan
(A3) DrNo L006 Rev C Phase Plan (Existing)

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

3. Prior to the wall construction of the building 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. 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:

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 species
4. Details of any outside lighting
5. 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 protect wildlife during construction.

5. A detailed phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to reserved matter details being submitted for approval and shall be carried out as agreed unless a variation is agreed in writing by the Local Planning Authority.

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

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. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable.

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. Prior to occupation of the buildings, works for the disposal of sewage and 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 and shall include the maximum discharge rates and the means of maintenance for the life time of the development. The works shall thereafter be retained and maintained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

8. Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of sustainable development and highway safety.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The 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.
3. 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.

Proposal

The proposal is an outline application with all matters reserved for the replacement and refurbishment of 186 Woolaway homes and to provide up to 230 new dwellings on land between Lyngford Lane and Dorchester Road, north Taunton. All matters are reserved for approval, although illustrative plans have been submitted showing a potential layout. The intention is to address the structural issues with a large concentration of Woolaway properties by proposing to replace the majority and refurbishing some along the west side of Dorchester Road and the north side of Ludlow Avenue.

The application is accompanied by a Design & Access statement, an Environmental Assessment, a Flood Risk Assessment, a Transport Statement Ecological Assessment and a Statement of Community Involvement.

Site Description

The site is an area of largely two storey concrete framed dwellings set along ten roads within an area north of the local shops at Priorswood. The area is approximately 6.44ha and comprises 186 residential properties and access is via existing highway infrastructure.

Relevant Planning History

None

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - The Highway Authority has the

following observations on the highway and transportation aspects of this proposal following consideration of the application details and observations from site visits. For clarity, this response considers the revised proposals that were provided to the Highway Authority by the applicant on Friday 8 March 2019, and a revised Transport Statement submitted on Tuesday 12 March.

This planning application relates to 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). This application seeks outline consent, with all matters reserved, for a total of 230 dwellings (refurbished, replacement and new). A separate, full, planning application has been submitted to provide a total of 47 dwellings together with a community facility, forming phase 1 of the overall project.

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, together with a 157m² community facility.

The TS includes predicted vehicle trip generation for the additional 64 dwellings within the redevelopment project, based on generation rates applicable to 'affordable/ Local Authority houses'. These trip generation figures are accepted by the Highway Authority on the basis that the dwellings within the regeneration scheme will not be open market properties (but it should be noted that the TS would require revision should this not be the case). In addition, trip rates for the community facility have been assumed to be on a worst-case basis, with the intention of the facility to primarily cater for local residents and thus with a greater opportunity to encourage trips by modes other than the private car.

The TS identifies that the overall redevelopment proposals would generate around one additional vehicle trip every 2 minutes in the peak periods, which would be distributed over the wider highway network, concluding that the impacts of such additional traffic would be minimal.

The Highway Authority considers it unlikely that the additional traffic impacts of this development would be 'severe' in terms of the guidelines set by the National Planning Policy Framework (NPPF), and therefore does not object to the principle of the proposed regeneration project as set out within this application.

Travel Plan

A Travel Plan (TP) is required for this redevelopment project but has not been submitted as part of the application. A suitable TP should be secured at this outline stage 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 Phase 1 (currently subject to a separate full 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 an optimum figure of 459-512 against an actual figure of 490.

The Local Planning Authority (LPA) set parking rates for dwellings within their Adopted Site Allocations and Development Management Plan. These rates are the same as the SPS in this area, but it is noted that this figure is treated as a maximum in the LPA standard rather than an optimum.

The proposals to regulate parking arrangements would be a significant improvement on the current ad-hoc parking arrangements and should help reduce the risk of obstruction. The Highway Authority therefore does not object to the proposals on the basis of the overall proposed car parking provision.

The details of the arrangements for each phase will need to be developed as the designs progress, and considered as part of any future reserved matters application.

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 within the indicative layout 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.

The revised TA makes reference to bicycle parking, motorcycle parking and the provision of electric vehicle charging facilities. Conditions should be imposed on any consent granted to ensure appropriate facilities are included within the detailed design of the layout of the proposed redevelopment.

Highway Works

The indicative layout provided as part of the submitted documents include significant alterations to the existing highway network, with highway proposed for stopping up and new alternative highway created, significantly changing the layout and routing of the roads and footways within the regeneration area.

As all matters are reserved in this application, detailed comments are not provided at this stage but would be considered as each phase of the project is submitted for reserved matters/ full planning consent. This includes the detailed highways plans that have recently been provided that show design issues such as visibility splays and vehicle swept paths. For the avoidance of doubt, the Highway Authority does not approve the indicative layout as shown in the revised proposals, but can provide feedback and advice direct to the applicant to inform their ongoing design work, if this is of help.

A particular point to note is the process required for 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 a planning application specifically references this. The Highway Authority advises that stopping up under the Highways Act would not be appropriate or achievable in this instance, and thus any future reserved matters/ full application relating to this current outline application should be made with specific reference to stopping up of the highway under the Town and Country Planning Act.

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. A stopping up plan has been included within the submission for this outline application but the areas proposed are not agreed with the Highway Authority, and are in any case subject to change as the detailed layout proposals are developed. The Highway Authority recommends that the stopping up proposals submitted for this application are not included within any approved plans, should the Local Planning Authority determine to grant consent, and instead the areas proposed for stopping up be agreed in detail with the Highway Authority prior to the submission of any reserved matters application, to ensure the stopping up process has the best chance of success.

Other

The applicant should note that any works within or affecting the public highway will require a suitable legal agreement with Somerset County Council as the Highway Authority, and the proposed works will require detailed assessment and approval as part of the agreement process. The applicant is advised to allow appropriate time for this process.

Any obstructions within areas that are to remain public highway (seats, planters or similar landscaping or street furniture) will require licencing from the Highway Authority, and any planting within the adopted highway will require approval from the Highway Authority, together with a commuted sum for future maintenance.

Details of the proposed street lighting arrangements have been submitted, but no comments are provided at this time. A detailed review of the proposals 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 revised Transport Statement has assessed the expected traffic impact of these proposals, and the Highway Authority considers that a 'severe' impact is not likely. No objection is therefore raised with regard to the principle of this regeneration project.

A Travel Plan will be required for this development, and the Highway Authority recommends this be secured by agreement under Section 106 of the Town and Country Planning Act 1990.

Car parking proposals are put forward within the indicative plans, and the Highway Authority does not object to the level of parking proposed. Details of the parking arrangements will be considered as each phase comes forward as a reserved matters (or full) planning application.

For clarity the applicant should be aware that the indicative layout submitted with this application has not been assessed in detail, and is not approved by the Highway Authority. Similarly, the highway stopping-up proposals included as part of

this outline application will require review and agreement with the Highway Authority. Any future reserved matters application should be based on layouts agreed with the Highway Authority, and the applicant is encouraged to maintain a dialogue with the Authority to help develop suitable proposals.

The Highway Authority therefore raises no objection to this application, subject to the following conditions:

- Approval of the details of the means of access to the site shall be obtained in writing from the Local Planning Authority;
- 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;
- 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 first occupation of any dwelling hereby approved and thereafter maintained at all times
- 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;
- Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site, with appropriate links through the site boundary to the existing external network, in accordance with a strategy and scheme to be submitted to and approved in writing by the Local Planning Authority;
- Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied;

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:

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

As some work relating to this development will need to be undertaken within or adjacent to the existing public highway, the following note should be added to any planning certificate:

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.

SCC - CHIEF EDUCATION OFFICER - This development will provide 44 new developments, and therefore would generate the following pupil numbers for each education provider:

230 total-186 existing = 44
44 x 0.05 = 2.2 (3) Early years pupils
44 x 0.32 = 14.08 (15) Primary school children
44 x 0.14 = 6.16 (7) Secondary school children

This development is in the Wellsprings primary catchment, and Taunton Academy for secondary. Both schools are over capacity and therefore Somerset CC would request CIL funding to enable the schools to expand or improve to enable children from these developments to attend.

Current pupil and build costs indicate that the following level of Education contributions would be required:

3 x 17,074 = £51,222 for early years
15 x 17,074 = £256,110 for Primary
7 x 24,861 = £74,0271 for secondary

An application to receive CIL funding will be submitted when necessary.

SCC - FLOOD RISK MANAGER - An assessment of existing vs proposed

impermeable area and allowable discharge for each entire phase (not just each plot) would be helpful and a quantification in terms of the betterment provided through the refurbishment of the site should be provided. Whilst I understand the use of the 5l/s for general design principles, the reality is that there are flow controls on the market which can safely restrict to 2l/s and even less in some cases.

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 Habitat 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>.

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>.

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>.

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:

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 species
4. Details of any outside lighting
5. 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. Full landscape detail will be required.

WESSEX WATER - No comment

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

POLICE ARCHITECTURAL LIAISON OFFICER - No comments

SOUTH WESTERN AMBULANCE SERVICE - No comments

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 indicative mix includes a range of property sizes and types in line with the results of the consultation. The inclusion of 1 bedroom and 5 properties, along with an appropriate level of fully adapted disabled units, provides a broader mix than the current situation. The development would be phased with each phase considering the mix to support returning decants. As such, the scheme is considered to meet the local need.

HOUSING STANDARDS - No comment

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.

COMMUNITY LEISURE - Off site play provision for the upgrade in numbers will equate to a sum of £143,572.

SOMERSET WILDLIFE TRUST - We have note the application as well as the comments of the Authority's Biodiversity Officer. We have already commented on related application 38/18/0465 and want those comments also applied to this application.

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.

SCC HERITAGE TRUST - No objections on archaeological grounds.

DESIGN REVIEW PANEL - SUMMARY OF KEY RECOMMENDATIONS

In summary the main recommendations of the Panel are :

- The design process and community consultation process undertaken to date has been extremely rigorous and it is felt has the potential to be outstanding
- Based upon the brief and design parameters set, that the design may be seen to be exceptional
- Careful coordination and consideration of county highways issues needs to be undertaken at this stage of the design
- There may be an opportunity to provide better architectural articulation and a clearer sense of place
- A long-term strategy for maintenance and management of the public realm is considered to be essential; it may be beneficial for this to be produced at this stage as it may influence design decisions
- It may be beneficial for the community to remain involved throughout the construction process

- A careful balance is needed between providing a highly legible masterplan and maintaining the successful aspects of the existing place
- There is an opportunity for house frontages and outlooks to be realigned so as to work more specifically with urban design aspects
- The design of the mews spaces may benefit from further design development
- There may be an opportunity to reduce the width and dominance of the road adjacent to this proposed open space
- The Panel are very supportive of the proposal to incorporate elements of on street parking and the use of build-out and street trees as traffic calming measures
- There may be an opportunity to further consider the needs of cyclists
- There may be an opportunity to consider some streets creating a preference towards pedestrians
- It is considered that the D&A statement would benefit from further development.

Representations Received

5 Objections on the grounds of

- 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,
SP1 - Sustainable development locations,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

This is an outline application so Residential Testing Assumptions used based on 40dph as 35dph advised in application.

Proposed development measures approx. 21,000 sqm.

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 £1,500,000.00. With index linking this increases to approximately £2,000,000.00.

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	£47,479
Somerset County Council	£11,870

6 Year Payment

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

Determining issues and considerations

The main considerations with this outline are the impact of the development on the design and character of the area and parking.

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 an outline one with everything a reserved matter and so it is the principle of the redevelopment that is being considered. Illustrative plans have been developed to enable the best to be made out of the consideration of the scheme by the Design Review Panel and they have commented and are supportive of the development. The illustrative designs are considered suitable to form the basis of any reserved matters applications and are not considered to be an overdevelopment of the site but a means of making the best use of available land. While the density of housing is increased the impact of this on the character of the area with potential increase of 44 units is not considered to be harmful and is supported in design terms.

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 indicative plan indicates a stopping up of parts of the highway and this process would need to be considered as part of any future full or reserved matters application.

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

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.

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, however these are only of relevance to the detailed application.

In summary the principle of the redevelopment of the area as proposed is considered an acceptable one and not to harm the character and amenity of the area or wildlife, flood risk and highway safety and subject to 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